

Theme 5 - Allotment of Symbols and list of Contesting Candidates

Guidance Plan:

1. This sub-theme will require RO to primarily navigate the **Symbols Order r/w R 5 and 10 of COER 1961**.
2. Notice regarding venue, date and time of allotment of symbol has already been given individually to each candidate at the time of filing nomination. RO has to start the process at the appointed time (which will obviously be after the withdrawal stage – i.e., after 3:00 P.M on the last date for withdrawal of candidature).
3. RO has to ensure that he has the latest/updated notification of ECI, notifying the list of political parties and election symbols. Also, ensure that all orders of ECI regarding concessions under **paras 10, 10A, 10B of Symbols Order** are also available for reference.
4. RO to take special care to avoid wrong allotment of symbol. In terms of previous data, the most likely vulnerability comes w.r.t allotment outside the notified list; reserved symbols being allotted to non-entitled candidates; repeat allotment of free symbol to more than one candidate etc.
5. This domain primarily led by ECI and the periodic orders that are passed which must be carefully monitored by the RO. RO's domain on allotment of symbols is a residual domain focussing on last mile allotment of free symbols to independent candidates and candidates of RUPP, who are not covered under the common symbol allotted by ECI (para 10B).
6. Any wrong allotment can only be corrected by ECI under **R 10 COER, 1961**
7. Publication of list of contesting candidates – its format and language and follow-up actions are governed by **S 38 RPA 1951, R 10 COER 1961, and ECI directions**
8. RO must take note of **R 10(5) COER 1961**, whereby error regarding allotment of symbol can only be rectified by ECI.
9. RO must be clear that this list of contesting candidates (7A) and the particulars therein like name, address, etc. form the 'single source of reference' for the entire poll process and will also populate the relevant IT platforms of ECI.

Timing and listing of background steps already covered:

1. The allotment of symbols is taken up after the stage of withdrawal of candidature and before the preparation of list of contesting candidates in **Form 7A**. It maybe recalled that the nomination paper requires the candidate to make a request regarding the symbol to be allotted to him/her. **Form A & B**, for party candidates is required to be filed with the nomination paper or upto 3:00 PM on last date of filing nomination
2. At the stage of filing nomination, RO is required to give notice to each candidate regarding date, time and venue of allotment of symbol (ECI Instruction)
3. The RO is required to prepare for this event which will be governed by the **Symbols Order 1968** – which this presentation will explain in detail
4. RO may note that this is the penultimate step to the stage of publishing list of contesting candidates in **Form 7A**, which in turn becomes the basis of generation of Ballot Paper, Postal ballot paper, ETPBS, IT Platform and Apps pertaining to candidates etc.
5. Hence, need for zero-error.

Legal Framework - Apex Court Rulings

- ❖ “The importance of the symbols to our system of elections needs no exaggeration. Symbols are its very soul & without them the exercise of franchise by the majority of our citizens would be impossible. No doubt elections are fought on party lines, but even if there is a plebiscite between parties, the symbols play a key role In fact the voters are asked to vote for this symbol or that symbol....”

Samyukta Socialist Party V/S ECI & Ors; (AIR 1967 SC 898)

- ❖ Some more observations in.....
 - **Sadiq Ali and Anr v/s ECI and ors. (AIR 1972 SC -187)**
 - **Kanhiya Lal Omar v/s RK Trivedi & ors.(AIR 1986 SC - 111)**

Legal framework - R 5 & R 10 of COER 1961, r/w Symbols Order, 1968

Framework for allotment of Symbols by the RO to candidates of National Recognized parties; State Recognized Parties; RUPP and Independent candidates

- Symbols are classified as Reserved Symbols and Free Symbols (para 5 of Symbols Order)
- Free Symbols are also allotted as Common Symbols for Candidates of RUPP, in defined circumstances (para 10 B of Symbols Order)

NB 1: It is essential to refer to the updated list of National Recognized Parties, State Recognized Parties and RUPPs, as notified by the ECI under para 17 of the Symbols Order

NB 2: Common Symbol may be allotted to Candidates of RUPP by ECI on application made by such Parties under para 10B of symbols order

NB 3: Concession of allotment of Reserved Symbol of State parties to their Candidates in a different State may be made by ECI on application made under para 10 of Symbols Order

NB 4: Allotment of Symbols to other Candidates, from the rest of the available Free Symbols, are made by the RO in terms of procedure laid down in para 12 of Symbols Order

Applicability

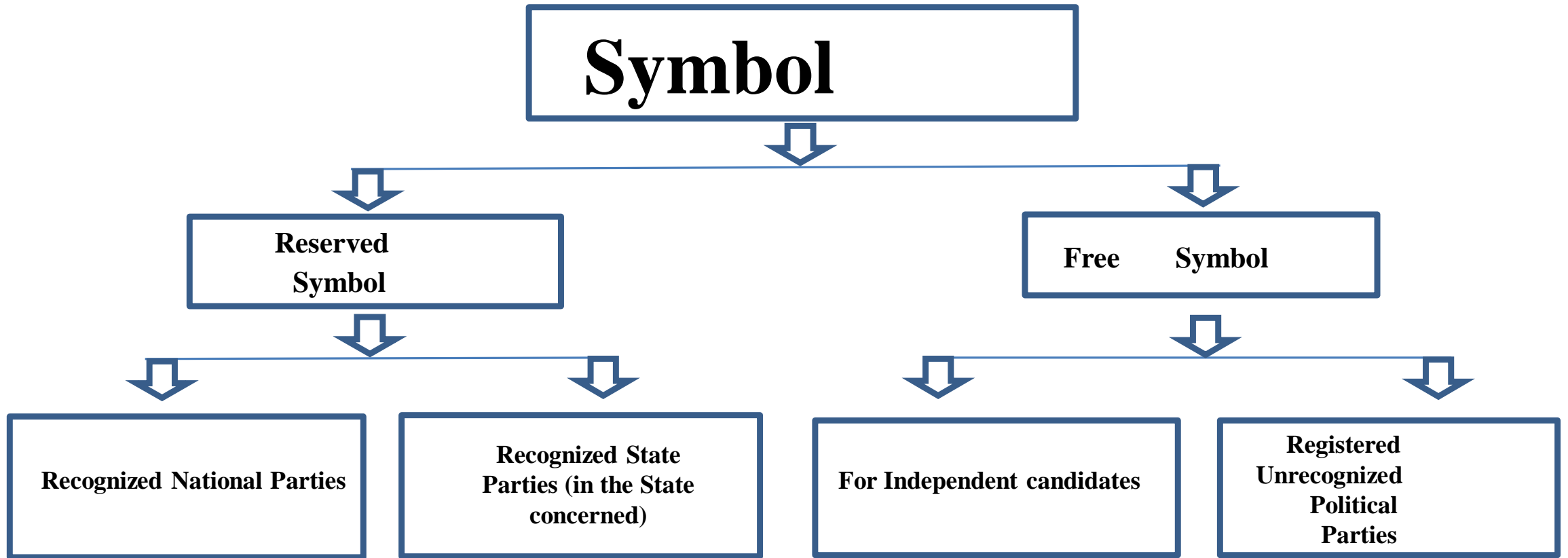
Election symbols (Reservation & Allotment) Order, 1968. (1 to 18 paras)

- Symbol Order is applicable only in Lok Sabha & Assembly Elections.
- Not applicable in election to the council & election to the council of States & States Legislative councils.

Matters governed by **Election Symbols Order 1968**

- Prior to **Aug 1968**, there was no certified set of guidelines governing allotment of election symbols to candidates
- ECI felt it appropriate to lay down comprehensive guidelines in this regard and accordingly issued the **ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER, 1968**
- Constitutional validity of the Symbols Order was upheld by the Apex Court in **Kanhiya Lal Omar vs R.K. Trivedi & Ors (AIR 1986 SC 111)**
- Symbols Order deals with Recognition of Political Parties as National and State Parties, allotment of Reserved Symbols for Recognized Parties, allotment of election symbol to candidates of Registered Unrecognized Political Parties(RUPPs) and independent candidates (**para 8, 10, 10A, 10B, 12**). It also lays down the conditions to be fulfilled for treating a candidate as candidate of a political party (**para 13 & 13A**)

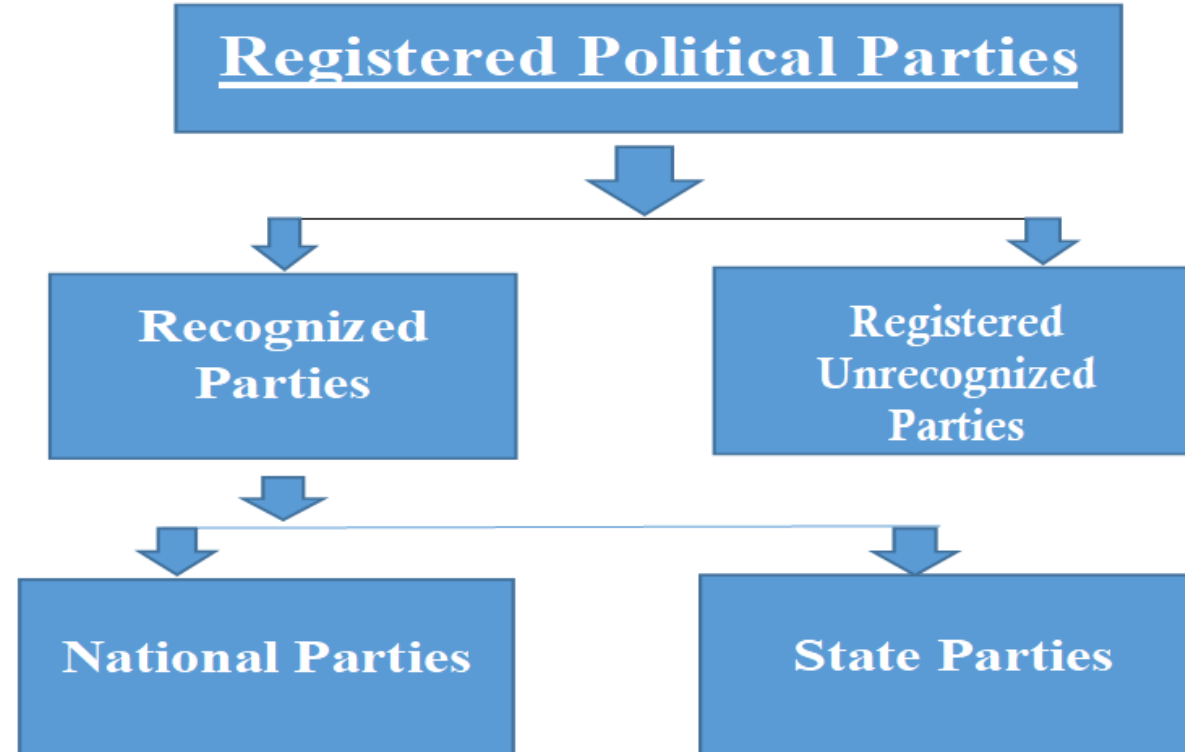
Classification of Symbols (Para - 5)



Classification of Political Parties

(Para 6,7)

The Symbol order classifies registered parties into 2 Categories, namely



Checklist for Symbol Allotment

1. Refer to the latest notification of Political Parties and Election Symbols issued by ECI
2. Obtain the updated copy from the CEO office as soon as election is announced.
3. Collect all orders of ECI regarding concession to recognized State parties of other States to use their Reserved Symbol (para 10), orders regarding concession under para 10A and concession to RUPP regarding common symbol for their candidates (para 10B)

Contd...

Checklist for Symbol Allotment – contd.

4. Allot reserved symbol to the candidate of the recognised party concerned only, and not to any other candidate
5. Consider the choice of a symbol made by a candidate (*Other than recognized - state or national - political party*) in his/her first nomination paper only, even if that nomination paper is rejected.
6. Distinct symbol shall be allotted to each candidate contesting election.

Para 8 (1) - Choice of symbols: National and State Parties

- A candidate set up by a National Party - shall be allotted, the symbol reserved for that party and no other symbol.
- A candidate set up by a State Party at an election in a State in which such party is a State Party - shall be allotted the symbol reserved for that Party in that State and no other symbol

NB: A Reserved Symbol shall NOT be allotted to any candidate other than a candidate duly setup by the Recognized party for which that symbol is reserved.

Para 9 - Use of Symbols

- **Para 9** - A symbol reserved for a State Party in any State
 - shall not be used as a free symbol in any other state
 - shall not be reserved for any other party
- **Para 10 - Concession: Candidates set up by State Parties in other States – to be decided by ECI**
 - The candidates setup by a State Political Party of another State may be allotted the symbol reserved for that party in the State in which it is a recognised State Party, if and only if the ECI has ordered such allotment under **para 10**.

NB: Please note that all requirements of para 13 (regarding setting up of candidates) should be duly complied with by the Party and candidates.

Para 10A – Concession: Candidates set up by Unrecognised Party which was earlier a National / State Party - to be decided by ECI

- On an application made by a party which is presently RUPP, but was a recognized party at anytime in the last 6 years, ECI may order allotment of the erstwhile Reserved Symbol of the party to its candidates (**para 10A Symbols Order**).
- Candidate duly setup by such party can be allotted the symbol reserved earlier for that party when it was recognized National /State party only if the ECI has passed order to that effect

Allotment of common symbol for candidates of RUPP

Para 10B:
Concession to candidates set up by registered (unrecognized) parties & to unrecognized parties which were earlier recognized more than 06 years back

Commission may allow any RUPP to use a common symbol (*if it fulfills certain conditions*) from the list of free symbols for prescribed constituencies, in terms of **para 10B**. Party has to submit application to ECI for this purpose.

Some important conditions : (in case of ACs)

- 1) That the party will set up its candidates at least in 5% ACs subject to a minimum of 3ACs in case of states having 40 or less ACs.
- 2) That the party will give an undertaking that in case if it fails to adhere to above condition, its candidates shall not be entitled for such common symbol & in addition to that the party shall be liable for such punitive actions as ECI may consider appropriate.
- 3) The party will submit the list to ECI, containing serial numbers & names of the constituencies where it intends to set up its candidates within prescribed time limit.

NB 1: The symbol allotted as common symbol to a RUPP will be available to other candidates in other constituencies

NB 2: Even in constituencies when a common symbol is allocated by ECI to candidates of an RUPP, if that RUPP has no candidate, other candidates who may have opted for that symbol may be allotted that symbol

Common Symbol in Lok Sabha Election

Para 10B:
Concession to candidates set up by registered (unrecognized) parties & to unrecognized parties which were earlier recognized more than 06 years back

Some important conditions : (in case of PCs)

- 1) That the party will set up its candidates at least in 02 PCs in the state (where that state have 02 or > 02 PCs) in which it seeks such concession.
- 2) That the party will give an undertaking that in case if it fails to adhere to above condition, its candidates shall not be entitled for such common symbol & in addition to that the party shall be liable for such punitive actions as ECI may consider appropriate.
- 3) The party will submit the list to ECI, containing serial numbers & names of the constituencies where it intends to set up its candidates in prescribed time limit.

Sample Q&A

Which symbol will be allotted in the following cases?

1. to a candidate of a recognized national party?
2. to a candidate of a recognized state party?
3. to a candidate of RUPP?
4. A free symbol is chosen by only one candidate. (Other than recognized party)
5. If a free symbol is chosen by more than one candidate.

Allotment : Different Scenario

4 if a free symbol is chosen by more than one candidate.

Different Scenario (Para-12 of Allotment order) - contd

1. to Candidate of a recognized national party
2. to Candidate of a recognized state party
3. A free symbol is chosen by only one candidate. (Other than recognized party)

- **Only reserved Symbol of that national party**
- **Only reserved Symbol of that state party**
- **Allot him/her only. (and NOT to any other candidate)**

(Contd...)

Different Scenario (Para-12 of Allotment order) - contd

4. A free symbol is chosen by more than one candidate

- a) Allot to a candidate of a *registered-unrecognized* party (if the other candidates are all independents)
- b) If more than one candidate of RUPP choose the same symbol, and if one of them was a "*sitting member*" of the concerned house immediately before such election, allot the symbol to that candidate (*Plz see clause (b) of sub-para (3) of para 12*)

(Contd...)

Different Scenario (Para-12 of Allotment order) - contd

4. A free symbol is chosen by more than one candidate

- c) if no such candidate of RUPP was a sitting member of the concerned house, allot the symbol by lot amongst those candidates
- d) If all the candidates choosing the symbol are independents, and if one of them was a sitting member of the concerned house immediately before such elections, and was allotted that free symbol in the last election, then the free symbol shall be allotted to that particular candidate. *(Contd...)*

Different Scenario (Para-12 of Allotment order) - contd

4. A free symbol is chosen by more than one candidate

e) If all such candidates are independents & no one was a sitting member immediately before such elections, allot the symbol by draw of lots amongst them

(Contd...)

Different Scenario *(Para-12 of Allotment order) - contd*

- 5. If you receive 2 different notices in Form B for 2 candidates of the same recognized party which does not state that the earlier notice/s have been rescinded...**

Different Scenario (Para-12 of Allotment order) - contd

5. If you receive 2 different notices in **Form B** for 2 candidates of the same recognized party which does not state that the earlier notice/s have been rescinded...

- **Allot the reserved symbol of that party to a candidate whose NOMINATION PAPER (and NOT **FORM-B**) was first submitted to you.**

(Contd...)

Allotment : Different Scenario - contd

6. If a candidate had not made a declaration in any of his/her nomination paper that he has been set up by a particular recognized political party... §

If that party gives you intimation in Form **A and Form B...**

Allotment : Different Scenario - contd

6. If a candidate had not made a declaration in any of his/her nomination paper that he has been set up by a particular recognized political party... §

If that party gives you intimation in Form **A and Form B...**

- You should **NOT** allot the reserved symbol of that political party to that candidate.

(Contd...)

Allotment : Different Scenario – contd.

Paragraph 10: Concession to candidates set up by a State party at elections in other states or UTs

- Such candidate can be allotted the symbol reserved for that party in the state /states in which it is recognized state party, if and only if there is an order of ECI for such allotment under para 10

Paragraph 10A: Concession to candidates set up by an unrecognized party which was earlier recognized as a National or State party during the last 6 years

- Such candidate can be allotted the symbol reserved earlier for that party when it was recognized party, if and only if there is an order of ECI for such allotment under **para 10A**

(Contd...)

(in both the cases above, commission's specific direction under respective para is must)

Allotment : Different Scenario – contd.

**Paragraph 10B:
Concession to
candidates set up by
registered
(unrecognized) parties
& to unrecognized
parties which were
earlier recognized
more than 06 years
back**

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In such cases :

- 1) That symbol will be allotted to candidates of RUPP concerned in those constituencies
- 2) That symbol will be free symbol in other constituencies

That symbol will be considered a free symbol even if it is allotted to a particular party, in case.....

A) If such party fails to setup its candidate in that/those constituencies

B) If nomination of its candidate is rejected or the candidate withdraws

c) If such party fails to adhere to the conditions laid down in above paras.

(Pls refer sub-paras (1 & 5) of clauses (A) & (B) of para 10B)

(Contd...)

Different Scenario (Para-10B of Allotment order) - contd

Looking to the provisions discussed in previous slides for the concession in **Para 10B**, RO may take care of certain important points like

- a) To intimate the CEO's office on last date of nomination whether the party has setup its candidate or not, as per the list provided by ECI. (That will help to ascertain the minimum number of candidates of that party)
- b) If it is ascertained that such party fails to attain the minimum criteria, the Commission may direct not to allot the common symbol to the candidates of that party at the time of allotment of symbols & punitive actions may also be initiated by the Commission against such party.
- c) Provision (b) above doesn't prevent the RO to allot that symbol, if other conditions are fulfilled, to the **sitting member of the same house** even if he is setup by the party discussed above.

!! INCORRECT ALLOTMENT !! – contd.

**The allotment made
by RO is final**

EXCEPT.....

It is inconsistent with
provisions of Symbols order
or any direction issued by ECI
in that behalf.

(R. 10 (5), COER 1961)

!! INCORRECT ALLOTMENT !! – contd.

**Commission's
authority to revise
incorrect allotment**

(R 10 (5) COER 1961)

In such case....

- a) The list of contesting candidates should be revised accordingly.
- b) If the earlier list has already been published, such revised list should again be published.
- c) Copies of such revised list should be furnished to each contesting candidate.

Para 13 – When a candidate shall be deemed to be set up by a Political Party

- If the candidate has made the declaration to this effect in his nomination paper.
- A notice by the political party, in writing, in **Form B** not later than 3 pm on the last date for making nominations.
- The said 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 has been duly authorised by the party to send such notice.

(Contd...)

Para 13 – When a candidate shall be deemed to be set up by a Political Party

- The name & specimen signature of such authorized person is communicated by the party in Form A to the RO of the constituency & the CEO of the state.
- Forms A and B are signed, in ink only, by the said office bearer or person authorised by the party.
- Email, photocopies, fax copies, Facsimile signatures are not acceptable

(Contd...)

FORM A

Communication with regard to Authorised Persons to intimate names of Candidates set up by recognised NATIONAL OR STATE Political party or REGISTERED UN-RECOGNISED political party.

(See paragraph 13(c), (d) and (e) of the Election Symbols
(Reservation and Allotment) Order, 1968.)

To

1. The Chief Electoral Officer,
.....(State/Union Territory).
2. The Returning Officer for the
.....Constituency.

Subject:- General Elections to from (State/Union Territory) – Allotment of Symbols – Authorisation of persons to intimate names of candidates.

Sir,

In pursuance of paragraph 13 (c), (d) and (e) of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby communicate that the following person (s) has/have been authorised by the party, which is National Party/State Party in the State of/Registered Un-recognised Party to intimate the names of the candidates proposed to be set up by the party at the election cited above.

Name of person authorized to send notice	Name of office held in the party	District(s)/area (s) constituency/ constituencies in respect of which he has been authorized.
1	2	3
1.		
2.		
3.		

2. The specimen signatures of the above mentioned person (s) so authorised 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)

Place
Date

Yours faithfully,
President/Secretary Name of the Party
(Seal of the Party)

(Contd...)

FORM B

TO NAME OF CANDIDATE SET UP BY THE POLITICAL PARTY [SEE PARAGRAPHS 13(B), (C) AND (E) AND 13A OF THE ELECTION SYMBOLS (RESERVATION AND ALLOTMENT) ORDER 1968]

To
The Returning Officer for the
.....Constituency.

Subject:- General/bye Election to from (Name of the Constituency)
in.....(State/Union Territory) – setting up of candidate.

Sir,
In pursuance of paragraphs 13 (b), (c) and (e) and 13A of the Election Symbols (Reservation and Allotment) Order, 1968, I hereby give notice on behalf of _____(party)
(i) that the person whose particulars are furnished in columns (2) to (4) below is the approved candidate of the party above named, and
(ii) the person whose particulars are mentioned in columns (5) to(7) below is the substitute candidate of the party, who will step-in on the approved candidate's nomination being rejected on scrutiny or on his withdrawing from the contest, if the substitute candidate is still a contesting candidate,

at the ensuing general/bye election from this constituency :

Name of the Constituency	Name of the approved candidate	Father's/ Mother's/ Husband's name of approved candidate	Postal address of approved candidate	Name of the Substitute candidate who will step-in (i) on the approved candidate's nomination being rejected on scrutiny, or (ii) on his (approved candidate) withdrawing from the contest if, however, the nomination paper of substitute candidate is accepted on scrutiny as an independent candidate and, he is still a contesting candidate	Father's/ Mother's/ Husband's name of substitute candidate	Postal address of substitute candidate
1	2	NLMT WORKSHOP :	25/04/2023	5	6	7

*2. The notice in Form 'B' given earlier in favour of Shri/Smt./Sushri..... party's approved candidate/Shri/Smt./ Sushrias Party's substitute candidate is hereby rescinded.

3. It is certified that each of the candidates whose name is mentioned above is a member of this political party and his name is duly borne on the rolls of members of this party.

Yours faithfully,

(Name and Signature of the
Authorised person of the Party)

(Seal of the Party)
(Seal of the Party)

Place

Date

* Score off, if not applicable.

N.B.

1. This must be delivered to the Returning 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.

4. Para 2 of the Form must be scored off, if not applicable, or must be properly filled, if applicable.

Para 13A – Substitution of a candidate by a Political Party

- A political party which has given notice in **Form B** in favour of a candidate, may rescind that notice & may give a revised notice in **Form B** in favour of another candidate for the constituency.
- Such revised notice in **Form B** should clearly state that earlier notice in favour of a candidate has been rescinded.
- RO is satisfied with genuineness of revised notice.

(Contd...)

Para 13A – Substitution of a candidate by a Political Party

- The candidate in whose favour the revised notice has been given has made a declaration in his nomination paper that he has been set up by the said political party.
- If in the notice, the party does not state that earlier notice has been rescinded, then the notice of candidate whose nomination paper was first submitted to RO shall be accepted and remaining candidate shall not be treated as candidate set up by the party.

Allotment of symbols - SUMMARY

- *Allotment of Symbols starts, once the Withdrawal Process is completed*
- *The nomination paper requires the candidate to make a claim for a symbol*
- **Ascertain that the list of Symbols is latest**
- *Mainly 02 types of Symbols – Free Symbols & Reserved Symbols*
- *Mainly 02 categories of parties – 1. Recognised 2. Registered Unrecognised*
- *Study carefully **Form A & B** – mock practice to fill it up will help you a lot*
- *Advisable to refer to **paras (especially) 08 to 13A** as often as you can*
- *Give a copy of allotted Symbol to the candidate*
- *Allotment of Symbols by RO is final (except inconsistent with the provisions)*
- *Faulty allotment attracts revision by ECI (Not expected from a good RO)*

007 – Roopnagar A.C.**!! CASE STUDY !!**

- contd.

Status Of candidates in 2019 elections			Elections 2024 (Status)	Symbols demanded in 2024 elections	RO's decision
Candidate - A (<i>Recognised Party</i>)	(<i>Reserved Symbol</i>)	Sitting member	Independent	Air conditioner, Umbrella, Pen	Draw*
Candidate-B (<i>RUPP</i>)	(<i>Candle</i>)	Sitting member	Independent	Air conditioner, Umbrella, Pen	Draw *
Independent-C	<i>Match Box</i>	Sitting member	RUPP	Air conditioner, Umbrella, Pen	Air conditioner
Independent-D	<i>Candle</i>	Sitting member	Independent	Air conditioner, Umbrella, Pen	Draw *
Independent-E	<i>Umbrella</i>	Not a Sitting member	Independent	Umbrella, Pen, Air conditioner, (<i>Contd...</i>)	Umbrella

CASE STUDY - - contd.

Draw of lot between candidates A, B & D. In result of the draw, only one candidate will be allotted the symbol **PEN .*

Then remaining two candidates will be allotted symbols by RO from the list of available free symbols.

List of contesting candidates – S 38 RPA 1951, R 10, Form 7A, COER 1961

Preparation of 7A – language – modifications in name of candidates:

- RO to prepare list of contesting candidates in **Form 7A** immediately after completing allotment of symbols.
- Language(s) in which list in **Form 7A** is to be prepared have been specified by the Directions issued by ECI under **R 10(1) COER, 1961**. Please refer to the **Direction no.3/4/2008/JS-II/SDR, dated 16/09/2008 (for LA elections)** and **Direction no.3/4/2008/JS-II/SDR, dated 06/02/2009 (for LS elections)**. These are reproduced in RO Handbook.
- Proviso to **R 8(2) COER 1961**, allows a candidate to request for modification in his/her name, if the name is incorrectly spelt/shown in the nomination paper or is different from the name by which the candidate is popularly known. Such request can only be made before preparation of list in **Form 7A**
- If RO is satisfied that the requested is genuine, RO shall allow the modification before preparing list in **Form 7A**.

Contd...

of contesting candidates – arrangement of names - S 38 RPA 1951, R 10,

Form 7A, COER 1961 – contd.

Order of arrangement of names & particulars to be entered:

- Names of candidates to be classified in 3 categories – (i) candidates of Recognized National/State parties, (ii) candidates of RUPP (which will include State parties of other States) and (iii) the independent candidates
- Within each group, names of candidates to be arranged in alphabetical order
- If **Form 7A** is to be prepared in more than one language (as specified in **ECI Direction**), the script of the language first specified in the Direction is to be followed for deciding the alphabetical order of arrangement
- RO to ensure that all particulars such as name of candidate, address, party affiliation (in case of party candidate), symbol allotted are all correctly reflected in **Form 7A**. Incorrect particulars will have serious consequences.
- Photograph of candidate is also to be printed against the name of the candidate
- NOTA is not to be mentioned in **Form 7A**

Contd...

contesting candidates – publishing- **S 38 RPA 1951, R 10, Form 7A, COEN** **1961**

Publishing the list of contesting candidates in **Form 7A:**

- List in **Form 7A** is the first document prepared by RO to be published in the Gazette
- Immediately after **Form 7A** is drawn, RO shall give a copy to each of the contesting candidates and affix a copy on his notice board
- In the case of LA election, **Form 7A** is required to be published in the official Gazette of the State/UT (as per the format of **Annexure 17 or 18** of RO Handbook Aug. 2023)
- In the case of LS election, **Form 7A** is required to be published in the GOI Gazette and republished in the State/UT Gazette. (as per the format of **Annexure 17 or 18** of RO Handbook Aug. 2023)
- RO shall send copies of **Form 7A** to ECI and CEO as soon as possible.
- CEO shall arrange publishing in State/UT Gazette
- For LS election, ECI will arrange publishing in the Central Gazette



THANK YOU