

## 1. SC urgently lists Uddhav Thackeray's plea to stay EC order on Shiv Sena

**Prelims Syllabus:** Election & Electoral Reforms

**Mains Syllabus:** GS-II Structure, organization and functioning of the Executive and the Judiciary Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.



### Why in News?

- The Supreme Court has recently listed former Maharashtra Chief Minister Uddhav Thackeray's petition challenging the decision of the Election Commission of India (ECI) to allot party name 'Shiv Sena' and symbol 'bow and arrow' to the Eknath Shinde faction for hearing tomorrow.

### Firstly, how are symbols allotted to political parties?

- **As per the guidelines, to get a symbol allotted:**
  - ✓ A party/candidate has to provide a list of three symbols from the EC's free symbols list at the time of filing nomination papers.
  - ✓ Among them, one symbol is allotted to the party/candidate on a first-come-first-serve basis.
  - ✓ When a recognised political party splits, the Election Commission takes the decision on assigning the symbol.

### **Powers of Election Commission:**

- The Election Symbols (Reservation and Allotment) Order, 1968 empowers the EC to recognise political parties and allot symbols.
- Under Paragraph 15 of the Order, it can decide disputes among rival groups or sections of a recognised political party staking claim to its name and symbol.
- The EC is also the only authority to decide issues on a dispute or a merger. The Supreme Court upheld its validity in Sadiq Ali and another vs. ECI in 1971.

### **How many types of symbols are there?**

- **As per the Election Symbols (Reservation and Allotment) (Amendment) Order, 2017, party symbols are either:**
  - ✓ **Reserved:** Eight national parties and 64 state parties across the country have “reserved” symbols.
  - ✓ **Free:** The Election Commission also has a pool of nearly 200 “free” symbols that are allotted to the thousands of unrecognised regional parties that pop up before elections.

### **What are the Election Commission’s powers in a dispute over the election symbol when a party splits?**

- On the question of a split in a political party outside the legislature, Para 15 of the Symbols Order, 1968, states: “When the Commission is satisfied that there are rival sections or groups of a recognised political party each of whom claims to be that party the Commission may decide that one such rival section or group or none of such rival sections or groups is that recognised political party and the decision of the Commission shall be binding on all such rival sections or groups.”
- This applies to disputes in recognised national and state parties (like the LJP, in this case). For splits in registered but unrecognised parties, the EC usually advises the warring factions to resolve their differences internally or to approach the court.
- Please note that before 1968, the EC issued notifications and executive orders under the Conduct of Election Rules, 1961.