

Political parties with religious connotations

November 28, 2022

In news– The Election Commission of India has recently told the Supreme Court that “there is no express provision which bars associations with religious connotations to register as political parties under Section 29A of the Representation of the People Act-1951”.

About the issue-

- The Election Commission of India (ECI) was asked by the Supreme Court to submit its response by November 25 2022 to a petition seeking cancellation of political parties having religious symbols and names.
- In its affidavit submitted, the **ECI said there was no express provision that barred associations with religious connotations from registering as political parties under Section 29A** of the Representation of the People Act, 1951.
- A Bill to amend the RP Act, 1951 to ban any association with names bearing religious connotations from registering as a political party was introduced in 1994, but it was not passed and lapsed when the Lok Sabha was dissolved in 1996.
- Also, **the EC generally does not have the power to deregister political parties**, something which it has proposed as an electoral reform to the government many times.
- While there are some parties with religious connotations in their names, it is a “legacy” issue as the ECI said it had taken a policy decision in 2005 to not register parties with such names.

- **On the issue of symbols, the Election Symbols (Reservation and Allotment) Order, 1968 bars parties from having symbols with religious or communal connotations.**
- **For instance,** while hearing the **dispute between the two factions of the Shiv Sena** in October, the ECI **denied** both of them the use of the **'trishul' (trident) symbol"** due to its religious connotations.
- **Political parties, however, are bound to abide by the principle of secularism** as one of the requisites for registration with the EC under the RP Act, 1951.
- In its affidavit, the ECI said the names of parties with religious connotations that have been in use for decades are legacy issues and whether they should continue was left up to the wisdom of the Court.

Note:

- 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.
- Under Paragraph 15, the EC is 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.

Further

reading:

<https://journalsofindia.com/section-29a-of-representation-of-people-act-1951/>