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Registered A.D.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi - 110 001.
Fax No. 011-3713412

No. 56/Misc./89/3439

Dated:- 12th August, 1989.

To
The President,
Swatantra Party
Sassoon Building,
143, Mahatma Gandhi Road,
Bombay - 400 023.

*Subject:- Registration of political parties under
section 29A - regarding.*

Sir,

I am directed to refer to your letter dated 1-8-1989 on the subject cited and to state that for the purpose of registration of any organisation as a political party, the organisation is required to

1. Make an application giving therein the full particulars under sub-section (4) of section 29A and additional particulars under paragraph of the Election Symbols (Reservation and Allotment) (Amendment) Order, 1989; and
2. A copy of the constitution of the party with a specific provision under sub-section (5) of said section 29A shall also be forwarded with the application.

For your information and guidance for making an application, following documents are forwarded herewith:-

- (a) Copy of section 29A of the R.P. Act, 1951
- (b) Copy of Election Symbols (Reservation and Allotment) (Amendment) Order, 1989 dated 15.6.1989; and
- (c) Copy of an application.

You may go through the above documents and submit an application form with all particulars and a constitution of your organisation so as to reach the Commission within 30 days of the formation of your organisation.

Yours faithfully,

(K.P.G. KUTTY)
Research Officer

Extract of Section 29A of Representation of the People Act, 1951

IVA

"Part IVA

Registration of Political Parties

Registration with
the Commission
of associations
and bodies as po-
litical parties

29(A). (1) Any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of this Part shall make an application to the Election Commission for its registration as a political party for the purposes of this Act.

(2) Every such application shall be made:-

(a) if the association or body is in existence at the commencement of the Representation of the People (Amendment) Act, 1989, within sixty days next following such commencement;

(b) if the association or body is formed after such commencement, within thirty days next following the date of its formation.

(3) Every application under sub-section (1) shall be signed by the chief executive officer of the association or body (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.

(4) Every such application shall contain the following particulars, namely:-

(a) the name of the association or body;

(b) the State in which its head office is situate;

(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 member or members in either House of Parliament or of any State Legislature if so, the number of such member or members.

(5) The application under sub-section (1) shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever named called, 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.

(6) The Commission may call for such other particulars as it may deem fit from the association or body.

(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 reasonable opportunity of being heard, the Commission shall decide either to register the association or body as a political party for the purposes of this Part, or not so to register it; and the Commission shall communicate its decision to the association or body:

Provided that no association or body shall be registered as a political party under this sub-section unless the memorandum or rules and regulations of such association or body conform to the provisions of sub-section (5).

(8) The decision of the Commission shall be final.

(9) After an association or body has been registered as a political party as aforesaid, any change in its name, head office, office-bearers, address or in any other material matters shall be communicated to the Commission without delay.

Application for Registration under Section 29A of the Representation of the People Act, 1951 read with paragraph 3 of the Election Symbols (Reservation and Allotment) order, 1968 - Particulars to be furnished.

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Each application form for registration under section 29A read with Paragraph 3 of the Symbols Order, 1968 Shall Contain following particulars:

I - Particulars under sub-section (4) of section 29A :

(4) Every such application shall contain the following particulars, namely :-

- (a) the name of the association or body;
- (b) the State in which its head office is situated;
- (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 member or members in either House of Parliament or of any State Legislature, if so, the number of such member or members.

II - Additional Particulars under paragraph 3 of Symbols Order, 1968 :

- (a) The political principles on which the association or body is based;
- (b) The policies, aims and objects it pursues or seeks to pursue;
- (c) Its programmes, functions and activities for the purpose of carrying out its political principles, policies, aim and objects;
- (d) The names of the main organs (by whatever name called) of the association or body, their functions and the names of the Chairman (by whatever name called), and other members of such organs; and
- (e) The relationship of the association or body with the electors and the popular support it enjoys, and tangible proof, if any, of such relationship and support.

- III - Each application shall be accompanied by a copy of the memorandum or rules and regulations of the association or body, by whatever name called, 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.
- IV - Each application shall be signed by the chief executive officer of the association or body (whether such chief executive officer is known as Secretary or by any other designation).

Dated the 15th June, 1989

Jyaistha 25, 1911(S).

**THE ELECTION SYMBOLS
(RESERVATION AND ALLOTMENT)
(AMENDMENT) ORDER, 1989.**

No. 56/89.- In exercise of the powers conferred by article 324 of the Constitution, read with section 29A of the Representation of the People Act, 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 further to amend the Election Symbols (Reservation and Allotment) Order, 1968:

1. Short title and commencement.-

(1) This Order may be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 1989.

(2) It shall come into force on the date of its publication in the Gazette of India.

2. Amendment of preamble.- In the preamble to the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter referred to as the 'Symbols Order') for the words and figures "read with rule 5 and rule 10", the words, figures, letter and brackets "read with section 29A of the Representation of the People Act, 1951 (43 of 1951) and rules 5 and 10" shall be substituted.

(b) the policies, aim and objects it pursues or seeks to pursue;

(c) its programmes, functions and activities for the purpose of carrying out its political principles, policies, aims and objects;

(d) the names of the main organs (by whatever name called) of the association or body, their functions and the names of the Chairman (by whatever name called), and other members of such organs; and

(e) the relationship of the association or body with the electors and the popular support it enjoys, and tangible proof, if any, of such relationship and support."

5. **Substitution of new paragraph for paragraph 19.-**

For paragraph 19 of the Symbols Order, the following new paragraph shall be substituted, namely:-

"19. Special transitional provision.- (1) Every political party, which, immediately before the 15th day of June, 1989, (being the date appointed by the Central Government under sub-section (2) of section 1 of the Representation of the People (Amendment) Act, 1988 (1 of 1989) as the date on which sections 3 and 6 of that Act shall come into force) is a National Party under this Order, shall continue to be so, for a period of sixty days from that date and if such party makes an application to the Commission for its registration as a political party under section 29A of the Representation of the People Act, 1951 within the said period of sixty days, till the disposal of such application by the Commission.

(2) Every political party, which, immediately before the 15th day of June, 1989, is a State party under this Order, shall continue to be so, for a period of sixty days from that date and if such party makes an application to the Commission for its registration as a political party under section 29A of the Representation of the People Act, 1951 within the said period of sixty days, till the disposal of such application by the Commission.

(3) Every political party, which, immediately before the 15th day of June, 1989, is an unrecognised political party under this Order, shall continue to be so, for a period of sixty days from that date and if such party makes an application to the Commission for its registration as a political party under section 29A of the Representation of the People Act, 1951 within the said period of sixty days, till the disposal of such application by the Commission."

By order,

Sd/-

(K.C. SAHA)

SECRETARY

ELECTION COMMISSION OF INDIA.