

A variant of a political party's flag doubling as the national flag: confusions and controversies – a case study

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Abstract

A variant of a political party's flag doubling as the national flag is not an uncommon phenomenon. Instances of the erstwhile USSR's Red Flag of communism or the Nazi swastika of the German Third Reich come immediately to mind. Since the Second World War, beginning with India and Pakistan in 1947, many newly born countries have chosen flags of the political parties that helped them to gain independence. Most of the national flags that copy the flag of a dominant political party emerged from the continents of Africa and Asia, and most of these decolonised independent countries are a totalitarian state of one kind or another, masquerading as a single party democracy. The differences between party and national flags are scarcely apparent, and the flags are therefore deceptive, giving an impression of similitude.

The Indian national flag: a case study

In India, the national flag that we fly today was adopted by the Constituent Assembly, a few days before India was granted freedom in 1947. The 'saffron over white over green' bears an extreme resemblance to the flag of the Indian National Congress (INC) in colour, design, pattern and style. The only difference is that the central panel of the national flag contains a *Chakra* (wheel); that of the INC flag, a *Charkha* (spinning wheel). Most members of the Constituent Assembly were veterans of the Congress party; so without much ado they decided to make the flag of their party double as the flag of the nation.



*Indian national flag
on a postage stamp*

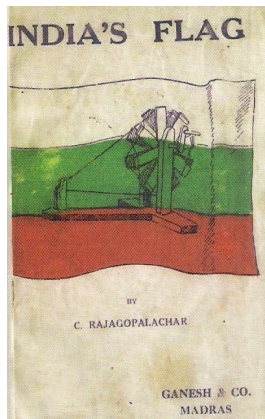
The unofficial flag of the Indian National Congress, 1921

Before proceeding to my main theme, it is necessary to trace briefly the genesis of the Indian national flag vis-à-vis the flag of the INC. The INC, popularly known as Congress, was founded in 1885 on the initiative of British civil servant Allan Octavian Hume and others. Congress was the first modern nationalist movement to emerge in the British Empire and led India to independence in 1947.

The question of the invention of a flag for India began in the late nineteenth century, when the national leaders in India became passionately infused with the spirit of reasserting the country's freedom. There were many tentative essays at flag-making, both at regional and national level, but none could achieve any more than a short-term impact. Nor did the INC have any flag of its own to rally around until 1921, with the arrival, with Mahatma Gandhi's support, of the first tricolour flag.

The flag was 'white over green over red, emblazoned with a *Charkha* placed in the centre touching all three colour bands'. It was variously described as the '*Swaraj* (self-rule) flag', the 'Congress flag', the 'Gandhi flag', the '*Charkha* flag' and so on. Mahatma Gandhi proclaimed it the 'National flag'.

The *Swaraj* flag was not adopted by a formal resolution, yet the 'All India Congress Committee' (AICC) used to promote it as the national flag to live and to die for.



INC: unofficial flag

Failure of the *Swaraj* flag to gain pan-Indian Acceptance

In a time of communal troubles, and in the context of contesting religious interpretations of the colours of the *Swaraj* flag, some people questioned the correctness of calling it the national flag.

Its close similarity to the 'Bulgarian Three Colours' (*Balgarski trikolyor*) was also felt undesirable, while at least four other countries - Persia, Italy, Mexico and Hungary - also had flags with 'Red, White and Green' in different dispositions. Many wanted India to have something distinctive and unique.

From the aesthetic point of view, 'White' on top was also considered bad, as the 'White' does not show unless against a colour background.

Besieged by these problems, and with growing objections to the flag, the adoption of a new flag by a formal resolution became imperative.

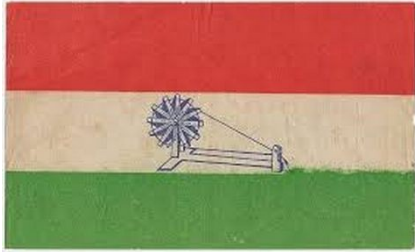
The first official flag of the INC, 1931

In 1931 the Congress Working Committee (CWC) constituted a 'Flag Committee' to investigate the question of the national flag.

Whereas the National Flag now in vogue has gained in popularity by usage and convention and whereas objection has been taken to the three colours in the Flag on the ground that they are conceived on a communal basis, the Working Committee hereby appoints a Committee for the purpose of examining the objections and recommending a flag for the acceptance of the Congress. The Committee shall have the authority to take such evidence as it may consider necessary and to send its report and recommendations to the Working Committee on or before July 31, 1931.

The Flag Committee issued a questionnaire inviting opinions from all the provincial Congress Committees and other organisations, as well as from individuals. After examining all the suggestions, the Flag Committee recommended an 'All saffron flag with a brown Charkha embellishing the canton'. However, it was not accepted.

On 8 August 1931, in its Bombay session, the INC formally adopted its first official flag: 'saffron (in place of red) over white over green, charkha was placed on the white stripe alone'. The INC christened it the '*Purna Swaraj* [complete independence] Flag', implying that the colours stood for qualities not communities. From the day of its adoption, the INC in no uncertain terms claimed it as the 'National flag'.



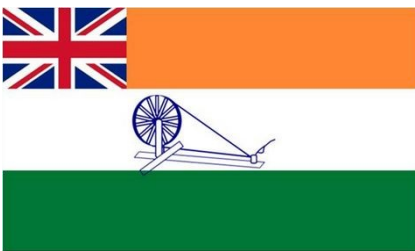
INC: first official flag

Search for a national flag for free India

On 20 February 1947 British Prime Minister Clement Attlee announced the 'transfer of power' to India by June 1948, and the Indian Independence Bill received the Royal Assent on 18 July 1947. Lord Mountbatten took over the Viceroyalty on 22 March 1947, and brought forward the date for the 'transfer of power' to 15 August 1947.

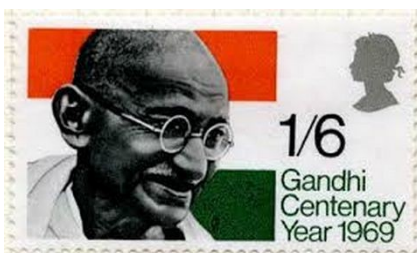
With the coming of Independence, the new Constituent Assembly (CA) on 23 June 1947 set up a nine-member ad hoc 'Flag Committee' under the chairmanship of Dr Rajendra Prasad to recommend a new national flag for independent India, to ensure that this flag was not identified with the Congress party alone.

Mountbatten was passionate to see that Britain did not leave India without leaving its footprints in the new emerging nations. On 24 June 1947 he put forward a proposal to the leaders of the INC and the Muslim League to include a small Union Jack at the canton of their respective national flags, so as to reflect a symbolic continuity with Britain, as do other members of the Commonwealth. For once, Dickie Mountbatten was unsuccessful.



Mountbatten's proposed national flag of India

Regarding the protests against the Viceroy's proposed Indian flag, Mahatma Gandhi saw nothing wrong with the inclusion of a small Union Jack as long as India was a Dominion within the British Commonwealth. Such a display would be an act of courtesy, and a gesture worthy of the best traditions built up in India.



UK postage stamp showing Mahatma Gandhi against a background of saffron, white and green

The Indian national flag, 1947

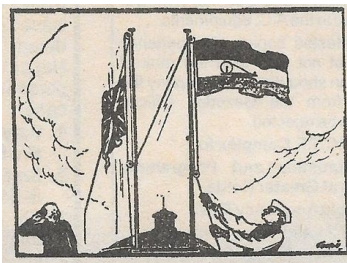
The Flag Committee decided to retain the INC flag, simply replacing the *charkha* with Asoka's *Dharma Chakra* (Wheel of Law).

The sample flag made by Mrs Suraiya Badr-ud-Din Tyabji was adopted by the Constituent Assembly on 22 July 1947.



*Mrs Suraiya Badr-ud-Din Tyabji,
maker of the first Indian national flag*

A cartoon by the *Indian Express* cartoonist Gopi in the issue of 17 July 1947 expressed the nationwide mood.



*Gopi's cartoon
in the Indian Express*

The decision to remove the *charkha* evoked mixed reactions inside and outside the Constituent Assembly.

Many wanted to retain the INC flag intact, with the original *charkha*, as the *charkha* was the emblem of the *Ahimsa* (non-violence) and the common toiling man associated so inseparably with the acquisition of political freedom and the name of Mahatma Gandhi.



*The flag of independent India
in national daily newspapers,
23 July 1947*

Gandhi, too, was unhappy at the replacement of the *charkha*. 'Nothing would have been lost,' he claimed in a statement published in the *Harijan*, 'if our councillors had never thought of interfering with the design of the original flag.' He was also anxious over the fate of the *Charkha* flags held with the *Charkha Sangh*:

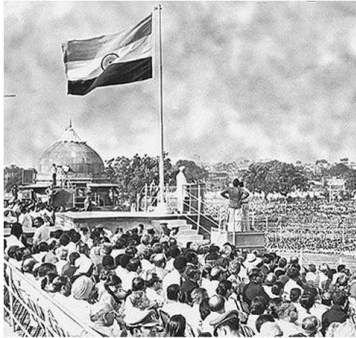
The new flag does not render the old flag redundant. Even after the king is dead, the kingdom remains and old coins are not discarded for new ones. When new coins are issued old coins do

not suffer any depreciation of value. Therefore, so long as there is even one old flag in stock at the Gandhi Ashram the two flags will have the same value ...

Congress found an alibi to retain the *Purna Swaraj* flag as their party flag.

First recorded mix-up

Alan Campbell-Johnson, press attaché to Lord Mountbatten, mixed up the two flags in his book, *Mission with Mountbatten*, when he writes, 'Very early this morning (16th August, 1947) Congress flag was hoisted over the Red Fort in Old Delhi, and Nehru addressed a crowd ...'. He grossly confused the new 'National flag' with the 'Congress flag'.



*The new Indian national flag:
Red Fort, Delhi, 1947*

Objections to the similarity of the flags

Following the CA's adoption of the 'National flag' for the nascent nation, the 'silent disapproval' of certain leaders became louder only in later decades.

The close resemblance of the party flag to the national tricolour came under attack for the first time in Parliament in 1967 from Ram Manohar Lohia, a socialist leader. Then in 1977, when the first non-Congress government, led by the Janata Party, came to power, cabinet ministers and other leaders of the ruling coalition parties vehemently raised the issue. They claimed that the similarity provided an advantage to the Congress party in the eye of common voters.

Myriad congress tricolours

By then the once-colossal INC had begun to splinter into several groups. In 1969 Congress split into two: one party styled Congress (Organisation) or Congress (O); the other, Congress (I). A tricolour with a hand symbol was adopted as the election symbol of Congress (I) in 1977.



*Hand symbol on the
flag of Congress (I)*

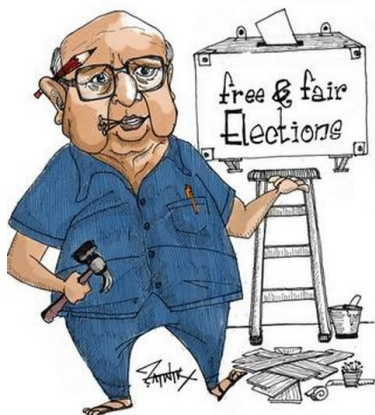
While the old guard of Congress (O) faded into oblivion, Congress (I) remained alive and is now accepted as the heir to the INC.

The gene pool is still shared with the national flag

At present there are several other breakaway groups of the erstwhile Congress, most of whom have adopted 'colourable imitations' of the national flag defaced with myriad symbols.

Appeal to derecognise the Congress (I) Flag

In April 1991 the New Delhi-based 'Peoples Manifesto' asked the then Chief Election Commissioner to derecognise the Congress (I) flag: 'The Constituent Assembly had erred in permitting the Congress party to retain its original flag, perhaps inadvertently or due to the overwhelming majority of Congressmen in the Constituent Assembly,' it claimed. This lapse amounted to a usurpation of the sanctity of the national flag. It was also discriminatory vis-à-vis other political parties, in that it offered an edge to Congress (I) during the election campaign. 'With this precedent will you grant or deny recognition to any party flag, resembling the national flag, if, as and when, applied to by any of the existing or proposed political parties?'



'Free and Fair Election':
cartoon featuring T.N. Seshan,
the Chief Election Commissioner

Public reactions

Many in this country share the opinion that the similarity between the party flag and the national flag gave the INC an immense advantage at elections because vast numbers of illiterate voters believed that their patriotic obligation was to vote for the party of the national colours. Use of a flag symbol on the election campaign trail is depicted below.



Misleading use of flags on the campaign trail

Political reactions

In 1998, the then Defence Ministry turned down a proposal by the Andhra Pradesh State government to highlight the 'Evolution of the National Flag' on their float at the Republic Day Parade, on the grounds that the national Flag resembled the INC flag.

The panel officials rejected the idea, declaring it tantamount to allowing publicity to Congress in the election season.

Who can distinguish the INC flag from the national flag?

Only at close range could one tell the real national flag from its myriad manifestations.

Call it a *faux pas*, a mix-up, a blunder, or whatever

The mortal remains of a party worker were draped in the national flag in direct violation of the Flag Code.



Using the national flag as a coffin drape violates the Flag Code

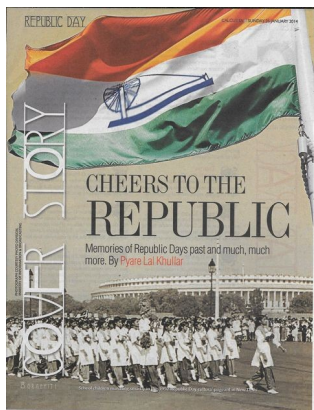
On Republic Day in Hyderabad in 2003, the Andhra Pradesh Congress party chief found to his horror that he had hoisted the INC party flag in place of the national flag.

A committee was then set up to investigate the circumstances leading to the mistake.



The INC flag hoisted instead of the national flag

In 2014 the cover page of the Republic Day special edition of the *Telegraph Sunday Magazine* erroneously printed the INC flag in place of the national flag.



'Cheers to the Republic'.
Telegraph Sunday Magazine,
26 January 2014

In 2016, a former Chief Minister of the Indian state of Madhya Pradesh was spotted waving a Congress flag at a *paigaam-e-mohabbat* rally on Independence Day, mistakenly believing it to be the national flag.



Incorrect flag waved at an Independence Day rally. Hindustan Times, Bhopal, 17 August 2016

Supreme Court notice

The Supreme Court of India issued a notice on 7 February 2014 to the INC, the Nationalist Congress Party and the Trinamool Congress parties, responding to a Public Interest Litigation (PIL) seeking to restrain them from using party flags resembling the national flag.



Supreme Court notice. Telegraph, 8 February 2014

The PIL was filed by a social activist who pleaded that the Supreme Court must direct the government and the Chief Election Commissioner to take immediate steps to stop all political parties from using a 'colourable imitation' of the national flag: 'The common man of this country recognises the tricolour as a symbol of national integration and unity and identifies itself with the tricolour and the political parties should not be allowed to use flags resembling and similar to the Indian National Flag.'

No political organisation in any Indian state should adopt the tricolour

Ironically, during the early phase of nationalist movement in Jammu and Kashmir, the Congress party itself had prevented the 'National Conference' from adopting a tricolour.

An excerpt from *The Flag Issue* (Kashmir Bureau of Information, New Delhi), explains. 'Why was it necessary for Kashmir to adopt a separate flag when the Union Flag has been accepted by other States in India?' asks one chapter heading. The reply is as follows:

that when in 1938 the question of the adoption of a flag came up before the National Conference, all possible choices were fully considered. It is likely that in our State too, the tricolour flag might have been adopted. However, the Indian National Congress at its Tripuri Session had decided that no political organisation in any Indian States should adopt the tricolour.

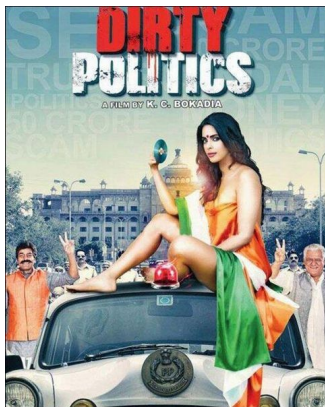


*Crossed Union flag
and State flag*

Thereafter, the National Conference chose a variant of its party flag as the state flag by adding three stripes on the hoist side to represent the state's three geographic regions: Jammu, the Kashmir Valley and Ladakh.

Flagging down a sacred symbol

A poster of the Hindi movie *Dirty Politics* made it into the news in 2015. It showed an actress sitting on top of a government car against the backdrop of the Rajasthan State Legislative Assembly wearing nothing but a drapery imitating the tricolours of the Indian national flag. The movie was allegedly based on the Bhanwari Devi murder and rape case in which a former Congress Minister was convicted. Responding to PILs alleging the obscene use of the Indian tricolour, High Courts in Hyderabad and Patna separately issued notices to the actress and the film's producer. It was claimed that they had intentionally insulted the national flag.



Dirty Politics movie poster: left, before; right, after

The tricolour alone does not constitute the Indian national flag.

The producers changed the colours of the attire in subsequent posters.

The director of *Dirty Politics* defended himself:

Nobody has a monopoly over the colours of the Flag and it's up to the individual to design or depict it in any way they deem fit creatively ... It has nothing to do with the *National flag nor is it any political party's symbol*. It is essentially a piece of cloth in three different colours. The Indian flag is complete only once the horizontal lines with all three colours in its defined proportions and the Ashoka Chakra are a part of it.

The controversies surrounding the flag continue unabated to this day.