

Registration of Political Parties

Q.1. Is it necessary for an association to get registered by the Election Commission?

Ans. No

It is not necessary for every association to get registered by the Election Commission. Only an association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of Part-IV-A of the Representation of the People Act, 1951, (relating to registration of political parties) is required to get itself registered with the Election Commission of India.

Q.2. What are the benefits of registration with the Election Commission of India?

Ans. The candidates set up by a political party registered with the Election Commission of India will get preference in the matter of allotment of free symbols vis-à-vis purely independent candidates. Further, registered political parties, in course of time, can get recognition as 'State Party' or National Party' subject to the fulfillment of the conditions prescribed by the Commission in the Election Symbols (Reservation and Allotment) Order, 1968, as amended from time to time. If a party is recognised as a State Party', it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it in the State of States in which it is so recognised, and if a party is recognised as a 'National Party' it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it throughout India. Recognised 'State' and 'National' parties need only one proposer for filing the nomination and are also entitled for two sets of electoral rolls free of cost and broadcast/telecast facilities over Akashvani/Doordarshan during general elections.

Q.3. What is the procedure for registration?

Ans. An application for registration is to be submitted to the Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001 in the proforma prescribed by the Commission. The Proforma is available on request by post or across the counter from the office of the Commission. The proforma and necessary guidelines are also available on the Commission's website under the main heading Judicial References, sub-heading Political Party and sub-sub-heading Registration of Political Parties. The same can be downloaded from there also. The application should be neatly typed on the party's letter head, if any, and it should be sent by registered post or presented personally to the Secretary to the Election Commission within thirty days following the date of formation of the party.

2. The application must be accompanied by the following documents/information:-

(i) A demand draft for Rs. 10,000/- (Rupees Ten Thousand Only) on account of processing fee drawn in favour of Under Secretary, Election Commission of India, New Delhi. The processing fee is non-refundable.

(ii) A neatly typed/printed copy of the memorandum/rules and regulations/Constitution of the Party containing a specific provision as required under sub-section (5) of Section 29A of the Representation of the People Act, 1951 in the exact terms, which reads "----- (name of the party) shall bear true faith and allegiance to the constitution of India as by law established, and to the principles of socialism, secularism and democracy and would uphold the sovereignty, unity and integrity of India". The above mandatory provision must be included in the text of party constitution/rules and regulations/memorandum itself as one of the Articles/clauses.

(iii) The copy of the party Constitution should be duly authenticated on each page by the General Secretary/President/Chairman of the Party and the seal of the signatory should be affixed thereon.

(iv) There should be a specific provision in the Constitution/rules and regulations/memorandum of the party regarding organizational elections at different levels and the periodicity of such elections and terms of office of the office-bearers of the party.

(v) The procedure to be adopted in the case of merger/dissolution should be specifically provided in the Constitution/rules and regulations/memorandum.

(vi) Certified extracts from the latest electoral rolls in respect of at least 100 members of the party (including all office-bearers/members of main decision-making organs like Executive Committee/Executive Council) to show that they are registered electors.

(vii) An affidavit duly signed by the President/General Secretary of the party and sworn before a First Class Magistrate/Oath Commissioner/ Notary Public to the effect that no member of the party is a member of any other political party registered with the Commission.

(viii) Individual affidavits from at least 100 members of the party to the effect that the said member is a registered elector and that he is not a member of any other political party registered with the Commission duly sworn before a First Class Magistrate/Oath Commissioner/Notary Public. These affidavits shall be in addition to the furnishing of certified extracts of electoral rolls in respect of the 100 members of the applicant party mentioned at (vi) above.

(ix) Particulars of Bank accounts and Permanent Account Number, if any, in the name of the party.

(x) Duly completed CHECK LIST alongwith requisite documents prescribed therein.

3. The application along with all the required documents mentioned above should reach the Secretary to the Commission within 30 days following the date of formation of the party.

4. Any application made after the said period will be time-barred.

Q.4. What are the criteria for recognition of a party?

Ans. A political party shall be treated as a recognised political party in a State, if and only if either the conditions specified in Clause (A) are, or the condition specified in Clause (B) is, fulfilled by that party and not otherwise, that is to say-

(A) that such party –

has been engaged in political activity for a continuous period of five years; and has, at the last general election in that State to the House of the People, or, as the case may be, to the Legislative Assembly of the State, returned-

either (i) at least one member to the House of the People for every twenty-five members of that House or any fraction of that number from that State;

or (ii) at least one member to the Legislative Assembly of that State for every thirty members of that Assembly or any fraction of that number;

(B) that the total number of valid votes polled by all the contesting candidates set up by such party at the last general election in the State to the House of the People, or as the case may be, to the Legislative Assembly of the State, is not less than six per cent of the total number of valid votes polled by all the contesting candidates at such general election in the State.

2. The conditions in Clause (A) or Clause (B) above shall not be deemed to have been fulfilled by a political party, if a member of the House of the People or the Legislative Assembly of the State becomes a member of that political party after his election to that House or, as the case may be, that Assembly.

3. 'State' includes the National Capital Territory of Delhi and the Union Territory of Pondicherry.

4. If a political party is treated as a recognised political party in four or more States, it shall be known as a 'National Party' throughout the whole of India, but only so long as that political party continues to fulfill thereafter the conditions for recognition in four or more States on the results of any subsequent general election either to the House of the People or to the Legislative Assembly of any State.

5. If a political party is treated as a recognised political party in less than four States, it should be known as a 'State Party' in the State or States in which it is so recognised, but only so long as that political party continues to fulfill thereafter the conditions for recognition on the results of any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State, in the said State or States.