Dispute over Party Symbol

Why in news?

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A day after Mulayam Singh was deposed as party president by his son Akhilesh Yadav, he approached the Election Commision of India to stake claim to the ‘cycle’ symbol.

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What are the EC’s powers in such disputes?

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- On the question of a split in a political party outside the legislature**, the Symbols Order, 1968**, 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 recognised political party.
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- The decision of the Commission shall be **binding on all such rival sections/groups**.
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- This applies to disputes in recognised **national and state parties**.
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- For splits in registered but unrecognised parties, the EC usually advises the warring factions to resolve their differences internally or to approach the court.
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How does the EC decide?

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- In almost all disputes decided by the EC so far**, a clear majority of party delegates/office bearers, MPs and MLAs have supported one of the factions**. The EC allocated the symbol to the group that secured this

majority.
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- Whenever the EC could not test the strength of rival groups based on support within the party organisation, it relied on **testing majority only among elected MPs and MLAs**.
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- Only in the case of the split in the AIADMK in 1987, which happened after the death of M G Ramachandran, the EC was faced with a peculiar situation.
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- The group led by MGR's wife Janaki had the support of the majority of MPs and MLAs, while J Jayalalithaa was supported by a substantial majority in the party organisation.
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- But before the EC was forced to make a decision on which group should retain the party symbol, a compromise was reached.
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- The EC do not recognise the new groups/parties (that did not win the party symbol) as either state or national parties. It is of the view that merely having MPs and MLAs is not enough, as the elected representatives had fought and won polls on tickets of their parent (undivided) parties.
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- The rule introduced in 1997 states that the splinter group of the party — other than the group that got the party symbol — had to register itself as separate party, and could lay claim to national or state party status only on the basis of its performance in state or central elections after registration.
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What is the way ahead for SP?

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- It is unlikely that the EC decide the dispute over the SP symbol before the UP elections.
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- EC hearings and may take at least six months.
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- However, the panel may freeze the party symbol and provide ad hoc recognition to the two factions under names similar to the parent party.
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- The factions will be asked to contest on different symbols.
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