CONSTITUTION

AND

RULES OF

SHIVSENA

(WITH AMMENDMENT)

(24)

CONSTITUTION AND RULES OF

SHIVSENA

PART - I

CONSTITUTION

ARTICLE I

NAME

The name of the party shall be SHIVSENA (hereinafter referred to as "the party"). The party draws inspiration from Chhatrapati Shivaji Maharaj, founder of Hindavi Swaraj.

ARTICLE II

REGISTERED OFFICE

The registered office of the party shall be at Shivsena Bhavan, Gadkari Chowk, Dadar, Mumbai - 400 028, Maharashtra.

ARTICLE III

OBJECTIVE

- 3.1 The Party is determined to build-up Bharat i.e. Hindustan as a prominent World Power which shall be honourable friend of those who deserve her friendship and formidable foe of those who challenge her security, integrity and sovereignty.
- 3.2 The Party is also determined to protect ancient Hindu cultural heritage of Bharat i.e. Hindustan and the party believes that all citizens are equally entitled to freedom of conscience, and the right freely to profess, practice and propagate their religion.

ARTICLE IV

COMMITMENT

The Party shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism, democracy and would uphold sovereignty, unity and integrity of India.

ARTICLE V

IDEOLOGY

- 5.1 The party believes that democracy can be protected mainly by unmalicious freedom of speech, freedom of press and independence of judiciary.
- 5.2 The Party believes that all the citizens should be equal before Law. As such the Party believes in common Civil Code for citizens irrespective of their caste, creed, religion or any other difference or differences whatsoever.
- 5.3 The Party shall be committed to rational secularism, socialism and national integrity.
- 5.4 The Party believes that politics should have social development and national progress as its ultimate goal. As such, the Party shall strive to polarize all in general and the youth in particular for active social service.
- 5.5 Whereas the Party respects all religions, the Party shall generate public opinion to eradicate all the evil traditions from every religion which ultimately lead to division of the nation into fragments and affect national progress and social development.
- 5.6 The Party shall give social, economic and political justice and equal opportunity to all citizens irrespective of their caste, creed, religion, language, sex or any other differences whatsoever.
- 5.7 The Party considers casteism and untouchability in any form as the worst evils and shall fight tooth and nail to eradicate the same.
- 5.8 The Party supports three language formula.
- 5.9 The Party shall ensure rational and balanced development of Commerce, Industry and Agriculture in all the States to generate employment and business opportunities for the sons of the soil in the respective States, so as to avoid unnecessary migration of population from State to State and economic imbalance caused thereby.

ARTICLE VI

FLAG

The flag of the Party shall be saffron coloured, consisting of two horizontal conical ends as per the illustration annexed hereto.

ARTICLE VII

EMBLEM

The emblem of Shivsena will be 'Face of a Roaring Tiger with the name of the Party inscribed below' as per illustration annexed hereto.



ARTICLE VIII

ORGANISATIONAL STRUCTURE

SCHEDULE (A) BY ELECTION

Shivsena Pramukh
Rashtriya Karyakarini
Deputy Leaders
Rajya Karyakarini
Rajya Pramukh
Zilla Pramukh

SCHEDULE (B)

BY APPOINTMENT

Rajya Sampark Pramukh
Upa Rajya Pramukh
Zilla Sampark Pramukh
Upa Zilla Pramukh
Taluka Pramukh
Upa Taluka Pramukh
Shakha Pramukh
(For Cities)
Shahar Pramukh
Vibhag Pramukh
Shakha Pramukh

NOTE:

- A. The area of a State shall confirm to the State and Union Territories mentioned in the Constitution of India i.e. Bharat i.e. Hindustan
- B. The area of a district of taluka or city shall ordinarily be the same as of an administrative district or taluka or city in a State as the case may be, unless the Rashtriya Karyakarini decides otherwise.
- C. The area of a vibhag shall ordinarily be the area of a Parliament Constituency in a city, unless the Rashtriya Karyakarini decides otherwise.
- D. The area of a Shakha shall ordinarily be the area of a village or a municipal ward as the case may be, unless the Rashtriya Karyakarini decides otherwise.

ARTICLE IX

MEMBERSHIP

Any Bharatiya citizen of the age 18 years or above, who pledges allegiance to this Constitution shall, on making a declaration to that effect in the prescribed membership form (Form A) and on making payment of a prescribed subscription, become a member of the Party, provided always that he shall not be a member of any other political party. A member shall be termed as 'Shivsainik'. Membership shall cease by death, by resignation or by removal. A member of the party shall attain voting right for the party elections after he completes two years of membership from the date of his/her membership. A member who loses his membership by removal can be readmitted as a member by a majority decision of the Rashtriya Karyakarini. However, he/she shall not be eligible to participate in the party election process till he/she completes a continous term of two years as a member from the date of readmission. This provision can be waived at the discretion of the Shivsena Pramukh.

ARTICLE X

OFFICE BEARERS IN THE RASHTRIYA KARYAKARINI

- President
 Shivsena Pramukh shall be the President of the Party and shall be elected by the emembers of the Pratinidhi Sabha from among the members of the Rashtriya Karyakarini.
- Sarchitnis : Sarchitnis of the Party shall be elected by the members of the Rashtriya Karyakarini from among its members.
- Koshadhyaksha : Koshadhyasha of the Party shall be elected by the Rashtriya (Treasurer)
 Karyakarini from amongst its members.

ARTICLE XI

POWERS, AUTHORITIES AND FUNCTIONS

(A) SHIVSENA PRAMUKH

Shivsena Pramukh shall be eleted by the members of the Pratinidhi Sabha from amongst the members of the Rashtriya Karyakarini. The term of Shivsena Pramukh shall be for period of five years.

The Shivsena Pramukh shall remove any office beaer/s or member/s of the Party in the Organi sational structure of the Party mentioned in the Article VIII (Schedule B) hereinabove in consultation with Rashtriya Karyakarini. His decision shall be final. No office-bearer other than Shivsena Pramukh shall have the authority to expell any member from the party.



In addition to the above, Shivsena Pramukh shall perfrom the following functions:

- 1. To preside over the meetings of the Rashtriya Karyakarini.
- 2. To allocate the work and duties amongst the office- bearers and memebers of the Party.
- To take part in negotiations with other Party/Parties and to nominate representative/s from the Party for that purpose.
- To convene the meeting/s of the Rashtriya Karyakarini and/or the Party Members as and when required.
- To select, appoint office-bearers of the Party mentioned is Schedule VIII (B), and those for Party Fronts and to co-ordinate their functioning.
- To guide the members of the Party in implementing programmes for furthering the organisational activities and programmes of the Party.
- 7. To make final selection and nomination of candidate/s for election at various levels viz. Parliment, State Legislatures, Municipal Corporations, Municipal Councils, Zilla Parishads, Panchayat Samitis, Gram Panchayats, Cantonment Boards etc. However, the Shivsena Pramukh may, at his discretion, delegate this authority to any office-bearer of the Party mentioned in Article VIII.
- To delegate his power/s and authority/authorities to any of the office bearers mentioned in Article VIII.

(B) RASHTRIYA KARYAKARINI

The Rashtriya Karyakarinini shall consist of 19 members out of which 14 members shall be elected by Pratinidhi Sabha. The members of the Rashtriya Karyakarini shall be called Shivsena Leaders. The Rashtriya Karyakrini shall be the highest authority of the Party, and its decisions in all matters concerning the Party policy and Party administration shall be final. It shall have power to lay rules and regulations regarding the functions of all office-bearers and Fronts of the Party. It shall have power to delegate its powers to any member or members of the Party. Shivsena Pramukh shall preside over the meetings of Rashtriya Karyakarini.

The term of the Rashtriya Karyakarini shall be for five years. In the event the Shivsena Pramukh is unable to preside over the meeting of the Rashtriya Karyakarini, one of the Shivsena Leaders, as may be elected in the meeting, shall preside over the meeting of the Rashtriya Karyakarini. In addition to the above 14 elected members, Shivsena Pramukh may co-opt. a maximum of five members at his absolute discretion as members of the Rashtriya Karyakarini. The Rashtriya Karyakarini shall elect Sarchitnis and Koshadhyaksha from amongst its members.

Rashtriya Karyakarini shall meet at least once in three months.

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(C) SHIVSENA LEADERS

They shall perform the following functions:

- To survey, observe and report to the Shivsena Pramukh regarding the functioning of the Party.
- To suggest various steps to be taken to widen the sphere of activities of the Party and to encourage the Shivsainiks for active Party work.
- 3. To implement the Party Programme/s as may be drawn by the Rashtriya Karyakarini.
- To spearhead the election campaigns of the Party.
- 5. To channelise the Party propoganda and publicity at various levels.
- 6. To conduct training camps, rallies, conferences of the office-bearers and Shivsainiks.
- To attend the meetings of the Rajya Sampark Pramukh/Rajya Pramukh/Zilla Sampark Pramukh,
 Zilla Pramukh/Vibhag Pamukh as and when required and to guide the office bearers and
 members.
- To execute the decisions of the Shivsena Pramukh.
- 9. To exercise the authority as may be delegated by the Shivsena Pramukh from time to time.
- To look into the grievances of the Shivsainiks, office-bearers and to suggest steps to be taken to the Shivsena Pramukh.

(D) SARCHITNIS (GENERAL SECRETARY)

The functions of Sarchitnis shall be as follows:

- To convene and to organise meeting/s and to issue circular/s and agenda as per the instructions of the Shivsena Pramukh.
- 2. To maintain the minutes of the meeting and to circulate the same among members.
- To organise programmes, meetings, conferences, agitations and to look after publicity.
- To manage the office of the Party and make necessary appointment/s, as directaed by the Shivsena Pramukh.
- To execute and/or to get executed the decision/s of the Shivsena Pramukh and the Rashtriya Karyakarini.

(E) KOSHADHYAKSHA (TREASURER)

The functions of Koshadhyaksha shall be as follows:

- To maintain the accounts of the Party.
- To get the accounts examined/audited and to report the same to the Rashtriya Karyakarini.



(F) DEPUTY LEADERS

The total number of Deputy Leaders shall be twenty one. Out of the said twenty one posts seventeen post shall be filled up by election from among the members of the Pratinidhi Sabha. The remaining four posts shall be nominated by Shivsena Pramukh at his absolute discretion.

(G) PRATINIDHI SABHA

Prainidhi Sabha shall consist of Shivsena Pramukh, members of Rashtriya Karyakarini, Deputy Leaders, Rajya Sampark Pramukhs, Zilla Sampark Pramukhs, Rajya Pramukhs, Zilla Pramukhs and elected members of all the houses of State Legislature and the Parliament. The Vibhag Pramukhs from Mumbai have been awarded a special status that of Zilla Pramukh and as such they shall be members of Pratinidhi Sabha.

Rajya Pramukh and Zilla Pramukhs from any State shall be eligible for representation on the Pratinidhi Sabha if and only if the strength of the elected members of the Party from that State to its State Legislative Assembly is at least 10% of the total number of seats of the said State Legislative Assembly of that State or the strength the elected members of the Party from that State to the Loksabha is at least 5% of the total number of Loksabha seats of the said State.

Shivsena Pramukh shall be the Chairman of all the meetings of Pratinidhi Sabha. However, in absence of Shivsena Pramukh, one of the Shivsena Leaders as may be elected by the members of Pratinidhi Sabha for that purpose, shall preside over the meeting.

The function of Pratinidhi Sabha shall be as follows:

- To elect Rashtriya Karyakarini and Shivsena Pramukh from among the elected members of the Rashtriya Karyakarini.
- To elect the Deputy Leaders.
- To appraise the Rashtriya Karyakarini regarding the activites of the Party in the various regions.
- To suggest measures on various political and social issues concerning the people.

The Pratinidhi Sabha shall meet at least twice a year.

(H) RAJYA KARYAKARINI

Rajya Karyakarini shall consist of Rajya Sampark pramukh, Rajya Pramukh, Zilla Sampark Pramukh and Zilla Pramukhs. Rajya Sampark Pramukh shall be the Chairman of all the meetings of Rajya Karyakarini. However, in absence of Rajya Sampark Pramukh, Rajya Pramukh or in his absence any other person as may be elected by Rajya Karyakarini members for that purpose shall preside over the meetings.

The function of Rajya Karyakarini shall be as follows:

- 1. To elect Rajya Pramukh from among the Zilla Pramukhs of Rajya Karyakarini.
- 2. To appraise Shivsena Pramukh regarding the activities of the Party in the State.

The Rajya Karyakarini shall meet at least once in three months.

The term of Rajya Karyakarini shall be for a maximum period of five years.

(I) RAJYA SASMPARK PRAMUKH

Rajya Sampark Pramukh shall be appointed by Shivsena Pramukh in consultation with Rashtriya Karyakarini.

Rajya Sampark Pramukh shall perform the following functions in respect of the State:

- To survey, observe and report to the Rashtriya Karyakarini regarding the functioning of the Party.
- To suggest various steps to be taken to widen the sphere of activities of the Party and to encourage the Shivsainiks for active Party work.
- 3. To implement the Party programme/s as may be drawn by the Rashtriya Karyakarini.
- 4. To spearhead the election campaign of the Party.
- 5. To channelise the Party propoganda at various levels.
- 6. To conduct training camps, rallies, conferences of office-bearers and Shivsainiks.
- To preside over the meetings of the Rajya Karyakarini and other meetings convened by
 office bearers of the Party as and when required and to guide the members.
- 8. To execute the decisions of the Shivsena Pramukh.
- To exercise the authority as may be delegated by the Shivsena Pramukh from time to time.
- To look into the grievances of the Shivsainiks, office-bearers and to suggest steps to be taken, to the Shivsena Pramukh.

(J) RAJYA PRAMUKH

Rajya Pramukh shall be elected by the Rajya Karyakarini of the State from among its members.

Rajya Pramukh shall perform the following functions in respect of the State.

- 1. To preside over the Party meetings, in the absence of Rajya Sampark Pramukh.
- 2. To allocate the work and duties amongst office-bearers of the various Party units.
- To recommend to his superiors the names of office-bearers to be appointed.
- To conduct Party programmes at the State level as directed.
- To organise public meetings of the Shivsena Pramukh, Shivsena Leaders and Rajya Sampark Pramukh.
- To appraise the Rajya Sampark Pramukh regarding the Party matters and Party funds.
- To look after the party matters in the State in general and to report to the Rajya Sampark Pramukh regarding the functioning of the Party units.



(K) ZILLA SAMPARK PRAMUKH

Zilla Sampark Pramukh shall be appoined by the Shivsena Pramukh in consultation with the Rashtriya Karyakarini.

Zilla Sampark Pramukh shall carry out, for the respective Zilla similar functions to those detailed under the clause Rajya Sampark Pramukh.

(L) ZILLA PRAMUKH

Zilla Pramukh for each district in a State shall be elected by the Shivsainiks of the Zilla. Zilla Pramukh shall execute the decisions of his superior office-bearers.

Zilla Pramukh shall carry out, for the respective Zilla, similar functions to those detailed under the clause Rajya Pramukh.

(M) UPA ZILLA PRAMUKH

Upa Zilla Pramukh/s shall be appointed by Shivsena Pramukh in consultation with Rashtriya Karyakarini. Upa Zilla Pramukhs shall work under the instructions of Zilla Pramukh. In absence of Zilla Pramukh, he/they shall perform all the duties of Zilla Pramukh, as may be required.

(N) TALUKA PRAMUKH

Taluka Pramukh shall be appointed by Shivsena Pramukh in consultation with Rashtriya Karyakarini. Taluka Pramukh shall work as per the instructions and guidance of all the higher authorities of the Party and shall carry out all the duties and functions as directed from time to time.

(O) UPA TALUKA PRAMUKH

Upa Taluka pramukh/s shall be appointed by Shivsena Pramukh in consultation with Rashtriya Karyakarini. Upa Taluka Pramukh shall work under the Taluka Pramukh. In absence of Taluka Pramukh, Upa Taluka Pramukh shall perform all the duties of Taluka Pramukh, as may be required.

(P) SHAHAR PRAMUKH

In cities, Shivsena Pramukh, in consultation with Rashtriya Karyakarini, may appoint a Shahar Pramukh for a city. Shahar Pramukh shall perform, for the city, similar functions to those detailed under the clause Upa Zilla Pramukh.

(Q) VIBHAG PRAMUKH

In cities, Shivsena Pramukh, in consultation with the Rashtriya Karyakarini, shall appoint a Vibhag Pramukh for each Parliament Constituency. Vibhag Pramukh shall work under the instructions of Shahar Pramukh. In absence of Shahar Pramukh, Vibhag Pramukh shall perform all duties of Shahar Pramukh.

(R) UPA VIBHAG PRAMUKH

In cities, Shivsena Pramukh shall appoint, in consultation with the Rashtriya Kayakarini, Upa Vibhag pramukh for each Assembly Constituency. Upa Vibhag Pramukh shall work under the instructions of Vibhag Pramukh. In absence of Vibhag Pramukh, Upa Vibhag Pramukh shall perform all duties of Vibhag Pramukh.

(S) SHAKHA PRAMUKH

Shakha Pramukh shall be appointed by Shivsena Pramukh in consultation with Rashtriya Karyakarini. Shakha pramukh shall carry out all the functions and duties as may be allocated by all the higher authorities of the Party.

NOTES

- The Shivsena Pramukh may, in consultation with the Rashtriya Karyakarini, withold the appointment of any unit or units mentioned above.
- 2) Representation will be given to women at various levels in the Party.
- Vibhag Pramukhs for Mumbai have been awarded a special status that of Zilla Pramukh and as such, they shall be members of Pratinidhi Sabha.

ARTICLE XII

LABOUR WINGS AND FRONTS

Bhartiya Kamgar Sena, Maharashtra Shramika Sena, BEST Kamgar Sena and Maharashtra ST Kamgar Sena shall be the Labour Wings of the Party.

Shivsena Mahila Aaghadi, Sthaniya Lokadhikar Samiti Mahasangha, Bharatiya Vidyarthi Sena and Shetkari Sena shall be the official Fronts of the Party.

The Rashtriya Karyakarini may include more organisations as labour wings or Fronts of the Party.

ARTICLE XIII

PARTY FUNDS

- The funds collected by way of subscriptions, donations or any other means shall be remitted to the Head office of the Party. The allocation and utilisation of the funds shall be decided by the Rashtriya Karyakarini.
- 2) Fund collection receipts shall be printed by the Rashtriya Karyakarini only.
- Each receipt shall bear a fascimile signature of the Treasurer. It shall be countersigned by the members collecting funds.
- 4) Accounting year shall be from 1st April to 31st March.
- 5) Annual accounts shall be audited yearly by an auditor appointed by the Rashtriya Karyakarini.
- 6) Account/s in the bank shall be opened in the name of the Party and shall be operated by two office-bearers of the Party as may be directed by the Rashtriya Karyakarini.

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ARTICLE XIV

AMENDMENT OF THE CONSTITUTION

The constitution can be amended, altered or added to, only by Rashtriya Karyakarini of the Party. If there is any difference of opinion in Rashtriya Karyakarini regarding the interpretation of any clause or clauses of the Constitution and/or the proposed amendment/s and/or alteration/s and/or additon/s to or deletion/s from the constitution, the decision of Shivsena Pramukh in that regard shall be final and binding.

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PART II

RULES AND REGULATIONS

RULE - 1:

REGISTER OF MEMBERS

- Every Shakha Pramukh shall prepare and maintain a Register of Members from his area in the prescribed form. The said register may be checked by the Taluka Pamukh or Upa Vibhag Pramukh at least once in six months, and by the Zilla pramukh/Vibhag Pramukh, as the case may be, at least once in a year.
- The subscription received from the members by Shakha Pramukh shall be properly accounted by Shakha Pramukh half yearly. However, unemployed persons, landless labourer and downtrodden may be exempted from paying subscription fees for membership
- 3. Membership forms of the Party should be printed by the respective State Units.
- Membership forms shall be serially numbered and shall carry the fascimile signature of the Zilla Pramukh, Vibhag Pramukh or Rajya Pramukh.
- 5. A Zilla unit shall be primarily responsible for the enrolment of members in the Zilla. The Rajya Unit shall issue membership forms to the Zilla Units which in turn will issue them to the subordinate units. Any grievence as regards availability of the membership forms should be made to the Rashtriya Karyakarini.
- 6. (a) The Zilla/Vibhag units shall prepare the Shakhawise Register of members. New members enrolled should be added to the list. Detailed information of the total number of members, Shakhawise, should be sent to the Rajya Office. While forwarding the information, the number of those members who have died or resigned or have been removed during the term should also be mentioned and their number reduced from the list.
 - (b) No member of the Party can enroll himself at more than one place. In case of change in the address, the member shall inform the change to the Shakha where he was a member.
- 7. Any office-bearer who fails to comply with these rules shall be liable to disciplinary action.

RULE - II

DISCIPLINARY ACTION

- Diciplinary Action Committee of not more than 6 members excluding the Chariman will be constituted by the Rashtriya Karyakarini at the State level. This committee shall draw its own procedures to conduct inquiry in the matter of indiscipline. A Shivsena Leader, as may be appointed by the Shivsena Pramukh, shall be the Chairman of the Committee.
- On receipt of a complaint of breach of discipline, the Shivsena Pramukh, if he so decides, may suspend any member or an office-bearer.



- No final decision for breach of discipline shall be taken against any member of an officebearer without an oppourtunity being given to the member or office-bearer concerned to explain and answer such charges as are made against him/her.
- Shivsena Pramukh, in consultation with Rashtriya Karyakarini, shall decide the ultimate disciplinary action, against the members or office-bearer. The decision of the Shivsena Pramukh in this reagard shall be final and binding.

RULE - III

BREACH OF DISCIPLINE

Breach of discipline includes the following:-

- (a) Acting or carrying propoganda against any programme, policy or decision of the Party.
- (b) Opposing the official candidate of the Party in elections. Any member contesting as a rebel candidate shall be expelled forthwith from the Party by the Shivsena Pramukh.
- (c) Violating any rule or disobeying any order passed by Rashtriya Karyakarini or any superior office-bearer.
- (d) Taking a Party dispute to any other agency outside the Party.
- (e) Collecting funds for the Party unauthorisedly or misusing the Party funds or indulging in any malpractices.
- (f) Acting in a way calculated to lower the prestige of the Party or carrying on propoganda against the Party or its office-bearers.
- (g) Forming groups against the interest of the Patry. In such cases, it will be the sole authority of the Shivsena Pramukh to decide which group is acting against the interest of the Party.

RULE - IV

QUORUM

Quorum for all Rashtriya Karyakarini meetings shall be one-third of the strength of the unit or five whichever is more. Quorum for all Pratinidhi Sabha meetings shall be one third of the strength of the unit or thirty whichever is more. Quorum for Rajya Karyakarini shall be one third of the strength of the unit or five whichever is more.

A meeting adjourned for lack of quorum will meet again after 30 minutes at the same place to transact the same business. The members then present shall form the quorum.

RULE - V

CONDUCT OF ELECTIONS

Shivsena Pramukh in consultations with Rashtriya Karyakarini shall appoint a Chief Election Officer and other officers as may be required for conducting elections at various stages. The Chief Election Officer shall frame election rules, take necessary steps to prepare electoral roles and ensure free and fair elections.

The elections for the post of Shivsena Pramukh, Rajya Pramukh and Zilla Pramukh shall be conducted on the basis of simple majority. The election for the remaining posts shall be conducted on the basis of single transferable voting system.

The elections shall be conducted by secret ballot system.

The Chief Election Officer and the other officers related to the election process shall not be voters of the electoral college for which they are appointed.

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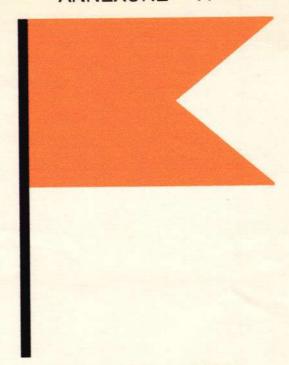
(Ammendment II in the Constitution was approved by Rashtriya Karyakarini in its meeting held on _____ at Mumbai.)

FORM A

SHIVSENA MEMBERSHIP APPLICATION

Sr.No.:	Year:	Rajya:	
Zilla:	Taluka :	City :	Village :
Full Name of	Applicant:		
Address of Pe	rmanent Residence :		
Address of pla	ace of work :		
Occupation:	Age :	Sex	k:
	vish to become a member of SHIVSENA.	of SHIVSENA. I promise	to abide by the Constitution, Rules
la	m not a member of any ot	her political party.	
Iр	ray for membership of SH	IVSENA.	
Iр	ay alongwith this applicati	ion a sum of Rs. 2/- towa	ards membership fees for the year.
Date :		(5	Signature of Applicant)
Name of Shak	ha Pramukh :	(Signa	ature of Shakha Pramukh)
Address of Sha	akha:		

ANNEXURE 'A'



FLAG OF SHIVSENA (Ref: Article VI)



EMBLEM OF SHIVSENA (Ref : Article VII)