

Registration of Political Parties in India

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Former Punjab chief minister Captain Amarinder Singh recently announced he will be forming his own political party in Punjab ahead of the state assembly elections. He said his party's name and symbol will be announced only after the nod from the Election Commission. In this context it is prudent to know about how political parties get registered and recognised in India

In news: Amarinder Singh says will launch his own party, open to seat arrangement with BJP

Placing it in syllabus: Law and Policy

Dimensions

- Provisions relating to registering a political party
- Process of Registration
- Importance of registering with EC
- How is a party recognised as a state or national party?

Content:

Provisions relating to registering a political party:

- The registration of all political parties is governed by the provisions of **Section 29A** of the **Representation of the People Act, 1951**.
- An association (i.e. Political party) seeking registration under Section 29A has to submit an application to the Commission **within a period of 30 days** following the date of its formation.
- As per existing guidelines, the applicant is asked to
 - publish a proposed party name in two national

daily newspapers and two local daily newspapers,
and

- provide two days for submitting objections, if any, with regard to the proposed registration of the party before the Commission within 30 days from the publication.
- The notice for publication is also displayed on the website of the Election Commission.

Process of Registration:

- To register a political party, an application for registration has to be sent by registered post or presented personally to the Secretary to the Election Commission within 30 days following the date of formation of the party in the format prescribed.
- The application must be accompanied by a demand draft for Rs10,000.
- It also needs to include a printed copy of the memorandum, rules and regulations or constitution of the Party.
- There should be a specific provision in the Party Constitution/rules and regulations/memorandum of the party regarding organizational elections at different levels and the periodicity of such elections and terms of office of the office-bearers of the party.
- It also needs to have the latest electoral rolls in respect of at least 100 members of the party to show that they are registered electors.
- The application would also need an affidavit duly signed by the President or General Secretary of the party and sworn before a First Class Magistrate/Oath Commissioner)/ Notary Public to the effect that no member of the party is a member of any other political party registered with the Commission.
- Further, individual affidavits from at least 100 members of the party would also be needed to ensure that they

are not a member of any other political party registered with the Commission.

Importance of registering with EC:

- It is not mandatory to register with the Election Commission.
- However, registering as a political party with the EC has its advantages.
- A registered political party can avail itself of the provisions of the Representation of the People Act, 1951, (relating to registration of political parties).
- The candidates set up by a political party registered with the EC will get preference in the matter of allotment of free symbols vis-à-vis purely independent candidates.
- More importantly, these registered political parties, over course of time, can get recognition as a 'state party' or a 'national party' subject to the fulfilment of the conditions prescribed by the Commission in the Election Symbols (Reservation and Allotment) Order, 1968.
- As per the rules, if a party is recognised as a 'state party', it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it in the state in which it is so recognised.
- If a party is recognised as a 'national party' it is entitled for exclusive allotment of its reserved symbol to the candidates set up by it throughout India.
- In addition, recognised 'state' and 'national' parties:
 - need only one proposer for filing the nomination and
 - are also entitled for two sets of electoral rolls free of cost and
 - broadcast/telecast facilities over state-owned Akashvani/Doordarshan during the general elections.

How is a party recognised as a state or national party?

- Not all parties registering with the EC can be allotted the status of either a 'state party' or a 'national party' by default.
- There are several conditions that the Commission follows to classify these parties.

For becoming a state party:

A political party shall be treated as a recognised political party in a state, if and only if either the conditions specified in Clause (A) are, **OR** the condition specified in Clause (B) is fulfilled by that party.

Clause (A) conditions:

- a party should be engaged in political activity for a **continuous period of five years; and**
- has, at the last general election in that state to the house of the people, or, as the case may be, to the Legislative Assembly of the state, returned- **either**
- (i) at least one member to the house of the people for every twenty-five members of that House or any fraction of that number from that state; or
- (ii) at least one member to the Legislative Assembly of that state for every thirty members of that assembly or any fraction of that number.

Clause (B) conditions:

- Clause (B) states that the "total number of valid votes polled by all the contesting candidates set up by such party at the last general election in the state to the house of the people, or as the case may be, to the Legislative Assembly of the state, is not less than six per cent of the total number of valid votes polled by all the contesting candidates at such general election

in the state.”

For becoming a ‘National Party’

- For recognition of a ‘national party’ if a political party is treated as a recognised political party in four or more states, only then will it be recognised as a ‘national party’ throughout the whole of India.
- But it will only be continued to be categorised as one as long as that political party continues to fulfill the conditions for recognition in four or more states on the results of any subsequent general election either to the house of the people or to the Legislative Assembly of any state.

The rules also state: if a political party is treated as a recognised political party in less than four states, it will be a ‘state party’ in the state but only so long as that political party continues to fulfill the conditions for recognition on the results of any subsequent general election to the house of the people or, as the case may be, to the Legislative Assembly of the state.

Mould your thought: Discuss the provisions of the law relating to registering a political party in India. Why would any party desire to be registered with the Election Commission?

Approach to the answer:

- Introduction
- Discuss the provisions of the RP Act 1951 – Section 29A
- Mention that it’s not mandatory to be registered
- List out the benefits of being a registered party
- List out the benefits of being a state party / national party
- Conclusion