



KAMARAJ IAS ACADEMY
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ECI Freezes TMC Name and Symbol Amid Internal Dispute: Constitutional Powers, Electoral Symbols and Party-Split Adjudication

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Recent Developments:

Interim Freeze on Party Identity:

- On 17 September 2026, the **Election Commission of India** temporarily froze the use of the name **All India Trinamool Congress** and its reserved **Flowers and Grass** election symbol amid an organisational dispute between rival factions.
- The interim arrangement applies to the upcoming **West Bengal Assembly by-elections**, including the Nandigram and Rejinagar constituencies, where competing factions have fielded candidates.
- The Commission directed both groups to operate under alternative names and symbols so that neither faction receives an electoral advantage from the disputed party identity.
- Each faction was asked to submit **three preferred names and three choices from the list of free symbols** available with the Commission.

Latest Position:

- On 18 September 2026, the Commission proceeded to allot separate names and symbols to the rival groups for the immediate electoral process, while the substantive dispute concerning the original party identity remains subject to further proceedings.
- The interim arrangement should therefore be distinguished from a **final adjudication under Paragraph 15** of the Election Symbols (Reservation and Allotment) Order, 1968.

Legal Basis of Party Name and Symbol:

Paragraph 15 of the Election Symbols Order, 1968:

- **Paragraph 15 of the Election Symbols (Reservation and Allotment) Order, 1968** provides the framework for determining disputes when rival sections of a recognised political party claim the party's identity and its reserved election symbol.
- The Commission examines the competing claims and determines which group has a stronger claim to the recognised party's organisational identity and reserved symbol.
- The present freeze is an **interim measure** and should not be treated as a final declaration regarding which faction legally represents the original party.

Judicial Foundation:

- The Commission's approach to party-split disputes has historically involved examining the relative strength of rival groups in the **organisational and legislative wings** of a political party.

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- The Supreme Court's decision in **Sadiq Ali v. Election Commission of India** recognised the relevance of majority support in the organisational and legislative wings while considering disputes over party identity and symbols.
- The Election Commission has subsequently applied this framework in several disputes involving recognised political parties.

Why Was the Name and Symbol Frozen?

Need for an Interim Arrangement:

- The Commission faced competing claims from rival groups while elections were approaching, making an immediate final determination difficult within the available electoral timetable.
- Allowing both groups to use the same recognised name and reserved symbol could create **voter confusion, administrative difficulties and uncertainty regarding candidate identity**.
- The temporary freeze seeks to maintain a degree of electoral neutrality by preventing either faction from obtaining exclusive use of the disputed identity before the substantive dispute is resolved.
- The Commission's stated approach is intended to place the rival groups on an **even footing** while protecting their respective electoral interests.

How Does the ECI Decide Party-Split Disputes?

Organisational Majority:

- The Commission can examine the level of support enjoyed by competing factions among **party office-bearers, organisational committees and other recognised organisational units**.
- Documentary evidence relating to the party constitution, organisational elections and internal decision-making structures can become relevant to establishing organisational control.

Legislative Majority:

- The Commission can also examine support among the party's **elected Members of Parliament and Members of Legislative Assemblies**.
- Legislative strength provides an additional indicator of the relative support enjoyed by competing groups within a recognised political party.

Documentary and Procedural Evidence:

- The Commission considers the material submitted by the rival factions and assesses the competing claims through the procedure applicable under the Symbols Order.
- The determination is therefore not based merely on the public claim of leadership by either faction but on **evidence concerning organisational and legislative support**.

Constitutional Framework of the Election Commission:

Article 324:

- The **Election Commission of India** is an independent constitutional authority established under **Article 324** of the Constitution.
- Article 324 vests the Commission with the **superintendence, direction and control** of electoral rolls and elections to Parliament, State Legislatures, and the offices of the President and Vice-President.
- The constitutional framework gives the Commission an important institutional role in maintaining the integrity and orderly conduct of elections.

Part XV of the Constitution:

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- **Part XV**, comprising **Articles 324–329**, deals with elections and establishes the constitutional framework for electoral administration.
- Article 324 establishes the Election Commission, while subsequent provisions address matters such as electoral laws, adult suffrage, election-related legislation and judicial intervention.
- The constitutional scheme seeks to maintain an independent and uniform institutional framework for elections throughout India.

Major Functions of the ECI:

Electoral Administration:

- The Commission conducts elections to the **Lok Sabha, Rajya Sabha and State Legislatures**, as well as elections to the offices of the **President and Vice-President**.
- It supervises electoral rolls, election schedules, polling, counting and other processes necessary for conducting elections.

Political Parties and Symbols:

- The Commission registers political parties under **Section 29A of the Representation of the People Act, 1951** and administers the framework governing recognised political parties and election symbols.
- It allots **reserved symbols** to recognised political parties and **free symbols** to eligible candidates and groups under the applicable provisions of the Symbols Order.
- The Commission also maintains records concerning organisational elections of recognised political parties.

Quasi-Judicial Functions:

- The ECI performs certain **quasi-judicial functions**, including adjudication of disputes concerning the identity of recognised political parties and their reserved symbols.
- Such functions require consideration of evidence, competing claims and applicable legal principles rather than merely administrative allocation.

State Election Commissions:

- The ECI does **not conduct elections to Panchayats and Municipalities**.
- Elections to local bodies are conducted by the respective **State Election Commissions** under the constitutional framework governing local self-government.

Significance of the Dispute:

Electoral Fairness:

- The dispute demonstrates why an effective mechanism is necessary when rival factions simultaneously claim the identity and symbol of a recognised political party.
- An interim freeze can prevent the disputed identity from being exclusively used by one faction while the Commission considers the substantive claims.

Voter Clarity:

- Election symbols are particularly significant in India's electoral system because they provide an easily identifiable association between candidates and political parties.
- A dispute over a reserved symbol can therefore have consequences for **voter recognition, campaign communication and electoral administration**.

Constitutional and Institutional Balance:

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- The episode highlights the need to balance the Commission's constitutional responsibility under **Article 324** with procedural fairness toward competing political groups.
- It also raises broader questions regarding **internal party democracy, organisational transparency, timely adjudication and the scope of electoral regulation.**

Challenges in Party-Split Adjudication:

Determining Genuine Organisational Support:

- Internal party structures may become contested during a split, making it difficult to establish which organisational meetings, office-bearers or committees legitimately represent the party.
- The Commission may therefore need to scrutinise organisational records, party constitutions and election procedures carefully.

Balancing Speed and Due Process:

- Election schedules create strict time constraints, whereas party-identity disputes may require extensive examination of evidence.
- A speedy decision can reduce electoral uncertainty, but procedural fairness requires that rival groups receive an adequate opportunity to present their claims.

Scope of Article 324:

- Article 324 provides broad constitutional powers to the ECI, but the exercise of such powers must remain consistent with **statutory provisions, constitutional principles and judicial review.**
- The institutional challenge is to ensure that electoral administration remains effective without compromising procedural safeguards.

Way Forward:

Strengthening Electoral Adjudication:

- Party-split disputes should be resolved through **transparent, evidence-based and time-bound procedures**, particularly when elections are imminent.
- Clearer procedural timelines can reduce prolonged uncertainty over party identity and reserved symbols.

Strengthening Internal Party Democracy:

- Political parties should maintain transparent organisational structures, regular internal elections, updated membership records and clearly defined constitutional procedures for leadership changes.
- Stronger internal democratic mechanisms can reduce the frequency and intensity of disputes reaching the Election Commission.

Improving Electoral Transparency:

- The ECI should continue to publish relevant orders and procedural information so that political parties, candidates and voters can understand the basis of decisions concerning party recognition and symbols.
- Digitisation and systematic preservation of organisational records can also facilitate evidence-based adjudication.

Value Addition for UPSC:

- **Article 324:** Vests the Election Commission with the superintendence, direction and control of electoral rolls and elections to Parliament, State Legislatures, and the offices of the President and Vice-President.

- **Paragraph 15:** Provides the principal mechanism under the Election Symbols Order for resolving disputes between rival sections of a recognised political party concerning its identity and reserved symbol.
- **Sadiq Ali Principle:** The Supreme Court upheld the relevance of examining relative majority support in the organisational and legislative wings in party-split disputes.
- **Reserved Symbol:** A symbol specifically allotted to a recognised political party for its candidates, subject to the conditions prescribed under the Symbols Order.
- **Free Symbol:** A symbol that is not reserved for a particular recognised political party and may be allotted according to the applicable electoral rules.
- **Quasi-Judicial Function:** A function in which an authority determines competing claims by applying legal or regulatory principles and considering evidence, even though it is not functioning as an ordinary court.
- **Constitutional Significance:** The dispute illustrates how electoral institutions must simultaneously protect **electoral certainty, institutional neutrality, procedural fairness and democratic competition.**

Conclusion:

- The TMC name-and-symbol dispute illustrates the Election Commission's important **constitutional and quasi-judicial role** in managing conflicts over the identity of recognised political parties.
- The interim freeze provides an immediate electoral arrangement while leaving the substantive question of party identity to further proceedings under the Symbols Order.
- The episode also highlights the importance of **transparent procedures, credible organisational records, internal party democracy and timely electoral adjudication** for maintaining public confidence in the electoral process.