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भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Date: 13th April, 2023

To

All State Election Commissioners.

Sub: - Recognition/De-recognition of 13 parties vide Commission's Orders dated 10.04.2023 -regarding.

Sir,

I am directed to forward herewith the Commission's thirteen (13) Orders dated 10.04.2023, wherein the recognition status of the following political parties have been amended:

1. All India Trinamool Congress
2. Nationalist Congress Party
3. Communist Party of India
4. Aam Aadmi Party
5. Tipra Motha Party
6. Voice Of The People Party
7. Lok Janshakti Party (Ram Vilas)
8. Pattali Makkal Katchi
9. Rashtriya Lok Dal
10. Revolutionary Socialist Party
11. Bharat Rashtra Samithi
12. People Democratic Alliance
13. Mizoram People's Conference

Yours faithfully,


(Manish Kumar)
Under Secretary

Intercom – 487, Ph.no -011- 23052008

Date: 17 APR 2023
No. 194
ADD: CEO
CEO(MM)/ITCEO(KRRS)/DYCEO(VT)/
DNCRA(VN)/DDFACLO(BV)/ACEO(SA)/
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Kiran - urgently
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भारत निर्वाचन आयोग
Election Commission of India

F.No. 56/Review/2022/PPS-II

निर्वाचन सदन
NIRVACHAN SADAN
अशोक रोड, नई दिल्ली - 110 001
ASHOKA ROAD, NEW DELHI-110 001
Dated: 10th April, 2023

Subject- Aam Aadmi Party- Grant of recognition as National Party.

ORDER

The 'Aam Aadmi Party' (hereinafter referred to as 'the Party') has been State recognised Party in the NCT of Delhi (recognised on 20.12.2013 on the basis of poll performance in General Election to the Legislative Assembly in the NCT of Delhi, 2013), Punjab (recognised on 26.05.2014 on the basis of poll performance in General Election to the House of People in the state of Punjab, 2014) and Goa (recognised on 04.08.2022 on the basis of poll performance in General Election to the Legislative Assembly in the state of Goa, 2022) with the symbol "Broom" reserved for it in the said States under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order').

2. The recognition of political parties as State Party or National Party is governed by the provisions of Paragraphs 6A and 6B of the Symbols Order. For facility of reference, the said Paragraphs 6A and 6B are reproduced below: -

"6A. Conditions for recognition as a State Party - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled:

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid

votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

(iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

(iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State;] or

(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

6B. Conditions for recognition as a National Party - A political party shall be eligible to be recognized as National party, if, and only if, any of the following conditions is fulfilled:

(i) The candidates set up by the party, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in each of those States at that general election; and, in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States; or

(ii) At the last general election to the House of the People, the party has won at least two percent of the total number of seats in the House of the People, any fraction exceeding half being counted as one; and the party's candidates have been elected to that House from not less than three States; or

(iii) The party is recognized as State party in at least four States.

3. In pursuance of the provisions of the above referred Paragraphs 6A and 6B of the Symbols Order, the poll performance of political parties at every general election to the

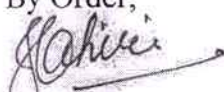
House of the People and to the State Legislative Assembly, is reviewed by the Commission with reference to the criteria for recognition as laid down in the said Paragraphs 6A and 6B.

4. Review of poll performance of the Aam Aadmi Party in the general election to the Legislative Assembly of Gujarat, 2022 shows that the candidates set up by the Party have polled 12.92% of the valid votes polled in the said general election, and in addition, the Party has won five out of the one hundred eighty-two seats in the Legislative Assembly.

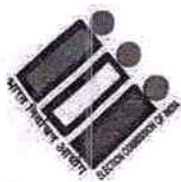
5. It is seen from the above poll performance of the party that it has fulfilled the requirements for recognition as State Party in the State of Gujarat, as laid down in Paragraph 6A(i) {6% of total valid votes in Legislative Assembly and 2 seats in Legislative Assembly}, 6A(iii) {3% of total seats in Legislative Assembly or at least 3 seats in the Legislative Assembly, whichever is more} and 6A(v) {8% of total valid votes polled in Legislative Assembly in the state}. Thus, the party has become eligible for recognition as State party in the State of Gujarat. Accordingly, the Commission has recognized the Party as State Party in the State of Gujarat.

6. The party is already a recognized state party in the States of Punjab, Goa and in NCT of Delhi. As per Para 2(i) of the Symbols Order, "State" includes NCT of Delhi. After its recognition as State party in Gujarat, the Party has become a recognized State party in four States i.e. Delhi, Punjab, Goa and Gujarat. Thus, the Party has fulfilled the eligibility condition for granting recognition as National Party under Paragraph 6B (iii) of the Symbols Order {the party is recognized as State party in at least four States}.

7. Accordingly, the Commission has granted recognition to 'Aam Aadmi Party' as a National Party with its reserved symbol 'Broom'.

By Order,

(Jaydeb Lahiri)
Secretary

The Convener,
Aam Aadmi Party,
206, Rause Avenue, DDU Marg,
New Delhi - 110002.



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of national party and status of state party in Arunachal Pradesh and Manipur of the All India Trinamool Congress under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. Whereas, All India Trinamool Congress (hereinafter referred to as "the Party"), was for the first time recognized as a National Party by order dated 02.09.2016. This recognition by the Commission flowed directly from an amendment dated 22.08.2016 to the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'). The said amendment replaced the erstwhile Para 6C and inserted a new Para 6C to the Symbols Order and its Short Title and Commencement itself provided in Para 1(ii) that "It shall be deemed to have come into force with effect from 1st January, 2014 and shall always be deemed to have been so effective".

2. Whereas, the party was a state recognized party, as on 1.1.2014, in the states of West Bengal on the basis of General Election to Legislative Assembly (GELA), 2011; Manipur on the basis of GELA 2012 and in Arunachal Pradesh on the basis of GELA, 2009. This above status as on 1.1.2014 underwent change posterior to the General Election to Lok Sabha (GELS), 2014 in which the Party qualified to be a State recognized party in Tripura. The other change was loss of status of State recognized party in Arunachal Pradesh in GELA, 2014 as well as in GELS, 2014.

3. Whereas the Party got benefit vide order dated 2.9.2016 of the Commission under the amended Para 6 C of the Symbols Order and continued to enjoy status of State recognised party in Arunachal Pradesh despite its failure to come with the specified poll performance conditions in Arunachal Pradesh on the basis of GELA, 2014. Therefore, under the above combination of facts and provisions of newly inserted Para 6C, which were given effect from 1.1.2014 the Commission counted the recognition of the State recognised party in Manipur, Tripura and West Bengal (all based on actual performance) and Arunachal Pradesh by virtue of extending benefit of provisions of Para 6 C.

4A. Whereas, AITC having been given the benefits of amended Para 6C i.e., granting continued recognition in Arunachal Pradesh, was accordingly assessed by the Commission to be qualified for the first time as a National Party by virtue of Para 6 B (iii) of the Symbol Order. Thus, the recognition of the Party as National Party in September 2016 flowed from the benefit extended by Para 6C, which was made effective from 1.1.2014.

4B. Whereas, the above sequence of facts brings out that while the order granting National status was issued on 2.9.2016, the very construct of Para 6C, especially it being made effective from 1.1.2014, necessarily accounted for preceding developments

5. Whereas, in pursuance of the provisions of Paragraph 6A, 6B and 6C of the Symbols Order, a review of the poll performance of every recognized political party is required to be made by the Election Commission after every General Election to the House of the People or to the State Legislative Assembly, as the case may be;

Review conducted in 2014

6. Whereas, the poll performance of the Party at the General Election to the House of the People held in 2014 and the General Election held to the State Legislative Assemblies cumulatively upto 2014, was reviewed by the Election Commission in terms of Paragraph 6A of the Symbols Order, and

7. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People, 2014 in the above mentioned States of Arunachal Pradesh, Manipur, Tripura and West Bengal is given below:-

TABLE-I: House of the People, 2014

Name of the State	% of Votes polled	No. of seats won, if any
Arunachal Pradesh	1.55%	0
Manipur	3.75%	0
Tripura	9.74%	0
West Bengal	39.79%	34 out of 42

8. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Elections to the Legislative Assemblies of Arunachal Pradesh (2014), Manipur (2012), Tripura (2013) and West Bengal (2011) is given below-

TABLE-II: Legislative Assemblies

Name of the State	% of Votes polled	No. of seats won, if any
West Bengal (2011)	38.93%	184 out of 294
Manipur (2012)	17%	7 out of 60
Tripura (2013)	Did not contest (DNC)	Did not contest (DNC)
Arunachal Pradesh (2014)	1.5%	0

9. Whereas, from the above tables I and II, it is observed that:-

- a) the party did not fulfill the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Arunachal Pradesh, both at the General Election to the Legislative Assembly of Arunachal Pradesh, 2014 and also at the General Election to the House of the People, 2014;
- b) the party had fulfilled the criteria of recognition (under Para 6A of the Symbols Order) as a state party in the state of Manipur at the General Election to the Legislative Assembly of Manipur, 2012;
- c) the party had fulfilled the criteria of recognition (under Para 6A of the Symbols Order) as a state party in the state of Tripura at the General Election to the House of the People, 2014;
- d) the party fulfilled the criteria of recognition (under Para 6A of the Symbols Order) as a state party in the state of West Bengal at General Election to the Legislative Assembly of West Bengal, 2011 and also at the General Election to the House of the People, 2014; and
- e) the party thus fulfilled the criteria for recognition (under Para 6A of the Symbols Order) as a State Party only in the States of West Bengal, Manipur and Tripura;

10. Whereas, the party was recognized as a state party in Arunachal Pradesh as per poll performance during the General Election to the Legislative Assembly of Arunachal Pradesh – 2009, however, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Arunachal Pradesh at the Lok Sabha and Legislative Assembly election in the State held in 2014.

11. Whereas, this deficit or loss of status of State recognised party in Arunachal Pradesh was made good due to application of Para 6 C as per amendment Symbols Order notified on 22.08.2016.

12.A Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provided that:

"1. Short Title and Commencement. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be
(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be."

12B The new Para 6C clearly gave benefit of one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect became the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneous to Lok Sabha or notified thereafter. The nexus of reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."

13. Whereas, w.r.t. review of Poll Performance of AITC held in 2016, after General Election 2014, the Party was extended the benefits and was treated for continued recognition as State Party in the state of Arunachal Pradesh as per the provisions of sub-para (1) of the Para 6C of the Symbols Order, which was deemed to be effective from 1.1.2014;

14. Whereas, the party which was recognized in the states of West Bengal, Manipur and Tripura on the basis of poll performance and, by virtue of Para 6C was considered as deemed recognized party in the state of Arunachal Pradesh and the combined effect was that after getting benefit of deemed recognition in Arunachal Pradesh, it got qualified for recognition as national party as per the provisions of Para 6B(iii) of the Symbols Order, and

Review after GELS, 2019

15. Whereas, the poll performance of the Party after the General Election to the House of People held in 2019 and the General Elections to the State Legislative Assemblies cumulatively upto 2019, has been reviewed by the Commission in terms of Paragraph 6B and Sub- Para (2) of Paragraph 6C of the said Symbols Order;

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People (2019) and, the General Elections to the Legislative Assemblies of Arunachal Pradesh, Manipur, Tripura and West Bengal (upto 2019), is given below: -

TABLE-III: House of the People, 2019

Name of the State	% of Votes polled	No. of seats won, if any
Arunachal Pradesh	DNC	DNC
Manipur	DNC	DNC
Tripura	0.40	0
West Bengal	43.28	22 out of 42

TABLE-IV: Legislative Assemblies

Name of the State and year of election	% of Votes polled	No. of seats won, if any
West Bengal (2016)	44.91%	211 out of 294
Manipur (2017)	1.41%	1 out of 60
Tripura (2018)	0.30%	0
Arunachal Pradesh (2019)	DNC	DNC

TABLE-V: Performance in GELA in relevant States after 2019 and upto 2022 where the party has contested:

Elections	Year	States	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly	2021	West Bengal	294	215	48.02%
Legislative Assembly	2022	Manipur	60	DNC	DNC

17. Whereas, from above tables III, IV&V, it is observed that: -

- a) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled the criteria of recognition at the General Elections to the Lok Sabha and also to Legislative Assembly of Arunachal Pradesh held during 2014 & 2019, both held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C. In fact AITC did not contest GELS and GELA, 2019 in Arunachal Pradesh even to attempt to regain the performance it lost in 2014 posterior to 01.01.2014;

- b) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition at the General Elections to the Lok Sabha held in 2014 & 2019 and to the Legislative Assembly of Manipur held in 2017 & 2022;
 - c) as per the provisions of Sub-Para (1) of Para 6C of the Symbols Order, despite non-performance in GELS of 2019 and GELA of 2018 in Tripura, the Party got entitlement to be continued to be treated as recognized State Party in the states of Tripura (recognized as per poll performance of the party during the General Election to the House of People – 2014);
 - d) the Party has fulfilled the criteria for recognition as laid down under Para 6A of the Symbols Order in the state of West Bengal; and
18. Whereas, the Commission, based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a National Party should not be withdrawn from the party; and
19. Whereas, the Party vide letter dated 31.07.2019 submitted that: -
- a) earlier the recognition of the party was based on the next General Election to the House of People or Legislative Assembly as the case may be, but after the insertion of Para 6C to the symbols order in 2016, now the recognition of the party depends upon the subsequent General Election to the House of People or Legislative Assembly as the case may be;
 - b) the party was granted recognition vide Commission's Memo dated 2nd September, 2016;
 - c) therefore, as per Para 6C (1) of the Symbols Order, the party is entitled for continued recognition as National Party upto the next General Election to the House of People in 2024;
 - d) Further, the party also requested to provide time up to 2024 to improve its performance in the upcoming General Elections; and

20. Whereas, the Commission scheduled a hearing on 09.09.2019 (Monday) at 04:30 PM wherein the representatives of the party submitted that substitution of Paragraph 6C came into force in 2016, and it should not have retrospective effect. As a consequence, AITC should get the benefit of continuing its recognition till 2026 irrespective of its poll performance in 2019 election. The Commission informed the Parties that the matter will be treated as part-heard and will be taken up for further consideration later and until then, the status quo will continue; and

21. Whereas, the review process of the poll performance of political parties was put on hold due to the COVID-19 pandemic; and

22. Whereas, the Commission vide letter dated 14.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 20.12.2021 at 3:00 pm. However, the party did not appear for the hearing; and

23. Whereas, the party vide its letter dated 20.12.2021 informed the Commission that its working Committee was occupied with the then ongoing Local Body Elections in the state of West Bengal and requested for an extension of three months for submitting party's response; and

24. Whereas, the Commission vide letter dated 29.12.2021 declined the request of extension of time by the party and requested the party to submit reply/response latest by 04.01.2022; and

25. Whereas, the party vide letter dated 30.12.2021 submitted that it was recognized as a National Party on the basis of General Election to Lok Sabha, 2014 and therefore, the review of the satisfaction of criteria of National Party can only be made only after the next General Election to Lok Sabha in 2024; and

26. Whereas, the Commission vide letter dated 06.03.2023 scheduled the next hearing of the party in the matter on 21.03.2023, wherein the representatives of the party submitted that:

(a) the party was recognized as a National Party on the basis of General Election to Lok Sabha, 2014 and therefore, the review of the satisfaction of criteria of National Party can only be made after the next General Election to Lok Sabha in 2024; and

(b) As per Para 6C (1) of the Symbol Order, if a political party recognized as a National party fails to fulfil the criteria as laid down in Para 6B of the Symbols Order at the next General Election s to the Lok Sabha (i.e. 2019 Elections in the instant case), it shall continue to be treated as a recognised national party.

(c) As per Para 6C (2) of the Symbols Order, when a political party continues to be treated as a National party due to Para 6C(1), a review of whether the political party will continue to be recognised as a national party shall be made after any subsequent General Election to the Lok Sabha (i.e. 2024 elections in the instant case).

(d) Review of the satisfaction of criteria of national party by AITC can be made only after the next General Election to the Lok Sabha i.e. 2024 General Election s to the Lok Sabha.

27. Moreover, the power of the Commission to withdraw recognition of political parties due to failure to fulfil conditions prescribed under the Symbols Order has been affirmed by the Hon'ble Courts in a catena of judgments. In the matter of *Janata Dal (Samajwadi) v. Election Commission of India*, (1996) 1 SCC 235, the Hon'ble Supreme Court, relying on Section 21 of the General Clauses Act 1897, held that the Commission has the power to rescind the recognition of a National Party if that Party failed to fulfil the conditions prescribed under the Symbols Order. Relevant extract of the judgment is reproduced here below:

"6. It is true that there is no specific provision under the Symbols Order vesting power in the Election Commission after having recognised a political party as a national party to declare that such political party has ceased to be a national party, not being entitled to the exclusive use of the symbol allotted to it. But at the same time, it cannot be conceived that a political party having been recognised as a national party or a State party, as the case may be, on having fulfilled the conditions prescribed in paragraph 6(2) shall continue as such in perpetuity although it has forfeited the right to be recognised as a national party or a State party. In paragraph 2(2) of the said Symbols Order it has been specifically provided that the General Clauses Act, 1897 shall as far as may be applicable in relation to the interpretation of the said order as it applies in relation to the interpretation of a Central Act. Section 21 of the General Clauses Act provides that where by any Central Act or Regulation, a power to issue notifications, orders, rules, or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction, and conditions if any to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued. As paragraph 2(2) of the Order in clear and unambiguous term makes provision of the General Clauses Act applicable to the Symbols Order, it need not be impressed that provisions of Section 21 of the General Clauses Act also become applicable vesting power in the Election Commission which had issued the aforesaid order dated 16-4-1991 recognising the appellant as a national party to rescind the said order as the appellant in the elections to the Legislative Assemblies of the States mentioned above ceased to fulfil the conditions prescribed in paragraph 6(2) of the Order read with paragraph 7(1) thereof."

(Emphasis supplied)

28. Furthermore, the Hon'ble Supreme Court in the matter of **Subramanian Swamy v. Election Commission of India** [(2008) 14 SCC 318] had considered the argument as to whether a symbol reserved for a Party due to grant of recognition under the Symbols Order becomes a part of its identity in the minds of the voters and therefore, should not be taken away due to subsequent derecognition. The Hon'ble Court rejected such contention and held that the Commission had every right to deprive a political party of its symbol due to its dismal performance in the elections. Relevant extract of the judgment is as follows:

"21. Paras 6-A, 6-B and 6-C provide for the condition of recognition of a political party on the national and/or State level. We need not, at this stage, go into the intricacies of Paras 6-A, 6-B and 6-C but suffice it to say that in order to have that status, the said political party must be an effective political party in the sense that it must share a particular percentage of votes in the national or the State-level elections or it must have certain number of elected

representatives in Lok Sabha or the State Legislatures. It is this concept which introduces that in order to be a recognised political party, it must perform well in the elections and thereby pass the acid test of "following". Therefore, unless there is a following of the nature provided in Paras 6-A, 6-B and 6-C, the political party does not remain a recognised political party."

"32. It may be that a recognised political party would have a right of exclusive use of the symbol but the Symbols Order makes it very clear that such right to use the symbol can be lost with the dismal performance of the party."

"34. A symbol is not a tangible thing nor does it generate any wealth, it is only the insignia which is associated with the particular political party so as to help the millions of illiterate voters to properly exercise their right to franchise in favour of the candidate of their choice belonging to a particular party. In the election process it is not merely the individual candidate's personality or his identity that weighs with the voters. It is undoubtedly a very relevant factor but along with it the voter also can and does vote in favour of the party. It is under such circumstances that the symbol becomes relevant and important. However, all that it provides for is the essential association that it has with a particular party. The party concerned would have a legal right to exclusively use the same but that is not, in our considered opinion, a property of the party and, therefore, the Election Commission which is required to ensure free, fair and clean elections have every right to deprive a particular party with a dismal performance of that symbol. The Election Commission puts a clamp on the right of such a political party to use the symbol rightfully. We are, therefore, not in a position to accept the argument that symbol is a property of a party and, therefore, such property cannot be taken away from that political party."

(Emphasis supplied)

29. Again, the Hon'ble Supreme Court in the matter of **DMDK v. Election Commission of India** [(2012) 7 SCC 340], while dealing with the issue of de-recognition of DMDK as a State Party in Tamil Nadu, held that the benchmark set by the Commission for recognition of a political party was not unreasonable. Relevant extract of the judgment is as follows:

"51. The evolution of the law relating to the criteria for a political party to be recognised as a State party clearly indicates that the Election Commission, in its wisdom, was of the view that in order to be recognised as a political party, such party should have achieved a certain benchmark in State politics. Nothing new has been brought out in the submissions made on behalf of the writ petitioners which could make us take a different view from what has been decided earlier."

"53. The Election Commission has set down a benchmark which is not unreasonable. In order to gain recognition as a political party, a party has to

prove itself and to establish its credibility as a serious player in the political arena of the State. Once it succeeds in doing so, it will become entitled to all the benefits of recognition, including the allotment of a common symbol."

30. Whereas, the Commission after considering the submissions (oral & written) made by AITC and the relevant statistics & review of Poll Performance of the AITC, finds that:

- a) the interpretation that AITC attempts to place on the impact & extent of the benefit extended by Para 6C i.e. that the benefit of deemed/continued recognition as State Party is to be maintained for 2 National/ State Election Cycle, posterior to 2016, is erroneous.
- b) That, as mentioned in Para13 above, the first benefit of Para 6C was extended & utilized by AITC w.r.t. an extension of recognition as State Party in Arunachal Pradesh (despite not having requisite poll performance) in the 2014 Parliamentary Election, in 2016 itself.
- c) In fact this above benefit of Para 6C, vaulted them onto a National Party Status.
- d) The operation/impact/ domain of Para 6C is clear and has to be understood from its bare reading in the following terms:
 - i. Though the Para 6C was inserted vide the amendment in Symbols Order carried out on 22.08.2016, the 'Short Title and Commencement' in clause 1(ii) clearly reads that follows:
 - i. *This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016.*
 - ii. *It shall be deemed to have come into force with effect from 1st January, 2014, and shall always be deemed to have been so effective."*
 - ii. Therefore, the assessment starts with the position of the parties as on 01.01.2014. Thereafter, the "next election" which takes place becomes the

General Election to Lok Sabha notified on 14.03.2014 along with the General Election to the Legislative Assembly of Arunachal Pradesh held simultaneously. This is so because of the phrase "next election" for purpose of Para 6C has two cognitive components, to be held after 01.01.2014 and, following the GE on the basis of which it got recognition in the first place. Thus, as the status of state party in Arunachal Pradesh being earned by AITC in General Election, 2009, without doubt, the "next General Election" becomes General Election of 2014.

- iii. Thereafter, the accounting and sequence comes in terms of elections to the respective State legislative assemblies held in the electoral cycles as explained in Para 16 and 17 above with regard to specific case of AITC in the States of Tripura, West Bengal and Manipur.
- iv. Therefore, the election cycles at which Para 6C benefits exhaust themselves in their entirety, with regard to AITC, without doubt, by the time of the review of 2019 and, the facts contained in the show cause notice document the same.

31. The argument by AITC, including their primary argument of non-retrospective implementation of the 2016 amendment does not survive in the face of the explicit statement in the said Notification in "Short Title and Commencement" part 1(ii). It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective." Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of the new Para 6C. The AITC, gained the benefit of this very interpretation by the ECI and obtained a national status.

32. Further after the qualifying date of 1.1.2014 for availing benefit of 6 C , in case of Manipur, AITC did not qualify for the status of recognised state party on the basis of its performance in GE to LS 2014, GE to LA 2017, GE to LS 2019, and GE to LA 2022.

33. Similarly in the state of Arunachal Pradesh also, AITC availing benefit after 1.1.2014 under 6 C, never qualified on the basis of performance in the “next” election GE to LS, 2014, GE to LS , 2019 and GE to LA, 2019. AITC in the fact of its own case, never qualified for performance based recognition simultaneously in four states at any given point of time. AITC has, thus fully enjoyed and exhausted the benefits of Para 6C.

34. It is also pertinent to mention that the Commission amended Para 6C, as mentioned above, to give a notional pass over to recognised political parties who failed to fulfil the conditions prescribed for recognition under the Symbols Order at the General Election held subsequent to their recognition. Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of the new Para 6C. The respondent, gained the benefit of this very interpretation by the ECI and obtained a national status and so now, cannot be allowed to seek a complete reversal of interpretation of Para 6C.

35. On the other point made by the AITC, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 21 General Elections to various State Legislative Assemblies have been held. Records reflect that AITC participated in 6 of these 21 General Elections to Legislative Assemblies. Thus, the extended timeline of review, triggered by Covid, in effect has provided ample further opportunities to AITC from regaining the impugned status as state party and consequently as a national party. In any case, as electoral cycles progress, nothing prevents AITC to regain its status as mandated under Para 6A and 6B. The amendment of Para 6C in 2016 was in the nature of an exception carrying forward a previous success of a General Election, to overcome failure in next General Election. In fact in the recent GELA in Meghalaya in 2023, AITC fulfils the criteria of Para 6A (i), (iii) & (v) of the Symbols Order and qualifies for recognition as a state party in Meghalaya. Even taking into account this recent outcome in the State of Meghalaya, AITC

still does not fulfil the criteria for recognition as a national party under Para 6B of the Symbols Order.

36. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the state party status with regard to States of Manipur and Arunachal Pradesh. Consequently, the National Party recognition of the All-India Trinamool Congress also stands withdrawn. The party will continue to be treated as State recognised party in the state of West Bengal (on basis of actual poll performance) and Tripura (deemed continuation upto 2024 by virtue of Para 6C). It will also be recognised as a state party in Meghalaya henceforth on the basis of GELA of Meghalaya in 2023.

By order,



(Jaydeb Lahiri)
SECRETARY

The Chairperson,
All India Trinamool Congress,
30-B, Harish Chatterjee Street,
Kolkata-700026,
West Bengal.



By Speed Post/Email

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in Andhra Pradesh of the Bharat Rashtra Samithi (Telangana Rashtra Samithi) under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. WHEREAS, Bharat Rashtra Samithi(formerly Telangana Rashtra Samithi)(herein after referred to as "the Party"), was a recognised State Party in the state of Andhra Pradesh(before the bifurcation of the State); and
2. Whereas the recognition of the party has been granted as State Party in the State of Telangana based on the poll performance of the Party in the General Elections to the Legislative Assembly & House of the People, 2014, under the provisions of Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'); and
3. WHEREAS, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. **Conditions for recognition as a State Party** - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

(iii)At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

(iv)At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

(v)At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

4. WHEREAS, based on the poll performance of the Party at the general elections to the Legislative Assembly and Lok Sabha in Andhra Pradesh held in 2014, a review was initiated by the Election Commission in terms of paragraph 6A of the said Symbols Order in 2014; and

5. WHEREAS, it was noted that in the general election to the Legislative Assembly of Andhra Pradesh, 2019 and the general election to the House of the People, 2019 the Party had not contested, hence the poll performance of the Party in the said election did not match any of the criteria laid down in Para 6A for recognition as State Party in the STATE of Andhra Pradesh; and

6.A. Whereas Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition

(hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

6. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."
7. WHEREAS, as per the provisions of sub-Para (1) of Para 6C of the Symbols Order, the Party continued to be treated as recognized State Party in the State of Andhra Pradesh; and
8. WHEREAS, the poll performance of the Party at the last general election to the Legislative Assembly of Andhra Pradesh held in 2019 and the last general election to the House of People held in 2019, has further been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order of the Symbols Order; and
9. WHEREAS, in the general elections to the Legislative Assembly and House of People in Andhra Pradesh, 2019 the Party had not contested, which shows that the party does not fulfil any of the criteria laid down for continued recognition of the said party as a State Party in the State of Andhra Pradesh; and
10. Whereas, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a State Party should not be withdrawn from the party; and

11. Whereas, the party did not appear for hearing in response to the said Show Cause Notice.

12. Whereas, the review process of the poll performance of political parties was put on hold due to the COVID-19 pandemic; and

13. Whereas, the Commission vide letter dated 16.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 27.12.2021 at 4:00 pm.

14. Whereas, the party did not appear for the hearing on 27.12.2021.

15. Whereas, the Commission vide letter dated 07.03.2023 scheduled the next hearing of the party in the matter on 20.03.2023 at 3:00 pm. The party did not appear for hearing, however, the party vide letter dated 20.03.2023 requested to continue recognition of the party as State party in both the states of Andhra Pradesh and Telangana till General Election to Lok Sabha and Legislative Assemblies to be held in 2023 and 2024.

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the general election to the House of the People and Legislative Assembly in the State of Andhra Pradesh from 2014 to 2021 is given below: -

Bharat Rashtra Samithi performance review for the State of Andhra Pradesh:			
Election	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly 2014	175	DID NOT CONTEST	-
Lok Sabha 2014	25	DID NOT CONTEST	-
Legislative Assembly 2019	175	DID NOT CONTEST	-
Lok Sabha 2019	25	DID NOT CONTEST	-

17. Whereas, the Commission after considering the relevant statistics & review of Poll Performance of the party finds that:

- i. The assessment of Para 6A & 6C starts with the position of the parties as on 01.01.2014. Thereafter, the “next election” which takes place becomes the General Election to Lok Sabha notified on 14.03.2014 along with the General Election to the Legislative Assembly of Andhra Pradesh held during 2014. This is so because of the phrase “next election” for purpose of Para 6C has 2 cognitive components, is to be held after 01.01.2014 and, following the GE on the basis of which it got recognition in the first place. Thus, as the continued status of state party in Andhra Pradesh being earned by the party in General Election, 2009, without doubt, the “next General Election” becomes General Election of 2014.
- ii. Thereafter, the accounting and sequence comes in terms of elections to the respective legislative assembly held in the electoral cycles as explained in Para 16 above with regard to specific case of the party in the state of Andhra Pradesh.
- iii. Therefore, the election cycles at which Para 6C benefits exhaust themselves in their entirety, with regard to the party, without doubt, by the time of the review of 2019 and, the facts contained in the show cause notice document the same.

18. The only point made by the party, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 21 General Elections to various State Legislative Assemblies have been held including Andhra Pradesh. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample opportunities to the party to “regain” the impugned status as state party. In any case, as electoral cycles progress, nothing prevents the party to regain its status as mandated under Para 6A and 6B. The amendment of

Para 6C in 2016 was in the nature of an exception carrying forward a previous success of a General Election, to overcome failure in next General Election. The party in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

20. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the Bharat Rashtra Samithi in the state of Andhra Pradesh. The party will now be treated as a State Recognized political party in the state of Telangana only.

By orders,



(JAYDEB LAHIRI)
SECRETARY

The President,
Bharat Rashtra Samithi,
House No. 8-2-220/110/1/3, Road No. 14,
Banjara Hills, Hyderabad,
Telangana- 500034.



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोकरोड, नई दिल्ली-110001
NirvachanSadan, Ashoka Road, New Delhi-110001

NO.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of National Party and status of State Party in West Bengal and Odisha of the Communist Party of India under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. Whereas, Communist Party of India (hereinafter referred to as "the Party"), was recognized as a National Party with effect from 17.08.1989 by the Commission's order dated 22.08.1989 issued under Section 29A of the Representation of the People Act, 1951. The continued recognition by the Commission, posterior to General Election to Lok Sabha, 2014, flowed directly from an amendment dated 22.08.2016 to the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'). The said amendment replaced the erstwhile Para 6C and inserted a new Para 6C to the Symbols Order and its Short Title and Commencement itself provided in Para 1(ii) that "It shall be deemed to have come into force with effect from 1st January, 2014 and shall always be deemed to have been so effective".

2. Whereas, the party was a state recognized party as on 1.1.2014 in the states of Kerala on the basis of General Election to Legislative Assembly (GELA), 2011; Odisha on the basis of General Election to Lok Sabha (GELS) 2009, Tamil Nadu on the basis of GELA, 2011 and West Bengal on the basis of GELS, 2009. This status, as on 1.1.2014, underwent change posterior to the General Election to Lok Sabha (GELS), 2014, in which, the Party continued to be qualified to be a State recognized party in Kerala and also became recognised in Manipur. The party was set to lose status of State recognized party in Odisha and West Bengal.

3. Whereas the Party got benefit under the amended Para 6 C of the Symbols Order which was given effect from 1.1.2014 and the party continued to enjoy status of State recognised party in Odisha and West Bengal despite its failure to fulfil the specified conditions for recognition in these States on the basis of GELS 2014. Therefore, this was the above combination of facts and provisions of newly inserted Para 6C, which were given effect from 01.01.2014 i.e., the Commission counted the recognition of the State recognized party in Kerala, Manipur and Tamil Nadu (all based on actual performance) and Odisha & West Bengal by virtue of extending benefit of provisions of Para 6 C.

4. Whereas, the party having been given the benefits of Para 6C i.e., granting continued recognition in Odisha and West Bengal was accordingly assessed by the Commission to be qualified as a National Party by virtue of Para 6 B (iii) of the Symbol Order. Thus, the continued recognition of the Party as National Party flowed from the benefit extended by Para 6C, which was made effective from 1.1.2014.

5. Whereas, in pursuance of the provisions of Paragraph 6A, 6B and 6C of the Symbols Order, a review of the poll performance of every recognized political party is required to be made by the Election Commission after every general election to the House of the People or to the State Legislative Assembly, or as the case may be;

Review conducted in 2014

6. Whereas, the poll performance of the Party at the General Election to the House of the People held in 2014 and the General Election held to the State Legislative Assemblies cumulatively upto 2104, was reviewed by the Election Commission in terms of Paragraph 6A and 6C of the Symbols Order, and

7. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People, 2014 in the states of Kerala, Manipur, Odisha, Tamil Nadu and West Bengal is given below:-

TABLE-I: House of the People, 2014

Name of the State	% of Votes polled	No. of seats won, if any
Kerala	7.68 %	1
Manipur	14.05 %	0
Tamil Nadu	0.55 %	0
Odisha	0.31%	0
West Bengal	2.36%	0

8. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Elections to the Legislative Assemblies of Kerala (2011), Tamil Nadu (2011), West Bengal (2011), Manipur (2012) and Odisha (2014) is given below-

TABLE-II: Legislative Assemblies

Name of the State	% of Votes polled	No. of seats won, if any
Kerala (2011)	8.72 %	13 out of 140
Tamil Nadu (2011)	1.97 %	9 out of 234
West Bengal (2011)	1.84%	2 out of 294
Manipur (2012)	5.78 %	0
Odisha (2014)	0.51%	0

9. Whereas, from the above tables I and II, it is observed that: -

- a) the party had fulfilled the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Kerala both at general election to the Legislative Assembly, 2011 and also at the general election to the House of the People, 2014;

- b) the party had fulfilled the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Tamil Nadu during general election to the Legislative Assembly, 2011;
- c) the party did not fulfil the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of West Bengal at general election to the Legislative Assembly, 2011 and at the general election to the House of the People, 2014;
- d) the party had fulfilled the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Manipur at the general election to the House of the People, 2014;
- e) the party did not fulfil the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Odisha at the general election to the Legislative Assembly, 2014 and at the general election to the House of the People, 2014; and
- f) the party thus fulfilled the criteria for recognition (under Para 6A of the Symbols Order) as a State Party only in the states of Kerala, Manipur and Tamil Nadu;

10. Whereas,

- a) in Odisha, as per the poll performance at the General Election to the House of People-2014, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Odisha in 2014.
- b) in West Bengal as per the poll performance during the General Election to the House of People-2014, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of West Bengal.

11. Whereas, this deficit or loss of status of State recognised party in Odisha and West Bengal was made good due to application of Para 6C as per amendment in the Symbols Order notified on 22.08.2016.

12.A Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provided that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be."

12 B. The new Para 6C clearly gave benefit of one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect became the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneous to Lok Sabha or notified thereafter. The nexus of reading of "next

General Election” is provided for each case with the phrase “following the General Election to house/assembly concerned on the basis of which it got recognition.”

13. Whereas, w.r.t. review of Poll Performance of the party held in 2016 after General Election 2014, the Party was extended the benefits and was treated for continued recognition as State Party in the states of Odisha and West Bengal as per the provisions of sub-para (1) of the Para 6C of the Symbols Order, which was deemed to be effective from 1.1.2014;
14. Whereas, the party which was recognized in the states of Kerala, Manipur and Tamil Nadu on the basis of poll performance and, by virtue of Para 6 C was considered as deemed recognized party in the states of Odisha and West Bengal and the combined effect was that after getting the benefit of deemed recognition in Odisha and West Bengal, it got qualified for recognition as national party as per the provisions of Para 6B (iii) of the Symbols Order.

Review after GELS, 2019

15. Whereas, the poll performance of the Party after the General Election to the House of People held in 2019 and the General Elections to the State Legislative Assemblies cumulatively upto (2019), has been reviewed by the Commission in terms of Paragraph 6B and sub- para (2) of Paragraph 6C of the said Symbols Order;
16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People (2019) and, the General Elections to the Legislative Assemblies of Kerala, Manipur, Odisha, Tamil Nadu and West Bengal cumulatively upto (2019), is given below: -

TABLE-III: House of the People, 2019

Name of the State	% of Votes polled	No. of seats won, if any
Kerala	6.05%	0
Manipur	8.27%	0
Tamil Nadu	2.43 %	2 out of 39
Odisha	0.25%	0
West Bengal	0.40%	0

TABLE-IV: Legislative Assemblies

Name of the State and year of election	% of Votes polled	No. of seats won, if any
Kerala (2016)	8.12 %	19 out of 140
Tamil Nadu (2016)	0.79%	0
West Bengal (2016)	1.45%	1 out of 294
Manipur (2017)	0.74%	0
Odisha (2019)	0.12%	0

**TABLE-V: Performance in GELA in relevant States after 2019 and upto 2022 where
the party has contested:**

Elections	Year	States	Total Seats	Seats Won	% of Secured Votes
Lok Sabha	2019	Other States	-	0	-
Legislative Assembly	2021	West Bengal	294	0	0.2%
Legislative Assembly	2021	Tamil Nadu	234	2	1.09%
Legislative Assembly	2021	Kerala	140	17	7.58%
Legislative Assembly	2022	Manipur	60	0	0.06

17. Whereas, from above tables III, IV & V, it is observed that: -

- a) as per the provisions of sub-para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition during the General Elections to the Lok Sabha and also to Legislative Assembly of Odisha held during 2014 & 2019, both held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C;
- b) as per the provisions of sub-para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition during the General Elections to the Lok Sabha- 2014 & 2019 and also to Legislative Assembly of West Bengal held during 2016 (& even in 2021), held after 01.01.2014, which is the deemed effective from the date of commencement of provisions of Para 6C;
- c) As per provision of sub para (1) of Para 6C of the Symbols Order, despite non-performance in Odisha as at (a) above and in West Bengal as at (b) above, the party got entitlement to be continued to be treated as a recognised party in Odisha and West Bengal.
- d) the Party has not fulfilled the criteria of recognition as laid down under para 6A of the Symbols Order except in the states of Kerala, Manipur and Tamil Nadu; and

18. Whereas, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a National Party should not be withdrawn from the party; and

19. Whereas, the Party vide letter dated 05.08.2019 submitted that: -

- a) The methodology for determining recognition as a National Party is based on the percentage of votes and number of seats won by a party across states in India. This reflects the party's electoral following at a particular point or period of time, which is transient and subject to change;

- b) The Election Commission will need to consider the upcoming Legislative Assembly elections, during which the party's electoral performance is expected to change;
 - c) The vibrancy of a political democracy necessitates the hearing of every political voice. Political parties exist to bolster democratic principles, and the CPI is one such party;
 - d) In August 2016, the Commission amended the rule, extending the review of national and state status of political parties from every five years to every ten years. Therefore, the current status of national and state parties will remain unchanged until 2026; and
20. Whereas, the Commission scheduled a hearing on 09.09.2019 (Monday) at 04:00 PM wherein the representatives of the party reiterated the party's submission dated 05.08.2019. The Commission informed the Party that the matter will be treated as part-heard and will be taken up for further consideration later and until then, the status quo will continue;
21. Whereas, the review process of the poll performance of political parties was put on hold due to the on-going COVID-19 pandemic;
22. Whereas, the Commission vide letter dated 14.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 20.12.2021 at 3:00 pm.;
23. Whereas, during the hearing and through their representation dated 20.12.2021, the party reiterated that as per the amendment in Symbols Order made in August 2016, the review of the status of National and State Parties are to be done in ten years instead of five years, therefore, the present status of the party shall remain intact till 2026; and
24. Whereas, the Commission vide letter dated 06.03.2023 scheduled the next hearing of the party in the matter on 21.03.2023, wherein the following submission were made:

- a) That CPI is the only political party to have contested all General Elections since 1952 on the same electoral symbol and has maintained uninterrupted presence in the Lok Sabha and several States Assemblies.
- b) That CPI was the first non-Congress Party to form government in any of the State and it has been part of Government in number of States.
- c) That CPI continues to further the ideals of freedom, equality and constitutional morality to the national agenda. CPI's acceptance among various sections of the society remains considerable and it continues to be a pan India party with units in all the States and districts.
- d) That CPI also has representation in Rajya Sabha and in the legislative council of Bihar. CPI's members also have presence in local bodies in many States.
- e) Election Commission of India itself on 22nd August, 2016 decided to review the performance of recognised political parties every 10 years instead of 5 years window to assess the performance of the political parties.
- f) The year of 2023 is crucial for the country and the CPI as 9 States will go for assembly elections this year before the General Elections of 2024. Making changes in the position of the political party before assembly and general elections would not be fair and will breach the 10 year timeline for reviewing of political party's performance determined by the ECI itself.

28. The submissions made on behalf of CPI *vide* representations dated 20.12.2021 and 21.03.2023 have been given careful consideration by the Commission. At the outset, the contention of the Party that its recognition should continue on the grounds made in the above submission, is liable to be rejected. It is stated that Paragraph 6B of the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter 'Symbols Order') provides for specific conditions to be fulfilled by a political party to be recognised as a national party. Further, Paragraph 6C of the Symbols Order (inserted *vide* Gazette Notification dated 22nd August,

2016 which came into with effect from 1st January, 2014) provides for conditions to be fulfilled for continued recognition as a state party or a national party. The same methodology on the basis of which the Party got the recognition as a National Party cannot now be criticised by it when the conditions prescribed are unable to be fulfilled by the Party. A Party which enjoyed the benefit of recognition provided under the Symbols Order for more than two decades cannot be allowed to question the methodology of grant of recognition when the Party is on the brink of losing it.

29. Moreover, the power of the Commission to withdraw recognition of political parties due to failure to fulfil conditions prescribed under the Symbols Order has been affirmed by the Hon'ble Courts in a catena of judgments. In the matter of *Janata Dal (Samajwadi) v. Election Commission of India*, (1996) 1 SCC 235, the Hon'ble Supreme Court, relying on Section 21 of the General Clauses Act 1897, held that the Commission has the power to rescind the recognition of a National Party if that Party failed to fulfil the conditions prescribed under the Symbols Order. Relevant extract of the judgment is reproduced here below:

"6. It is true that there is no specific provision under the Symbols Order vesting power in the Election Commission after having recognised a political party as a national party to declare that such political party has ceased to be a national party, not being entitled to the exclusive use of the symbol allotted to it. But at the same time, it cannot be conceived that a political party having been recognised as a national party or a State party, as the case may be, on having fulfilled the conditions prescribed in paragraph 6(2) shall continue as such in perpetuity although it has forfeited the right to be recognised as a national party or a State party. In paragraph 2(2) of the said Symbols Order it has been specifically provided that the General Clauses Act, 1897 shall as far as may be applicable in relation to the interpretation of the said order as it applies in relation to the interpretation of a Central Act. Section 21 of the General Clauses Act provides that where by any Central Act or Regulation, a power to issue notifications, orders, rules, or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction, and conditions if any to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued. As paragraph 2(2) of the Order in clear and unambiguous term makes provision of the General Clauses Act applicable to the Symbols Order, it need not be impressed that provisions of Section 21 of the

General Clauses Act also become applicable vesting power in the Election Commission which had issued the aforesaid order dated 16-4-1991 recognising the appellant as a national party to rescind the said order as the appellant in the elections to the Legislative Assemblies of the States mentioned above ceased to fulfil the conditions prescribed in paragraph 6(2) of the Order read with paragraph 7(1) thereof."

(Emphasis supplied)

30. Furthermore, the Hon'ble Supreme Court in the matter of **Subramanian Swamy v. Election Commission of India** [(2008) 14 SCC 318] had considered the argument as to whether a symbol reserved for a Party due to grant of recognition under the Symbols Order becomes a part of its identity in the minds of the voters and therefore, should not be taken away due to subsequent derecognition. The Hon'ble Court rejected such contention and held that the Commission had every right to deprive a political party of its symbol due to its dismal performance in the elections. Relevant extract of the judgment is as follows:

"21. Paras 6-A, 6-B and 6-C provide for the condition of recognition of a political party on the national and/or State level. We need not, at this stage, go into the intricacies of Paras 6-A, 6-B and 6-C but suffice it to say that in order to have that status, the said political party must be an effective political party in the sense that it must share a particular percentage of votes in the national or the State-level elections or it must have certain number of elected representatives in Lok Sabha or the State Legislatures. It is this concept which introduces that in order to be a recognised political party, it must perform well in the elections and thereby pass the acid test of "following". Therefore, unless there is a following of the nature provided in Paras 6-A, 6-B and 6-C, the political party does not remain a recognised political party."

"32. It may be that a recognised political party would have a right of exclusive use of the symbol but the Symbols Order makes it very clear that such right to use the symbol can be lost with the dismal performance of the party."

"34. A symbol is not a tangible thing nor does it generate any wealth, it is only the insignia which is associated with the particular political party so as to help the millions of illiterate voters to properly exercise their right to franchise in favour of the candidate of their choice belonging to a particular party. In the election process it is not merely the individual candidate's personality or his identity that weighs with the voters. It is undoubtedly a very relevant factor but along with it the voter also can and does vote in favour of the party. It is under such circumstances that the symbol becomes relevant and important. However, all that it provides for is the essential association that it has with a particular party. The party concerned would have a legal right to exclusively use the same

but that is not, in our considered opinion, a property of the party and, therefore, the Election Commission which is required to ensure free, fair and clean elections have every right to deprive a particular party with a dismal performance of that symbol. The Election Commission puts a clamp on the right of such a political party to use the symbol rightfully. We are, therefore, not in a position to accept the argument that symbol is a property of a party and, therefore, such property cannot be taken away from that political party."

(Emphasis supplied)

31. Again, the Hon'ble Supreme Court in the matter of **DMDK v. Election Commission of India** [(2012) 7 SCC 340], while dealing with the issue of derecognition of DMDK as a State Party in Tamil Nadu, held that the benchmark set by the Commission for recognition of a political party was not unreasonable. Relevant extract of the judgment is as follows:

"51. The evolution of the law relating to the criteria for a political party to be recognised as a State party clearly indicates that the Election Commission, in its wisdom, was of the view that in order to be recognised as a political party, such party should have achieved a certain benchmark in State politics. Nothing new has been brought out in the submissions made on behalf of the writ petitioners which could make us take a different view from what has been decided earlier."

"53. The Election Commission has set down a benchmark which is not unreasonable. In order to gain recognition as a political party, a party has to prove itself and to establish its credibility as a serious player in the political arena of the State. Once it succeeds in doing so, it will become entitled to all the benefits of recognition, including the allotment of a common symbol."

32. It is also pertinent to mention that the Commission amended Para 6C, as mentioned above, to give a notional 'pass over' to recognised political parties who failed to fulfil the conditions prescribed for recognition under the Symbols Order at the General Election held subsequent to their recognition. Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of Para 6C. The Party, gained the benefit of this very interpretation by the ECI and obtained a national status and so now, cannot be allowed to seek a complete reversal of interpretation of Para 6C.

33. (a) Further, after the qualifying date of 1.1.2014 for availing benefit of 6C, in case of Odisha, CPI did not qualify for the status of recognised state party on the basis of its performance in GE to LS & LA held in 2014 & 2019.

(b) Further, after the qualifying date of 1.1.2014 for availing benefit of 6C, in case of West Bengal, CPI did not qualify did not qualify for the status of recognised state party on the basis of its performance in GE to LS held in 2014 & 2019 & GE to LA held in 2016 & 2021.

(c) CPI has, thus fully enjoyed and exhausted the benefits of Para 6C.

34. Furthermore, the Commission finds no merit in the submission that the achievements and contribution made by CPI should be taken into consideration for reviewing the continuity of its recognition as a National Party. When the grant of such recognition is based upon a set of conditions prescribed under the Symbols Order, the Commission cannot deviate from the same while reviewing the continuity of recognition.

35. On the other point made by the CPI, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 18 General Elections to various State Legislative Assemblies have been held. Records reflect that CPI participated in 18 of these 21 General Elections to Legislative Assemblies. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample further opportunities to CPI to “regain” the impugned status as state party and consequently as a national party. In any case, as electoral cycles progress, nothing prevents CPI to regain its status as mandated under Para 6A and 6B. The amendment of Para 6C in 2016 was in the nature of an exception carrying forward a previous success of a General Election, to overcome failure in next General Election. CPI in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

36. Therefore, in consideration of totality of facts, bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the state party status with regard to States of West Bengal and Odisha. Consequently, the National Party recognition of the CPI also stands withdrawn. The party will continue to be treated as State recognised party in the States of Kerala, Manipur and Tamil Nadu.

By orders,


(Jaydeb Lahiri)
SECRETARY

The General Secretary,
Communist Party of India ,
Ajoy Bhawan, Kotla Marg,
New Delhi – 110002

By Speed Post



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/Vol-IV

Date: 10th April, 2023

To

Sh. Chirag Paswan,
Lok Janshakti Party (Ram Vilas),
23, North Avenue, Duplex Flat,
New Delhi – 110001.

Sub: - Recognition of **Lok Janshakti Party (Ram Vilas)**, as a State Party in Nagaland-regarding.

Sir,

Lok Janshakti Party (Ram Vilas), the group headed by Sh. Chirag Paswan in Dispute Case No. 1 of 2021 has been granted interim recognition as a State Party in the State of Bihar pending disposal of the said Dispute Case. On the basis of review of poll performance of **Lok Janshakti Party (Ram Vilas)**, in the General Election to the Legislative Assembly of Nagaland, 2023, the said **Lok Janshakti Party (Ram Vilas)** has fulfilled the conditions laid down in Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968, for recognition as a State Party in the State of Nagaland. Accordingly, the Commission has granted recognition to the 'Lok Janshakti Party (Ram Vilas)' as a State Party in the State of Nagaland under the provisions of the Election Symbols (Reservation & Allotment) Order, 1968, **subject to the outcome of Dispute Case No. 1 of 2021.**

2. Further, it is advised to propose a symbol preference from the free symbol list available on the Commission's website or propose three new symbols (along with design and drawing of the symbol) for the consideration of the Commission. The free symbol list is available at the following path on the Commission's website: -

<https://eci.gov.in/files/file/14768-list-of-free-symbols-with-images-as-on-23rd-january-2023/>

Yours faithfully,

(Jaydeb Lahiri)
Secretary

Intercom – 233, Ph.no -011- 23052020

Copy to: The Chief Electoral Officer of Nagaland for information.



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in Mizoram of the 'Mizoram People's Conference', under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. WHEREAS, Mizoram People's Conference (herein after referred to as "the Party"), is a recognised State Party in the State of Mizoram; and
2. WHEREAS, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. **Conditions for recognition as a State Party** - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or
- (iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or
- (iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.
- (v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the

Party have secured not less than eight percent of the total valid votes polled in the State.)

3. WHEREAS, based on the poll performance of the Party at the general election to the Legislative Assembly of Mizoram held in 2013 and the general election to the House of People held in 2014, a review was initiated by the Election Commission in terms of paragraph 6A of the said Symbols Order in 2014; and

4. WHEREAS, the Party has won one seat and secured 6.15% votes in the said general election to the Legislative Assembly of Mizoram, 2013 and in the general election to Lok Sabha, 2014 from Mizoram, the party did not set up any candidate to contest the said election, and hence the poll performance of the Party in the said elections did not match any of the criteria laid down in Para 6A for recognition as state Party in the state of Mizoram; and

5. A. Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. -

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if apolitical party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, atthe next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) Ifa recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

5. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."
6. WHEREAS, as per the provisions of sub-Para (1) of Para 6C of the Symbols Order, the Party continued to be treated as recognized State Party in the State of Mizoram; and
7. WHEREAS, the poll performance of the Party at the last general election to the Legislative Assembly of Mizoram held in 2018 and the last general election to the House of People held in 2019, has further been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order of the Symbols Order; and
8. WHEREAS, in the general election to the Legislative Assembly of Mizoram, 2018 the Party **did not contest** in the State, and in the general election to the House of People, 2019 from Mizoram, **did not contest** in the State, which shows that the party does not fulfil any of the criteria laid down for continued recognition of the said party as a State Party in the state of Mizoram; and
9. WHEREAS, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/ status as a National Party should not be withdrawn from the party; and
10. WHEREAS, the party did not respond to the said Show Cause Notice;
11. WHEREAS, the review process of the poll performance of political parties was put on hold due to the on-going COVID-19 pandemic; and
12. WHEREAS, the Commission scheduled a hearing on 12.09.2019. However, the party did not appear for the hearing and responded on 21.09.2019 requesting to fix another hearing after 10.01.2020.

13. WHEREAS, the Commission resumed the hearing and scheduled it on 29.12.2021 at 3:00 PM. However, the party did not appear for the hearing. Further, no communication has been received from the party in this regard.

14. WHEREAS, the Commission scheduled a further hearing on 20.03.2023 at 4:00 PM. The party did not appear for the hearing. Further, no communication has been received so far from the party in this regard.

15. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the Mizoram People's Conference to the State of Mizoram. The party will now be treated as a Registered Unrecognized Political Party.

By orders,



(JAYDEB LAHIRI)
SECRETARY

The President,
Mizoram People's Conference,
General Headquarters, Treasury,
Square- Aizawl,
Mizoram- 796001.



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of national party and, the status of state party in the States of Goa, Manipur and Meghalaya, of the Nationalist Congress Party under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. Whereas, Nationalist Congress Party (hereinafter referred to as "the Party"), was for the first time recognized as a National Party by order dated 10.01.2000. The continued recognition of this status by the Commission, posterior to General Election to Lok Sabha, 2014, flowed directly from an amendment dated 22.08.2016 to the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'). The said amendment replaced the erstwhile Para 6C and inserted a new Para 6C to the Symbols Order and its 'Short Title and Commencement' provided in Para 1(ii) that "It shall be deemed to have come into force with effect from 1st January, 2014 and shall always be deemed to have been so effective".

2. Whereas, the party was a state recognized party, as on 01.01.2014, in the states of Arunachal Pradesh on the basis of General Election to Legislative Assembly (GELA), 2009, Goa on the basis of General Election to Lok Sabha (GELS), 2009, Maharashtra on the basis of GELA & GELS, 2009, Meghalaya on the basis of GELS, 2009 and Nagaland on the basis of GELA 2013. As it met the condition of Para 6B (iii) of the Symbols Order, it was recognised as a "National Party". This above status, as on 01.01.2014, underwent a change posterior to the General Election to Lok Sabha (GELS), 2014 in which the party failed to fulfil the recognition criteria in the states of Arunachal Pradesh, Goa and Meghalaya in terms of Para 6A of the Symbols Order.

3. Whereas the Party was extended the benefit under the amended Para 6 C of the Symbols Order, which was given effect from 01.01.2014 and, the party continued to enjoy status of State recognised party in Arunachal Pradesh, Goa & Meghalaya despite its failure to fulfil the specified recognition conditions for the status of State recognized party in Arunachal Pradesh on the basis of GELA/GELS 2014, Goa on the basis of GELS 2014 & Meghalaya on the basis of GELS 2014. Therefore, this was the above combination of facts and provisions of newly inserted Para 6C, which were given effect from 01.01.2014 i.e., the Commission continued the recognition of the State recognized party in Maharashtra and Nagaland (based on actual performance) and Arunachal Pradesh, Goa & Meghalaya by virtue of extending benefit of provisions of Para 6 C.

4. Whereas, the party having been given the benefits of Para 6C i.e., granting continued recognition in Arunachal Pradesh, Goa and Meghalaya was accordingly assessed by the Commission to be qualified for continued status of a National Party by virtue of Para 6 B (iii) of the Symbol Order. Thus, the continued recognition of the Party as National Party flowed from the benefit extended by Para 6C, which was made effective from 1.1.2014.

5. Whereas, in pursuance of the provisions of Paragraph 6A, 6B and 6C of the Symbols Order, a review of the poll performance of every recognized political party is required to be made by the Election Commission after every General Election to the House of the People or, to the State Legislative Assembly, or as the case may be,;

Review conducted in 2014

6. Whereas, the poll performance of the Party at the General Election to the House of the People held in 2014 and, the General Elections held to the State Legislative Assemblies cumulatively upto 2014, was reviewed by the Election Commission in terms of Paragraphs 6A and 6C of the Symbols Order, and

7. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People, 2014 in the states of Arunachal Pradesh, Goa, Maharashtra, Manipur, Meghalaya and Nagaland is given below: -

TABLE-I: House of the People, 2014

Name of the State	% of Votes polled	No. of seats won, if any
Arunachal Pradesh	1.03%	0
Goa	Did not contest (DNC)	Did not contest (DNC)
Maharashtra	16.12 %	4
Manipur	4.39%	0
Meghalaya	Did not contest (DNC)	Did not contest (DNC)
Nagaland	Did not contest (DNC)	Did not contest (DNC)

8. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Elections to the Legislative Assemblies of Arunachal Pradesh (2014), Goa (2012), Maharashtra (2014), Manipur (2012), Meghalaya (2013) and Nagaland (2013) is given below:-

TABLE-II: Legislative Assemblies

Name of the State	% of Votes polled	No. of seats won, if any
Arunachal Pradesh (2014)	3.84%	0
Goa (2012)	4.08%	0
Maharashtra (2014)	17.24 %	41 out of 288
Manipur (2012)	7.23%	1
Meghalaya (2013)	1.84%	2
Nagaland (2013)	6.05 %	4 out of 60

9. Whereas, from the above tables I and II, it is observed that: -
- a) the party did not fulfill the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Arunachal Pradesh both during General Election to the Legislative Assembly, 2014 and also during the General Election to the House of the People, 2014;
 - b) the party did not fulfill the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Goa both during General Election to the Legislative Assembly, 2012 and also during the General Election to the House of the People, 2014;
 - c) the party had fulfilled the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Maharashtra both during General Election to the Legislative Assembly, 2014 and also during the General Election to the House of the People, 2014;
 - d) the party did not fulfill the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Manipur both during General Election to the Legislative Assembly, 2012 and also during the General Election to the House of the People, 2014;
 - e) the party did not fulfill the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Meghalaya both during General Election to the Legislative Assembly, 2013 and also during the General Election to the House of the People, 2014;
 - f) the party had fulfilled the criteria of recognition as a state party (as laid out in Para 6A of the Symbols Order) in the state of Nagaland during the General Election to the Legislative Assembly, 2013; and
 - g) the party thus fulfilled the criteria for recognition (under Para 6A of the Symbols Order) as a State Party only in the states of Maharashtra and Nagaland;

10. Whereas,

- a) the party had fulfilled the criteria for recognition as State Party in Arunachal Pradesh, as per the poll performance during the General Election to the Legislative Assembly-2009, however, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Arunachal Pradesh in 2014.
- b) the party had fulfilled the criteria for recognition as State Party in Goa, as per the poll performance during the General Election to Lok Sabha-2009, however, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Goa in 2014.
- c) the party had fulfilled the criteria for recognition as State Party in Manipur, as per the poll performance during the General Election to the Legislative Assembly-2007, however, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Manipur in 2012.
- d) the party had fulfilled the criteria for recognition as State Party in Meghalaya, as per the poll performance during the General Election to the Lok Sabha-2009, however, the party failed to fulfil the criteria for recognition (under Para 6A of the Symbols Order) as a State Party in the state of Meghalaya in 2014.

11. Whereas, this deficit or loss of status of State recognised party in Arunachal Pradesh, Goa, and Meghalaya was made good due to application of Para 6C as per amendment Symbols Order by notified on 22.08.2016.

12.A. Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

12.B. The new Para 6C clearly gave benefit of one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneous to Lok Sabha notified thereafter. The nexus of reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."

13. Whereas, w.r.t. review of Poll Performance of the party held in 2016 after General Election 2014, the Party was extended the benefits and its recognition was continued as State Party in the states of Arunachal Pradesh, Goa and Meghalaya as per the provisions of sub-para (1) of the Para 6C of the Symbols Order, which was deemed to be effective from 1.1.2014;

14. Whereas, the party which was recognized in the states of Maharashtra and Nagaland on the basis of poll performance, by virtue of Para 6 C was considered as deemed recognized

party in the states of Arunachal Pradesh, Goa and Meghalaya and the combined effect was that after getting deemed recognition in Arunachal Pradesh, Goa and Meghalaya, it got qualified for recognition as national party. The party got the benefit of a National Party as per the provisions of Para 6B(iii) of the Symbols Order, and

Review after GELS, 2019

15. Whereas, the poll performance of the Party after the General Election to the House of People held in 2019 and the General Elections to the State Legislative Assemblies, has been reviewed by the Commission in terms of Paragraph 6B and Sub- Para (2) of Paragraph 6C of the said Symbols Order;

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the General Election to the House of the People and the General Elections to the Legislative Assemblies of Arunachal Pradesh, Goa, Maharashtra, Manipur, Meghalaya and Nagaland, is given (upto 2019) below: -

TABLE-III: House of the People, 2019

Name of the State	% of Votes polled	No. of seats won, if any
Arunachal Pradesh	Did not contest (DNC)	Did not contest (DNC)
Goa	Did not contest (DNC)	Did not contest (DNC)
Maharashtra	15.52%	4 out of 48
Manipur	0.16%	0
Meghalaya	Did not contest (DNC)	Did not contest (DNC)
Nagaland	Did not contest (DNC)	Did not contest (DNC)

TABLE-IV: Legislative Assemblies

Name of the State and year of election	% of Votes polled	No. of seats won, if any
Arunachal Pradesh (2019)	Did not contest (DNC)	Did not contest (DNC)
Goa (2017)	2.28%	1 out of 40
Maharashtra (2019)	16.71%	54 out of 288
Manipur (2017)	0.95%	0
Meghalaya (2018)	1.61%	1 out of 60
Nagaland (2018)	1.06%	0

TABLE-V: Performance in GELA in relevant States after 2019 and upto 2022 where the party has contested:

Elections	Year	States	Total Seats	Seats Won	% of Secured Votes
Lok Sabha	2019	Lakshadweep	-	1	48.71%
General Election	2019	Other States	-	0	-
Legislative Assembly	2022	Goa	40	0	1.14%
Legislative Assembly	2022	Manipur	60	0	0.67%

17. Whereas, from above tables III, IV & V, it is observed that: -

- a) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition in Arunachal Pradesh during the General Elections to the Lok Sabha held during 2014 & 2019 and also to the General Election to the Legislative Assembly held during 2014 & 2019, held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C;
- b) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition in Goa during the General Elections to the Lok Sabha held during 2014 & 2019 and also to the General Election to the Legislative Assembly held during 2017, held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C;

- c) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition in Manipur during the General Elections to the Lok Sabha held during 2014 & 2019 and also to the General Election to the Legislative Assembly held during 2017 and 2022, held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C;
- d) as per the provisions of Sub-Para (2) of Para 6C of the Symbols Order, the party has not fulfilled criteria of recognition in Meghalaya during the General Elections to the Lok Sabha held during 2014 & 2019 and also to the General Election to the Legislative Assembly held during 2018, held after 01.01.2014, which is the deemed effective date of commencement of provisions of Para 6C;
- e) as per the provisions of Sub-Para (1) of Para 6C of the Symbols Order, the Party is continued to be treated as recognized State Party in the states of Nagaland (recognized as per poll performance of the party during the General Election to the House of People – 2013);
- f) the Party has not fulfilled the criteria of recognition as laid down under Para 6A of the Symbols Order except in the state of Maharashtra; and

18. Whereas, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a National Party should not be withdrawn from the party as its status as state party remained restricted to only two States i.e. Maharashtra (as per actual electoral performance) and in Nagaland (as per Para 6C).

19. Whereas, the Party vide letter dated 03/05.08.2019 *inter alia* submitted that: -

- i. That the methodology devised by the Commission for recognition of a political party as a National Party is based on percentages and numbers which reflects a political party's following at a particular point of time and that these numbers are transient and

never conclusive. That there is no positive co-relation between the two mandatory criteria of percentage of votes acquired and number of seats won.

- ii. That there is no constitutional obligation upon the Commission to categorize political parties as National or State Parties.
- iii. That continued recognition as a National Party ensures that a political party is allowed to hold on to a particular symbol and that such symbol is an essential tool for political communication, especially for a country with low literacy rate. That the Indian electorate identifies political ideas and expressions of a political party with their symbol.
- iv. That the Commission's proposal to withdraw the status of National Party infringes on NCP's fundamental right and is not a reasonable restriction within the scope of Article 19(2) of the Constitution of India.
- v. That the Party has contributed significantly to India's political life across multiple states of India and it has great support in the various states of the country such as Maharashtra, Arunachal Pradesh, Manipur, Meghalaya, Nagaland, Haryana, Delhi and other states.
- vi. That the party has pan-India presence and its political influence is sprawling, the review of poll performance of the party may be carried after the coming General Elections to the legislative assemblies of various states elections to be held up to 2024.
- vii. That the Party requests to withdraw the notice and to consider the matter after above-mentioned elections.

20. Whereas, the Commission scheduled a hearing on 09.09.2019 (Monday) at 03:30 PM wherein the representatives of the party reiterated the party's submission dated 03/05.08.2019. The Commission informed the Party that the matter will be treated as part-heard and will be taken up for further consideration later and until then, the status quo will continue; and

21. Whereas, the review process of the poll performance of political parties was put on hold due to the ongoing COVID-19 pandemic; and
22. Whereas, the Commission vide letter dated 14.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 20.12.2021 at 4:00 pm. However, the party **did not appear** for the hearing; and
23. Whereas, the party vide its letter dated 17.12.2021 informed the Commission that the team which is handling the issue is now scattered because of pandemic. Moreover, due to the then ongoing assembly elections in five states, most of their leaders are not in town and requested for three months' time to file their reply/response; and
24. Whereas, the Commission vide letter dated 21.12.2021, declined the request of extension of time by the party and advised the party to file reply/response by 04.01.2022. In reply, the party had requested to provide a copy of proceedings of hearing dated 09.09.2019. The same was supplied to the party vide Commission's letter dated 29.12.2021; and
25. Whereas, the party vide letter dated 03.01.2022 submitted before the Commission that the recognition status of the party should continue for ten years from the enactment of the para 6C of the symbols order i.e. till 2026; and
26. Whereas, the Commission vide letter dated 06.03.2023 scheduled the next hearing of the party in the matter on 21.03.2023 at 5:30 pm wherein the representatives of the party reiterated the earlier submission that submitted that the recognition status of the party should continue for ten years from the enactment of the para 6C of the symbols order i.e. till 2026 and further submitted that the Commission invoke Para 18 of Symbols Order and defer the review of the status of the party to after the conclusion of General Election, 2024; and

27. Whereas the Party submitted a representation dated 21.03.2023 wherein the following submissions were made:

- i. That the NCP is one of the eight recognized National Parties having an all- India presence with a number of principal frontal organizations and that the Party had a representation in the Union Cabinet in the period 2004-2014;
- ii. That the Symbols Order does not make any distinction between the National Parties seeking continued recognition of their status and political parties seeking recognition under such Para for the first time and therefore, it is discriminatory as it meets equal treatment to unequal;
- iii. That Para 6B of the Symbols Order also fails to take into consideration the performance, achievements and contributions of the political parties under review as National Party;
- iv. That the Symbols Order works on the premise that if a political party fails badly in one General Election, it loses its raison d'être of such recognition, and must therefore be derecognised and such premise thus, suffers from glaring lacuna. That the methodology devised by this Commission under Para 6 merely reflects the support enjoyed by a political party at a given point of time and any mechanical application of such methodology for reviewing of continued recognition as a National Party will defeat the inherent purpose of the Symbols Order;
- v. That non-consideration of representation of the Party from Lakshadweep for the purpose of recognition under Symbols Order is arbitrary and causes prejudice to NCP;
- vi. That in a country where overwhelming majority of the electorate is illiterate, symbols allow voters to identify candidates of their choice and exclusion of the symbol reserved for NCP will cause immense confusion in the minds of the electorate and subvert free and fair election in the country;

- vii. That in recent elections of Nagaland Legislative Assembly, the performance of the party was exceedingly well whereby the Party won 7 seats and emerged as the largest opposition party in the State of Nagaland;
- viii. That in view of the upcoming elections, a review of status of NCP as National Party be deferred and that the Commission be pleased to observe the performance of NCP in upcoming State Legislative Assembly elections and in General Elections, 2024 before undertaking any review.

28. The submissions made on behalf of NCP *vide* representations dated 03.08.2019 and 21.03.2023 have been given careful consideration by the Commission. At the outset, the contention of the Party that the methodology devised by the Commission for recognition of parties under the Symbols Order suffers from lacuna and that its mechanical application for reviewing the continuity of recognition defeats the inherent objective of Symbols Order, is liable to be rejected. The same methodology on the basis of which the Party got the recognition as a National Party cannot now be criticised by it when the conditions prescribed are unable to be fulfilled by the Party. A Party which enjoyed the benefit of recognition provided under the Symbols Order for more than two decades cannot be allowed to question the methodology of grant of recognition when the Party is on the brink of losing it.

29. Moreover, the power of the Commission to withdraw recognition of political parties due to failure to fulfil conditions prescribed under the Symbols Order has been affirmed by the Hon'ble Courts in a catena of judgments. In the matter of *Janata Dal (Samajwadi) v. Election Commission of India*, (1996) 1 SCC 235, the Hon'ble Supreme Court, relying on Section 21 of the General Clauses Act 1897, held that the Commission has the power to rescind the recognition of a National Party if that Party failed to fulfil the conditions prescribed under the Symbols Order. Relevant extract of the judgment is reproduced here below:

"6. It is true that there is no specific provision under the Symbols Order vesting power in the Election Commission after having recognised a political party as a national party to declare that such political party has ceased to be a national party, not being entitled to the exclusive use of the symbol allotted to it. But at the same time, it cannot be conceived that a political party having been recognised as a national party or a State party, as the case may be, on having fulfilled the conditions prescribed in paragraph 6(2) shall continue as such in perpetuity although it has forfeited the right to be recognised as a national party or a State party. In paragraph 2(2) of the said Symbols Order it has been specifically provided that the General Clauses Act, 1897 shall as far as may be applicable in relation to the interpretation of the said order as it applies in relation to the interpretation of a Central Act. Section 21 of the General Clauses Act provides that where by any Central Act or Regulation, a power to issue notifications, orders, rules, or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction, and conditions if any to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued. As paragraph 2(2) of the Order in clear and unambiguous term makes provision of the General Clauses Act applicable to the Symbols Order, it need not be impressed that provisions of Section 21 of the General Clauses Act also become applicable vesting power in the Election Commission which had issued the aforesaid order dated 16-4-1991 recognising the appellant as a national party to rescind the said order as the appellant in the elections to the Legislative Assemblies of the States mentioned above ceased to fulfil the conditions prescribed in paragraph 6(2) of the Order read with paragraph 7(1) thereof."

(Emphasis supplied)

30. Furthermore, the Hon'ble Supreme Court in the matter of *Subramanian Swamy v. Election Commission of India* [(2008) 14 SCC 318] had considered the argument as to whether a symbol reserved for a Party due to grant of recognition under the Symbols Order becomes a part of its identity in the minds of the voters and therefore, should not be taken away due to subsequent de-recognition. The Hon'ble Court rejected such contention and held that the Commission had every right to deprive a political party of its symbol due to its dismal performance in the elections. Relevant extract of the judgment is as follows:

"21. Paras 6-A, 6-B and 6-C provide for the condition of recognition of a political party on the national and/or State level. We need not, at this stage, go into the intricacies of Paras 6-A, 6-B and 6-C but suffice it to say that in order to have that status, the said political party must be an effective political party in the sense that it must share a particular percentage of votes in the national or the State-level elections or it must have certain number of elected representatives in Lok Sabha or the State Legislatures. It is this concept which

introduces that in order to be a recognised political party, it must perform well in the elections and thereby pass the acid test of "following". Therefore, unless there is a following of the nature provided in Paras 6-A, 6-B and 6-C, the political party does not remain a recognised political party."

"32. It may be that a recognised political party would have a right of exclusive use of the symbol but the Symbols Order makes it very clear that such right to use the symbol can be lost with the dismal performance of the party."

"34. A symbol is not a tangible thing nor does it generate any wealth, it is only the insignia which is associated with the particular political party so as to help the millions of illiterate voters to properly exercise their right to franchise in favour of the candidate of their choice belonging to a particular party. In the election process it is not merely the individual candidate's personality or his identity that weighs with the voters. It is undoubtedly a very relevant factor but along with it the voter also can and does vote in favour of the party. It is under such circumstances that the symbol becomes relevant and important. However, all that it provides for is the essential association that it has with a particular party. The party concerned would have a legal right to exclusively use the same but that is not, in our considered opinion, a property of the party and, therefore, the Election Commission which is required to ensure free, fair and clean elections have every right to deprive a particular party with a dismal performance of that symbol. The Election Commission puts a clamp on the right of such a political party to use the symbol rightfully. We are, therefore, not in a position to accept the argument that symbol is a property of a party and, therefore, such property cannot be taken away from that political party."

(Emphasis supplied)

31. Again, the Hon'ble Supreme Court in the matter of **DMDK v. Election Commission of India** [(2012) 7 SCC 340], while dealing with the issue of de-recognition of DMDK as a State Party in Tamil Nadu, held that the benchmark set by the Commission for recognition of a political party was not unreasonable. Relevant extract of the judgment is as follows:

"51. The evolution of the law relating to the criteria for a political party to be recognised as a State party clearly indicates that the Election Commission, in its wisdom, was of the view that in order to be recognised as a political party, such party should have achieved a certain benchmark in State politics. Nothing new has been brought out in the submissions made on behalf of the writ petitioners which could make us take a different view from what has been decided earlier."

"53. The Election Commission has set down a benchmark which is not unreasonable. In order to gain recognition as a political party, a party has to prove itself and to establish its credibility as a serious player in the political arena of the State. Once it succeeds in doing so, it will become entitled to all the benefits of recognition, including the allotment of a common symbol."

32. ECI reviews the status of recognised political parties in terms of Paragraph 6C and there is no provision in the Symbols Order for a fixed 10 year time period for review of such status as claimed by the party. It is to be noted that the measure is upto "next general election" following the general election on the basis of which the party got it recognised. The recognition as national or state party is earned on the sole criteria of electoral performance and it is not possible for ECI to either deviate from this or apply new considerations.

33. It is also pertinent to mention that the Commission amended Para 6C, as mentioned above, to give a notional pass over to recognised political parties who failed to fulfil the conditions prescribed for recognition under the Symbols Order at the General Election held subsequent to their recognition. Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of the new Para 6C. The respondent, gained the benefit of this very interpretation by the ECI and obtained a national status and so now, cannot be allowed to seek a complete reversal of interpretation of Para 6C.

34. (a) Further after the qualifying date for availing benefits under Para 6C, in case of Arunachal Pradesh, NCP did not qualify for the status of recognised state party on the basis of its performance in General Elections to Lok Sabha and to Legislative Assembly in 2014 & 2019.

(b) Similarly, in the State of Goa, NCP availing benefits after 01.01.2014 under Para 6C, never qualified on the basis of performance in the next general election. General

Election to Lok Sabha held in 2014 & 2019 and also general election of Legislative assembly held in 2017 & 2022.

(c) Further in the State of Manipur, NCP availing benefits after 01.01.2014 under Para 6C, never qualified on the basis of performance in the next general election General Election to Lok Sabha held in 2014 & 2019 and also general election of Legislative assembly held in 2017& 2022.

(d) Lastly, in the State of Meghalaya, NCP availing benefits after 01.01.2014 under Para 6C, never qualified on the basis of performance in the next general election General Election to Lok Sabha held in 2014 & 2019 and also general election of Legislative assembly held in 2018.

(e) NCP has, thus fully enjoyed and exhausted the benefits of Para 6C.

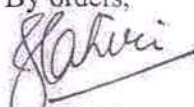
35. Furthermore, the Commission finds no merit in the submission that the achievements and contribution made by NCP should be taken into consideration for reviewing the continuity of its recognition as a National Party. When the grant of such recognition is based upon a set of conditions prescribed under the Symbols Order, the Commission cannot deviate from the same while reviewing the continuity of recognition.

36. Moreover, the contention of the party that non inclusion of its representation in Lakshdweep is arbitrary, is devoid of any merit. The Union Territories are included in the Symbols Order only if they are having a Legislative assembly and not otherwise. This is an objective classification aimed at providing recognition to a party as State Party based on its performance in the concerned UT.

37. On the other point made by the NCP, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice on 18.07.2019 and upto December, 2022, 21 General Elections to various State Legislative Assemblies have been

held. Record reflects that NCP participated in 12 of these 21 General Elections to Legislative Assemblies. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample extra opportunities to NCP to "regain" the impugned status. In any case, as electoral cycles progress, nothing prevents NCP to regain its status as mandated under Para 6A and 6B. In fact, in the next GELA to Nagaland in 2023, NCP fulfils criteria of Para 6A (i), (iii) & (v) of the Symbols Order and qualifies for recognition as state party in Nagaland. Even taking into account this recent outcome in the State of Nagaland, NCP still does not fulfil the criteria for recognition as a national party under Para 6B of the Symbols Order. The amendment of Para 6C in 2016 was in the nature of a one-time favourable exception carrying forward a previous success of a General Election, to overcome failure in next General Election. NCP in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

38. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the state party status with regard to States of Goa, Manipur and Meghalaya. Consequently, the National Party recognition of the NCP also stands withdrawn. The party will continue to be treated as State recognised party in the States of Maharashtra (on basis of actual poll performance). In Nagaland, the party was continuing its recognition under Para 6C. It will now be recognised as a state party in Nagaland henceforth on the basis of GELA of Nagaland in 2023 under Para 6A.

By orders,

(Jaydeb Lahiri)
SECRETARY

The President
Nationalist Congress Party
Bungalow No.-1,
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भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in Puducherry of the Pattali Makkal Katchi under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. WHEREAS, Pattali Makkal Katchi (herein after referred to as "the Party"), is a recognised State Party in the UT of Puducherry ; and
2. Whereas the recognition of the party in Puducherry was based on the poll performance of the Party in the General Election to the House of the People, 2009, under the provisions of Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'); and
3. WHEREAS, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. **Conditions for recognition as a State Party** - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

(i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or

(ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

(iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

(iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

4. WHEREAS, based on the poll performance of the Party at the general election to the Legislative Assembly of Puducherry held in 2011 and the general election to the House of People held in 2014, a review was initiated by the Election Commission in terms of paragraph 6A of the said Symbols Order in 2014; and

5. WHEREAS, it was noted that in the general election to the Legislative Assembly of Puducherry, 2011 the Party **had not won any seat and secured 2.48% votes** and in the general election to the House of the People, 2014 from Puducherry, **had not won any seat and secured 3.17% votes**, and hence the poll performance of the Party in the said election did not match any of the criteria laid down in Para 6A for recognition as State Party in the UT of Puducherry; and

6.A. Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. -

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People

or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

6. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."

7. WHEREAS, as per the provisions of sub-Para (1) of Para 6C of the Symbols Order, the Party continued to be treated as recognized State Party in the UT of Puducherry; and

8. WHEREAS, the poll performance of the Party at the last general election to the Legislative Assembly of Puducherry held in 2016 and the last general election to the House of People held in 2019, has further been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order of the Symbols Order; and

9. WHEREAS, in the general election to the Legislative Assembly of Puducherry, 2016 the Party **had not won any seat and secured 0.71% of valid votes** polled in the UT, and the party has not contested from Puducherry in the general election to the House of People, 2019, which shows that the party does not fulfil any of the criteria laid down for continued recognition of the said party as a State Party in the UT of Puducherry; and

10. Whereas, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a State Party should not be withdrawn from the party; and

11. Whereas, the party did not appear for hearing in response to the said Show Cause Notice though the party vide letter dated 12.09.2019 requested to give further opportunity for hearing;

12. Whereas, the review process of the poll performance of political parties was put on hold due to the COVID-19 pandemic; and

13. Whereas, the Commission vide letter dated 16.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 29.12.2021 at 3:30 pm.

14. Whereas, the party **did not appear** for the hearing on 29.12.2021.

15. Whereas, the Commission vide letter dated 07.03.2023 scheduled a further hearing of the party in the matter on 20.03.2023 at 4:30 pm wherein the representative of the party requested the Commission to continue the recognition of the party and permit to contest in the forthcoming GELS, 2024 with its reserved symbol.

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the general election to the House of the People and Legislative Assembly in the UT of Puducherry from 2011 to 2021 is given below: -

Pattali Makkal Katchi performance review for the UT of Puducherry:			
Election	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly 2011	30	0	2.48%
Lok Sabha 2014	1	0	3.17%
Legislative Assembly 2016	30	0	0.71%
Legislative Assembly 2021	30	DID NOT CONTEST	-

17. Whereas, the Commission after considering the submissions (oral & written) made by the party and the relevant statistics & review of Poll Performance of the party finds that:

- i. The assessment of Para 6A & 6C starts with the position of the parties as on 01.01.2014. Thereafter, the “next election” which takes place becomes the General Election to Lok Sabha notified on 14.03.2014 along with the General Election to the Legislative Assembly of Puducherry held during 2016. This is so because of the phrase “next election” for purpose of Para 6C has two cognitive components, to be held after 01.01.2014 and, following the GE on the basis of which it got recognition in the first place. Thus, as the status of state party in Puducherry was earned by the party in General Election, 2009, without doubt, the “next General Election” becomes General Election of 2014.
- ii. Thereafter, the accounting and sequence comes in terms of elections to the respective legislative assembly held in the electoral cycles as explained in Para 16 above with regard to specific case of the party in the UT of Puducherry.
- iii. Therefore, the election cycles at which Para 6C benefits exhaust themselves in their entirety, with regard to the party, without doubt, by the time of the review of 2019 and, the facts contained in the show cause notice document the same.

18. The only point made by the party, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 21 General Elections to various State Legislative Assemblies have been held including Puducherry. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample further opportunities to the party to “regain” the impugned status as state party. In any case, as electoral cycles progress, nothing prevents the party to regain its status as mandated under Para 6A and 6B. The amendment of

Para 6C in 2016 was in the nature of an exception carrying forward a previous success of a General Election, to overcome failure in next General Election. The party in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

20. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the Pattali Makkal Katchi to the UT of Puducherry. The party will now be treated as a Registered Unrecognized Political Party.

By orders,



(JAYDEB LAHIRI)
SECRETARY

The President,
Pattali Makkal Katchi,
63, Nattu Muthu Niken Street,
Vanniya Teynampet, Chennai,
Tamil Nadu- 600018.



By Speed Post/Email

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in Manipur of the 'People's Democratic Alliance', under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. WHEREAS, People's Democratic Alliance (hereinafter referred to as "the Party"), is a recognized State Party in the State of Manipur; and
2. Whereas the recognition of the party in Manipur was based on the poll performance of the Party in the General Election to the House of the People, 2009, under the provisions of the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'); and
3. WHEREAS, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. **Conditions for recognition as a State Party** - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or
- (iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or
- (iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

- (v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.}

6C Conditions for continued recognition as a National or State Party. - (1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if apolitical party recognized as a State Party or National Party fails to fulfill the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next general election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the general election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be.

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-paragraph (1), the question whether it shall further continue to be so recognised after any subsequent general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfillment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be." ; and

4. WHEREAS, in pursuance of the provisions of paragraph 6A and 6C of the Symbols Order, a review of the poll performance of every recognized State political party is required to be made by the Election Commission after every general election to the House of the People or, as the case may be, to the State Legislative Assembly; and

5. WHEREAS, based on the poll performance of the Party at the general election to the Legislative Assembly of Manipur held in 2012 and the general election to the House of People held in 2014, a review was initiated by the Election Commission in terms of paragraph 6A of the said Symbols Order in 2014; and

6. WHEREAS, the Party had not set up any candidate to contest the general election to the Legislative Assembly of Manipur, 2012 and the general election to the House of People, 2014 from Manipur, and hence the poll performance of the Party in the said election did not match any of the criteria laid down in Para 6A for recognition of the said Party as State Party in the state of Manipur; and

7. Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have

come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be "

7. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."

8. WHEREAS, as per the provisions of sub-para (1) of Para 6C of the Symbols Order, the said Party continued to be treated as recognized State Party in the State of Manipur; and

9. WHEREAS, the poll performance of the Party at the last general election to the Legislative Assembly of Manipur held in 2017 and the last general election to the House of People held in 2019, has been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order; and

10. WHEREAS, in the last general election to the Legislative Assembly of Manipur, 2017 the Party **had not won any seat and secured 0.18% votes** of total valid votes polled in the State and the Party did not set up any candidates in the general election to the House of People, 2019 from Manipur, which shows that the Party does not fulfill any of the criteria laid down for continued recognition of the Party as a State Party in the state of Manipur; and

11. WHEREAS, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was requested to submit its comments as to why the recognition/ status as a National Party should not be withdrawn from the party; and

12. WHEREAS, the party responded vide reply dated 16.12.2021 in which they stated that while the party did not win a seat in the 2017 General Election to Legislative Assembly, but they secured 0.18% of the votes. Further, that in General Election to Lok Sabha, 2019, they fought the election through a "joint candidate" with NPF and that joint candidate won the election;

13. WHEREAS, the review process of the poll performance of political parties was put on hold due to the on-going COVID-19 pandemic; and

14. WHEREAS, the Commission has scheduled a hearing on 13.09.2019. However, the party did not appear for the hearing.

15. WHEREAS, the Commission resumed the hearing and scheduled it on 27.12.2021 at 3:00 PM. However, the party did not appear for the hearing. Further, no communication has been received from the party in this regard.

16. WHEREAS, the Commission scheduled a further hearing on 20.03.2023 at 2:30 PM. The party did not appear for the hearing. Further, no further communication has been received so far from the party in this regard.

17. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the People's Democratic Alliance in the State of Manipur. The party will now be treated as a Registered Unrecognized Political Party.

By orders,



(JAYDEB LAHIRI)
SECRETARY

The President,
People's Democratic Alliance,
Ragailong, Imphal,
Manipur -795 001.



By Speed Post/Email

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in Uttar Pradesh of the Rashtriya Lok Dal under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. WHEREAS, Rashtriya Lok Dal (herein after referred to as "the Party"), is a recognised State Party in the State of Uttar Pradesh; and
2. Whereas the recognition of the party in Uttar Pradesh was based on the poll performance of the Party in the General Election to the House of the People, 2009, under the provisions of Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'); and
3. WHEREAS, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. Conditions for recognition as a State Party - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

- (i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or
- (ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

(iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

(iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

4. WHEREAS, based on the poll performance of the Party at the general election to the Legislative Assembly of Uttar Pradesh held in 2012 and the general election to the House of People held in 2014, a review was initiated by the Election Commission in terms of paragraph 6A of the said Symbols Order in 2014; and

5. WHEREAS, it was noted that in the general election to the Legislative Assembly of Uttar Pradesh, 2012 the Party had won nine out of 403 seats and secured 2.33% votes and in the general election to the House of the People, 2014 from Uttar Pradesh, has not won any seat and secured 0.86% votes, and hence the poll performance of the Party in the said election did not match any of the criteria laid down in Para 6A for recognition as State Party in the state of Uttar Pradesh; and

6.A. Whereas the said Para 6C was inserted in the Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

Conditions for continued recognition as a National or State Party. –

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A

or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

6. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."

7. WHEREAS, as per the provisions of sub-Para (1) of Para 6C of the Symbols Order, the Party continued to be treated as recognized State Party in the State of Uttar Pradesh; and

8. WHEREAS, the poll performance of the Party at the last general election to the Legislative Assembly of Uttar Pradesh held in 2017 and the last general election to the House of People held in 2019, has further been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order of the Symbols Order; and

9. WHEREAS, in the general election to the Legislative Assembly of Uttar Pradesh, 2017 the Party **had won one out of 403 seats and secured 1.78% of valid votes** polled in the State, and in the general election to the House of People, 2019 from Uttar Pradesh, **has not won any seat and secured 1.67% of valid votes** polled in the State, which shows that the party does not fulfil any of the criteria laid down for continued recognition of the said party as a State Party in the state of Uttar Pradesh; and

10. Whereas, the Commission based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/status as a State Party should not be withdrawn from the party; and

11. Whereas, the party did not respond to the said Show Cause Notice;

12. Whereas, the review process of the poll performance of political parties was put on hold due to the COVID-19 pandemic; and

13. Whereas, the Commission vide letter dated 16.12.2021 resumed the process of hearing and scheduled a personal hearing of the party on 27.12.2021 at 3:30 pm.

14. Whereas, the party vide its letter of 23.12.2021 replied arguing that GELA of Uttar Pradesh was scheduled for early 2022 and that the Amendment to Para 6C mandates that the review of status is to be conducted after 10 years. For the latter, the party has attached various newspaper cuttings of 2016. Further, during the hearing on 27.12.2021, the representatives of the party reiterated the party's submission dated 23.12.2021.

15. Whereas, the Commission vide letter dated 07.03.2023 scheduled the next hearing of the party in the matter on 20.03.2023 at 5:30 pm wherein the representatives of the party during their submission reiterated the provisions again and added the fact of their performance in GELA of Uttar Pradesh in 2022:-

Rashtriya Lok Dal performance review for the state of Uttar Pradesh:			
Election	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly 2022	403	8	2.85%

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the general election to the House of the People and Legislative Assembly in the state of Uttar Pradesh from 2012 to 2019 is given below: -

Rashtriya Lok Dal performance review for the state of Uttar Pradesh:			
Election	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly 2012	403	9	2.33%
Lok Sabha 2014	80	0	0.86%
Legislative Assembly 2017	403	1	1.78%
Lok Sabha 2019	80	0	1.69%

17. Whereas, the Commission after considering the submissions (oral & written) made by the party and the relevant statistics & review of Poll Performance of the party, finds that:

- a) the interpretation that the party attempts to place on the impact & extent of the benefit extended by Para 6C i.e. that the benefit of deemed/continued recognition as State Party is to be maintained for 2 State Election Cycle, posterior to 2016, is erroneous.
- b) That, as mentioned in Para 7 above, the first benefit of Para 6C was extended & utilized by the party w.r.t. an extension of recognition as State Party in Uttar Pradesh (despite not having requisite poll performance) in the 2014 Parliamentary Election, in 2016 itself.
- c) The operation/impact/ domain of Para 6C is clear and has to be understood from its bare reading in the following terms:
 - i. Though the Para 6C was inserted vide the amendment in Symbols Order carried out on 22.08.2016, the 'Short Title and Commencement' in clause 1(ii) clearly reads that follows:

i. *This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016.*

ii. *It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective."*

ii. Therefore, the assessment starts with the position of the parties as on 01.01.2014. Thereafter, the "next election" which takes place becomes the General Election to Lok Sabha notified on 14.03.2014 along with the General Election to the Legislative Assembly of Uttar Pradesh held during 2017. This is so because of the phrase "next election" for purpose of Para 6C has 2 cognitive components, is to be held after 01.01.2014 and, following the GE on the basis of which it got recognition in the first place. Thus, as the status of state party in Uttar Pradesh being earned by the party in General Election, 2009, without doubt, the "next General Election" becomes General Election of 2014.

iii. Thereafter, the accounting and sequence comes in terms of elections to the respective State legislative assemblies held in the electoral cycles as explained in Para 16 above with regard to specific case of the party in the State of Uttar Pradesh.

iv. Therefore, the election cycles at which Para 6C benefits exhaust themselves in their entirety, with regard to the party, without doubt, by the time of the review of 2019 and, the facts contained in the show cause notice document the same.

18. Nothing argued by the party, including their primary argument of non-retrospective implementation of the 2016 amendment survive in the face of the explicit statement in the said Notification in "Short Title and Commencement" part 1(ii). It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective." Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of the new Para 6C. The party, gained the benefit of this very interpretation by the ECI and retained the state status and so now, cannot be allowed to seek a complete reversal of interpretation of Para 6C.

19. On the other point made by the party, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 21 General Elections to various State Legislative Assemblies have been held including Uttar Pradesh. Records reflect that the party participated in 3 of these 21 General Elections to Legislative Assemblies. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample further opportunities to the party to "regain" the impugned status as state party. In any case, as electoral cycles progress, nothing prevents the party to regain its status as mandated under Para 6A and 6B. The amendment of Para 6C in 2016 was in the nature of a one-time exception carrying forward a previous success of a General Election, to overcome failure in next General Election. The party in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

20. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the Rashtriya Lok Dal in the State of Uttar Pradesh. The party will now be treated as a Registered Unrecognized Political Party.

By Orders,



(Jaydeb Lahiri)
Secretary

The President,
Rashtriya Lok Dal,
406, V.P. House, Rafi Marg,
New Delhi-110001.



By Speed Post/Email

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II

Dated: 10th April, 2023

Sub: Withdrawal of recognition of status of state party in West Bengal of the Revolutionary Socialist Party under Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968.

1. Whereas, Revolutionary Socialist Party (herein after referred to as "the Party"), is a recognised State Party in the States of West Bengal and Kerala; and
2. Whereas, the recognition of the party in West Bengal was based on the poll performance of the Party in the General Election to the House of the People, 2009, under the provisions of Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968 (hereinafter referred to as 'Symbols Order'); and
3. Whereas, the provisions in paragraphs 6A of the Election Symbols (Reservation & Allotment) Order, 1968, provide as follows: -

"6A. **Conditions for recognition as a State Party** - A political party shall be eligible for recognition as a State party in a State, if, and only if, any of the following conditions is fulfilled: -

(i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or

(ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

(iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

(iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

(v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

4. Whereas, based on the poll performance of the Party at the general election to the Legislative Assembly of West Bengal held in 2011 and the general election to the House of People held in 2014, a review was initiated by the Election Commission in terms of paragraphs 6A and 6C of the said Symbols Order in 2014; and

5. Whereas, it was noted that in the general election to the Legislative Assembly of West Bengal, 2011, the Party **had won seven out of 294 seats and secured 2.96% votes** and in the general election to the House of the People, 2014, from West Bengal, **has not won any seat and secured 2.46% votes**, and hence the poll performance of the Party in the said election did not match any of the criteria laid down in Para 6A for recognition as State Party in the state of West Bengal; and

6.A. Whereas, Para 6C of Symbols Order in August 2016, which provides that:

"1. Short Title and Commencement i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016. ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective.

2. Amendment of Paragraph-6C. The existing Paragraph-6C of the Election Symbols (Reservation and Allotment) Order, 1968 shall be substituted as follows: -

6.C. **Conditions for continued recognition as a National or State Party. –**

(1) Notwithstanding anything in Paragraph 6A and Paragraph 6B, if a political party recognized as a State Party or National Party fails to fulfil the conditions of Paragraph 6A or, as the case may be, Paragraph 6B, at the next General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State, following the General Election to the House/Assembly concerned on the basis of which it got recognition (hereinafter referred to as "the next election"), it shall continue to be treated as recognized State Party or National Party, as the case may be

(2) If a recognised political party continues to be treated as recognised National Party or State Party after the next election to the House of the People or, as the case may be, to the Legislative Assembly of the State under the provisions of sub-Paragraph (1), the question whether it shall further continue to be so recognised after any subsequent General Election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, shall be subject to the fulfilment by the party of the conditions specified in Paragraph-6A or 6B, as the case may be"

6. B. The new Para 6C clearly gave one additional notional "pass over" for purposes of review of status of national/state party by fixing 01.01.2014 as a start date and accounting for failure "to fulfil the conditions" of Para 6A and 6B. The "next General Election" becomes any General Election posterior to 01.01.2014 and in effect become the General Election to Lok Sabha, 2014 which was notified on 14.03.2014 and, the various General Elections to legislative assemblies which were notified simultaneously and as notified thereafter. [The nexus of this reading of "next General Election", is provided for each case with the phrase "following the General Election to house/assembly concerned on the basis of which it got recognition."]

7. Whereas, as per the provisions of sub-Para (1) of Para 6C of the Symbols Order, the Party continued to be treated as recognized State Party in the State of West Bengal; and

8. Whereas, the poll performance of the Party at the last general election to the Legislative Assembly of West Bengal held in 2016 and the last general election to the House of People held in 2019, has further been reviewed in terms of paragraph 6A and sub-Para(2) of Para 6C of the Symbols Order and

9. Whereas, in the general election to the Legislative Assembly of West Bengal, 2016 the Party had won three out of 294 seats and secured 1.67% of valid votes polled in the State, and in the general election to the House of People, 2019 from West Bengal, has not won any seat and secured 0.37% of valid votes polled in the State, which shows that the party does not fulfil any of the criteria

laid down for continued recognition of the said party as a State Party in the state of West Bengal;
and

10. Whereas, the Commission, based on the above facts, issued a Show Cause Notice on 18.07.2019 wherein the party was advised to submit its comments as to why the recognition/ status as a State Party in the State of West Bengal should not be withdrawn from the party;
and

11. Whereas, the party vide email dated 29.07.2019 submitted that review of registration status should be done after every 10 years, and accordingly, the question of such review cannot be taken up before the year 2026;

12. Whereas, the Commission, vide letter dated 30.08.2019, scheduled a personal hearing for the Party in the matter on 12.09.2019 at 3:30 pm wherein the party submitted that:-

- a) as per the amendments made in Symbols Order, the review is to be conducted in every ten years. Therefore, as ECI conducted a review in 2014 and as per the amended provisions of Paragraph 6 C, the next review should be done in 2024.
- b) Appealed to the Commission to not to withdraw the recognition in West Bengal;
- c) Further appealed to provide a chance of another personal hearing after 16.10.2019.

13. Whereas, the review process of the poll performance of political parties was put on hold due to the then ongoing COVID-19 pandemic; and

14. Whereas, the Commission vide letter dated 16.12.2021 resumed the process of hearing and scheduled a personal hearing for the Party on 29.12.2021 at 4:00 pm. However, the party did not appear for the said hearing;

15. Whereas, the Commission, vide letter dated 07.03.2023 scheduled a further opportunity of hearing of the party in the matter on 20.03.2023 at 5:00 pm wherein the

representatives of the party appealed the Commission to give the party some time to prove its mandate and achieve the criteria of recognition.

16. Whereas, the poll performance of the Party, in terms of the percentage of votes polled and the number of seats won, at the general election to the House of the People and Legislative Assembly in the state of West Bengal from 2011 to 2021 is given below: -

Revolutionary Socialist Party performance review for the state of West Bengal:			
Election	Total Seats	Seats Won	% of Secured Votes
Legislative Assembly 2011	294	7	2.96%
Lok Sabha 2014	42	0	2.46%
Legislative Assembly 2016	294	3	1.67%
Lok Sabha 2019	42	0	0.37%
Legislative Assembly 2021	294	0	0.21%

17. Whereas, the Commission after considering the submissions (oral & written) made by the party and the relevant statistics and review of poll performance of the Party, finds that:

- a) the interpretation that the party attempts to place on the impact & extent of the benefit extended by Para 6C i.e. that the benefit of deemed/continued recognition as State Party is to be maintained for 2 State Election Cycles, posterior to 2016, is erroneous.
- b) That, as mentioned in Para 7 above, the first benefit of Para 6C was extended & utilized by the party w.r.t. an extension of recognition as State Party in West Bengal (despite not having requisite poll performance) in the 2014 Parliamentary Election, in the year 2016 itself.
- c) The operation/impact/ domain of Para 6C is clear and has to be understood from its bare reading in the following terms:

- i. Though the Para 6C was inserted vide the amendment in Symbols Order carried out on 22.08.2016, the 'Short Title and Commencement' in clause 1(ii) clearly reads that follows:
- i. This Order shall be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2016.*
- ii. It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective."*
- ii. Therefore, the assessment starts with the position of the parties as on 01.01.2014. Thereafter, the "next election" which takes place becomes the General Election to Lok Sabha notified on 14.03.2014 along with the General Election to the Legislative Assembly of West Bengal held during 2016. This is so because of the phrase "next election" for purpose of Para 6C has two cognitive components, to be held after 01.01.2014 and, following the General Election on the basis of which it got recognition in the first place. Thus, as the status of state party in West Bengal was earned by the Party in General Election, 2009, without doubt, the "next General Election" becomes General Election of 2014.
- iii. Thereafter, the accounting and sequence comes in terms of elections to the respective State legislative assemblies held in the electoral cycles as explained in Para 6 above with regard to specific case of the party in the State of West Bengal.
- iv. Therefore, the election cycles at which Para 6C benefits exhaust themselves in their entirety, with regard to the party, without doubt, was by the time of the

review of 2019 and, the facts contained in the show cause notice document the same.

18. No argument of the Party, including their primary argument of non-retrospective implementation of the 2016 amendment survive in the face of the explicit statement in the said Notification in "Short Title and Commencement" part 1(ii). It shall be deemed to have come into force with effect from 1 " January, 2014, and shall always be deemed to have been so effective." Thus, the cycle for calculation starts as on 01.01.2014 for all political parties which were under review, when the ECI took decision of amending the Symbols Order by insertion of the new Para 6C. The party, gained the benefit of this very interpretation by the ECI and retained the state status and so now, cannot be allowed to seek a complete reversal of interpretation of Para 6C.

19. On the other point made by the party, i.e. to be given an extended opportunity to satisfy the criteria, it is noted that posterior to the date of show cause notice issued on 18.07.2019 and upto December, 2022, as many as 21 General Elections to various State Legislative Assemblies have been held including West Bengal. Records reflect that the party participated in 3 of these 21 General Elections to Legislative Assemblies. Thus, the disjointness of timeline of review, triggered by Covid, in effect has provided ample further opportunities to the party to "regain" the impugned status as state party. In any case, as electoral cycles progress, nothing prevents the party to regain its status as mandated under Para 6A and 6B. The amendment of Para 6C in 2016 was in the nature of carrying forward a previous success of a General Election, to overcome failure in next General Election. The party in the fact of its own case, has without doubt fully enjoyed and exhausted the benefits of Para 6C.

20. Therefore, in consideration of totality of facts & bare provisions of Symbols Order and Poll Performance, the Commission, in pursuance of the provision of Para 6 of the Election Symbols (Reservation & Allotment) Order, 1968, withdraws the State Party recognition of the Revolutionary Socialist Party in the State of West Bengal. The party will continue to be treated as State recognised party in the state of Kerala (on basis of review of poll performance of Lok Sabha - 2019).

By Orders,



(Jaydeb Lahiri)
Secretary

The President,
Revolutionary Socialist Party,
37 Ripon Street (Muzaffar Ahmed Sarani),
Kolkata, West Bengal - 700016

By Speed Post



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/Vol-IV

Date: 10th April, 2023

To

The President,
Tipra Motha Party,
Khatian No. 1201, Mouja – Jirania,
Revenue Circle - Jirania, R.S Plot No. 1493/7543,
C.S Plot No. 471, 468/P, Khumulwng,
Tripura – 799035.

Sub: - Recognition of **Tipra Motha Party**, as a State Party in Tripura -regarding.

Sir,

I am directed to state that on the basis of review of poll performance of Tipra Motha Party a registered unrecognized party in the General Election to the Legislative Assembly of Tripura, 2023, it is seen that the said 'Tipra Motha Party', has fulfilled the conditions laid down in Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968, for recognition as a State Party in the State of Tripura. Accordingly, the Commission has granted recognition to the 'Tipra Motha Party' as a State Party in the State of Tripura under the provisions of the Election Symbols (Reservation & Allotment) Order, 1968.

2. Further, it is advised to propose a symbol preference from the free symbol list available on the Commission's website or propose three new symbols (along with design and drawing of the symbol) for the consideration of the Commission. The free symbol list is available at the following path on the Commission's website: -

<https://eci.gov.in/files/file/14768-list-of-free-symbols-with-images-as-on-23rd-january-2023/>

Notification in this regard will be issued in due course.

Yours faithfully,

(Jaydeb Lahiri)
Secretary

Intercom – 233, Ph.no -011- 23052020

Copy to: The Chief Electoral Officer of Tripura for information.

By Speed Post



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No.56/Review/2019/PPS-II/Vol-IV

Date: 10th April, 2023

To

The President,
Voice Of The People Party,
Laitkor, Kynton- U- Mon,
Shillong, East Khasi Hills,
Meghalaya- 793021.

Sub: - Recognition of **Voice Of The People Party**, as a State Party in Meghalaya -regarding.

Sir,

I am directed to state that on the basis of review of poll performance of Voice Of The People Party, a registered un-recognized party in the General Election to the Legislative Assembly of Meghalaya, 2023, it is seen that the said 'Voice Of The People Party', has fulfilled the conditions laid down in Para 6A of the Election Symbols (Reservation & Allotment) Order, 1968, for recognition as a State Party in the State of Meghalaya. Accordingly, the Commission has granted recognition to the 'Voice Of The People Party' as a State Party in the State of Meghalaya under the provisions of the Election Symbols (Reservation & Allotment) Order, 1968.

2. Further, it is advised to propose a symbol preference from the free symbol list available on the Commission's website or propose three new symbols (along with design and drawing of the symbol) for the consideration of the Commission. The free symbol list is available at the following path on the Commission's website: -

<https://eci.gov.in/files/file/14768-list-of-free-symbols-with-images-as-on-23rd-january-2023/>

Notification in this regard will be issued in due course.

Yours faithfully,

(Jaydeb Lahiri)
Secretary

Intercom – 233, Ph.no -011- 23052020

Copy to: The Chief Electoral Officer of Meghalaya for information.

