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ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Deihi—110 001

No. 56/99/Judl.III

Dated: 20th May, 1999.
30 Vaisaka, 1921 (Saka)

NOTIFICATION

In exercise of the powers conferred by Article 324 of the Constitution of India read with 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 to further amend the Election Symbols (Reservation and Allotment) Order, 1968, namely ;—

1. SHORT TITLE AND COMMENCEMENT :—

(1) This order may be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 1999.

(2) It shall come into force on the date of its publication in the Gazette of India.

(2) SUBSTITUTION OF PARAGRAPH 13 :—

In the Election Symbols (Reservation and Allotment) Order, 1968 [hereinafter referred to as the 'Principal Order'], for paragraph 13, the following paragraph shall be substituted, namely :—

“ 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.
- (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 Chief Electoral Officer of the State, 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.”

3. INSERTION OF NEW PARAGRAPH 13 A :—

In the principal Order, after paragraph 13, the following paragraph shall be inserted, namely :—

“13 A. 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.”.

4. SUBSTITUTION OF FORM B

In the principal Order, for Form B, the following Form B shall be substituted, namely :—

“FORM B

Notice as 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:

1	2	3	4	5	6	7	

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Party's substitute candidate is hereby rescinded.

Yours faithfully,

(Name and Signature of the
Authorised person 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 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."

By Order,

Sd/-

K.J. Rao,
SECRETARY.