

The Haryana Registration of Political Parties and Symbols (Reservation and Allotment) Order, 2004

HARYANA

India

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Rule

THE-HARYANA-REGISTRATION-OF-POLITICAL-PARTIES-AND-SYMBOLS of 2004

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The Haryana Registration of Political Parties and Symbols (Reservation and Allotment) Order, 2004 Published vide Haryana Government Notification No. SEC/2E-3/2004/4381, dated 23rd April, 2004 Haryana Government State Election Commission, Chandigarh The Registration of Political Parties and Allotment of Symbols Order, 2004. No. Sec/2E-III/2004/4381 - An order to provide for specifications, reservation, choice, allotment of symbols and registration of Political Parties at elections to local bodies constituted in the pursuance of Parts IX and IXA of the Constitution of India in the State of Haryana and for matter connected therewith. Whereas, the superintendence, direction and control of all elections to Local Bodies in the State are vested by the Constitution of India and under the relevant laws relating to local bodies in the State, in the State Election Commission. And, whereas, it is necessary and expedient to provide in the interests of purity of elections to the local bodies, and in the interest of conduct of such elections, in fair and efficient manner, for the specification, reservation, choice and allotment of symbols and for the registration of political parties and for matters connected therewith. Now, therefore, in exercise of the powers conferred under Article 243K read with Article 243ZA of the Constitution of India, 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 Registration of Political Parties and Symbols (Reservation and Allotment) Order, 2004. (2) It extends to the whole of the State of Haryana. (3) It applies to all elections held to Local Bodies in the State. (4) It shall come into force on the date of its publication in the Haryana Government Gazette, which date hereinafter referred to be the commencement of this

Order.Part-I Preliminary

2. Definitions.

(1)In this order, unless the context otherwise requires -(a)"clause" means, a clause of the paragraph in which the words occur;(b)"Commission" means, the State Election Commission Haryana constituted under Article 243K read with Article 243ZA of the Constitution of India;(c)"contested election" means, an election in a Gram Panchayat, Panchayat Samiti, Zila Parishad, Municipal Committee, Municipal Council or Municipal Corporation where a poll is taken;(d)"Election Commission of India" means, the Election Commission of India constituted under Article 324 of the Constitution of India;(e)"form" means, forms appended to this order;(f)"Local Bodies" means :-(i)a Gram Panchayat, Panchayat Samiti and Zila Parishad constituted under the Haryana Panchayat Raj Act, 1994 (Act 11 of 1994);(ii)a Municipal Committee or Municipal Council constituted under the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973); and(iii)a Municipal Corporation constituted under the Haryana Municipal Corporation Act, 1994 (Haryana Act No. 16 of 1994);(g)"Paragraph" means, a paragraph of this order;(h)"Political Parties" means, an association and bodies of individual citizens of India registered with the Commission as a Political Party under this order;(i)"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, made by the Election Commission of India and also registered by the Commission;(j)"registered Political Party" means, a political party registered with the Commission;(k)"State" means the State of Haryana.(2)Words and expressions used but not defined in the Order but defined in the Haryana Panchayati Raj Act, 1994 or the Haryana Municipal Act, 1973 or the Haryana Municipal Corporation Act, 1994, or the rules made thereunder shall have the meaning respectively assigned to them in those Acts and Rules.(3)The Punjab General Clauses Act, 1898 (Punjab Act 1 of 1898) so far as may be, apply in relation to the interpretation of a Haryana State Act.Part-II Registration of Political Parties

3. Registration of Political Parties.

(1)Any association or body of individual citizens calling itself a political party, or a political party already registered with the Election Commission of India, and intending to avail itself of the provisions of this Order, shall make an application to the State Election Commission for its registration as a Political Party for purposes of election to local bodies in the State.(2)Every application under sub-paragraph (1) shall be signed by the chief executive officer of the association or body or political party (whether such chief executive officer is known as Secretary or by any other designation) and presented to the Secretary to the Commission or sent to such Secretary by registered post.(3)Every such application shall contain the following particulars, namely :-(i)the name of the association or body or political party;(ii)location of its head office;(iii)the address to which letters and other communications meant for it should be sent;(iv)the names of its president, secretary, treasurer and other office-bearers;(v)the numerical strength of its members, and if there are categories of its members, the numerical strength in each category;(vi)whether it has any local units; if so, at what levels;(vii)whether it is represented by any office-bearers or members in any of the local bodies in the State, if so, their number and particulars relating to the office they are holding

and name of the local body concerned;(viii)whether it has already registered itself as a political party with the Election Commission of India, as if so, whether it is recognised as a National Party or a State Party;(4)(a)The application under sub-paragraph (1) shall be accompanied by a copy of the memorandum, or rules and regulations, of the association or body by whatever name called, duly signed by the President, Secretary and three other founder members, 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.(b)In the case of political party already registered with the Election Commission of India, the application shall be accompanied by the documentary evidence of its registration with the Election Commission of India, Symbol particulars and a certified copy of the party constitution, by whatever name called.(5)The application shall also be accompanied by a declaration to the effect that the applicant has read and understood the provisions of this Order and that the political party sought to be registered by him shall abide by the provisions of this order.(6)The Commission may call for such other particulars, as it may deem fit from the association or body or political party.(7)After considering all the particulars as aforesaid in its possession, and any other necessary and relevant facts and after giving the representatives of the association or body or political party, a reasonable opportunity of being heard, the Commission shall decide either to register the association or body or political party, as political party for the purposes of this Order, and subject to such restrictions and conditions as may, by order, be specified by the Commission, or not so to register it; and the Commission shall communicate its decision to the association or body or political party :Provided that, no association or body or political party shall be registered as a political party under this sub-paragraph unless the memorandum or rules and regulations of such association or body or the constitution of the political party conform to the provisions of sub-paragraph (4).(8)The decision of the Commission shall be final.(9)After an association or body or political party has been registered as a political party as aforesaid :-(a)any change in its name, head office, office-bears, address or in any other material matter shall be communicated to the Commission without delay;(b)such associations or body or political party shall maintain true accounts of its income and expenditure, and particularly maintain separate accounts for the expenditure incurred in connection with local body elections, indicating details of the expenditure incurred on the general publicity of the party, and candidate-wise expenditure incurred for promoting the election of specific candidates set up or supported by the party in various elections to local bodies;(c)a copy of the annual audited accounts of the party and a copy of the income-tax returns filed under the law for the relevant year shall be filed in the office of the Commission within a period of one year after the end of the relevant financial year;(d)should observe the provisions of the Model Code of Conduct for Local Body Elections issued by the Commission;(e)follow or carry out the lawful directions and instructions of the Commission, given from time to time, with a view to furthering the conduct of free, fair and peaceful elections or safeguarding the interests of the general public and electorate in particular.(10)If an application for registration of the Political Parties is submitted to the State Election Commission not later than forty-five days from the date fixed for General Elections, then it shall be considered only after completion of the General Elections.Part-III Allotment of Symbols

4. 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.

5. 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 candidates at an election of the same local body.

6. 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 or a registered party for exclusive allotment to contesting candidates set up by that party.(3)A free symbol is a symbol other than a reserved symbol.

7. Choice and allotment of symbols to the candidates set-up by a Political Party.

(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.(3)A candidate set-up by a registered political 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 Commission and no other symbol.(4)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 or registered political party for whom such symbol has been reserved, even if no candidate has been set-up by such party in such election.

8. 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 : (1)The candidate has made the prescribed declaration to this effect in his nomination paper in the case of elections to Municipal Committees, Municipal Councils and Municipal Corporations; (2)The candidates has enclosed a declaration to the effect that he has been set-up as a candidate by a political party along with his nomination paper in the case of elections to the Gram Panchayats, Panchayat Samities and Zila Parishads; (3)The candidate is a member of the political

party and his name is borne on the roll of members of the party;(4)A notice by the political party in writing in Form B to that effect has, not later than 3.00 p.m. on the last date for making nominations been delivered to the Returning Officer;(5)The said notice in Form B is signed by the President, the Secretary or any other office-bearer of the party and the President, Secretary or such other office-bearer sending the notice has been authorised by the party to send such notice;(6)The name and specimen signature of such authorised person are communicated by the party in Form A to the Returning Officer of the constituency and to the State Election Commissioner not later than 3.00 p.m. on the last date for making nominations; and(7)Forms A & B are signed in ink only, by the said office-bearer or person authorised by the party :Provided that no facsimile signature by means of rubber stamp, etc. of any such office-bearer or authorised person shall be accepted and no form transmitted by fax shall be accepted.

9. Substitution of a candidate by a Political Party.

- For the removal of any doubt, it is hereby clarified that a political party which has given a notice in Form B under paragraph 8 in favour of a candidate may give a revised notice in Form B in favour of another candidate :Provided that the revised notice in Form B therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer, not later than 3.00 p.m. on the last date for making nominations, and the said revised notice in Form B is signed by the authorised person referred to in clause (6) of paragraph 8 :Provided further that in case more than one notice in Form B is received by the Returning Officer in respect of two or more candidates, and the political party fails to indicate in such notices in Form B that the earlier notice or notices in Form B has or have been rescinded, the Returning Officer shall accept the notice in Form B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidate or candidates in respect of whom also notice or notices on form B has or have been received by him, shall not be treated as candidates set-up by such political party.

10.

(1)Allotment of symbols to other candidates i.e. independent candidates and candidates not set-up by the Political Parties in the elections not held on party basis to the offices of Panches and Sarpanches of the Gram Panchayats. -(i)the symbols shall be allotted to the contesting candidates in the election to the offices of Panches and Sarpanches of the Gram Panchayats, seriatim-wise from the list of free symbols notified by the State Election Commission for the Panches and Sarpanches, as the case may be, in the order in which the names of the candidate has been given in the list of contesting candidates prepared in Hindi in alphabetical order of Devnagri Script on the last day of withdrawal of nomination papers by the Returning Officer, even if the contesting candidates agree among themselves upon their choices of some other symbols.(ii)No candidate will ask for any symbol which is not notified by the State Election Commission for election to that office. In case any symbol which is not notified by the State Election Commission for election to that office is asked for by any candidate, the same shall be ignored.(iii)Each candidate or his election agent shall be intimated the symbol allotted to him in writing, and his signature shall be obtained in token of having received that intimation. He shall also be given specimen copy of that symbol, along with the said intimation.(2)Allotment of symbols to other candidates, i.e. independent candidates and

candidates not set-up by the Political Parties in the elections to the Panchayat Samitis and Zila Parishads :-(I)In an election not held on party basis in the election to Panchayat Samitis and Zila Parishads, a candidate shall declare in the nomination papers first filed by him, his choice of three symbols from the list of free symbols notified by the Commission for election to that office indicating the order of his preference. The symbols shall be allotted in accordance with the following procedure :-(a)The allotment of symbol shall be considered in the order of 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 free 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 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 State Election Commission for that election.(d)In an election where a candidate has not declared in the nomination paper first filed by him, his choice of three free symbols from the list of three symbols for election to that office indicating the order of his preference, then the symbol shall be allotted seriatim-wise from the symbols left after allotting to other candidates from the list of free symbols notified by the State Election Commission for election to that office 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 choices of other symbols.(II)No candidate will ask for any other symbol but for the symbol notified by the State Election Commission for election to that office. In any case such symbol which is not notified by the State Election Commission for election to that office is asked by any candidate, the same will be ignored.(III)Each candidate or his election agent shall be intimated the symbol allotted to him in writing, and his signature shall be obtained in token of having received that intimation. He shall also be given specimen copy of that symbol, along with the said intimation.(3)Allotment of symbols to other candidates, i.e. independent candidates and not set-up by the Political Parties in the elections to Municipal Committees, Municipal Councils and Municipal Corporations :-(I)In an election not held on party basis, a candidate shall declare in the nomination paper first filed by him, his choice of three symbols from the list of symbols notified by the Commission for that office indicating the order of his preference. The symbols shall be allotted in accordance with the following procedure :-(a)The allotment of symbol shall be considered in the order of 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 the 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 State Election

Commission for election to that office.(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 election to that office indicating the order of his preference then the symbol shall be allotted seriatim-wise out of the symbols left after allotting to other candidates from the list of free symbols notified by the State Election Commission for election to that office, 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 choices of other symbols.(II)No candidates will ask for any other symbol but for the symbol notified by the State Election Commission for that election. In case any such symbol which is not notified by the State Election Commission for election to that office, election is asked by any candidate, the same will be ignored.(III)Each candidate or his election agent shall be intimated the symbol allotted to him in writing, and his signature shall be obtained in token of having received that intimation. He shall be given specimen copy of that symbol, along with the said intimation.

11. Powers 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 for Guidance of 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 to safeguard 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 case 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 registration of such party.

12. Power of 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 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 and registration 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.

13. Transitional Provision.

- The reservation of symbols made for every recognised or registered political party, by the Commission immediately after the commencement of this order shall continue to be so, for a period of six months from the date of such commencement and if such party makes application to the Commission for its registration under the provisions of this Order within the period of six months till the disposal of such application by the Commission, and where no such application is made within the said period, the reservation of symbol already made shall cease. The applications of the orders issued by the Commission for elections of Gram Panchayats, Panchayat Samities Zila Parishads, Municipal Councils, Municipal Committees and Municipal Corporations vide No. SEC/E-III/1996/6818, dated 15h May, 1996 and No. SEC/ME/1996/6639, dated 14th May, 1996, as the case may be, are hereby repealed. Form-A Communication with regard to authorised persons to intimate Names of Candidates set up by Recognised National or State Political Party or Registered Un-registered Political party (See paragraphs 8(3), (4), (5), (6) and (7) of the Election Symbols) (Registration of Political Parties and Allotment of Symbols) Order, 2004. To The Returning Officer for the _____ Constituency. Subject :- General Elections to _____ from _____ (State/Union Territory) - Allotment of Symbols-Authorisation of persons to intimate names of candidates. Sir, In pursuance of paragraphs 8(3), (4), (5) (6) and (7) of the Election Symbols (Reservation and Allotment) Order, 2004, 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	District(s)/area(s) constituency/constituencies in respect of which he has been authorised
1.	2	3
1.		
2.		
3.		
4.		
5.		

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

1. Specimen signatures of Shri _____

(i) _____ (ii) _____ (iii) _____

2. Specimen signature of Shri _____

(i) _____ (ii) _____ (iii) _____

2. Specimen signature of Shri _____

(i) _____ (ii) _____ (iii) _____ Yours

faithfully, President/Secretary Name of the 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.

Form-B Notice as to Name of Candidate set up by the Political Party (See paragraphs 8(3), (4), (5) (6) and (7) of the Election Symbols) (Registration of Political Parties and Allotment of Symbols) Order, 2004. To The Returning Officer for the _____ Constituency. Subject :- General/Bye-Elections to _____ from _____ (Name of the Constituency) in _____ (State/Union Territory) - Setting up of candidate. Sir, In pursuance of paragraphs 8(3), (4), (5) (6) and (7) of the Election Symbols (Reservation and Allotment) Order, 2004, 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 part above named, and (ii) the persons whose particulars are mentioned in columns (5) to (7) below is the substituted candidate of the party, who will step-up on the approved candidate's nomination being rejected on scrutiny or on 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 Constituency	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	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 candidate 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 :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.

4. Para 2 of the Form must be scored off, if not applicable or must be properly filled, if applicable.