

The Political Party Registration (for the purpose of Election) Rule, 2063(2007)

In exercise of the power conferred by Section 44 of the Election Commission Act, 2063(2007), the Election Commission has framed the following Rules.

Chapter -1

Preliminary

1. Short title and commencement: (1) These Rules may be cited as the “Political Party Registration (for the purpose of Election) Rule, 2063(2007).

(2) This Rule shall come into force at once.

2. Definitions:

Unless the subject or the context otherwise requires, in this Rule,-

(a) "Constitution" means the Interim Constitution of Nepal, 2063 (2007).

(b) “Act” means the Election Commission Act, 2063(2007).

(c) “Commission” means the Election Commission referred to in Article 128 of the Constitution.

(d) "Authorized person" means any person who is authorized pursuant to Rule 6 to get a political party registered pursuant to this Rule.

3. Objective of registration of political party: The objectives of registration of a political party for the purpose of election shall be as follows:

(a) Getting itself registered with the Election Commission by a political party which intends to obtain recognition from the Commission for the purposes of election pursuant to Article 142 of the Constitution and Section 19 of the Act;

(b) Gaining public support by each political party which intends to take part in an election, by getting itself registered with the Commission for the purpose of election and making it public that it is taking part in the election;

(c) Recognizing political parties in order to systematize the election procedures, and contact between political parties and the Election Commission in the course of election.

Chapter -2

Procedures Relating to Registration of Parties

4. Notice for registration of parties: (1) Prior to holding an election, the Commission shall publish a notice in the Nepal Gazette, inviting each political party, which wishes to get it

registered for the purpose of election, to get registered within a maximum period of one month.

(2) The Commission shall also publish and broadcast such notice in a newspaper of national circulation and communication media.

5. Application for registration of party:(1) A political party which wishes to get registered for the purpose of election shall make an application, in the format referred to in Schedule-1, and accompanied by the details specified in that Schedule, to the Commission for the registration of party within the time specified in the notice published by the Commission in the Nepal Gazette pursuant to Rule 4.

(2) Any political party which fails to make an application for the registration of party within the time specified in the notice published pursuant to Rule 4 shall not be allowed to make application subsequently for the registration of party.

6. Application by authorized person: A person who is authorized by the chairperson or secretary general or equivalent office-bearer of the Central Executive Committee or equivalent committee of a political party in the format referred to in Schedule-2, for the purpose of making an application to the Commission for the purpose of registration of the party pursuant to Rule 5, shall, on behalf of such party, make an application to the Commission for the registration of such party. An application so made by an authorized person, on behalf of a political party,

to the Commission for the registration of the political party shall be deemed to have been made by the political party.

7. Document to be attached with application for registration of party: An application to be made by any political party for the registration of the party pursuant to Rule 5 shall be accompanied by the following documents and details:-

- (a) The constitution of the political party.
- (b) The manifesto of the political party;
- (c) The Rules of the political party;
- (d) The flag and logo of the political party;
- (e) A specimen of the formal logo of the political party;
- (f) Photocopies of the Nepalese citizenship certificates of the office-bearers of the Central Executive Committee or equivalent committee at the central level;
- (g) In the event of representation to the Interim Legislature-Parliament, a document proving the same;
- (h) Letter of authorization received by the authorized person for the registration of the political party;
- (i) An application bearing signatures, with support, of at least ten thousand voters.

Provided that this provision shall not apply to any political party that is represented to the Interim Legislature-Parliament.

8. Matters to be set out in application: Any application to be made by a political party pursuant to Rule 5 shall set out the following matters:

(a) Name of the political party and address of its headquarters;

(b) The names and addresses of the members and other office bearers of the Central Executive Committee or of similar other Committee of the political party;

(c) Details of funds of income source of the political party and resources for bringing about such funds.

9. Conditions for registration of party: In making an application for the registration of the party pursuant to Rule 5, a political party shall have fulfilled or undertake to fulfill the following conditions specified by clause (3) of Article 142 of the Constitution:

(a) Democratic provision made in the constitution and rule or democratic provision to be made in the Constitution and rule;

(b) The constitution or rules of the political party must provide for election of office-bearers of the party at all levels at least once in every five years;

(c) There must be an inclusive provision that the Executive Committees at various levels include the members from women, *Dalit* and the deprived and oppressed sectors; and

(d) The constitution of the party must have an effective provision to maintain discipline of its members.

10. Submission of application bearing signature:(1) A political party which makes an application for the registration of the party pursuant to this Rule shall submit such application in the format as referred to in Schedule-3, bearing signatures, with support, of ten thousand voters pursuant to clause (i) of Rule 7, along with the details of the name, surname, district, election constituency, Village Development Committee/Municipality, Ward No, name and surname of the mother or father/husband of each voter, in the format referred to in Schedule-4.

(2) The authorized person shall certify that the application bearing signatures, with support, of the voters and the details of voters attached therewith are true and correct.

11. Verification of application bearing signatures:(1) In the course of verifying the details accompanied with an application bearing the signatures, with support, of the voters, made pursuant to Rule 10, the Commission may verify such details

with the details of the Electoral Rolls containing the names of such voters.

(2) Where, upon verifying the details mentioned in the application made pursuant to Rule 10 with the details contained in the electoral rolls, the Commission confident as to the voters mentioned in the application bearing signatures, the Commission shall recognize the details accompanied with such application bearing signatures in support.

(3) Where, in making verification under this Rule of the details accompanied with an application bearing signatures in support made by any political party to the Commission pursuant to Rule 10, the Commission finds such details to be incomplete since such details have any deficiency or error, the Commission may give a period of not more than seven days to the concerned political party to correct such details or complete the same. Where such party corrects such details or complete and submit the same within the period so given, the Commission shall recognize such details for the purpose of registration of party for election. A political party that fails to correct or complete and submit the details to the Commission within that period shall not be registered.

12. Conditions where party cannot be registered: No political party on the following conditions shall be eligible for registration for the purposes of election:

(a) which has objectives prejudicial to the basic spirit and essence of the Preamble of the Constitution;

(b) which discriminates against any citizen of Nepal in becoming its member on the basis merely of religion, caste, tribe, language or sex;

(c) the name, objective, insignia or flag of which is of such a nature as to jeopardize the religious and communal unity of the country or to fragment the country;

(d) the constitution or rules of the political party which have the objective of protecting and promoting party-less or single party system.

13. Examination and decision:(1) The Commission shall examine an application made by a political party in accordance with the following and make decision on registration of party:-

(a) Whether the matters to be set out in the application have been set out or not;

(b) Whether the requirements for the registration of party have been completed or not;

(c) Whether the application made by the political party for the registration of party and the details and documents attached therewith are complete or not.

(2) Where, following an examination pursuant to sub-rule (1), it appears appropriate to register such political party, the Commission shall register it for the purposes of election.

(3) Where the Commission finds that the application, documents and details submitted for registration are incomplete, it may further inquire the political party submitting application into such matters as it deems necessary or into any matters it deems expedient.

(4) Where the Commission sees any reason and ground that the political party submitting application cannot be registered, it shall give a period of not more than seven days to such party to submit its statements accompanied by evidence.

(5) The Commission shall, based on *inter alia*, the statements and accompanying evidence submitted by the political party with the period given by the Commission for the submission of such statements, make decision to or not to register such party.

(6) A political party which fails to submit its statements within the period given by the Commission shall not be allowed to submit its statements subsequently.

(7) Nothing shall be deemed to prevent the Commission from making decision to or not to register a political party for the purposes of election by the reason of the failure of such political party to submit its statements within the period given by the Commission.

(8) The Commission shall publish the names of the political parties registered for the purposes of election in the Nepal Gazette.

(9) Where the Commission does not register any political party submitting application, it shall give information thereof to the concerned political party within seven days.

(10) Any decision made by the Commission to register or not to register a political party shall be final.

14. Not to register more than one party by one

name: (1) More than one political party shall not be registered by one name for the purposes of election.

(2) Where it appears that the name of two or more than two political parties submitting application for registration of party is the same, the Commission shall make consultation with the concerned political parties and seek to have understanding for the registration of such political parties so that they can have distinct identification.

(3) Where, in the course of consultation with the political parties pursuant to clause (2), an understanding is reached between the concerned political parties for the registration of such political parties so that they can have distinct identification, the Commission shall accordingly register such parties.

(4) Where, upon the consultation with the political parties an understanding cannot be reached, the Commission shall make decision to register such political parties so that they can have distinct identification.

Chapter -3

Cancellation of Registration

15. Conditions for cancellation of the party registered for purposes of election:

The registration of any political party registered for the purposes of election shall be cancelled on any of the following conditions:

(a) If the concerned political party itself makes an application to the Commission for the cancellation of its registration;

(b) If it fails to furnish such details as required to be presented under the laws in force to the Commission for three consecutive years;

(c) If it fails to fulfill such requirements as required to be fulfilled under the Constitution or the laws in force for the registration of a political party.

16. Procedures for cancellation of registration:(1) Prior to the cancellation of registration of a political party registered with the Commission pursuant to Rule 15 on any other circumstance except where the party itself makes an application to the Commission for the cancellation of its registration or where it fails to furnish such details as required to be presented under the laws in force to the Commission for three consecutive years, the Commission shall give a period of one month to the political party to furnish its statements.

(2) Where the party does not furnish its statements within such period or where the furnished statements do not appear reasonable, the Commission shall cancel such registration.

(3) The Commission shall publish a notice of the cancellation of registration of a political party pursuant to this Rule in the Nepal Gazette.

17. Name, flag and logo of party of which registration is canceled: The use of the name, flag and logo of a political party of which registration has been canceled pursuant to this Rule shall be as decided by the Commission.

18. Appeal: Where a political party of which registration has been canceled by the Commission pursuant to this Rule is not satisfied with the decision of cancellation of registration may make an appeal to the Supreme Court within thirty five days after the date of receipt of information of such decision.

Chapter-4

Miscellaneous

19. Recognition of political party:(1) Where any political party which wishes to take part in an election after the commencement of this Act is registered with the Commission by fulfilling the procedures set forth in the Act and this Rule, such political party shall be deemed to have got recognition for the purposes of election.

(2) Where any political party which was registered with the Commission prior to the commencement of this Act for the purposes of election wishes to get recognition from the Commission to take part in an election after the commencement of this Act and is registered with the Commission by fulfilling the procedures set forth in the Act and this Rule, such political party shall be deemed to have got recognition for the purposes of election.

(3) Any political party once registered with the Commission by fulfilling the procedures set forth in the Act and this Rule shall not be required to

be registered again to take part in any election. Any political party so registered shall be deemed to have got recognition for each election.

Provided that such political party shall give information of its taking part in the election to the Commission within the time of the notice published by the Commission for the registration of political parties pursuant to Rule 4.

20. Power to make alteration in Schedules: The Commission may make necessary alteration in the Schedules.

Schedule -1

(Related to the Rule 5)

Application for Registration of Party for Purpose of Election

The Election Commission,
Kantipath, Kathmandu.

In order to obtain recognition from the Commission for the purposes of election pursuant to Article 142 of the Interim Constitution of Nepal, 2063(2007) and Section 19 of the Election Commission Act, 2063(2007), I hereby submit this application setting out the following details for the registration of the political party, pursuant to the notice published by the Election Commission on ---

This political party hereby expresses its commitment that it shall abide by the conditions set forth in the Interim Constitution of Nepal, 2063 (2007) and the laws in force.

1. Details relating to political party

Full name of political party	Name in short	Date of establishment	Address of Central Office	Address for correspondence	Telephone No.	Email address	Web site	Number of total ordinary members of party

2. Members and the office-bearers of the Central Executive Committee

S.N.	Name	Designation	Address	Telephone No.	Email address	Citizenship certificate number	Signature	Remarks

Note: The application shall be signed by the office-bearers and members of the Central Executive Committee. Provided that where any member of such Committee fails to sign it for the time being for any reason beyond his or her control, the political party shall submit the signature of such member subsequently.

3. Election symbol requested for (mention in order of priority):

- (a)
- (b)
- (c)
- (d)

4. Where an election of the Central Executive Committee has been held, the date of latest election:

5. Where it has been registered with the Election Commission prior to the commencement of the Election Commission Act, 2063(2007, date of registration:

6. The following details are attached herewith:

(a) Constitution;

(b) Manifesto;

(c) Rules;

(d) Flag;

(e) Logo;

(f) Photocopies of the Nepalese citizenship certificates of the office-bearers of the Central Executive Committee or equivalent Committee;

(g) Number ofpages containing the signatures, with support, of the voters for the purpose of the registration of the political party;

(h) A document to verify the representation, if any, in the Interim Legislature Parliament;

(i) The letter of authorization given by the Central Executive Committee to the person applying for the registration of the political party.

I hereby declare that the contents set forth herein are true.

Seal of the political party

Of the person authorized by
the political party:

Signature:

Name, surname:

Designation:

Date:

Schedule – 2
(Relating to Rule 6)
Letter of Authorization

The Election Commission,
Kantipath, Kathmandu.

The following person is hereby authorized by the political party named....., to register the political party for the purposes of election.

Full name and surname of authorized person's:
Designation:
Address:
Phone No:
Mobile No:
Fax No:
Email:

Specimen of Signature of the authorized person:-

1.	
2.	

Seal of political party:

President or General Secretary or Equivalent Office-bearer's:

Signature:

Name, surname:

Designation:

Date:

Schedule -3

(Relating to sub-rule (1) of Rule 10)

Application along with signatures of voters in support

Subject: Submission of application along with signatures of voters in support.

The Election Commission

Kantipath, Kathmandu.

I have herewith submitted -----pages of application bearing signature, with support, of the voters pursuant to clause (5) of Article 142 of the Interim Constitution of Nepal for registration of the political party with that Commission for the purposes of election.

Name of political party:

Seal of the political party:

Authorized person's:

Signature:

Name, surname:

Date:

Schedule -4

(Relating to sub-rule (1) of Rule 10)

Application bearing signatures of voters in support

The Election Commission

Kantipath, Kathmandu.

We, the following voters, have made signature in support for the registration of the political party, named-----, of which Mr./Ms-----is president/chairperson/secretary general, with the Election Commission in order to obtain recognition of the purposes of election.

SN	Voter's name, surname	District	Election constituency number	Name of VDC/Municipality	Ward No.	Name, surname of voter's mother/father or husband	Voter's signature

The above particulars are true and correct. If proved false, I myself shall bear responsibility therefor.

Seal of political party:

Authorized person's:

Date:

Signature:

Name, surname:

Name of political party: