

EDITORIAL

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Election Commission of India (ECI) and Recognition of Political Parties: National and State Status

Relevance to UPSC Syllabus

- **GS Paper 2:** Polity – Election Commission, Representation of People Act (RPA), and Electoral Processes.
- **GS Paper 3:** Electoral Dynamics – Governance, Political Challenges, and Case Studies.

Introduction

- The **Election Commission of India (ECI)**, a constitutional body under **Article 324**, is entrusted with overseeing free and fair elections in India. One of its vital roles is the **classification and recognition of political parties** based on their performance in elections. The recognition system ensures that political entities function with accountability and contribute to India's multi-party democratic structure.
- Political parties are classified as **National Parties, State Parties, or Registered-Unrecognized Parties**. The system's foundation lies in the **Representation of People Act, 1951 (RPA)**, supplemented by ECI guidelines, such as the **Political Parties and Election Symbols Handbook, 2019**.

Election Commission of India (ECI)

Constitutional Mandate

- **Article 324:** Provides ECI the power to supervise, direct, and control elections for:
 - **Parliamentary** (Lok Sabha and Rajya Sabha).
 - **State Legislatures** (Legislative Assemblies and Councils).
 - **Presidential and Vice-Presidential** elections.

Composition

- The ECI consists of:
 - **Chief Election Commissioner (CEC).**
 - **Two Election Commissioners.**
- **Appointment:** By the **President of India**.
- **Tenure:** **6 years or up to 65 years of age**, whichever is earlier.

Key Functions

1. **Election Oversight:** Conducts Lok Sabha, Assembly, and Presidential elections with integrity.
2. **Model Code of Conduct (MCC):** Ensures ethical and transparent campaigning.
3. **Electoral Roll Management:** Maintains and updates voter lists.
4. **Party Recognition:** Determines the classification of political parties as National or State Parties.
5. **Expense Monitoring:** Tracks candidate spending to prevent malpractice.
6. **Resolving Party Disputes:** Decides disputes related to symbols, recognition, and internal conflicts.

Independence

- The ECI operates autonomously but faces challenges such as:
 - **Executive Influence:** Appointment of Commissioners lacks transparency.
 - **Budgetary Dependence:** Relies on government funding.

Classification of Political Parties

1) National Party

A **National Party** is a political entity with **nationwide presence and influence**. While it symbolizes stature, it does not always guarantee extensive political dominance.

Criteria for Recognition: A political party is recognized as a **National Party** if it fulfills any one of these conditions:

1. **Recognition in States:** Must be a **State Party in at least 4 states**.
2. **Vote Share and Seats:**
 - Secures **6% of valid votes** in Lok Sabha or Assembly elections in **4 or more states**.
 - Wins at least **4 Lok Sabha seats**.
3. **Lok Sabha Representation:**
 - Wins **2% of Lok Sabha seats** (currently 11 seats) from at least **3 different states**.
4. **Examples of National Parties (2024):** **Bharatiya Janata Party (BJP)**, **Indian National Congress (INC)**, **Aam Aadmi Party (AAP)**, **Bahujan Samaj Party (BSP)**, **CPI(M)**, and **NCP**.

2) State Party

A **State Party** operates within specific states and represents regional interests.

Criteria for Recognition: A party is recognized as a **State Party** in a state if it fulfills any one of the following:

1. **Vote Share and Assembly Seats:**
 - Secures **6% of valid votes** in Assembly elections and wins **2 Assembly seats**.
2. **Vote Share and Lok Sabha Seat:**
 - Secures **6% of valid votes** in Lok Sabha elections from the state and wins **1 Lok Sabha seat**.
3. **Assembly Seats:**
 - Wins **3% of Assembly seats** or **3 seats**, whichever is higher.
4. **Vote Threshold:**
 - Secures **8% of valid votes** in either Lok Sabha or Assembly elections.
5. **Examples of State Parties:** **TMC (West Bengal)**, **Shiv Sena (Maharashtra)**, **TRS (Telangana)**, and **JDU (Bihar)**.

3) Registered-Unrecognized Parties

- Parties that do not meet the criteria for National or State Party recognition.
- Examples: New regional outfits or small independent parties contesting elections.

Significance of Recognition

Exclusive Privileges

1. **Election Symbols:**
 - National parties receive **reserved symbols** for exclusive use across India.
 - State parties' symbols are reserved within their respective states.
2. **Broadcasting Rights:**
 - Allocated airtime on state-run TV and radio for campaigning.
3. **Star Campaigners:**
 - Recognized parties can nominate **40 star campaigners** (compared to 20 for unrecognized parties).
4. **Access to Electoral Rolls:**
 - Recognized parties have streamlined access to voter data.

Electoral Influence

- Recognition boosts **credibility** and **visibility** among voters.

Case Study: Shiv Sena Split in Maharashtra

Background

- In 2023, **Shiv Sena split into two factions:**
 - **Eknath Shinde faction:** Aligned with BJP.
 - **Uddhav Thackeray faction:** Aligned with INC and NCP.

Role of ECI

- The ECI recognized the **Eknath Shinde faction** as the legitimate Shiv Sena.
- The **bow-and-arrow symbol** was awarded to the Shinde faction.

Implications

1. **Impact on State Party Status:**
 - Shinde faction retained Shiv Sena's State Party status in Maharashtra.
2. **Voter Dynamics:**
 - The split polarized Shiv Sena's voter base, impacting alliances and electoral outcomes.

Challenges in Recognition

1. **Party Disputes:**
 - Frequent splits (e.g., Shiv Sena) complicate decision-making for ECI.
2. **Money and Muscle Power:**
 - Rising campaign expenses and criminal elements undermine the process.
3. **Defections and Alliances:**
 - Defections create instability, challenging the ECI's mandate.

Reforms to Strengthen ECI

Recommendations

1. **Law Commission (255th Report):**
 - Advocated for a **collegium system** for appointing Election Commissioners.
2. **Dinesh Goswami Committee:**
 - Proposed reforms in **campaign financing** and **anti-defection laws**.

Digital Reforms

- **Blockchain Technology:** Enhance transparency in voting and counting.
- **Real-Time Expense Tracking:** Monitor campaign expenditures effectively.

Legal Reforms

- **Fast-Track Dispute Resolution:** Address party disputes efficiently.

Conclusion

The ECI's framework for recognizing political parties is integral to India's democratic process. However, challenges such as **intra-party disputes**, **money power**, and **defections** necessitate robust reforms. Strengthening ECI's autonomy, enhancing transparency through technology, and implementing legal safeguards can ensure a resilient and credible electoral system, safeguarding the democratic ethos of India.

MAINS QUESTION

In the context of the Representation of People Act, 1951, critically analyze the criteria for the recognition of National and State political parties in India. How does this classification impact the functioning of Indian democracy?