



भारत निर्वाचन आयोग सचिवालय  
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001  
NirvachanSadan, Ashoka Road, New Delhi-110001

By e-mail

No.56/01/Dispute/PPS-II/2022/

Dated: 10<sup>th</sup> October, 2022

To

**Sh. Uddhavji Thackeray,**  
Shivsena Party,  
Shivsena Bhavan, Gadkari Chowk,  
Dadar, Mumbai (Maharashtra)- 400028

**Sub: - Dispute in Shivsena- Commission's Interim Order dated 08.10.2022.**

Sir,

I am directed to refer to your letter dated 08.10.2022, received in the Commission on 09.10.2022, giving choice of name and symbol for your group.

2 In regard to the name of your party, it is to mention here that:

- (a) ShivSena (Balasaheb Thackeray) cannot be allotted as this is also the first preference of the other group led by Sh. Eknathrao Sambhaji Shinde.
- (b) The Commission has accepted your second choice and allotted the name 'ShivSena (Uddhav Balasaheb Thackeray)' for your group.

3. In regard to the symbol of the group, it is to mention here that the symbols furnished by your group **are not from the list of free symbols** as notified in the Commission's Notification dated 23.09.2021 and **advised by the Commission's Interim Order dated 08.10.2022; and are considered for allotment** as explained below:

i. **Trishul** cannot be allotted for the following reasons –

- (a) 'Trishul' symbol is denied as it has religious connotations and found to be in violation of 4<sup>th</sup> Sub Para of Para 10(B)(A)(iv) of the Election Symbols (Reservation and Allotment) Order, 1968 states that "*Provided further that the symbols proposed by the parties shall have no religious or communal connotation or depict any bird or animal;*".
- (b) It is also furnished as first preference of the group led by Sh. Shinde.
- (c) The symbol is not in the list of free symbols.

ii. **Rising Sun** can not be allotted for the following reasons –

(a) It is already a reserved symbol of 'Dravida Munnetra Kazhagam' a recognized political party in the state of Tamil Nadu and Union Territory of Puducherry. Para 9 of Symbols Order, 1968 restricts the allotment of symbols reserved for State Parties in States where such parties are not recognized.

(b) Further , it is also furnished as second preference of the group led by Sh. Shinde.

iii. **Flaming Torch** –The symbol is not in the list of free symbols. It was an erstwhile reserved symbol of 'Samata Party' which was derecognized as a state party in 2004. On receipt of your request dated 9.10.22, the Commission has decided to declare '**Flaming Torch**' to be a free symbol and allots it as the symbol to be allotted to the candidate set up, if any, by your group in the current bye-elections and till the final order is passed in the Dispute case number 1 of 2022.

Yours faithfully,



(Manish Kumar)

Under Secretary

E-mail: mnayak86@eci.gov.in

Extn no – 487, Ph.no – 23052008

**Copy to: The Chief Electoral Officers, Maharashtra, Bihar, Haryana, Telangana, Uttar Pradesh, Odisha, with a request that the above decision may be communicated immediately to the Returning Officer of all concerned Assembly Constituencies in the said state. It is also clarified that the said communication is for the purpose of allotment of symbol for the ongoing Bye-Elections. 'ShivSena (Uddhav Balasaheb Thackeray)' may be treated as a State Recognized Party in the state of Maharashtra only.**

2. **Sh. Chirag Shah, Advocate for Sh. Eknathrao Sambhaji Shinde, Chief Minister, Government of Maharashtra, Subh-Deep Bungalow, Landmark Society, Thane, Maharashtra-400080.**
3. West Section-II;
4. North Section-II;
5. North Section-III;
6. South Section-III;
7. East Section-I;
8. East Section-II; and
9. Guard File.