
REGISTRATION OF POLITICAL PARTIES AND ALLOTMENT OF SYMBOLS ORDER, 2001

CONTENTS

1. Short title, extent, application and commencement

PART 1 :- Preliminary

2. Definitions

PART 2 :- Registration of Political Parties

3. Registration of Political Parties

PART 3 :- Allotment of Symbols

4. Allotment of Symbols

5. Classification of Symbols

6. Choice and allotment of symbols

7. Choice of symbols by other candidates and allotment thereof

8. When a candidate shall be deemed to be set up by a political party

9. Power of Commission to suspend or withdraw registration of a political party for its failure to observe Model Code or follow lawful directions and instructions of the Commission

10. Notification containing lists of political parties and symbols

11. Powers of Commission to issue instructions

12. Transitional Provision

REGISTRATION OF POLITICAL PARTIES AND ALLOTMENT OF SYMBOLS ORDER, 2001

An order to provide for the Registration of Political Parties and for allotment of Symbols at elections to local bodies constituted in pursuance of Parts IX and IX-A of the Constitution of India in Andhra Pradesh, and for matters 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 interests of conduct of such elections, in a fair and efficient manner, for the registration of political parties and

for matters connected therewith; Now, therefore, in exercise of the powers conferred by Article 243-K read with Article 243-ZA of the Constitution of India, the State Election Commission, hereby, makes the following order

1. Short title, extent, application and commencement :-

(1) This Order may be called the Registration of Political Parties and Allotment of Symbols Order, 2001.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It applies to all elections held to local bodies in the State, on party basis.

(4) It shall come into force with immediate effect.

PART 1

Preliminary

2. Definitions :-

In this Order, unless the context otherwise requires, __

(1) 'Commission' means, the State Election Commission constituted under Article 243-K read with Article 243-ZA of the Constitution of India;

(2) 'Election Commission of India' means, the Election Commission of India constituted under Article 324 of the Constitution of India;

(3) 'local body' means, __

(a) a Gram Panchayat, Mandal Parishad or Zilla Parishad constituted under the Andhra Pradesh Panchayat Raj Act, 1994 (Act 13 of 1994);

(b) a Municipality or Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 (Act 6 of 1965); or

(c) a Municipal Corporation constituted under any law relating to Municipal Corporations for the time being in force in the State;

(4) 'paragraph' means a paragraph of this Order;

(5) 'political party' means a political party registered under this Order;

(6) '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;

(7) 'registered political party' means, a political party registered with the Commission;

(8) 'State' means, the State of Andhra Pradesh;

(9) words and expressions used but not defined in this Order, but defined in the Andhra Pradesh Panchayat Raj Act, 1994, or the Andhra Pradesh Municipalities Act, 1964, or any law relating to Municipal Corporations, for the time being in force, in the State, or the rules made thereunder, shall have the meanings respectively assigned to them in those Acts; laws and rules.

PART 2

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 elections 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 :_

(a) the name of the association or body or political party;

(b) location of its head office;

(c) the address to which letters and other communications meant for it should be sent;

(d) the names of its President, Secretary, Treasurer and other office bearers;

(e) the numerical strength of its members, and if there are categories of its members, the numerical strength in each category;

(f) whether it has any local units; if so, at what levels;

(g) 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 the local body concerned;

(h) whether it has already registered itself as a political party with the Election Commission of India, and 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 a 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 factors, 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 a 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-bearers, address or in any other material matters 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 provision 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.

PART 3

Allotment of Symbols

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 candidates at an election in the same local body.

5. Classification of Symbols :-

(1) For the purposes 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 political party for exclusive allotment to the contesting candidates set up by that party.

(3) A free symbol is a symbol, other than a reserved symbol.

6. Choice and allotment of symbols :-

(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.

7. Choice of symbols by other candidates and allotment thereof :-

(1) Any candidate at an election to local bodies in the State, other than a candidate set up by a recognised political party, or a candidate set up by any registered political party, 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 by the Commission.

(2) Where any free symbol has been chosen by only one candidate

at such election, the Returning Officer/Election 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 one of the candidates is, or was holding the same office, and was allotted that free symbol at the previous election to the same office, when he was chosen, the Returning Officer/Election Officer shall allot that free symbol to that candidate and to no one else; and

(b) if of those several candidates, no one is, or was, a sitting member, the Returning Officer/Election Officer shall decide by lot to which of those candidates that free symbol shall be allotted, and allot that free symbol to the candidate on whom the lot falls and to no one else.

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, _

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

(b) a notice in writing to that effect has, not later than 3-00 p.m., on the last day for making nominations in the prescribed form, been delivered to the Returning Officer/Election Officer of the constituency and the District Election Authority;

(c) the said notice is signed by the President or Secretary or any other office-bearer of the party who is authorised by the party to send such notice; and

(d) the name and specimen signature of such authorised person are communicated to the Returning Officer/Election Officer of the constituency and to the District Election Authority in the prescribed form not later than, 3-00 p.m., on the last date for making nominations.

9. Power of Commission to suspend or withdraw registration of a political party for its failure to observe Model Code 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, registered 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 Local Body Elections, as amended from time to time,

(b) to abide by the provisions of this Order, or

(c) to 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, 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 registration of such party.

10. Notification containing lists of political parties and symbols :-

The Commission shall, by one or more notifications in the Andhra Pradesh Gazette, publish lists of recognised political parties and registered political parties along with the symbols reserved for each of them and also the list of free symbols for each office.

11. Powers of Commission to issue instructions :-

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 registration 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.

12. Transitional Provision :-

The reservation of symbols made for every recognised or registered political party, by the Commission before 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 an application to the Commission for its registration under the provisions of this Order, within the said 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.