



Dispute over Electoral Symbol

For Prelims: Election Symbol, ECI, EVMS, Election Symbols (Reservation and Allotment) Order, 1968

For Mains: Dispute Over Electoral Symbol and Resolution

Why in News?

Recently, a political party has approached the [Election Commission of India \(ECI\)](#) to stake claim on the [Party Symbol](#).

What is an Election Symbol?

- An electoral or election symbol is a **standardized symbol allocated to a political party**.
- They are used by the parties during their campaigning and are shown on [Electronic Voting Machines \(EVMs\)](#), where the voter chooses the symbol and votes for the associated party.
- They were introduced **to facilitate voting by illiterate people**, who can't read the name of the party while casting their votes.
- In the 1960s, **it was proposed that the regulation, reservation and allotment of electoral symbols should be done through a law of Parliament, i.e. Symbol Order**.
 - In a response to this proposal, the ECI stated that the recognition of political parties is supervised by the provisions of [Election Symbols \(Reservation and Allotment\) Order, 1968](#) and so will the allotment of symbols.

What are the EC's powers in such Disputes?

- The [Election Symbols \(Reservation and Allotment\) Order, 1968](#) empowers the EC to recognize 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.
- On disputes among rival groups, **the Symbols Order**, states that the **EC is empowered to take decision after considering all the available facts and circumstances of the case** that one rival section or group or none of such rival sections or groups is that recognized political party.
- The **decision of the Commission shall be binding on all** such rival sections/groups.
 - This applies to disputes between recognized national and state parties.
- For splits **in registered but unrecognized parties**, the EC usually **advises the warring factions to resolve their differences internally** or to approach the court.

How does the EC decide?

- The ECI **primarily ascertains the support enjoyed by a claimant within a political party** in its organizational wing and in its legislative wing.

- **For Organizational Wing**, the Commission examines **the party's constitution and its list of office-bearers submitted when the party was united.**
 - ECI identifies the apex committee(s) in the organisation and finds out how many **office-bearers, members or delegates support the rival claimants.**
- **For the Legislative Wing**, the **party goes by the number of [MPs \(Member of Parliaments\)](#) and [MLAs \(Member of Legislative assembly\)](#) in the rival camps.** ECI may consider affidavits filed by these members to ascertain where they stand.
- The ECI **may decide the dispute in favour of one faction** by holding that it commands enough support in its organisational and legislative wings to be entitled to the name and symbol of the recognised party.
- It **may permit the other group to register itself as a separate political party.**

What happens when there is no certainty?

- Where the party is either vertically divided or it is not possible to say with certainty which group has a majority, the **EC may freeze the party's symbol and allow the groups to register themselves with new names** or add prefixes or suffixes to the party's existing names.

What happens when rival factions Reunited in future?

- If reunited, the **claimants may approach the EC again** and seek to be recognised as a unified party.
- The EC is also empowered to recognise mergers of groups into one entity. It may restore the symbol and name of the original party.

Source: IE

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