Maharashtra Political Crisis

Why in news?

The Supreme Court has passed a unanimous judgement on the various issues related to the split in Shiv Sena in June 2022.

What was the case about?

- The Maharashtra political crisis started in June 2022, when Uddhav Thackeray headed the Maharashtra government as part of the Maharashtra Vikas Aghadi (MVA).
- MVA is a three-party alliance consisting of the Shiv Sena, the Congress and the Nationalist Congress Party (NCP).
- The ruling Shiv Sena called a meeting of all its MLAs in Mumbai but some of its legislators have aligned themselves with the party's rebel leader (Eknath Shinde).
- Treating anti-party activities as 'voluntarily' giving up membership of the political party, Thackeray had issued 16 disqualification petitions, through Deputy Speaker under the ***Tenth Schedule.***

What about the previous court orders?

- **Shinde's petition** - The Shinde group challenged the notices before the Supreme Court on the grounds that a *no-confidence motion for the removal of Deputy Speaker* has been moved and that he couldn't decide on the disqualification petitions.
- In 2022, the vacation bench of the Supreme Court stayed the disqualification proceedings, and gave extended time period to the legislators led by Shinde to respond to these petitions.
- This order created a controversy because the Supreme Court, in its landmark judgment of ***Kihoto Hollohan case.***

  *In **Kihoto Hollohan versus Zachillhu & Ors (1992),** the SC had held that it could not interfere in the jurisdiction of a Speaker, except when there is an interim disqualification.*

- **Thackeray's petition-** The then Governor Bhagat Singh Koshyari ordered a floor test to be held in the Assembly based on the request of the Shinde faction.
- This was challenged by the Thackeray-led government in the Supreme Court but the Court refused to interfere and did not stay the floor test.
- So, Thackeray resigned as Chief Minister and Eknath Shinde was later sworn in as the Chief Minister.
- In 2023, the Election Commission ruled that the Shinde faction had the right to use the name 'Shiv Sena' and the election symbol 'Bow and Arrow' that is reserved for the

party under ***The Symbols (Reservation and Allotment) Order, 1968.***

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What is the recent Supreme Court ruling about?

- **Disqualification of MLAs** - The SC said that it cannot interfere in the proceedings and the Speaker must decide on the issue of the disqualification of the 16 MLAs, including Shinde.
- **Restoring Uddhav Thackeray government -** Since Uddhav Thackeray resigned as the chief minister and did not face the floor test, his government cannot be restored.
- **Governor's role in calling floor test -** The court held that the then Maharashtra governor did not act in accordance with the law as he had no objective material to doubt the confidence of the Thackeray government.
- **Appointment of Chief whip -** The SC held the appointment of Bharat Gogawale as the Chief Whip of the Shiv Sena to be "illegal".
- It also held that the speaker should have conducted an independent inquiry to identify two whips issued by two factions of the political party.
- **Speaker and ECI -** The SC also held that the Speaker and Election Commission can concurrently adjudicate the disqualification issues and the dispute related to the poll symbol of Shiv Sena.
- **Issues with Nabam Rebia judgement** - The SC referred certain issues related to its 2016 judgment in the Nabam Rebia case to a larger bench.

In '***Nabam Rebia & Bamang Felix v. Deputy Speaker, Arunachal Legislative Assembly' (2016),*** the SC had ruled that it would be constitutionally *impermissible for a Speaker* of the House to adjudicate upon disqualification petitions under the anti-defection law as per Tenth Schedule while a motion of resolution for his/her own removal from Office of Speaker is pending.

Quick facts

Offices	Mentioned in
Leader of the House	Rules of the House (Not mentioned in the Constitution)
Leader of the Opposition	Parliamentary Statute (Not mentioned in the Constitution)
Whip	Neither in the Constitution of India nor in the Rules of the House nor in a Parliamentary Statute

References

1. The Indian Express | Highlights Of The SC Verdicts
2. The Indian Express | Maharashtra Political Crisis

3. The Leaflet | Maharashtra political crisis

