

Election Symbols (Reservation And Allotment) Order, 1968

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FORM 1 :- FORM A

FORM 2 :- FORM B

Election Symbols (Reservation And Allotment) Order, 1968

An order to provide for specification, reservation, choice and allotment of symbols at elections in Parliamentary and Assembly Constituencies, for the recognition of political parties in relation thereto and for matters connected therewith. S.O. 2959, dated the 31st August, 1968.- Whereas, the superintendence, direction and control of all elections to Parliament and to the Legislature of every State are vested by the Constitution of India in the Election Commission of India. AND WHEREAS, it is necessary and expedient to provide in the interest of purity of elections to the House of the People and the Legislative Assembly of every State 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 by article 324 of the Constitution 1 [read with section 29A of the Representation of the People Act, 1951 (43 of 1951) and rules 5 and 10] of the Conduct of Elections Rules, 1961, and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order:-

1. Short Title, Extent, Application And Commencement :-

- (1) This Order may be called the Election Symbols (Reservation and Allotment) Order, 1968.
- (2) It extends to the whole of India and applies in relation to election in all Parliamentary and Assembly Constituencies other than Assembly Constituencies in the State of Jammu and Kashmir.
- (3) It shall come into force on the date of its publication in the Gazette of India which date is hereinafter referred to as the commencement of this Order.

2. Definitions And Interpretation :-

- (1) In this Order, unless the context otherwise requires, -
 - (a) "clause" means a clause of the paragraph or sub-paragraph in which the word occurs;
 - (b) "Commission", means the Election Commission of India constituted under article 324 of the Constitution;
 - (c) "constituency" means a parliamentary constituency or an assembly constituency;
 - (d) "contested election" means an election in a parliamentary or an assembly constituency where a poll is taken;
 - (e) "election" means an election to which this Order applies;
 - [(ee) "form" means a Form appended to this Order;]
 - (f) "general election" means any general election held after the commencement of this Order for the purposes of constituting the House of the People or the Legislative Assembly of a State and includes a general election whereby the House of the People or the Legislative Assembly of a State in existence and functioning at such commencement, has been constituted;
 - (g) "paragraph" means a paragraph of this Order;
 - [(h) "political party" means an association or body of individual citizens of India registered with the Commission as a political party under section 29A of the Representation of the People Act, 1951 (43 of 1951);]
 1. Subs. by Notifn No. O. N. 56(E), dated the 15th June, 1989, for certain words.
 2. Ins. by Notifn No.O.N. 121(E), dated the 15th December, 1997.
 3. Subs. by Notifn No. S.O. 3001, dated the 10th September, 1970, for cl. (h).
 - [(i) "State" includes the National Capital Territory of Delhi and the Union territory of Pondicherry;]
 - (j) "Sub-paragraph" means a sub-paragraph of the paragraph in which the word occurs;
 - [(jj) "Union territory" means Union territory other than the National Capital Territory of Delhi and the Union territory of Pondicherry; and]
 - (k) words and expressions used but not defined in this Order but defined in the Representation of the People Act, 1950 (43 of 1950), or the rules made thereunder or in the Representation of the People Act, 1951 (43 of 1951), or the rules made thereunder shall have the meanings respectively assigned to them in those Acts and rules.
- (2) The General Clauses Act, 1897 (10 of 1897) 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 Central Act.

3. Section 3 :-

4. 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 at an election in the same constituency.

5. 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 that party.
- (3) A free symbol is a symbol other than a reserved symbol.

6. Classification Of Political Parties :-

- (1) For the purposes of this Order and for such other purposes as the Commission may specify as and when necessity therefor arises, political parties are either recognised political parties or unrecognised political parties.
- (2) A recognised political party shall either be a National party or a State party.

6A. Conditions For Recognition As A National Party :- A political party shall be treated as a recognized National party, if, and only if,- either (A) (i) the candidates set up by it, in any four or more States, as the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six per cent. of the total valid votes polled in their respective States at that general election; and (ii) in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States; or (B) (i) its candidates have been elected to the House of the People, at the last general election to that House, from at least two per cent. of the total number of parliamentary constituencies in India, any fraction exceeding one-half being counted as one; and (ii) the said candidates have been elected to that House from not less than three States.

6B. Conditions For Recognition As A State Party :- A political party, other than a National party, shall be treated as a recognised State party in a State or States, if, and only if,- either (A)(i) the candidates set up by it, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six per cent. of the total valid votes polled in that State at that general election; and (ii) in addition, it has returned at least two members to the Legislative Assembly of the State at the last general election to that Assembly; or (B) it wins at least three per cent. of the total number of seats in the Legislative Assembly of the State (any fraction exceeding one-half being counted as one), or at least three seats in the Assembly, whichever is more, at the aforesaid general election.

6C. Conditions For Continued Recognition As A National Or State Party :-If a political party is recognized as a National party under paragraph 6A, or as a State party under paragraph 6B, the question whether it shall continue to be so recognized after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be dependent upon the fulfilment by it of the conditions specified in the said paragraphs on the results of that general election.]

1. Subs. by Notifn. No. O.N. 6(E), dated the 8th June, 1999.
2. Omitted, *ibid*.
3. Ins., *ibid*.
4. Paragraph (3) omitted by Notifn. No. O.N. 21(E), dated the 23 rd March, 1992 (w.e.f. 25-3-1992).
5. Subs. by Notifn. No. O.N. No. 63(E), dated 1st December, 2000, for s. 6.

7. Savings And Interpretation :-

- (1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party

stands recognised, immediately before the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2000, either as a National party or as a State party in some State or States the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election, to be held after the commencement of the said Order, to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, and its continued recognition as such National or State party shall thereafter be dependent upon the fulfilment by it of the conditions specified in paragraph 6A or, as the case may be, paragraph 6B.

(2) For the removal of doubts, it is hereby clarified that the conditions in paragraph 6A or paragraph 6B shall not be deemed to have been satisfied by a political party,-

(i) if it is newly formed, whether as a result of split in a recognized National or State party or otherwise, and registered with the Commission under section 29A of the Representation of the People Act, 1951, after the last general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned; or

(ii) on the joining or taking the membership of that party, by a member of the House of the People, or the Legislative Assembly of a State, after his election to that House or, as the case may be, that Assembly.

8. Choice Of Symbols By Candidates Of National And State Parties And Allotment Thereof :-

(1) A candidate set up by a National party at any election in any constituency in India shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.

(2) A candidate set up by a State party at an election in any constituency in a State in which such party is a State party, shall choose, and shall be allotted the symbol reserved for that party in that State and no other symbol.

(3) A reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National party for whom such symbol, has been reserved or a candidate set up by a State party for whom such symbol has been reserved in the State in which it is a State party even if no candidate has been set up by such National or State party in that constituency.

9. Restriction On The Allotment Of Symbols Reserved For State Parties In States Where Such Parties Are Not Recognised :-

A symbol reserved for a State party in any State-

[(a) shall not be included in the list of free symbols for any other State or Union territory, and

(b) shall not be reserved for any other party which subsequently becomes eligible, on fulfilment of the conditions specified in paragraph 6, for recognition as a State party in any other State: Provided that nothing contained in clause (b) shall apply in relation to a political party, for which the Commission has, immediately before the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 1997, already reserved the same symbol which it has also reserved for some other State party or parties in any other State or States.

10. Concessions To Candidates Set Up By A State Party At Elections In Other States Or Union Territories :-

If a political party, which is recognised as a State party in some State or States, sets up a candidate at an election in a constituency in any other State in which it is not a recognised State party, then such candidate may, to the exclusion of all other candidates in the constituency, be allotted the symbol reserved for that party in the State or States in which it is a recognised State Party, notwithstanding that such symbol is not specified in the list of free symbols for such other State or Union territory, on the fulfilment of each

of the following conditions, namely:-

1. Subs. by Notifn. No. O.N. 63(E), dated the 1st December, 2000, for s. 7.
2. Subs. by Notifn. No. O.N. 121(E), dated the 15 th December, 1997.
3. Subs. by Notifn. No. O.N. 6(E), dated the 8th June, 1999, for s. 10. (a) that an application is made to the Commission by the said party for exclusive allotment of that symbol to the candidate set up by it, not later than the third day after the publication in the Official Gazette of the notification calling the election;
- (b) that the said candidate has made a declaration in his nomination paper that he has been set up by that party at the election and that the party has also fulfilled the requirements of clauses (b), (c), (d) and (e) of paragraph 13 read with paragraph 13A in respect of such candidate; and
- (c) that in the opinion of the Commission there is no reasonable ground for refusing the application for such allotment:

Provided that nothing contained in this paragraph shall apply to a candidate set up by a State party at an election in any constituency in a State in which that party is not a State Party and where the same symbol is already reserved for some other State Party in that State.

11. Restrictions On The Choice And Allotment Of Symbols Allotted Under Paragraph 10 [Or Paragraph 10A] :-

Notwithstanding anything contained in any of the foregoing provisions where elections are held simultaneously in a parliamentary constituency and in the Assembly constituencies comprised in such parliamentary constituency, then-

- (a) if a symbol has been exclusively allotted under paragraph 10 to a candidate set up by a political party at any election in the parliamentary constituency, that symbol shall not be allotted to any candidate at any election in any of the said Assembly constituencies unless such candidate is a candidate set up by that political party; and
- (b) if a symbol has been exclusively allotted under paragraph 10 to a candidate set up by a political party at any election in any of the said Assembly constituencies, that symbol shall not be allotted to any candidate at the election in the said parliamentary constituency unless such candidate is a candidate set up by that political party.

12. Choice Of Symbols By Other Candidates And Allotment Thereof :-

(1) Any candidate at an election in a constituency in any State or Union territory, other than-

- (a) a candidate set up by a National Party; or
- (b) a candidate set up by a political party which is a State Party in that State; or
- (c) a candidate referred to in paragraph 10 or paragraph 10A; shall choose, and shall be allotted, in accordance with the provisions hereafter set out in this paragraph, one of the symbols specified as free symbols for that State or Union territory by notification under paragraph 17.

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

(3) Where the same free symbol has been chosen by several candidates at such election, then-

- (a) if of those several candidates, only one is a candidate set up by an unrecognised political party and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the unrecognised political party, and to no one else; and, if, those several candidates, two or more are set up by different unrecognised political parties and the rest are independent candidates, the returning officer shall decide by lot to which of the two or more candidates set up by the different unrecognised political parties that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls, and to no one else:

Provided that where of the two or more such candidates set up by such different unrecognized political parties, only one is, or was, immediately before such election, a sitting member of the House of the People, or, as the case may be, of the Legislative Assembly (irrespective of the fact as to whether he was allotted that free symbol or any other symbol at the previous election when he was chosen as such member), the returning officer shall allot that free symbol to that candidate, and to no one else;

(b) if, of those several candidates, no one is set up by any unrecognised political party and all the independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the House of the People, or, as the case may be, of the legislative Assembly, and was allotted that free symbol at the previous election when he was chosen as such member, the Returning Officer shall allot that free symbol to that candidate, and to no one else; and

1. Ins. by Notifn. No. O.N. 63(E), dated the 1st December, 2000.

2. Subs., ibid., for s. 12.

(c) if, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer shall decide by lot to which of those independent candidates that free symbol shall be allotted, and allot that free symbol to the candidates on whom the lot falls, and to no one else.

13. When A Candidate Shall Be Deemed To Be Set Up By A Political Party :-

For the purposes of this order, a candidate shall be deemed to be set up by a political party, if, and only if,-

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

[(aa) the candidate is a member of that political party and his name is borne on the rolls of members of the party;]

(b) a notice in writing, in Form B, to that effect has, not later than 3.p.m. on the last date for making nominations, been delivered to the Returning Officer of the constituency and the Chief Electoral officer of the State;

(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 authorised by the party to send such notice;

(d) the name and specimen signature of such authorised person are communicated, to the returning Officer of the constituency and to the Chief Electoral Officer of the 3 [State or Union Territory concerned] not later than 3.P.M. on the last date for making nominations; and

(e) Forms A and B 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.

13A. 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 13 in favour of a candidate may rescind that notice and may give a revised notice in Form B in favour of another candidate for the constituency: Provided that the revised notice in Form B, clearly indicating therein that the earlier notice in Form B has been rescinded, reaches the Returning Officer of the constituency, not later than 3 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 (d) of paragraph 13:

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 in form B has or have

been received by him, shall not be treated as candidates set up by such political party.

14. Power Of Commission To Issue Instructions To Unrecognised Political Parties For Their Expeditious Recognition Of Fulfilment Of Conditions Specified In [Paragraph 6A Or Paragraph 6B] :-

The Commission may issue for the benefit of unrecognised political parties such instructions as it may think necessary for their expeditious recognition when they have 4 [fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B.]

1. Subs. by Notifn. No. O.N. 11(E), dated the 20 th May, 1999, for s. 13.
2. Ins. by Notifn. No. O.N. 63(E), dated the 1 st December, 2000.
3. Subs. by Notifn. No. O.N. 6(E), dated 8th June, 1999.
4. Subs. by Notifn. No. O.N. 63(E), dated the 1 st December, 2000.

15. Power Of Commission In Relation To Splinter Groups Or Rival Sections Of A Recognised Political Party :-

When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups.

16. Power Of Commission In Case Of Amalgamation Of Two Or More Political Parties :-

(1) When two or more political parties, one or some or all of whom is a recognised political party or are recognised political parties join together to form a new political party, the Commission may, after taking into account all the facts and circumstances of the case, hearing such representatives of the newly formed party and other persons as desired to be heard and having regard to the provisions of this Order, decide-

- (a) whether such newly formed party should be a National party or a State party; and
- (b) the symbol to be allotted to it.

(2) The decision of the Commission under sub-paragraph (1) shall be binding on the newly formed political party and all the component units thereof.

16A. Power Of Commission To Suspend Or Withdraw Recognition Of A Recognised Political Party For Its Failure To Observe Model Code Of Conduct Or Follow Lawful Directions And Instructions Of The Commission :- Notwithstanding anything in this Order, if the Commission is satisfied on information in its possession that a political party, recognised either as a National Party or as a State 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 Commission in January, 1991 or as amended by it from time to time, or (b) 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 the electorate in particular, the 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 Commission may deem appropriate, or withdraw the recognition of such party as the National party or, as the case may be, the State party.

17. Notification Containing Lists Of Political Parties And Symbols :-

(1) The Commission shall be one or more notifications in the Gazette of India publish lists specifying-

- (a) the National parties and the symbols respectively reserved for them;
- (b) the State parties, the State or States in which they are State parties and the symbols respectively reserved for them in such State or States;
- [(c) the unrecognized political parties and the addresses of their headquarters registered with the Commission;]
- [(d) the free symbols for each State and Union territory.]

(2) Every such list shall, as far as possible, be kept up-to-date.

18. Power Of Commission To Issue Instructions And Directions :-

The 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 Commission necessary for the smooth and orderly conduct of elections.

- 1. Ins. by Notifn. No. O.N. 42(E), dated the 18th February, 1994.
- 2. Cl. (bb) omitted by Notifn. No. O.N. 63(E), dated the 1st December, 2000.
- 3. Subs., ibid., for cl. (c).
- 4. Subs. by Notifn. No. O.N. 6(E), dated the 8th June, 1999.
- 5. Paragraph 19 omitted by Notifn. No. 6(E), dated the 8th June, 1999.

FORM 1

FORM A

Communication with regard to Authorised Persons to intimate name of Candidates set up by recognised NATIONAL OR STATE political party or REGISTERED UNRECOGNISED political party.

[See paragraph 13(c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968.]

To

- 1. The Chief Electoral Officer,(State/Union Territory).
- 2. The Returning Officer for theConstituency.

Subject:- General Elections to.....from.....(State/Union Territory)- Allotment of Symbols - Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13(c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, 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.		

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 signatures of Shri.....
(i).....(ii).....(iii).....
3. Specimen signatures of Shri.....
(i).....(ii).....(iii).....

Yours faithfully,
President/Secretary

Name of the Party

Place.....

Date.....

N.B.

1. This must be delivered to the Returning Officer and the Chief Electoral Officer not later than 3 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 signatures by means of rubber stamp, etc., of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

FORM 2

FORM B

Notice as to names of candidates set up by the political party

[See paragraph 13(b), (c) and (e) of the Election Symbols (Reservation and Allotment) Order 1968]

To

The Returning Officer for the.....Constituency.

Subject: General/Bye-election to.....from.....(Name of the Constituency) in.....
(State/Union Territory) –setting up of candidate.

Sir,

In pursuance of paragraph 13(b), (c) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, 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 in on the approved candidates 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 will 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 the Party)

Place.....

Date.....

*Score off, if not applicable.

NB.:

1. This must be delivered to the Returning Officer not later than 3 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 signatures 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.]