GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT

RAJYA SABHA
UNSTARRED QUESTION NO. 4108

TO BE ANSWERED ON THURSDAY, 7th APRIL, 2022

NATIONAL SYMBOL USED AS ELECTION SYMBOL

4108. Shri Prasanna Acharya:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether a national symbol e.g. National Bird, National Animal or National Flower can be used as Election Symbol by any registered political party, if so, whether it is not undermining the values of the National symbol being used for political purpose;
(b) the political parties which have been allotted election symbol by the Election Commission similar to any National Symbol; and
(c) whether Government will consider disallowing use of National Symbol as party symbol?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJIJU)

(a): Sub-section 3 of section 123 of the Representation of the People Act, 1951 states that-

"123. Corrupt practices. The following shall be deemed to be corrupt practices for the purposes of this Act -.....

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause....."

(b): The Election Commission has informed that the Election Symbols are either reserved for National/State recognised Political Parties or allotted to Unrecognised Political Parties under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968 which states that-

".....in exercise of the powers conferred by article 324 of the Constitution read with section 29A of the Representation of the People Act, 1951 (43 of I95l) and rules 5 and l0 of the Conduct of Election's Rules, 1961 and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order.....

the Election Symbols (Reservation and Allotment) Order, 1968.

Accordingly, it is clear that any election symbol which is reserved/allotted by the Election commission of India shall be deemed as not a religious or national symbol.

(c): No such proposal is under consideration of the Government.

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