State Election Commission UT of Jammu and Kashmir

Nirvachan Bhawan, Rail Head Complex, Jammu

Phone No. 0191-2477519

Fax-0191-2477389

Email: ceo-jk@nic.in

Order under Para 14(c) of the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020

Whereas several registered political parties have approached this office for allotment of 'common symbol' for contesting the ensuing District Development Council Elections in the UT of Jammu and Kashmir, which are being held for the first time;

Whereas, the reservation and allotment of Symbols for any election held under the Jammu and Kashmir Jammu and Kashmir Panchayati Raj Act, 1989 is made under the provisions of the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020.;

Whereas, the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020 does not have any prescribed timeline for a registered political party to apply for grant of a 'Common Symbol', under para 9 of the said order, for an election being held for the first time under the Jammu and Kashmir Panchayati Raj Act, 1989;

Whereas, para 14(c) of the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020, provides that, 'The Election Authority may issue instructions and directions for:- (c) in relation to any matter with respect to the reservations and allotment of symbols to the political parties, for which this order makes no provision or has insufficient provision, and the provision in the opinion of the election Authority is necessary for the conduct of smooth, orderly and fair elections.';

Whereas, a need has been felt to prescribe a definite timeline for the political parties to make an application to the Election Authority for grant of 'Common Symbol' in case of election being held for the first time and in order to ensure greater participation as well as smooth, orderly and fair conduct of the electoral process;

Now therefore, in exercise of powers vested under para 14(c) of the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020, the Election Authority, directs that in the case of an election being held for the first time under the Jammu and Kashmir Panchayati Raj Act 1989 in the UT of Jammu and Kashmir, a 'Registered Unrecognised Political Party' wishing to get the concession of a 'Common Symbol' under para 9 of the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020, shall make an application to the Election Authority within two days of the issuance of notification (or the notifications in the case of phased election) of Election.

Sd/-

K. K. Sharma, IAS(Retd.) State Election Commissioner Election Authority J&K Panchayati Raj Act, 1989 Dated 10-11-2020

No.20/SEC/Pyt/2020/396-416 Copy to:

- 1. All Financial Commissioners.
- 2. Director General of Police, J&K.





- 3. All Principal Secretaries to the Government.
- 4. Principal Secretary to the Lieutenant Governor.
- 5. Principal Resident Commissioner, J&K Government, New Delhi.
- 6. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
- 7. All Commissioner/Secretaries to the Government.
- 8. Divisional Commissioner Jammu/Kashmir.
- 9. Chairperson, J&K Special Tribunal.
- 10. Director General, J&K Institute of Management & Administration & Rural Development.
- 11. Director, Information, J&K for publishing in leading newspapers of the UT.
- 12. All Deputy Commissioners.
- 13. All Heads of the Departments/Managing Directors/Secretary, Advisory Boards.
- 14. Secretary, PSC/SSB/J&K Academy of Art, Culture & languages.
- 15. Director, Estates.
- 16. Director, Archives, Archaeology & Museums, J&K.
- 17. Secretary, J&K Legislative Assembly.
- 18. General Manager, Government Press, Jammu.
- 19. Private Secretary to the Chief Secretary.
- 20. Private Secretary to the Advisor (F)/(B) & (BK) to the Lieutenant Governor.

Secretary
State Election Commission
UT of Jammu and Kashmir



ELECTION AUTHORITY UNDER PANCHAYATI RAJ ACT, 1989

THE PANCHAYAT ELECTIONS SYMBOLS (RESERVATION AND ALLOTMENT) ORDER 2020

An Order

to provide for specification, reservation, choice and allotment of symbols at elections to the Panchayati Raj Institutions in the Union Territory of Jammu and Kashmir, and for matters connected therewith.

ORDER NO. 292 dated 17th March, 2020 -- WHEREAS, the superintendence, direction and control of all elections to Panchayati Raj Institutions in the Union Territory of Jammu and Kashmir are vested in the Election Authority under the Jammu and Kashmir Panchayti Raj Act 1989;

AND WHEREAS, it is necessary and expedient to provide in the interest of purity of elections to be conducted under the Jammu and Kashmir 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 at elections to the Panchayati Raj Institutions of the UT of Jammu and Kashmir, and for matters connected therewith:

NOW, THEREFORE, in exercise of the powers conferred by section 36 of the Jammu and Kashmir Panchayati Raj Act, 1989 read along with Rules 18, 19 and 19A of the Jammu and Kashmir Panchayati Raj Rules, 1996 and all other powers enabling it in this behalf, the Election Authority hereby makes the following Order:-

1. SHORT TITLE, APPLICATION AND COMMENCEMENT:

- i. This order may be called the Jammu and Kashmir Panchayat Elections Symbols, (Reservation and Allotment) Order, 2020.
- ii. It extends to the whole of Union Territory of Jammu & Kashmir and applies in relation to election to all Panchayati Raj Institutions in the Union Territory.
- iii. 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.

2. 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 Jammu and Kashmir Panchayati Raj Act, 1989;
- (c) "Constituency" means a Constituency defined as such by the Competent Authority for elections to be conducted under the Jammu and Kashmir Panchayati Raj Act, 1989;
- (d) "Contested election" means an election held under the Jammu and Kashmir Panchayati Raj Act, 1989 where a poll is taken;
- (e) "Election" means an election to which this order applies;
- (f) "Panchayati Raj Institution" means a Halqa Panchayat or a Block Development Council or any other such institution setup under the Jammu and Kashmir Panchayati Raj Act 1989 and the Rules made thereunder;
- (g) "Paragraph" means a paragraph of this order;
- (h) "Political Party" means an association or body of individual citizens of India registered as a "Political Party" with the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968;
- (i) "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 1950 or the rules made there under or in the Representation of People Act 1951 and Jammu and Kashmir Panchayati Raj Act, 1989 or the Rules made there under shall have the meanings respectively assigned to them in these acts and rules.

3. ALLOTMENT OF SYMBOLS:

4.

6.

In every contested election to a Panchayati Raj Institution, 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.

CLASSIFICATION OF SYMBOLS:

- i. For the purpose of this order symbols are either reserved or free;
- ii. Save as otherwise provided in this order, a reserved symbol is a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that party;
- iii. A free symbol is a symbol other than a reserved symbol, but duly notified by the Election Authority.

5. CLASSIFICATION OF POLITICAL PARTIES:

- 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 either recognized political parties or unrecognized political parties.
- ii. A recognized political party shall either be a National Party or State party. For the purpose of classification of a political party as a:
 - a) Recognized National Party;
 - b) Recognized State Party in Jammu and Kashmir;
- c) Registered (Unrecognized) Political Party; the status accorded by Election Commission of India to the political parties prior to holding of any Election shall form the basis for such categorization.

CHOICE OF SYMBOL BY CANDIDATES OF NATIONAL AND STATE PARTIES AND ALLOTMENT THEREOF:

- A candidate set up by a National Party at an election to a Panchayati Raj Institution in any constituency shall choose and shall be allotted, the symbol reserved for that party and no other symbol.
- ii. A candidate set up by a State Party at an election to a Panchayati Raj Institution in any constituency shall choose and shall be allotted the symbol reserved for that state party in the State and no other symbol.
- iii. A reserved symbol shall not be chosen by or allotted to any candidate in any constituency other than, 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.
- 6A. In the event of conduct of 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. CONCESSION TO CANDIDATES SET UP BY A PARTY RECOGNISED AS STATE PARTY IN ANY OTHER STATE OR UNION TERRITORY:

If a political party which is recognized as a State Party in some other State or States or Union Territory, sets up a candidate at an election in a Constituency in any Panchayati Raj



Institution, which is being held on party basis, then such candidate may, to the exclusion of all other candidates in the said election, be allotted the symbol reserved for that party in the State or States or Union Territory in which it is a recognized State Party, notwithstanding that such symbol is not specified in the list of free symbols for such election, on the fulfillment of each of the following conditions, namely:-

(a) that an application is made to the Election Authority 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 (a), (b), (c), (d) and (e) of paragraph 12; and

(c) that in the opinion of the Election Authority there is no reasonable ground for refusing the application for such allotment.

Provided that nothing contained in this paragraph shall apply to a candidate set up by a State Party at an election in any Constituency where the same symbol is already reserved for some other National or State Party of the Union Territory of Jammu & Kashmir.

CONCESSION TO CANDIDATES SET UP BY UNRECOGNIZED PARTY WHICH WAS A RECOGNIZED NATIONAL OR STATE PARTY IN J&K NOT 8. EARLIER THAN 6 YEARS:

If a Political Party, which is unrecognized at present but was a recognized National or State party in the UT of J&K not earlier than six years from the date of notification of the election, sets up a candidate at an election in a Constituency of Panchayati Raj Institution, which is being held on party basis, then such candidate may, to the exclusion of all other candidates in the said election, be allotted the symbol reserved earlier for that party when it was recognized National or State Party in J&K notwithstanding that such symbol is not specified in the list of free symbols for such election, on the fulfillment of the following conditions, namely:-

(a) that an application is made to the Election Authority 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 the party at the election and that the party has also fulfilled the requirements of clauses (a), (b), (c), (d) and (e) of paragraph 12; and

(c) that in the opinion of Election Authority there is no reasonable ground for refusing

Provided that nothing contained in the paragraph shall apply to a candidate set up by the the application for such allotment. said party at an election in any Panch ward / Block where the same symbol is already reserved for some other National or State Party.

CONCESSION TO THE CANDIDATES SET UP BY A REGISTERED (UNRECOGNIZED) PARTY OR UNRECOGNIZED PARTY WHICH WAS 9. A RECOGNIZED PARTY MORE THAN 6 YEARS BACK:

A candidate set up by a registered unrecognized political party or an unrecognized party which was a recognized party more than 6 years back, at the general election to Panchayat Raj Institution (PRI) of the Union Territory of Jammu and Kashmir, may be



allotted a common symbol, subject to fulfillment of following conditions:-

(i) The party sets up candidates at least in 5% (five percent) of the total Constituencies of the Panchayati Raj Institutions election in the Union Territory of Jammu and Kashmir subject to a minimum of three constituencies in Blocks having forty or less seats.

(ii) In the case of election on expiry of the normal term on the Panchayat Raj Institution (PRI), the intimation with regard to its intention to contest election under sub clause (i) is given by the party to the Election Authority at any time during the period commencing from the date six months prior to the date of expiry of the term of Panchayat Raj Institution (PRI) and least of five clear days before the date on which the notification (or the notifications in the case of phased election) of the election is

(iii) In the case of dissolution of the Panchayat Raj Institution (PRI) 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 Election Authority at any time from the date of dissolution of the Panchayat Raj Institution (PRI) and least by five clear days before the date on which the notification (or the first of the notifications in case of phased election) of the election is scheduled to be issued;

(iv) The party shall give the names of ten symbols, in order of preference to the Election Authority, from out of the list of free symbols notified by the Election Authority

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 Election Authority 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

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

(v) The party also gives an undertaking to Election Authority 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 Election Authority 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 Election Authority least by 5 clear days before the date on which the notification (of first of the notifications in the case of a phased election) of the election is scheduled to be issued.

RESTRICTIONS ON THE CHOICE AND ALLOTMENT OF SYMBOLS:

Once a symbol has been reserved for a candidate 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.

CHOICE OF SYMBOL BY OTHER CANDIDATES AND ALLOTMENT THEREOF:

(1) Any candidate at an election to any Panchayati Raj Institution, other than-

(a) A candidate set up by National Party, or

10.



(b) A candidate set up by a political party which is a State Party, or

(c) A candidate referred in Paragraph, 7, 8 and 9 of this order,

shall choose 3 free symbols, out of the Free Symbols notified under para 13 of this order, giving order of preference and shall be allotted in accordance with the provisions hereafter set out in this paragraph, one of these symbols.

- (2) Where a free symbol has been chosen by only one candidate at such Panchayat Raj Institution elections, the Returning Officer 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.

WHEN A CANDIDATE SHALL BE DEEMED TO BE SET UP BY A POLITICAL PARTY: 12.

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 by the political party 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.

(c) the said notice in Form PEL-B has been 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 authorized by the party to send such notice;

(d) 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. on the last date for making the nominations; and

(e) The Forms PEL-A and PEL-B are signed in ink only, by the said office bearer or the person authorized by the party; Provided that no facsimile signature or signatures by means of rubber stamp, etc. of such office bearer or authorized person shall be accepted and no form

transmitted by fax shall be accepted.

SUBSTITUTION OF A CANDIDATE BY A POLITICAL PARTY:

A political party which has given a notice in Form PEL-B under paragraph 12 in favour of a candidate may rescind that notice and may give a revised notice in Form PEL-B in favour of another candidate for the constituency;

Provided that the revised notice in Form PEL-B, clearly indicating therein that the earlier notice



in Form PEL-B has been rescinded, reached the Returning Officer of the constituency, not later than 3:00PM, on the last date of making nominations, and the said revised notice in Form PEL-B

is signed by the authorized person referred to in clause (d) of paragraph 12; Provided further that in case more than one notice in Form PEL-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 PEL-B that the earlier notice or notices in Form PEL-B, has or have been rescinded, the Returning Officer shall accept the notice in Form PEL-B in respect of the candidate whose nomination paper was first delivered to him, and the remaining candidates in respect of whom also notice or notices in Form PEL-B has or have been received by him, shall not be treated as candidates set up by such political party.

THE ELECTION AUTHORITY SHALL BY ONE OR MORE NOTIFICATIONS IN THE 13.

- (a) List of reserved symbols for National Parties and State Parties in the Union Territory of Jammu and Kashmir.
- (b) List of Free symbols.

POWERS OF THE ELECTION AUTHORITY TO ISSUE INSTRUCTIONS AND 14.

The Election Authority may issue instructions and directions for:

(b) removal of any difficulty which may be noticed or which may arise in relation to the

(c) in relation to any matter with respect to the reservations and allotment of symbols to the political parties, for which this order makes no provision or has insufficient provision, and the provision in the opinion of the election Authority is necessary for the conduct of smooth, orderly and fair elections.

15.

(i) The Panchayat Election Symbols (Reservation and Allocation) Order, 1998 is hereby REPEAL AND SAVING:

(ii) Notwithstanding such repeal, any action taken under the provisions of the aforesaid Order, shall in so far as the same is not inconsistent with the provisions of this Order, be deemed to have been taken under the corresponding provision of this Order.

Sd/-(Shailendra Kumar) IAS **Election Authority** J&K Panchayati Raj Act, 1989 (Chief Electoral Officer, J&K)

Dated:17-03-2020

No: 5202/CEO/Pyt/2020/925-960

- (1) Secretary to Government, Rural Development Department, UT of Jammu and Kashmir, for
- (2) District Panchayat Election Officers, All Districts, for information.
- (3) Director Rural Development, Jammu/Kashmir, for information.
- (4) Deputy Chief Electoral Officers, Jammu/Kashmir, for information.
- (5) All Recognised National and State Political Parties, for information.

Joint Chief Electoral Officer

9

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 Unrecognized Political Party (See Paragraph 12 and 12A of the Jammu and Kashmir Panchayat Elections Symbols (Reservation and Allotment) Order, 2020)

	· · · · · · · · · · · · · · · · · · ·	Allotment) Order, 2020		mpois (Reservation and
)				
1.	The District Panch	ayat Election Officer,		
		(District)		
	•			
2.	The Returning Off			
		Constituency .		
in	ections to the Union	Territory of Jammu s - Authorization of persons to	and Kashmir,	
Sir,				
Name of	which is National n-Recognized Party ection cited above:	py communicate that the followard Party/ State Party in the U to intimate the names of the Name of office held in the Party	candidates prop	osed to be set up by the constituency or respect of which he had
		2		3
1. 2. 3.	1			
		ove mentioned person (s) so a		ven below :-
		nri		
(i)		(ii)	(111)	
2. Specit	nen Signatures of Sh	ıri		
		(ii)	(iii)	



3.	Specin	nen Signatures of Shri					
	(i)	(ii)	(iii)				
			Yours faithfully,				
			President/Secretary Name of the Party				
P	lace		(Seal of the Party)				
	Date						
	than 3 p 2. Form r	This must be delivered to the Returning Officer and the District Panchayat Election Officer not later than 3 p.m. on the last date for making nominations. 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. 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 12 and 12 A of the Jammu and Kashmir Panchayat Elections Symbols (Reservation and Allotment) Order, 2020]

То	1.	The District Pa	anchavat Elec	ction Office	er.	*	
	(District)				***		
	2. The Returning Officer for the Constituency						
				•		nchavati Rai	Institution)
		ons to Union Territory	of Jammu a	nd Kashmi	r, year	riciid an isal	
· ii	ii. The person whose particulars are mentioned in columns (5) to (7) below is substitute are rejected of party, who will step-in in case the nomination papers of the approved candidate are rejected of scrutiny or on withdrawal of nomination by the approved candidate, if the substitute candidate is st a contesting candidate from the constituency at the election mentioned above:					didate is stil	
	Name of the	the approved	Father's/ Mother's/ Husband's name of	Postal address of approved	Name of the substitute candidate who will step-in in case of rejection of the nomination of approved	Father's/ Mother's/ Husband's name of	Postal address of substitute candidate
		candidate	approved candidate	candidate	candidate or withdrawal of nomination by the approved candidate, if however the nomination paper of the substitute candidate has been accepted on scrutiny as an independent candidate and he is still a contesting candidate		Candidate
					5	6	7
	1	2	3	4	3		1.
							-

2. Th	ne notice in Form PEL-B given earlier in favour of Shri/Sm/Sushri_ rty's approved candidate Shri/Smt/Sushri	as as party's
pa su	bstitute candidate is hereby rescinded.	Yours faithfully,
	÷	(Name and Signature of the Authorized Person of the Party)
		(Seal of the Party)
Place Date	the state of the s	
NB.	This must be delivered to the Returning Officer and District Panchayat Ele	ction Officer not later than 3 p.m. on
1.	it a last date for making normalist control mentioned above. It	o facsimile signature or signature by
3.	Form must be signed in ink by the office bearer(s) included in the form must be signed in ink by the office bearer shall be accepted. The means of rubber stamp, etc. of any office bearer shall be accepted. No form transmitted by fix shall be accepted. No form transmitted by fix shall be accepted. Para 2 of the Form must be scored off, if not applicable, or must be proper para 2 of the Form must be scored off, if not applicable, or must be proper.	ly filled, if applicable.
4.	Pala 2 0.	