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# Kerala Congress row: SC upholds EC order

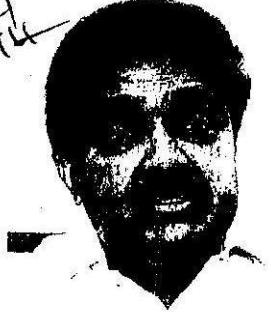
Grants group led by Jose K. Mani the official election symbol of 'Two Leaves'

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NEW DELHI

The Supreme Court on Monday upheld Kerala High Court's confirmation of an Election Commission order declaring a group led by Jose K. Mani as the official Kerala Congress (Mani) and granting it the official election symbol of 'Two Leaves'.

In a brief hearing, a Bench led by Chief Justice of India Sharad A. Bobde dismissed P.J. Joseph's appeal, saying two Benches of the High Court had concurred to uphold the Commission's order.

Senior Advocate Shyam Divan, appearing for Mr. Joseph, submitted that the High Court erred in not examining whether the EC order was in accordance with



Jose K. Mani

the law. He said the Commission's decision was "baseless".

"We do not agree with you," Chief Justice Bobde responded.

The Election Commission, by a 2:1 majority, had held that the group led by

Jose K. Mani was the official Kerala Congress (Mani) and "is entitled to use the name and the reserved symbol 'Two Leaves' for the purpose of Election Symbols (Reservation and Allotment) Order, 1968".

Mr. Joseph had contended in the High Court that the Commission committed a mistake by straightaway going to test the majority without considering the test of the constitution. The majority test was conducted with a truncated body and was based on defective and irrelevant affidavits given by Mr. Jose.

Mr. Joseph had submitted that the Election Commission had no right to allot a party to a person. The only jurisdiction vested with it

was to allot symbols to a party.

Besides, the Commission had not been authorised or empowered to decide internal issues of the party. The issue of name did not come under the symbol law. The party had acquired the name as per the provisions of the constitution of it and it forms the property of the party.

The Commission should not have passed an order indirectly reversing a civil court order recognising him as chairman of the party. He was the elected working chairman of the party, discharging the functions and exercising the powers of chairman following the Constitution of the party, Mr. Joseph had contended in the High Court.