

# "BIG SHOCK TO THOSE WHO RUN POLITICAL PARTIES THROUGH DYNASTIES": CM SHINDE TAKES SWIPE AT UDDHAV, CONGRESS AFTER SENA VERDICT

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

After [Maharashtra Assembly Speaker](#) Rahul Narwekar on Wednesday declared the Eknath Shinde faction as the real [Shiv Sena](#), the chief minister took a swipe at the Uddhav Sena and its MVA partner [Congress](#), saying that the ruling came as a 'shock' to "people who run political parties through dynasties".

Speaking to reporters after the Speaker's ruling dealt a numbing blow to the Uddhav faction, which has been at loggerheads with the rival group led by Shinde, the CM said, "This is the victory of truth, of democracy. This is the victory of Shiv Sena workers and the people of Maharashtra. In a democracy, majority matters. So, as I see it, this decision is based on merit. Nobody can use a political party as private property. This ruling has come as a bog shock to people, who run political parties through dynasties."

Meanwhile, Shiv Sena (Shinde faction) workers erupted in celebrations as the Maharashtra Speaker gave his verdict on cross petitions filed by the rival factions, seeking the [disqualification](#) of each other's MLAs.

On Wednesday, while hearing a petition filed by both the [Shiv Sena factions](#) seeking disqualification of the rival MLAs after a split in the party in June last year, the Speaker announced that the "Shinde faction was real Shiv Sena when rival factions emerged."

The Speaker went into great length on the Shiv Sena constitution while delivering his crucial verdict, saying, "The decision of Paksha Pramukh cannot be taken as a decision of the political party."

"In my view, the 2018 leadership structure (submitted with ECI) was not as per the Shiv Sena Constitution. Shiv Sena party chief, as per the party constitution, cannot remove anyone from the party...Uddhav Thackeray removed Eknath Shinde or any party leader from the party as per the party constitution. So the removal of Eknath Shinde by [Uddhav Thackeray](#) in June 2022 is not accepted based on the Shiv Sena Constitution," the Speaker said.

"Also, the will of the members of the leadership structure of 2018 cannot be the will of the political party, as there are contradictory views and claims about the majority in the leadership structure by both factions," he added.

The Speaker said that given the evidence and records before him, prima facie, these indicate that no elections were held in 2013, as well as in 2018.

"However, I, as the speaker exercising jurisdiction under the 10th schedule, have limited jurisdiction and cannot go beyond the record of the ECI as available on the website and hence I have not considered this aspect while determining the relevant leadership structure," the speaker said.

"Thus, given the above conclusions, I find that the leadership structure of Shiv Sena reflected in the letter dated February 27, 2018, available on the website of the ECI is the relevant leadership structure that has to be taken into account to determine which faction is the real political party," he said.

The Maharashtra Assembly Speaker noted that both factions have submitted different versions of the constitution.

"Then, in that case, what has to be taken into account is the constitution, which was submitted to the ECI with the consent of both parties before the rival factions emerged. Before recording further conclusions, it is imperative to reiterate that, under the initiation of this disqualification, the Maharashtra Legislative Secretariat had a letter dated June 7, 2023, requesting the Office of ECI to provide a copy of the party constitution, memorandum, and rules."

He said the constitution of Shiv Sena provided by ECI is the relevant constitution of Shiv Sena for the determination of which faction is the real political party.

"Shiv Sena had not submitted any constitution to the speaker of the house as per Rule 3 of the legislative rules of 1986. As per the rule, the constitution of the party should have been submitted to the speaker within 30 days of the amendments made to the constitution by the president of the party," he said.

"The 2018 amended constitution of Shiv Sena cannot be considered valid as it's not in the records of the Election Commission of India. As per Supreme Court orders, I cannot delve into any other factor on which the Constitution is valid. As per records, I am relying on the 1999 constitution of Shiv Sena as the valid constitution. The 2018 leadership structure was not in conformity with the constitution of the Shiv Sena (of 1999, which is relied upon). This leadership structure cannot be taken as the yardstick to determine which faction is a real Shiv Sena political party," he added.

The Supreme Court had last month asked Maharashtra Legislative Assembly Speaker Rahul Narwekar to deliver his judgement on disqualification petitions filed by Shiv Sena factions of Chief Minister Eknath Shinde and Uddhav Thackeray by January 10.

Both factions of the Shiv Sena locked horns in June 2022, when Eknath Shinde, along with 37 MLAs, jumped ship to the Bharatiya Janata Party (BJP), leading to the collapse of the Uddhav Thackeray government.

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