



## Role of EC in Party Disputes - TN 'Two Leaves' Symbol Case

### Why in news?

The Delhi High Court verdict upheld the allotment of the 'Two Leaves' symbol to the AIADMK.

### What was the tussle?

- The leadership of the AIADMK party was in dispute after the death of its leader and former Tamil Nadu Chief Minister Ms. Jayalalithaa.
- The AIADMK is now jointly led by the present Tamil Nadu Chief Minister Edappadi K. Palaniswami and Deputy CM O. Panneerselvam.
- Another rival faction was soon formed, headed by V.K. Sasikala, a confidante of the late Jayalalithaa, and her nephew, T.T.V. Dhinakaran.
- The two factions had conflicts in regards with claims to the party's name and the 'Two Leaves' symbol.

### What is the court's verdict?

- The Delhi High Court upheld the Election Commission's November, 2017 order that had ruled in AIADMK's favour.
- EC's decision was based on the group's majority in its organisational and legislative wings.
- The court has ruled that the EC was well within its powers to apply the majority test.
- It thus allotted the symbol to the faction that had more members in the general council and in its complement of MLAs and MPs.

### What is the rival faction's stance?

- Dhinakaran's party maintained that the EC should have ruled against the Panneerselvam-Palaniswami faction.
- This is because it had changed the party's basic structure by abolishing the post of general secretary.
- The Dhinakaran faction has now decided to appeal in the Supreme Court

against the order.

- Earlier, however, Dhinakaran formed his party named the Amma Makkal Munnetra Kazhagam (AMMK).

### What is the EC's role in this regard?

- The Election Symbols (Reservation and Allotment) Order, 1968 empowers the EC to recognise political parties and allot symbols.
- Under Paragraph 15 of the Order, the EC is the only authority to decide issues on a dispute or a merger.
- EC can decide disputes among rival groups or sections of a recognised political party staking claim to its name and symbol.
- The Supreme Court upheld its validity in Sadiq Ali and another vs. ECI in 1971.
- This applies to disputes in recognised national and state parties.
- For splits in registered but unrecognised parties, the EC usually advises the warring factions to resolve their differences internally or to approach the court.

### How does EC decide on the dispute?

- **Support** - The Commission examines the party's constitution and its list of office-bearers submitted when the party was united.
- It identifies the apex committee(s) in the organisation and finds out how many office-bearers, members or delegates support the rival claimants.
- For the legislative wing, the EC goes by the number of MPs and MLAs in the rival camps.
- It may consider affidavits filed by these members to ascertain where they stand.
- The ECI may then decide in favour of the faction having enough support in its organisational and legislative wings to be entitled to the name and symbol.
- It may permit the other group to register itself as a separate political party.
- **Uncertainty** - If the party is either vertically divided or if there is uncertainty over a clear majority, the EC may freeze the party's symbol.
- It may then allow the groups to register themselves with new names or add prefixes or suffixes to the party's existing names.
- **Election times** - The EC may take time to gather enough material to decide on the dispute.
- But for immediate electoral purposes, it may freeze the party's symbol and advise the groups to fight the elections in different names and on temporary symbols.

- **Reunion** - If reunited in future, the claimants may approach the EC again and seek to be recognised as a unified party.
- The EC is also empowered to recognise mergers of groups into one entity, when it may restore the symbol and name of the original party.

**Source: The Hindu**



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