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How EC decides over a party symbol

With the mandate of “**Superintendence, direction and control of elections**” under **Article 324** of the Indian Constitution, Election Commission of India (ECI) is set up as an independent constitutional body which has to ensure that the elections are conducted in a free and fair manner. The body is responsible for elections to the Parliament, State Legislative Assemblies, as well as Presidential and Vice-Presidential elections.

Similarly, there is a State Election Commission at the state level, which is

constitutionally mandated to conduct elections for the local self government bodies. In order to ensure free and fair election process, the ECI has been provided with the responsibility of recognizing parties and allot them party symbols. But this not an arbitrary exercise, rather, there is a set procedure to be followed in order to maintain a level playing field for the parties of different statures.

The **Election Symbols (Reservation and Allotment) Order, 1968** provides this procedure. If any dispute may arise between political parties over the party name or its symbol, ECI steps in. Under paragraph 15 of this order, ECI is the sole authority to decide over such disputes and this has been upheld even by the Supreme Court of India in **Sadiq Ali and another vs. ECI in 1971**.

Sometimes, different factions may develop within a political party (as is happening in the Uttar Pradesh political scene) and they may want to take control over the party's symbol as a "show of strength".

In this aspect, ECI invites the rival factions to submit evidence of the political support they enjoy within their party (in the form of affidavits by the party members, or otherwise). Both the organizational and legislative wings are considered for this purpose.

ECI may then allot the party symbol to the majority faction, while the other faction may have to search for a different symbol. In case, there is no clear winning side, then each faction may be asked to keep a new party name and symbol, and the original ones may be frozen.

If in future, the warring groups decide to reunite, the original party name and symbol may be allotted by the ECI.

But, a question arises, as to what is so important in a party's name and a symbol?

1. They play a huge role in mobilizing masses, especially during elections when slogans are invented around party symbol and its name to expand its voter base.
2. They can be an easy way to depict a party's ideology and its policies- whether it leans towards the right, or to the left.
3. Voters usually vote for the parties and not its candidates. In such a scenario, it becomes crucial to make a symbol and a name which connects with the voter. Voter then identifies with them while voting.
4. It makes it easier for the voter to identify a party in the electoral list, especially when there is a multitude of parties and independent candidates fighting during an election.
5. It takes years for a political party to build its reputation and cadre. And any faction within a political party tries to cash-in on this wealth as it increases their chances of electoral success. This is the same phenomenon happening in the state of Uttar Pradesh.
6. Winning in a dispute over these issues can be used to promote the public image of a separating faction that it is the one which enjoys majority support and thus, may influence the party loyalists to come to its side.

Therefore, it comes as no surprise that the warring factions on both sides in a major political party of Uttar Pradesh, are fighting it out in the chambers of ECI in order to take advantage of the public following attached to these symbolic figures.

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