

ELECTION AUTHORITY UNDER PANCHAYAT RAJ ACT, 1989.

\*\*\*\*\*

THE PANCHAYAT ELECTIONS SYMBOLS  
(RESERVATION AND ALLOTMENT) ORDER 1998

\*\*\*\*

Whereas, it is necessary and expedient in the interest of purity of elections to be conducted under the Panchayati Raj Act, 1989 and in the interest of conduct of such elections in a fair and efficient manner, to provide for the specification, reservation, choice and allotment of symbols for the recognition of political parties in relation thereto and for matter connected therewith;

Now therefore in exercise of the powers conferred by Section 36 of the Jammu and Kashmir Panchayati Raj Act, 1989 and all other powers enabling it in this behalf, the Election Authority hereby makes the following order:-

1. Short title, application and commencement (1) This order may be called the Symbols (Reservation and Allotment) Order, 1998, and shall extend to whole of the State of J&K and apply in relation to election to all Panchayati Constituencies in the State.
2. It shall come into force on the date of its publication in the Government Gazette which date is herein after referred to as the commencement date of this order.

**DEFINITIONS AND INTERPRETATION:**

In this order unless the context otherwise requires.

- a. "clause" means a clause of the paragraph or sub-paragraph in which the words occur;
- b. "Election Authority" means the Election Authority under Panchayati Raj Act, 1989.
- c. "Constituency" means a Constituency defined as such by the Competent Authority for elections to be conducted under the Panchayati Raj Act, 1989.
- d. "Contested election" means an election held under the Panchayati Raj Act, 1989 where a poll is taken;
- e. "Election" means an election to which this order applies;
- f. "Paragraph" means a paragraph of this order;
- g. "Political Party" means an association or body of individual citizens of India registered as a "Political Party" with Election Commission of India
- h. "Sub -Paragraph" means a sub-paragraph of the paragraph in which the word occurs; and
- i. "Words and expressions" used but not defined in this order, but used in the Representation of People Act 1957 and J&K Panchayati Raj Act 1989 or the Rules made thereunder shall have the meanings respectively assigned to them in these acts and rules.

**3. ALLOTMENT OF SYMBOLS**

- (a) In every contested Panchayati 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 Panchayat Constituency.

**4. CLASSIFICATION OF SYMBOLS:**

- (1) For the purpose of this order symbols are either reserved or free.

a

- (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.

#### **5. CLASSIFICATION OF POLITICAL PARTIES:**

1. For the purpose of this order and for such other purposes as the Election Authority may specify as and when necessity thereof arises, political parties are recognized political parties or unrecognized political parties.

For the purpose of classification of a political party as

- (i) Recognized National Political Party,
- (ii) Recognized State Party J&K State,
- (iii) Registered Political Party,

the status accorded by Election Commission of India to the political parties prior to holding of Panchayati Elections shall form the basis for such categorization.

#### **6. CHOICE OF SYMBOL BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEREOF.**

- (1) A candidate set up by a National Party at any Panchayat election in any constituency 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 Panchayat constituency shall choose and shall be allotted the symbol reserved ~~from~~ that state party in the State and no other symbol.
  - (3) A reserved symbol shall not be chosen by or allotted to any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved, even if no candidate has been set up by such National or State Party in that Constituency.
- a) In the event of conduct of Panchayat Elections on Non-party basis, the Election Authority may in the interest of simplification of process issue directions through a special order to the effect that the contesting candidates will not choose the symbols but would get allotted one strictly in accordance with the serial number in which their name appears when arranged alphabetically on a ballot paper printed in advance.

#### **7. CONCESSIONS TO CANDIDATES SET UP BY A PARTY WHICH IS A STATE PARTY IN A STATE OTHER THAN J&K.**

A candidate set up by a party which is not a State Party in J&K will be treated as a candidate of a Registered Political Party for the purpose of allotment of symbols.

#### **8. RESTRICTIONS ON THE CHOICE AND ALLOTMENT OF SYMBOLS.**

Once a symbol has been reserved for a candidates set up by a political party that symbol shall not be allotted to any candidate at the Panchayat election unless such a candidate is a candidate set up by that political party.

## 9. CHOICE OF SYMBOL BY OTHER CANDIDATES AND ALLOTMENT THEREOF.

(i) Any candidate at the Panchayat Election other than-

- a) A candidate set up by National Party; or
- b) A candidate set up by a political Party which is a State Party ;

shall choose 3 free symbols giving order of preference and shall be allotted in accordance with the provisions set out one of the free symbols as specified in this order in the notification issued under paragraph 12.

(2) Where a free symbol has been chosen by only one candidate at such Panchayat election, the RO shall allot that symbol to that candidate and to none 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 unrecognized political party, and all the rest are independent candidates, the Returning Officer shall allot that free symbol to the candidate set up by the unrecognized political party and to no one else, and if of those several candidates two or more are set up by different unrecognized 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 unrecognized 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;

(b) if of those several candidates being all independent candidates no one is set up by an unrecognized political party the Returning Officer shall decide by a lot to which of those independent 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;

(c) After taking decisions on allotment of symbols to all possible candidates according to their first choice as per procedure described in the foregoing sub-paragraphs, the Returning Officer shall consider the second choice of the remaining candidates and allot symbols in a similar manner.

## 10. WHEN A CANDIDATE SHALL BE DEEMED TO BE SET UP BY A POLITICAL PARTY:

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 in form PEL-B annexed to this order to that effect has, not later than 3 P.M. on the last day for making nominations, been delivered to the Returning Officer of the constituency and the name and specimen signature of such authorized persons are communicated to the Returning Officer of the constituency and the District Panchayat Election Officer concerned in form PEL-A annexed to this order not later than 3 P.M. till the last date for making the nominations; and

(c) the said notice is signed by the authorised signatory of the party concerned.

11. The Election Authority shall have the power to issue instructions and directions for -

a) any clarification of any of the provisions of this order.

b) removal of any difficulty which may be noticed or which may arise in relation to the implementation of any such provision;

with respect to the reservations and allotment of symbol and recognition of

4 (7)

the provision is necessary in the opinion of the Election Authority for the conduct of smooth and fair elections.

12- The Election Authority shall by one or more notifications in the J&K Govt. Gazette publish the list of:

- a) National Parties with Symbols reserved for such National Parties;
- b) State Parties with Symbols reserved for such State Parties declared as such for the J&K State;
- c) Free symbols

Given under my hand and the official seal on this 18th (day) the December (month) of 1998 (year)

  
18/12/98  
Election Authority

Under Panchayati Raj Act, 1989  
Chief Electoral Officer, J&K

No. EA/PE/98/56-281  
DT: 18-12-1998

**Distribution**

1. All Dy. Commissioners
2. All District Panchayat Officers .
2. All Tehsildars.
3. All Block Development Officers.

**Copy also forwarded to**

1. Financial Commissioner and Secretary to Govt. Agri. & Rural Dev. Department
2. Secretary to Govt. Rural Dev. Deptt.
3. Director, Rural Dev. Jammu/Srinagar
4. Principal Pvt. Secretary to Chief Secretary.
5. Asstt. Chief Electoral Officer, Jammu/Srinagar
6. P.S. to Divisional Commissioner, Jammu/Srinagar.

Copy also forwarded to Political Parties in the State.

o/c

6

**FORM PEL-A**

Communication with regard to Authorized persons to intimate name of Candidate set up by  
*Recognized National, or State Political Party or Registered Unrecognised Political Party*

(See Paragraph 10 of the Election Symbols 'Reservation and Allotment' Order, 1998)

To

1. The District Panchayat Election Officer,  
\_\_\_\_\_ (District).
2. The Returning Officer for the  
\_\_\_\_\_ Constituency.

Sub: Panchayat Elections in the State of Jammu and Kashmir – Allotment of Symbols – Authorization of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998 issued by the Election Authority under Panchayati Raj Act, 1989, I hereby communicate that the following person(s) has/have been authorized by the party, which is National party/State party in the State of Jammu and Kashmir/ Registered Un-Recognized Party to intimate the names of the candidates proposed to be set up by the party at the election cited above:

Name of the person authorized to send notice	Name of office held in the Party	District(s) area Constituency (Constituencies in respect of which he has been authorized)
1	2	3
1.		
2.		
3.		

The specimen signatures of the above mentioned Person(s) so authorized are given below:-

1. Specimen Signatures of Shri \_\_\_\_\_  
(i) \_\_\_\_\_ (ii) \_\_\_\_\_ (iii) \_\_\_\_\_
2. Specimen Signatures of Shri \_\_\_\_\_  
(i) \_\_\_\_\_ (ii) \_\_\_\_\_ (iii) \_\_\_\_\_
3. Specimen Signatures of Shri \_\_\_\_\_  
(i) \_\_\_\_\_ (ii) \_\_\_\_\_ (iii) \_\_\_\_\_

Yours faithfully,

President/Secretary  
Name of the Party

(Seal of the Party)

Place \_\_\_\_\_  
Date \_\_\_\_\_

NB.

1. This must be delivered to the Returning Officer and District Panchayat Election Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.

**FORM PEL - B**

Notice as to names of candidates set up by the Political Party

[See Paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998]

To

1. The District Panchayat Election Officer,  
\_\_\_\_\_ (District)
2. The Returning Officer for the  
\_\_\_\_\_ Constituency

Subject : Panchayat Elections in the State of Jammu and Kashmir, year \_\_\_\_\_

Sir,

In pursuance of paragraph 10 of the Election Symbols (Reservation and Allotment) Order, 1998 issued by the Election Authority under Panchayati Raj Act, 1989, I hereby give notice that the following persons have been set up by \_\_\_\_\_ party as its candidates at the ensuing Panchayat Election from the constituency notice against each:

Name of the constituency	Name of the approved candidate	Father's/Husband's name of approved candidate	Postal address of approved candidate
1	2	3	4

Yours faithfully,

(Name and Signature of the  
Authorized Person of the Party)

(Seal of the Party)

Place \_\_\_\_\_  
Date \_\_\_\_\_

NB.

1. This form must be delivered to the Returning Officer and District Panchayat Election Officer not later than 3 p.m. on the last date for making nominations.
2. Form must be signed in ink by the office bearer(s) mentioned above. No facsimile signature or signature by means of rubber stamp, etc. of any office bearer shall be accepted.
3. No form transmitted by fax shall be accepted.