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 Minster 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

