

**THE ELECTION SYMBOLS
(RESERVATION AND ALLOTMENT) ORDER, 1968**

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THE 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 [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 elections in all Parliamentary and Assembly Constituencies other than Assembly Constituencies in the State of Jammu & 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;

¹Substituted by Notification No. O.N. 56(E), dated 15.6.1989."

- (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;
- ¹[(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;
- ²[(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;]
- ³[(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;
- ⁴[(j) "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, or the rules made thereunder or in the Representation of the People Act, 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 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.

⁵[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.

¹Inserted by Notification No. 56/97/JudUH, dated 15.12.1997.

²Substituted by Notification No. O.N.56(E), dated 15.06.1989.

³Substituted by Notification No. O.N.56/99/Judl.III, dated 08.06.1999.

⁴Inserted by Notification No. 56/99/Judl.III, dated 08.06.1999.

⁵Paragraph 3 omitted by Notification No. O.N.21(E), dated 23.3.1992 (w.e.f. 25.3.1992)

¹**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 therefore 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.

²**6A. Conditions for recognition as a State Party-** A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled:

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or
- (iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly whichever is more; or
- (iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State;] or
- ³{(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.}

6B. Conditions for recognition as a National Party- A political party shall be eligible to be recognized as National party if, and only if, any of the following conditions is fulfilled:

- (i) The candidates set up by the party in any four or more States, 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 percent of the total valid votes polled in each of those States at that general election; and, 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
- (ii) At the last general election to the House of the People, the party has won at least two percent of the total number of seats in the House of the People, any fraction exceeding half being counted as one; and the party's candidates have been elected to that House from not less than three States; or
- (iii) The party is recognized as State party in at least four States.]

¹Substituted by Notification No. 56/2000/Judl.iii, dated 0 1.12.2000.

²Substituted by Notification No. 56/2005/Judl.iii, dated 14.05.2005.

³Inserted by Notification No. 56/2011/PPS-II, dated 16. 09.2011.

6C. Conditions for continued recognition as a National or State Party. – (1)

Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfill the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at next general election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the general election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election", it shall continue to be treated as recognized State Party or National Party, as the case may be.

(2) If a recognized political party continues to be treated as recognized National Party or State Party after next election to the House of the People or, as the case may be, to the Legislative Assembly of the State the provisions of sub-paragraph (1), the question whether it shall further 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 subject to the fulfillment by the party of the conditions specified in Paragraph 6A or 6B, as the case may be.

[7. Savings and Interpretation - (1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party got recognized, whether before or after the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005, either as a National Party or as a State party on satisfying the conditions for such recognition as they existed prior to such commencement, 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 the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, depending on the election(s) which formed the basis for such recognition, and its continued recognition as such National or State party shall thereafter be dependent upon fulfillment by it of the conditions now specified in paragraph 6A or 6B, as the case may be:

Provided that nothing herein shall preclude the Commission from withdrawing the recognition of a party either as a National Party or as a State Party, if it failed to satisfy any of the conditions for such recognition as they existed prior to, and also after, the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005.]

(2) For the removal of doubt, 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 recognised 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 setup 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 setup 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 fulfillment of the conditions specified in paragraph 6A, 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.}]

²**[10 Concession 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 or Union Territory 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 fulfillment of each of the following conditions, namely :-

- (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 setup 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.]

¹Substituted by Notification No. 56/97/Judl.iii, dated 15. 1 2. 1 997.

²Substituted by Notification No. 56/99 Judl.iii, dated 8.6.99.

[10A. Concession to candidates set up by an unrecognised party which was earlier recognised as a National or State party - If a political party which is unrecognised at present but was a recognised National or State party in any State or Union territory not earlier than six years from the date of notification of the election, sets up a candidate at an election in a constituency in any State or Union territory, whether such party was earlier recognised in that State or Union territory or not, then such candidate may to the exclusion of all other candidates in the constituency, be allotted the symbol reserved earlier for that party when it was a recognised National or State party notwithstanding that such symbol is not specified in the list of free symbols for such State or Union territory, on the fulfillment of each of the following conditions, namely:-

- (a) that an application is made to the Commission by the said party for the 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 setup by the said party at an election in any constituency in a State or Union territory where the same symbol is already reserved for some other National or State party in that State or Union Territory].

10B - Concession to candidates set up by registered (unrecognized) parties and to unrecognized parties which were earlier recognized parties more than 6 years back.

"Subject to the provisions of clause(b) of sub-paragraph (3) of paragraph 12, the candidates set up by a registered unrecognized political party at the general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol, subject to fulfilment of the following conditions

(A) At a general election to the Legislative Assembly-

- (i) The party sets up candidates at least in 5% (five percent) of the assembly constituencies in the State, subject to a minimum of three constituencies in States having forty or less seats;
- (ii) In the case of election on expiry of the normal term of the Legislative Assembly, the intimation with regard to its intention to contest election under sub-clause (i) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iii) In the case of dissolution of the Legislative Assembly before the expiration of its normal term, the intimation with regard to its intention under sub-clause (i) is given by the party to the Commission at any time from the date of dissolution of the Legislative Assembly and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order:

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol:

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal;

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the Assembly concerned, or within one month of the premature dissolution of the Assembly, as the case may be;

(v) The party also gives 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 a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as the Commission may consider appropriate;

(vi) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued.

(B) At a general election to the House of the People -

(i) The party sets up candidates at least in a minimum of two parliamentary constituencies in the State, in which it seeks allotment of a common symbol to its candidates;

(ii) In the case of States with single parliamentary constituency, a party which applies for common symbol in terms of clause (i) above in another State, may also apply for allotment of the same symbol in such States with single parliamentary constituency;

(iii) In the case of election on expiry of the normal term of the House of the People, the intimation with regard to its intention to contest election under sub-clauses (i) and (ii) is given by the party to the Commission at any time during the period commencing from the date six months prior to the date of expiry of the term of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(iv) In the case of dissolution of the House of the People before the expiration of its normal term, the intimation with regard to its intention under sub-clauses (i) and (ii) is given by the party to the Commission at any time from the date of dissolution of the House of the People and latest by five clear days before the date on which the notification (or the first of the notifications in the case of a phased election) of the election is scheduled to be issued;

(v) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission under paragraph 17 of this Order;

Provided that a party may, if it so desires, also propose three new symbols of their choice, with the names and clear design and drawings of symbol, in the order of preference, for allotment to its candidates, which the Commission may consider for allotment as its common symbol if there is, in its opinion, no objection in allotting such symbol;

Provided further that the symbols proposed by the parties shall have no resemblance to the existing reserved symbols or free symbols, nor shall have any religious or communal connotation or depict any bird or animal:

Provided also that no proposal for a new symbol shall be entertained by the Commission unless it is made at least three months before the date of expiry of term of the House of the People, or within one month of the premature dissolution of the House, as the case may be;

(vi) The party also gives 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 a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as the Commission may consider appropriate

(vii) The list containing the serial numbers and names of the constituencies where the party is setting up candidates is submitted to the Commission latest by 5 clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is scheduled to be issued.

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 unrecognized party under this paragraph shall be available to a party at any two general elections to the House of the People, or any two general elections to a State Legislative Assembly or at one general election to the House of the People and the other at a general election to a State Legislative Assembly, as the party may choose.

(ii) A party that has availed of this concession on two occasions shall, however, be eligible for the concession in any subsequent general election subject to the condition that on the previous occasion when the party availed of the

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facility, the votes polled by all the contesting candidates set up by the party at the general election in the State concerned was not less than one percent of the total valid votes polled in that State.

- (iii) The free 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.
- (iv) Allotment of common symbol under this paragraph shall be done on 'first-come-first-served' basis:

Provided that if applications of two or more parties giving preference for the same symbol are received in the Commission on the same date, then the question of allotment of the symbol to one of such parties shall be decided by draw of lots in such manner as may be directed by the Commission:

Provided further that if out of the two or more such parties giving preference for the same symbol whose applications are received on the same date, one party is such that it had been allotted the said symbol at the previous occasion in the State concerned and the other was not allotted that symbol in the previous election, then the symbol shall be allotted to the former: Provided also that if out of the two or more such parties giving preference for the same symbol whose applications are received on the same date, both or all such parties had been allotted the said symbol on the previous occasion in the State concerned, and one among the parties is such that it has Member(s) elected to the House of the People or the Legislative Assembly of the State concerned on the symbol for which preference has been given by the party, then the symbol shall be allotted to that party to the exclusion of the other parties;

- (v) If it is not possible for the Commission for any reason to allot a common symbol to the candidates of a party from out of the list of symbols for which 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;
- (vi) Notwithstanding anything contained in paragraph 10A, a political party which was earlier a recognized political party and which lost its recognition more than 6 years back will also be eligible under this paragraph to the concession of allotment of the symbol which was earlier reserved for the party, at a general election to the House of the People or to the Legislative Assembly of a State, held after expiry of six years since the party lost its recognition, subject to the fulfilment of each of the conditions specified under clause (A) or (B), as the case may be, except the condition in sub-clause (iv) of clause (A) and sub-clause (v) of clause (B)."

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 [or paragraph 10A] 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 [or paragraph 10A] 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 or paragraph-10B,
- 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, of 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 unrecognised 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 are 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

- (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 an election from any parliamentary or assembly constituency to which this Order applies, a candidate shall be deemed to be set up by a political party in any such parliamentary or assembly constituency, if, and only if,-

- (a) the candidate has made the prescribed 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 by the political party 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;
- (c) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorised by the party to send such notice;
- (d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the 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 or authorised person 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 un-recognised political parties for their expeditious recognition on fulfillment 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 [fulfilled any of the conditions for such recognition specified in paragraph 6A or paragraph 6B].

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 desire 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) 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 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 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 by 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;

[(bb) xxxxxxxx

(c) the un-recognised political parties and the addresses of their headquarters registered with the Commission;] and

(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.

[19. * * *]