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Maharashtra's Political Evolution: Past to Present

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ABSTRACT

This article attempts to undertake a comprehensive study of the historical and contemporary political dynamics of the State of Maharashtra, which is India's third-largest state by land area and is also the second-most populous State, the State has a distinctive bicameral legislative structure comprising the Maharashtra Vidhan Sabha and Vidhan Parishad. Alongside only a handful of states, Maharashtra's political landscape is characterized by a unique blend of established National political parties like the Indian National Congress, the Bharatiya Janata Party (BJP) and influential regional factions such as the Shiv Sena and the Nationalist Congress Party (NCP). This political position in the State fuels a dynamic and often tumultuous political environment, underscored by historical instances of violence and a pervasive influence of dynastic politics. The political landscape of Maharashtra is notably volatile, evidenced by the fact that to-date, only two individuals have managed to complete their terms as Chief Minister. Another notable characteristic of the state's governance is its coalition politics, wherein attaining an absolute majority for any single party proves challenging due to diverse underlying factors.

Recent developments, including intra-party rifts within Shiv Sena and the Nationalist Congress Party, culminated in a landmark legal battle that reached the Supreme Court of India. This case stirred significant interest not only within the legal fraternity but also among the common people due to its unprecedented complexity. This article explores Maharashtra's intricate political dynamics, examining how legal mechanisms are manipulated to serve political interests, thereby reflecting on broader implications for governance and democratic norms in the region.

Keywords: Politics, Elections, Government, Maharashtra, Legislature.

I. INTRODUCTION

Maharashtra, the third largest state in terms of land area and the second most populous state in India. Maharashtra has a bi-cameral legislative system with the two houses named as Maharashtra Vidhan Sabha and Vidhan Parishad. Maharashtra is one of the only six states which have this kind of a political system (Andhra Pradesh, Maharashtra, Karnataka, Orissa,

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Telangana, Bihar, and Uttar Pradesh) this makes the politics of the State even more interesting. The political scenario of Maharashtra has always been a roller-coaster ride, the political landscape of the State has been marked by the enduring dominance of traditional parties such as the Indian National Congress alongside the emergence of more extreme right-wing factions like Shiv Sena. This juxtaposition has rendered the state's politics remarkably dynamic and often volatile. Moreover, the annals of its political history bear witness to a disconcerting trend of political violence, with instances of political murders casting a shadow over the democratic process. Dynastic politics further complicates the state's political narrative, with influential families like the *Thackerays* and the *Pawars* wielding considerable influence over its governance. Their entrenched presence underscores the persistent struggle for power and influence within the state's political arena, perpetuating a cycle of familial hegemony that continues to shape its trajectory. In recent times, the politics of the state sparked intense discussions following significant rifts within Shiv Sena and Nationalist Congress Party (NCP). This led to a legal battle that eventually reached the Supreme Court of India, culminating in a verdict from the Hon'ble Apex Court. The classic case of Maharashtra serves as a compelling case study to understand how laws can be twisted to fulfil political aspirations. This scenario brings to mind the famous quote by Dr. B. R. Ambedkar: *"However good a constitution may be, if those who are implementing it are not good, it will prove to be bad. However, bad a constitution may be, if those implementing it are good, it will prove to be good."* This article endeavours to delve into the intricate political dynamics of Maharashtra, examining how legal frameworks are manipulated to serve political ends and the broader implications of such actions.

II. THE STATE AND ITS POLITICAL STRUCTURE

The history of the State of Maharashtra can be traced back as far as in the year 1948 when the *'Sanyukt Maharashtra Parishad'* was established to further the demands of establishment of a state for the Marathi speaking population and senior congress leader Shankarrao Dev became the president of the parishad.[2] When the struggle for a separate state of Maharashtra was gaining traction, similarly demands for establishment of states on a linguistic basis had caused a situation of unrest within India, to address this chaotic situation the Central Government appointed the 'State Reorganisation Commission (SRC)' under the leadership of justice Fazal Ali the committee while relying on the report of Nehru Committee[3] observed as follows.:

"The question of redistribution of provinces was also examined by the Nehru Committee of the

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[2] https://vishwakosh.marathi.gov.in/33960/. Last visited on 15/06/2024.
[3] Report of the All-Parties Conference Committee (Nehru Committee Report), 1928.

All-Parties Conference, 1928. The Committee lent its powerful support to the linguistic principle in the following terms: "If a province has to educate itself and do its daily work through the medium of its own language, it must necessarily be a linguistic area. If it happens to be a polyglot area difficulties will continually arise and the media of instruction and work will be two or even more languages. Hence it becomes most desirable for provinces to be regrouped on a linguistic basis. Language as a rule corresponds with a special variety of culture, of traditions and literature. In a linguistic area all these factors will help in the general progress of the province"?"[4] thus the observations of this committee lead to the parliament passing the States Reorganisation Act, 1956[5] under this Act the state of Maharashtra was established along with Mumbai as its capital. However, the State Reorganisation Commission had rejected the demands of Sanyukta Maharashtra with Mumbai as a result a huge wave of dissent was witnessed against the report, on 6th February, 1956 the *'Sanyukta Maharashtra Samiti'* was formed, various political parties became a part of this movement, influential leaders like Prabodhankar Thackrey, Acharya Atre became the face of this movement. After a long struggle, which also saw a lot of violence, for instance; the then Chief Minister of Bombay Presidency, Mr. Morarji Desai, ordered the police to open fire on the protestors, resulting in a bloodbath where a total of 105 people died, a memorial was erected near the Flora Fountain in the Fort area of Mumbai to honour them. Even today, the sacrifice of these brave men is commemorated.[6] The struggle bore fruit on May 1st, 1960, when the state of Maharashtra was formed, encompassing Mumbai, Marathwada and Vidarbha. Thus, the dream of *'Sanyukta Maharashtra'* became a reality, leading to the establishment of both the state of Gujarat and the state of Maharashtra. Shri. Yashwantrao Chavan of the Indian National Congress was appointed as the inaugural Chief Minister of Maharashtra.

The Political system which was adopted in Maharashtra can be summarised as follows.: The political structure of Maharashtra is based on the concept of *bicameral legislature* which consists of the Legislative Assembly i.e., the Vidhan Sabha and the Legislative Council i.e. the Vidhan Parishad. The Lower Chamber consists of a total of 288 seats wherein the representatives of people are directly elected and the members of this house enjoy a term of five years. The Upper House stands as a permanent institution, comprising 78 seats filled through indirect elections. Its members represent diverse sectors, including Municipalities, the Education sector, delegates elected by members of the legislative assembly, and experts from

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[4] State Reorganisation Commission, **Report** 13 (1955).
[5] The States Reorganisation Act, 1956, No. 37 of 1956, Acts of Parliament,1956 (India).
[6]https://vishwakosh.marathi.gov.in/33960/,   https://www.deccanherald.com/india/tributes-paid-to-martyrs-on-maharashtra-day-1214613.html. Last visited on 15/06/2024.

different segments of society. Furthermore, the State has an intricate structure of local governing bodies the State has 36 districts which are clubbed together and divided into six revenue divisions viz., Konkan, Pune, Nashik, Chatrapati Sambhajinagar, Amravati and Nagpur for administrative purposes for local self-governance in rural areas of Maharashtra, there are 34 Zilla Parishads, 29 Municipal Corporations, 244 Municipal Councils, 146 Nagar Panchayat, 351 Panchayat Samitis and 27,906 Gram Panchayats.[7]

The major political parties shaping the chessboard of Maharashtra politics include the Bharatiya Janata Party (BJP), the Indian National Congress (INC), the Nationalist Congress Party (NCP), the Shiv Sena (SS), and the Maharashtra Navnirman Sena (MNS). These parties lay the groundwork for the complex landscape of Maharashtra politics.

III. THE RISE OF REGIONAL PARTIES

Politics in Maharashtra has consistently been characterized by coalition politics. Since the inception of the state, the political landscape and the mindset of the voters have made it challenging for any single party to secure an outright majority. The predominant reason behind this phenomenon is the significant influence wielded by regional parties like Shiv Sena and MNS in the state.

(A) Shivsena

A young man named Bal Keshav Thackeray, affectionately known as 'Balasaheb Thackeray', son of Shri. Keshav Sitaram Thackeray, also known as '*Prabodhankar*' who was one of the leaders during the Sanyukta Maharashtra struggle, established the Shiv Sena party on June 19, 1966, with the aspiration to become the voice of the oppressed Marathi people. He asserted that Marathi in Maharashtra and Hindu in the country thus it emerged as an extreme Hindu-Maratha Nationalist party. However, Mr. Balasaheb Thackeray was also a well-known political cartoonist who had worked with The Free Press Journal and had even started his own magazine named '*Marmik'*. Shiv Sena, after its establishment first came into power in the Mumbai Municipal Corporation after tightening its grip in Mumbai the party adopted the '*Hindutva'* ideology and propagated it in a very aggressive manner thus this was seen as the rise of the Hindu thought for the very first time in the State politics after the Independence.

Balasaheb gave the slogan "*Garv se kaho hum Hindu hai*", and formed an alliance with the Hindu Nationalist party the BJP in 1989 under the leadership of Balasaheb Thackeray, Pramod

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[7]https://mahasec.maharashtra.gov.in/Site/1383/Local-Bodies-Statistics-at-a-Glance-and-Maps   ,
https://www.maharashtra.gov.in/Site/1529/Districts.

Mahajan and Gopinath Munde.[8] In the state assembly polls of 1990 the Sena bagged 52 seats thus becoming the main opposition party in the assembly and Dr. Manohar Joshi was appointed as the Leader of the Opposition. Aggrieved by this appointment Mr. Chagan Bhujbal quit Sena and along with 18 MLAs went on to support the Governing party led by Mr. Sharad Pawar. This was considered as a major blow to the party.[9] Following the demolition of the Babri Masjid, the Shiv Sena played a significant role in the riots that ensued. These events propelled the Sena into prominence as one of the leading political parties advocating the 'Hindutva' ideology on a national level. In 1995, the Sena-BJP Mahayuti alliance emerged victorious in the assembly elections, paving the way for the Bharatiya Janata Party (BJP) to enter mainstream state politics. Dr. Manohar Joshi was chosen as the Chief Minister of the regime.

The Shiv Sena has experienced historic break-ups, ranging from Chagan Bhujbal to the recent departure of Eknath Shinde. These ruptures have also contributed to shaping the unique identity of the party. In the year 2003 during the famous meeting conducted at Mahabaleshwar Shiv Sena got a new leader in the form of Mr. Uddhav Thackeray, while it was almost certain that Mr. Raj Thackeray who was the nephew of Balasaheb Thackeray would be his political successor in an unprecedented move he himself proposed Uddhav as the new leader of the party. As the Uddhav regime began in the Shiv Sena several top leaders began to show their dissent and un-willingness to work with the regime. Former Chief Minister Narayan Rane emerged as a prominent figure during this time of political upheaval, choosing to break away from the existing regime and departing from the Shiv Sena he went on to align himself with the Congress. Eventually in the year 2017, he founded his own political entity, the *'Swabhiman Paksh,'* he was nominated to the Rajya Sabha, the esteemed Upper House of the Parliament, with the backing of the BJP.[10]

A major blow received by the Sena was from the family of the high command after Mr. Bhujbal and Mr. Narayan Rane, Mr. Raj Thackeray the nephew of Mr. Balasaheb Thackeray who was once seen as the political successor of his uncle, quit the party in the year 2006 and launched his own political unit '*Maharashtra Navnirman Sena*' (MNS) with these rebels within the party the party was growing weak and this was seen as a recipe for a bigger revolt within the party. Meanwhile the BJP was strengthening its roots in Maharashtra and in the year 2014 the historical alliance partners Shivsena and the BJP fought independently with the BJP bagging 122 seats i.e. a 28.1% vote share and the Sena getting 19.5% of vote share with a total of 63

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[8] https://shivsenacentraloffice.com/main.asp?page=about_us.
[9] https://www.deccanherald.com/india/why-does-shinde-rebellion-hit-so-hard-a-look-at-shiv-senas-history-1122180.html. Last visited on 16/06/2024.
[10] Ibid 8.

seats.[11] Following the election results, the Sena and the BJP forged a strategic post-poll alliance, forming a formidable government with Mr. Devendra Fadnavis at its helm as Chief Minister. What makes this tenure particularly noteworthy is that Mr. Fadnavis became the first Chief Minister since Shri. Vasantrao Naik to successfully complete a full five-year term.[12] The synergy between these political forces, known as the Mahayuti, was already evident during the 2019 assembly polls, where they campaigned as a cohesive pre-poll alliance, showcasing a united front to the electorate. As per the official data the BJP got 105 seats and the Sena got 56 seats. The voters of the state had bestowed the Mahayuti a chance to form a government for a second consecutive term. However, destiny had other plans and with these results the political landscape of the state became extremely unstable and it changed completely.

Both the parties fought the elections together as a 'pre-poll' alliance and the results were such that the people of Maharashtra had once again voted the Sena-BJP alliance to power without giving clear majority to any single party. The BJP which contested on 164 seats won 105 seats emerging as the single largest party in the state and the Sena winning 56 seats emerging as the second largest party in the state.[13] However the alliance wasn't successful in claiming to form the Government in the state as the parties were unsuccessful in reaching at a conclusion as to the seat of the Chief Minister of the state, where Mr. Uddhav Thackery was firm on his demand to divide the tenure of the post of Chief Minister into two and a half years between the Sena and the BJP. However, the BJP top brass wasn't willing to accept this demand as a result the alliance broke and an era of horse-trading politics emerged in the state, again. In a dramatic turn on 23rd November, 2019, Mr. Devendra Fadnavis and Mr. Ajit Pawar were sworn in as Maharashtra CM and Dy.CM respectively by the then Governor Mr. Bhagat Singh Koshyari.[14] However, the Government collapsed within three days as Mr. Ajit Pawar retracted his support from the said government.

After this incident a new front was established in the state under the leadership of Mr. Uddhav Thackeray of Sena, Mr. Sharad Pawar of the Nationalist Congress Party (NCP) and Smt. Sonia Gandhi of the Indian National Congress (INC). the NCP had won 54 seats and the Congress getting a total of 44 seats in the assembly elections.[15] The above three parties staked their claim

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[11] www.indiavotes.com/vidhan-sabha/2014/maharashtra/241/30. Last visited on 13/06/2024.

[12] https://www.indiatoday.in/news-analysis/story/maharashtra-election-devendra-fadnavis-first-chief-minister-to-complete-full-term-in-47-years-1602250-2019-09-23. India Today, Sept 23, 2019. Last visited on 13/06/2024.

[13] Election Commission of India, State Election,2019 to the legislative assembly of Maharashtra, Performance of Political Parties report, (2019).

[14] https://www.thehindu.com/news/cities/mumbai/devendra-fadnavis-takes-oath-as-maharashtra-cm-ajit-pawar-as-deputy-cm/article61615444.ece. The Hindu, Nov 23, 2019. Last visited on 13/06/2024.

[15] Election Commission of India, **State Election, 2019 to the Legislative Assembly of Maharashtra, Performance of Political Parties Report** (2019).

to the Governor so as to form a Government at the state level with Mr. Uddhav Thackeray as the Chief Minister of the coalition government. Maharashtra is known for not giving any party a clear majority and for its coalition politics. At this juncture it becomes imperative to understand the political history and background of the Nationalist Congress Party and its Supremo Mr. Sharadchandra Pawar whose role was instrumental in binding the far-right political party Shivsena and left leaning parties like the Congress in a common minimum programme (CMP) for the MVA government to work successfully.

(B) Nationalist Congress Party (NCP)

The Nationalist Congress Party (NCP) was formed by the trio of Shri. Sharad Pawar, Mr. P.A. Sangma and Mr. Tariq Anwar in the year 1999 after they were expelled from the Congress party for disputing the right of Italy born Smt. Sonia Gandhi to lead the Congress, owing to her foreign origins they refused to accept her leadership. However, this was not the first when Mr. Sharad Pawar had launched his own venture. Mr. Pawar entered active politics in the year 1967 when he was just 27 years old. Known for his political manoeuvring, in 1978, he orchestrated a significant political split. Leading 40 MLAs away from the Vasantdada Patil-led Congress government, he formed an alliance with the Janata Party. This move catapulted him into becoming the youngest Chief Minister of the state. However, his party, the Indian National Congress (Socialist), couldn't complete its term as Prime Minister Indira Gandhi after regaining her power at the centre in the year 1980 dismissed his government. This alliance is famously known as the "Pulod government."[16] In the subsequent elections in the year 1985 his party Indian National Congress (S) got a total of 54 seats and he became the leader of opposition with these results he decided to merge his faction back into the Indian National Congress (INC).[17] Within two years of rejoining the Congress, Mr. Pawar seized a significant opportunity in 1988 to become the Chief Minister of the state for a second time. This opportunity arose when the then CM, Mr. Shankarrao Chavan, was invited by the Rajiv Gandhi-led Central Government to join the cabinet.

After Rajiv Gandhi's tragic death, there was speculation about who would become the Prime Minister of India. Mr. Pawar's name was prominently discussed, but he was not given the opportunity. In his autobiography "On My Terms: From the Grassroots to the Corridors of Power," he accuses Sonia Gandhi of obstructing his path to the PM's office. Instead, he was

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[16]https://indianexpress.com/article/opinion/editorials/forty-years-ago-july-18-1978-sharad-pawar-to-be-cm-5263733/. The Indian Express, last visited on 15/06/2024.
[17]https://www.dailyo.in/politics/sharad-pawar-ncp-narendra-modi-bjp-congress-sonia-gandhi-shiv-sena-maharashtra-7998. Last visited on 15/06/2024.

appointed to the Defence portfolio. Yet again in the year 1993 he was sent back to the state to assume the duties as the Chief Minister for third time. Due to his relation with power, it was rumoured that Mr. Pawar cannot live without Power and his name became synonymous with power.[18]

However, in the year 1999 Mr. Pawar once again broke with the INC as he didn't accept the leadership of Smt. Sonia Gandhi, he went on to form his own political party which he named as the Nationalist Congress Party (NCP).[19] In the following assembly elections held in September 1999, the NCP and INC contested separately. The Sena-BJP alliance failed to secure a majority of 145 seats by getting a total of 125 seats. After the results were declared, Mr. Pawar took decisive action by forming an alliance with the Congress party from which he had split just four months back and asserted his claim to form the government. Mr. Pawar successfully retained power with the support of the Congress party until 2014. During this period, he made several unsuccessful attempts to form an alliance with the BJP. In the 2014 assembly polls, the Shiv Sena and BJP contested separately, as did the NCP and Congress. When no party secured a clear majority after the results, Mr. Pawar announced *"unconditional"* support for the BJP to help them form a government. However, the BJP chose to align with its longstanding ally Shiv Sena to establish the government instead. After the 2019 elections when the state was undergoing a political imbroglio Mr. Sharad Pawar was instrumental in forging the *Maha-Vikas Agadhi* alliance which formed the government in the state under the leadership of Mr. Uddhav Thackeray.

IV. 2019 – 2024 A PERIOD OF UNCERTAINTY AND THE ROLE OF THE SUPREME COURT

In June 2022, the political landscape of the state underwent a significant transformation when the Shiv Sena experienced its largest rebellion in history. Mr. Eknath Shinde along with a few rebel MLAs left for Surat and from there he left for Guwahati where more rebel MLAs joined him. Eventually Mr. Shinde got the support of 40 MLAs backing him this rebellion posed a huge threat to the then MVA government under the leadership of Mr. Thackeray, the main reason which was given by the rebel MLAs was that the Sena even though was the single largest party in the alliance it wasn't getting proper treatment from its allies i.e., NCP and the INC and the rebel leaders accused Mr. Uddhav Thackeray of being "*Un-accessible*". Soon after the news of rebellion spread across Mr. Thackeray vacated the official residence of the Chief Minister

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[18]*www.dailyo.in*. Retrieved 23 July 2018 https://www.dailyo.in/politics/sharad-pawar-ncp-narendra-modi-bjp-congress-sonia-gandhi-shiv-sena-maharashtra-7998. Last visited on 15/06/2024.
[19] https://www.thehindu.com/topic/nationalist-congress-party/. last visited on 15/06/2024.

(*Varsha* bungalow) and went back to his own residence '*Matoshree'*. Shivsena, while acting swiftly in this matter removed the rebel ministers from its cabinet and also filed the disqualification proceedings against the 16 rebel MLAs with the Deputy Speaker of the Maharashtra Vidhan Sabha. The Deputy Speaker issued notices to the rebel MLAs directing them to respond to the notices within a day. However, the Supreme Court granted the rebels a relief by extending the time to respond to the notices till 11th July.[20] With the on-going rebel within the Sena, the BJP leader and former Chief Minister Mr. Devendra Fadnavis went to Delhi to meet Mr. Amit Shah and after returning he urged the then Governor Mr. Bhagatsingh Koshyari to direct the government to prove its majority in the house. Accordingly, Governor Koshyari ordered for a floor test.

The Shivsena appealed against the order of the Governor calling for the floor test in the Apex Court. However, the Court vide its order dated 29th June, 2022 refused to quash the order of the Governor and ordered that the floor test to be conducted as per the notification released by the Governor.[21] After this order of the Supreme Court, Mr. Uddhav Thackeray resigned as the Chief Minister of the state and as a result the MVA government collapsed. This was seen as a mis-calculated move by Mr. Thackeray. Further complicating matters, in June 2022, a faction within the Shiv Sena led by Mr. Eknath Shinde asserted itself as the true Shiv Sena and adopted the name Shivsena Balasaheb Thackeray. Meanwhile, the faction led by Mr. Uddhav Thackeray retained the name Shivsena (Uddhav Balasaheb Thackeray). Mr. Eknath Shinde's faction then announced its intentions to form a government with the support of the BJP. The Governor then invited Mr. Shinde to form a government.

 Mr. Fadnavis who had earlier refused to be the part of the Sena-BJP government accepted the post of the deputy Chief minister under the Chief ministership of Mr. Eknath Shinde as per his party's orders. He said, "I cannot go against my party's orders."

The Supreme Court pronounced its final verdict regarding all the chaotic situation in Maharashtra on 11th May, 2023 and observed the following conclusions. As regards the issue of the disqualification of the 16 members the court observed, "There are no extraordinary circumstances in the instant case that warrant the exercise of jurisdiction by this Court to adjudicate disqualification petitions. The Speaker must decide disqualification petitions within

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[20]Mumbai-Surat-Guwahati-Goa-Mumbai: Shinde Sena's 10-day round Times of India article 2nd July, 2022. https://timesofindia.indiatimes.com/india/surat-guwahati-goa-mumbai-the-course-that-shinde-rebel-mlas-charted-to-topple-maharashtras-thackeray-govt/articleshow/92622879.cms last visited on 14/06/2024.

[21] (Sunil Prabhu v. Principal Secretary, Governor of Maharashtra & Ors). Order dated 29/06/2022 in WP(C) No. 470 of 2022.

a reasonable period;"[22] Following the direction, the Speaker of Maharashtra Vidhan Sabha, Mr. Rahul Narvekar, resolved the disqualification disputes filed by both factions against each other. On January 10, 2024, the Speaker delivered his verdict, refusing to disqualify members from either faction. He ruled in favour of the faction led by Mr. Eknath Shinde, recognizing it as the "real" Shiv Sena, based on the verdict given by the Election Commission of India.[23]

Further in its judgement the Supreme Court observed that the power to appoint the whip lies with the 'Political Party' and not with the 'Legislative Party' thus validating the appointment of Mr. Sunil Prabhu as the party whip. Further the court observed that "the Governor was not justified in calling upon Mr. Thackeray to prove his majority on the floor because he did not have reasons based on objective material before him, to reach the conclusion that Mr. Thackeray had lost the confidence of the House." However, the *status quo* can't be restored as Mr. Thackeray resigned before facing the floor test. And post resignation the Governor was well within his powers to invite Mr. Shinde to form a government.[24] This case came in front of the Supreme Court as one of the unique constitutional cases especially dealing with the effectiveness of the 10th Schedule of the Constitution of India[25] under which the representatives who commit the sin of defection are penalised but in this case none of the rebel MLAs were punished, to understand the reason we have to go through the purpose of the Tenth Schedule as observed by the Apex Court in catena of cases is to disincentivize and penalize the constitutional sin of defection.[26]

The violation of these laws may result in the disqualification of such member who has defected from the House and additionally he is also barred from holding any remunerative political post from the date of their disqualification till the date on which the term of their office as a member of the House would expire or till the date on which they contest election to a House and are declared elected, whichever is earlier.[27] Such a member is also disqualified from being appointed as a minister for the duration as mentioned above.[28] But there are few exceptions given in the Tenth Schedule of the Constitution of India[29]to this rule, a defected member cannot be disqualified if

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[22] Subhash Desai v. Principal Secretary, Governor of Maharashtra & Ors para 206 (2024) 2 SCC 719. (India).
[23]https://www.livelaw.in/top-stories/shiv-sena-mla-disqualification-eknath-shinde-uddhav-thackeray-maharashtra-speaker-decision-246382. Live Law 10/01/2024. Last visited on 13/06/2024.
[24] Subhash Desai v. Principal Secretary, Governor of Maharashtra & Ors (2024) 2 SCC 719. (India).
[25] INDIA CONST. Tenth Schedule.
[26] Nabam Rebia & Bamang Felix v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1. (India).
[27] INDIA CONST Art, 361-B.
[28] INDIA CONST Art, 75 (1-B) & 164 (1-B).
[29] INDIA CONST Tenth Schedule, Para 4.

1. his original political party merges with another political party, and the member has at least 2/3rd members of the original party agreeing for the merger.

2. If the member hasn't accepted the merger and continues to function as a separate group; and,

3. The member even after splitting doesn't joins any other political party.

Due to these provisions the rebel MLAs didn't face the wrath of disqualification as their case fit in the above exceptions. The rebels didn't merge in any other political faction, rather they claimed the original faction as their own and portrayed themselves as the true "ideological" successors of Shivsena.

The Apex Court while examining the Tenth schedule and the Symbol Order promulgated by the ECI in the year 1968 in exercise of the powers conferred by Article 324 of the Constitution read with Section 29A of the Representation of the People Act 1951 and Rules 5 and 10 of the Conduct of Elections Rules 1961, allowed the Speaker of the Maharashtra State Legislature and the ECI to adjudicate on the proceedings initiated before them. The Symbol Order governs the reservation and allotment of symbols to the candidates interested in contesting elections. Political parties are classified into recognised political parties and unrecognised political parties under the Symbols Order.[30] Recognised political parties are further classified into National Parties and State Parties.[31] The ECI recognizes political parties as National Parties or State Parties if they satisfy the requirements prescribed in the Symbols Order the ECI allots a symbol to every candidate who contests elections, in accordance with the Symbols Order[32] the Supreme Court in the above case[33] has summarised the purpose of the Symbol Order as.:

"a. To provide a uniform procedure for the recognition of political parties; and b. To provide a uniform and just system for the allotment of symbols for candidates to contest in elections."[34] The reason why the ECI felt the need to promulgate this order is that while campaigning for an election, the candidates as well as the voters rely heavily on the symbol of the contesting candidate. The connection between the voters, the candidates and the political party has strengthened over time. Symbols become the source of association for the entire electoral system. Thus, the disputes related to the party symbols must be dealt by the ECI, the ECI is empowered to adjudicate disputes between rival sections or groups of a recognised political

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[30] Para. 6(1), Election Symbols (Reservation and Allotment) Order, 1968.
[31] Para. 6(2), Election Symbols (Reservation and Allotment) Order, 1968.
[32] Para. 4, Election Symbols (Reservation and Allotment) Order, 1968.
[33] Subhash Desai v. Principal Secretary, Governor of Maharashtra & Ors (2024) 2 SCC 719. (India).
[34] Ibid 31.

party, each of whom claims to be that party, under Paragraph 15 of the Symbols Order.[35]

> "15. Power of Commission in relation to splinter groups or rival sections of a recognised political party – When the Commission is satisfied on information in its possession that there are rival sections or groups of a recognised political party each of whom claims to be that party, the Commission may, after taking into account all the available facts and circumstances of the case and hearing such representatives of the sections or groups and other persons as desire to be heard, decide that one such rival section or group or none of such rival sections or groups is that recognised political PART E 103 party and the decision of the Commission shall be binding on all such rival sections or groups."

It is to be noted that the ECI must take a decision on the disputes considering all the facts and circumstances of the case along with the representations made by the rival contenders and parties which wish to be heard. The consequence of such a hearing and decision of the ECI is that the faction which is recognised by the commission as the original political party is allotted the symbol reserved for the political party, as a result the other political group shall apply for its registration under the section 29 A of the Representation of People Act, 1951[36] and accordingly the ECI would then allot a new symbol to that political party as per the Symbols Order.

As per the above jurisprudential position of law the Apex Court directed the ECI to adjudicate on the petitions filed before it by applying a test which is best suited for the facts and circumstances of the cases before it. Thus, the ECI as per the power given under the Paragraph 15 of the Symbols Order[37] adjudicated the petitions filed by the rival factions, resulting in the faction led by Mr. Eknath Shinde being recognized as the 'real' Shivsena. Consequently, this faction was granted the party symbol the 'Bow and Arrow' and the official party name. In contrast, the faction led by Mr. Uddhav Thackeray was designated as Shivsena (Uddhav Balasaheb Thackeray) and was assigned the symbol of a *'mashal'*, which represents a burning torch.

The chaotic situation in the State finally settled when the Shivsena faction led by Eknath Shinde entered into a coalition with the BJP, establishing the 'Mahayuti' government. However, another

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[35] Para. 15, Election Symbols (Reservation and Allotment) Order, 1968.
[36] The Representation of the People Act, 1951, No. 43 of 1951, Acts of Parliament ,1951 (India).
[37] Para. 15, Election Symbols (Reservation and Allotment) Order, 1968.

rebellion was brewing within the Nationalist Congress Party (NCP).

After the Supreme Court verdict, Mr. Ajit Pawar the nephew of Mr. Sharad Pawar split from the NCP along with several other members of the NCP and joined the Mahayuti government. Mr. Ajit Pawar was sworn in as the Deputy CM and along with him eight NCP leaders joined the cabinet.[38] In February 2024, the Election Commission of India (ECI) made a ruling in favour of the faction led by Ajit Pawar as the legitimate Nationalist Congress Party (NCP), affirming their right to use the party symbol, the clock. The faction led by Mr. Sharad Pawar was designated as the Nationalist Congress Party (Sharadchandra Pawar).[39] And was given the symbol of *'tutari'*.

Thus, the state endured political turmoil caused by multiple factional splits and varying rulings from different authorities. This chaos became a major source of frustration for the common voter.

V. MENTALITY OF THE VOTERS

Maharashtra is a diverse state where people from various socio-religious background stay together. The state is dominated demographically by the Maratha community, certain issues can be shortlisted which play a pivotal role while deciding the politics of the state. Some of the core issues are, the Marathi Asmita or the Marathi culture, another issue is of the farmers as however the Urbanisation ratio of the state is at 45.23% a significant portion of the population is still depended on farming related activities for their living.[40] The voters of Maharashtra have consistently delivered mixed mandates, resulting in a long history of coalition governments. Experts believe that this trend is likely to persist in the foreseeable future.

It is pertinent to observe that after contesting their cases in statutory forums and receiving various verdicts, the political factions were now set to face the people's court in the 2024 Lok Sabha general elections, with 48 seats Maharashtra is just behind Uttar Pradesh in sending representatives to the Parliament. The trend which was observed in the general elections was the Congress party which lost its ground in the 2014 and 2019 Lok Sabha general elections emerged as the single largest political party in the state the MVA alliance collectively got 31

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[38]https://economictimes.indiatimes.com/news/politics-and-nation/ncp-splits-ajit-pawar-to-join-nda-govt-take-oath-as-deputy-cm-of-maharashtra/articleshow/101431751.cms. The Economic times 02/07/2023 last visited on 15/06/2024.

[39] https://indianexpress.com/article/india/nationalist-congress-party-sharadchandra-pawar-ncp-9149260/ Sharad Pawar faction gets new name day after Ajit camp declared 'real' NCP Indian Express Article February 8, 2024. Last visited on 15/06/2024.

[40]Directorate of Economics and Statistics, Government of Maharashtra, available at https://mahades.maharashtra.gov.in. last visited on 15/06/2024.

out of 48 seats and the Mahayuti a mere 17 seats.[41] Mahayuti faced a humiliating defeat in the elections, with several factors contributing to this outcome. Key reasons include the Maratha reservation agitation led by Mr. Manoj Jarange, a sympathy wave towards Mr. Thackeray and Mr. Pawar due to political splits, demographic changes, the State losing key economic projects due to the political instability, dissatisfaction of the voters towards the 'split-politics' and prevailing anti-incumbency sentiments in the state to name a few. A narrative emerged among voters that they had rejected the politics that had hindered the state's development over the past five years.

VI. CONCLUSION

After analysing the entire post- independence history of the land of Chatrapati Shivaji Maharaj a conclusion may be inferred by looking at a statement which is quite famous in the political corridors "If Uttar Pradesh decides who will be the Prime Minister of India, Maharashtra decides who will not" This underscores Maharashtra's pivotal role in shaping the political landscape of the nation. As the highest contributor to India's GDP, Maharashtra's economic and political influence is substantial. With an extremely diverse population the politics of the state is discussed right from the grassroot level of the rural area to the business class of the urban centres with an extremely politically aware population Maharashtra has been able to progress and has become a desirable location for the investors The state's cities, such as Mumbai and Pune, are not only economic powerhouses but also centres of cultural and social dynamism. However, the uncertain political situation in recent years has hindered Maharashtra's growth trajectory. Political instability, characterized by frequent changes in government and coalition challenges, has impacted policy continuity and governance.

This instability has created a climate of uncertainty that has deterred investors and slowed down development projects Despite these challenges, the potential for growth in Maharashtra remains immense. The state's strategic location, rich natural resources, and skilled workforce provide a solid foundation for economic development. To unlock this potential, it is imperative that both the people and the leaders of Maharashtra work together to foster a stable and conducive political environment. The state has tremendous potential to grow the only thing which is needed is that the people shall hold their representatives accountable, demanding transparency for the work which they do, efficiency and a clear vision about the State's future. Leaders, on the other hand, must rise above partisan politics and focus on long-term development goals that benefit all sections of society.

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[41] https://results.eci.gov.in/PcResultGenJune2024/partywiseresult-S13.htm. Last visited on 16/05/2024.

In conclusion, while Maharashtra has faced setbacks due to political uncertainties, it stands on the brink of tremendous opportunity. By fostering a politically stable environment and holding leaders accountable, the state can resume its path of progress and continue to be a leading contributor to India's growth and development.

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