

STATE ELECTION COMMISSION

**1st Floor, New HOD's Building, Opp. Indira Gandhi Municipal Stadium, M.G.Road,
Vijayawada-520010, Andhra Pradesh.**

THE REGISTRATION OF POLITICAL PARTIES AND ALLOTMENT OF SYMBOLS ORDER 2001 (AS AMENDED UP TO 29.06.2013)

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 IXA 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 –I

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 there under, shall have the meanings respectively assigned to them in those Acts, laws and rules.

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 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 must be accompanied by the following documents/ information:

- (i) A Demand Draft of Rs.10,000/- (Rupees ten thousand only) on account of processing fee drawn in favour of the Secretary, State Election Commission. The processing fee shall be non-refundable.
- (ii) A neatly typed/printed copy of the memorandum/rules and bye-laws/constitution of the Party containing a specific provision which reads

“..... (name of the party) 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”.

NOTE: The above mandatory provision must be included in the text of the party constitution itself as one of the clauses. No association or body shall be registered as a political party unless the memorandum, rules and regulations or the constitution of such association or body conform to the above referred provision. The copy of the party constitution furnished with the application should also be duly authenticated on each page by the General Secretary/President/Chairman of the party and the seal of the signatory affixed thereon.

- (iii) There should be a specific provision in the rules and regulations/memorandum/Constitution of the party regarding organisational elections at different levels and the periodicity of such elections and term of office of the office-bearers of the party.
- (iv) Besides procedure in the case of merger/dissolution of the association should be provided in the bye-laws.
- (v) Certified extracts from the latest electoral rolls in respect of atleast 25 members of the organisation (including all office-bearers/members of main decision making organs like Executive Committee/Executive Council) to show that they are registered electors.
- (vi) An affidavit duly signed by the President/General Secretary of the applicant party and sworn before a 1st class Magistrate/ Notary Public to the effect that no member of the organisation is a member of any other political party registered with the Commission.

- (vii) Individual affidavits from at least 25 members of the party to the effect that the said member is a registered elector and that he is not a member of any other political party registered with the commission. These affidavits should be on Stamp Paper of atleast Rs.10/- denomination and duly sworn before a 1st class Magistrate/Oath Commissioner/Notary Public. These affidavits should be from those persons in respect of whom certified extracts of electoral rolls are being furnished.
 - (viii) Particulars of Bank accounts in the name of the party.
- (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) The sub para (7) was deleted vide amendment reference no. 1637/SEC-L/2005, dated 15.12.2005
 - (8) (i) Before registering a political party under this order a notice shall be published in A.P.Gazette as also one of the regional language daily newspapers indicating herein the name of the political party, its President and the symbol proposed to be allotted and calling for objections if any for such registration from the general public.
 - (ii) If no objection is received within 15 days from the date of publication in A.P. Gazette/news papers as specified in sub para (i) above, it shall be competent for the State Election Commission to register the political party as proposed in the notice.

- (iii) If any objection is received the State Election Commission may consider the same and in case it is found to be flimsy, it may reject the same and register the political party. If on the other hand the State Election Commission considers that the objection is prima facie genuine, then the same shall be communicated to the applicant and his remarks shall be called for. After receipt of the remarks the Commission may either decide the matter on merits on the basis of the records available or it may give personal hearing to the parties concerned and take a decision thereafter. The decision of the State Election Commission shall be final.
 - (iv) Every Association or Body of individual citizens making an application under this order for registration of political party shall take care to see that the name of the political party proposed to be registered should not resemble the name of a political party which is already registered with the State Election Commission, thus giving rise to a confusion in the minds of the general public. Where the State Election Commission is either suo-moto or on objections received from the general public considers that the name of a political party sought to be registered is similar to be a political party already registered, it shall be competent to the Commission to reject the application. It shall however, be open to the applicant to make a fresh application by changing the name of the political party and any such application will be examined de-novo as if it is a new application. The decision of the State Election 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 - III **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.

5A:- Conditions for allotment of reserved symbol to registered political parties:

- (a) **Registered political party without a reserved symbol:** No symbol shall be reserved to any political party registered with the State Election Commission as per the provisions of this Order unless and until the conditions specified in sub-paragraphs (b) and (b-1) are satisfied. Such registered political party shall be given preferential treatment in allotment of free symbols to the candidates set up by it over the independent candidates.
- (b) **Registered political party with a reserved symbol:** A registered political party which returns 15 MPTC Members or 3 ZPTC Members or 15 Ward members of

Municipalities or 15 Ward Members of Municipal Corporations from anywhere in the State shall be entitled for a reserved symbol. It shall also be sufficient if a political party returns a total number of 15 candidates from one or more of the local bodies put together in the entire State. For the purpose of this clause one ZPTC Member shall be treated as equal to 5 offices of members of MPTC/Municipality/ Municipal Corporation. After each ordinary election, the performance of each registered political party shall be evaluated in order to identify the registered political parties which satisfy the criteria for registration of a symbol. On fulfillment of criteria stipulated for reservation of a symbol, the party concerned shall in consultation with the State Election Commission furnish a list of three symbols of its choice in the order of preference and one of them will be reserved as common symbol of the party by the State Election Commission.

(B-1). A registered political party which is also a political party registered with the Election Commission of India and categorized as unrecognized political party has a sitting member either in the Legislative Assembly of the State of Andhra Pradesh or in the House of People representing a constituency in the State of Andhra Pradesh shall be entitled to a reserved symbol. Such political party shall for this purpose intimate to the Secretary, State Election Commission a list of three symbols from out of the free symbols notified by the Commission in order of preference and thereupon the Commission shall reserve one of them as a reserved symbol.

(c) Conditions for continued reservation of a common symbol for a registered political party: If a symbol is reserved to a registered political party under subparagraph (b), the question whether it shall continue to be so reserved after any subsequent ordinary election to local body shall depend upon the continued fulfillment by it of the conditions specified therein.

(C-1). If a symbol is reserved to a registered political party under sub paragraph (b-1), it shall continue only so long as that political party has a sitting member in the Legislative Assembly of the State of Andhra Pradesh or House of the People representing a constituency in the State of Andhra Pradesh.

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.

6A – Concession to candidates set up by registered political parties without a reserved symbol.

The candidates set up by a registered political party without a reserved symbol at the ordinary election to the MPTCs / ZPTCs or Ward Members of Municipal Bodies, may be allotted a common symbol from the list of free symbols, subject to the fulfillment of the following conditions, namely -

- (i) A Registered Political Party sets up candidates at least in 10% (ten percent) of the total number of MPTCs or ZPTCs or Ward Members of Urban local bodies as the case may be, in the State and give an application to the State Election Commission also with an undertaking to that effect within two clear days of the date on which the notification (or first of the notifications in the case of a phased election) of the election has been issued.
- (ii) The registered political party shall submit to the Commission a demand draft for Rs. 1,00,000/- (Rupees one lakh only) drawn in the name of Secretary, State Election Commission, Andhra Pradesh, Hyderabad as deposit which subject to clause (iv) be refundable;
- (iii) The Registered Political Party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission for the election;

(iv) The Registered Political Party shall also give an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of common symbols to them and in addition agrees to the forfeiture by the Commission of the deposit amount, referred to in clause (ii);

Explanation: For the removal of doubt, it is hereby clarified that-

(i) The concession of allotment of common symbol to the candidates of a registered political party without a reserved symbol under this paragraph shall be only a one-time facility and a party that has availed of this concession once shall not be automatically eligible for the concession in any subsequent Ordinary Election;

(ii) The symbol allotted as a common symbol to the candidates of a party under this paragraph shall be available for allotment to candidates set up by the other parties or independent candidates in those other constituencies in which that party has not set up its candidates;

(iii) If two or more parties give preference for the same symbol, then the question of allotment of the symbol to one of such parties shall be decided by draw of lots;

(iv) Notwithstanding anything contained in clause (iii) a political party has been allowed to contest with a particular common symbol in last general elections to the Andhra Pradesh Legislative Assembly or House of the People that political party shall have the preference for allotment of the same symbol.

(v) If it is not possible for the Commission for any reason to allot a common symbol to the candidates of a registered political party from out of the list of symbols it has given its preference under this paragraph, some other symbol from the list of free symbols may be allotted to that party in consultation with that party.

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) a candidate set up by a recognised political party;

- (b) a candidate set up by any registered political party with a reserved symbol referred to in sub paragraphs (b) and (b1) of paragraph-5A, and
- (c) a candidate set up by any registered political party referred to in paragraph-6A; 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;
- (4) 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 registered political party without a reserved symbol and all the rest are independent candidates, the returning officer shall allot that free symbol to the candidate set up by the registered political party without a reserved symbol, and to no one else; and, if, of those several candidates, two or more are set up by different registered political parties without a reserved symbol 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 registered political parties without a reserved symbol 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 registered political parties without a reserved symbol, only one is, or was, immediately before such election, a sitting member of the local body (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/election 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 registered political party without a reserved symbol and all are independent candidates, but one of the independent candidates is, or was, immediately before such election a sitting member of the local body and was allotted that free symbol at the previous election when he was chosen as member, the Returning Officer/Election Officer shall allot that free symbol to that candidate, and to no one else; and

(c) If, of those several candidates, being all independent candidates, no one is, or was, a sitting member as aforesaid, the returning officer/election 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."

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, he is nominated by the political party concerned, in such manner and in such format as may be specified by the instructions issued by the State Election Commission, under this paragraph.

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. Power of the Commission to issue instructions to registered political parties without reserved symbol:- The Commission may issue instructions for the benefit of registered political parties without a reserved symbol such instructions as it may feel necessary for expeditious reservation of a reserved symbol if they fulfill the conditions specified in sub-paragraph (b) of paragraph 5A.

**STATE ELECTION COMMISSION
ANDHRA PRADESH**