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ELECTION COMMISSION GIVES SHIV SENA SYMBOL TO SHINDE FACTION

This article covers “ Daily Current events ” and the topic details the ruling of the Supreme Court over the Election Commission’s (EC) order. The Supreme Court has refused to stay EC’s order. Last week, the EC gave the party name “Shiv Sena” and “bow and arrow ” symbol to the Eknath Shinde-led faction.

In another order given last week, the EC granted the original name “Shiv Sena” and “bow and arrow” symbol to the Eknath Shinde-led faction.



For Prelims:

1. Political Parties – Registered and recognized parties, requirements, and National parties in India
2. Election Symbols: Allotment and Role of ECI
3. Election Symbols (Reservation and Allotment) Order of 1968

For Mains: GS 2

1. Appointment to various Constitutional posts, powers, functions, and responsibilities of various Constitutional Bodies (here Election Commission of India – Article 324-329, Constitution of India)

Why is there a fight over the symbols?

The fight over the name of the party is understood as a well-established name and the underlying ideology attracts a particular constituency. It carries with it a long legacy and emotional and ideological appeal. But the fight over the symbols needs to be understood.

When India organized its first General Elections in 1952 a majority of the population was illiterate. The EC made innovative use of common items like cart, car, bull, tractor, etc by assigning them as symbols to political parties. This was done to facilitate voting by illiterate people, who couldn't read the name of the party while casting their votes. With this utility basis and emotional appeal, the symbols became an integral part of Indian Elections. Today, a major part of political communication is done through flags, badges, hoardings, etc which use symbols in them.



What is ECI's role in registering a political party and assigning a symbol to it?

The Election Commission of India (ECI) is responsible for registering political parties in India and granting them recognition based on their poll performance. The

recognition of a political party as a national or state party is determined by certain criteria set by the ECI, such as the party's performance in parliamentary or assembly elections, the number of votes polled, and the number of seats won.

The recognition of a party as a national or state party provides certain privileges, such as the allocation of a reserved symbol for the party's exclusive use throughout the country or the state, as the case may be. Registered-unrecognized parties, on the other hand, do not have the privilege of using a reserved symbol.



What is the role of the EC in resolving disputes related to the allocation and use of election symbols by political parties and candidates?

The Election Commission of India (ECI) decides on the allocation of party symbols in accordance with the Election Symbols Order (Reservation and Allotment) Regulations of 1968. In the event of a split within a political party, the EC has the authority to decide on competing groups' claims to the party's name and symbol under Paragraph 15 of the Symbols Order, 1968.

The EC hears from the representatives of the competing factions and considers all pertinent information before making a decision. The decision of the EC is binding on all the competing sections or organizations involved. This process applies to disputes involving recognized national and state parties.



What is the Election Symbols (Reservation and Allotment) Order of 1968?

The Election Symbols (Reservation and Allotment) Order, of 1968 provides a mechanism for resolving disputes over party names and symbols. Under this order, the Election Commission (EC) is empowered to decide disputes between rival groups or sections of a recognized political party that are staking a claim to its name and symbol.

Paragraph 15 of the Order gives the EC exclusive authority to decide issues related to a dispute or a merger. The Supreme Court upheld the validity of this provision in the case of *Sadiq Ali and another vs. ECI* in 1971. But, this provision applies only to disputes relating to recognized national and state parties. In the case of registered but unrecognized parties, the EC usually advises the warring factions to resolve their differences internally or to approach the court.

In most cases of similar type, the EC has found that a clear majority of party delegates, office bearers, MPs, and MLAs have supported one of the factions in a dispute. Even in Shiv Sena, a majority of lawmakers and party members have backed the Shinde-led faction. The EC's decisions are binding on all parties concerned.

How did the Election Commission (EC) resolve disputes before the enactment of the Election Symbols (Reservation and Allotment) Order of 1968?

Before the Election Symbols Order was enacted in 1968, the EC issued notifications and executive orders under the Conduct of Election Rules, 1961. In those days, a splinter group that did not get the party symbol had to register itself as a separate party. To claim national or state party status, the splinter group had to demonstrate its performance in the state or central elections after registration.

Overall, the Election Symbols Order has helped to streamline the process of resolving disputes over party names and symbols. It has also helped to ensure that political parties remain cohesive and effective in representing their constituents.

Way Forward

The Election Symbols Order has been an important tool in resolving disputes over party names and symbols, which can often be a contentious issue within political parties. By providing a clear mechanism for resolving such disputes, the Order has helped to prevent unnecessary conflicts and fragmentation within parties and has enabled parties to present a unified front to their constituents.

Moreover, by ensuring that only one group within a party can use a particular name and symbol, the Order has helped to reduce confusion among voters and has made it easier for voters to identify and choose between different political parties. This, in turn, has helped to promote the democratic process and ensure that voters are able to make informed decisions about the candidates and parties they support.

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