

SWATANTRA PARTY

1095



CONSTITUTION

As amended on April 14, 1973, by the
Sixth National Convention in Rajajinagar, Madras

SWATANTRA PARTY

CONSTITUTION

1. NAME

The name of the Party shall be the Swatantra Party.

2. OBJECTIVE

The Objective of the Party shall be to further and endeavour to put into effect the principles adopted by the Party's Preparatory Convention in Bombay on August 1 and 2, 1959, and such policies and programmes as the Party may from time to time adopt in furtherance of those principles.

3. HEADQUARTERS

The National Headquarters of the Party shall be located at such place as may be decided by the General Council. The Headquarters of the Party in each State or Region shall be located at such place as may be decided by the State or Regional Council.

4. MEMBERSHIP

- (a) Every person above the age of 18 who subscribes in writing to the principles of the Party, pays the prescribed fee and expresses his readiness to work for the Party will be eligible to be a Member of the Party; provided that he/she is not a member of any other political party. If he/she is a member of any other political party, he/she shall

resign his/her membership of that party and this fact must be declared in a manner prescribed by the Party.

- (b) Work for the Party may be any of the following activities:

- (i) Enrolling new members;
- (ii) Campaigning for the Party;
- (iii) Attending to public grievances on behalf of the Party and securing their redress;
- (iv) Functioning, when called upon, as prospective candidate of the Party to an elective public body;
- (v) Collection of funds;
- (vi) Acceptance of executive responsibilities in the Party;
- (vii) Preparation of literature;
- (viii) Distribution of literature;
- (ix) Organisation of study circles and meetings;
- (x) Helping to run Party Offices;
- (xi) Any other approved activity.

- (c) The State/Regional Executive Committee shall be competent to frame rules in this behalf.

- (d) Decisions in regard to the enrolment of members shall be taken by the District Unit. Where there are no district units, decisions shall be taken by the State/Regional Executive or any other body designated by it for the purpose; provided that:

- (i) a District Unit may suspend a member of the Party in the district concerned if in the view of the District Unit, such a member's continuance in the Party is not considered to be in the interests of the Party. The District Unit concerned shall then report the suspension to the State/Regional Committee. If after due consideration, the State/Regional Committee desires to either confirm the suspension or recommend his/her expulsion, it shall make an appropriate recommendation to the National Executive.

A member aggrieved by such a decision of the District Unit may appeal to the State/Regional Unit and if aggrieved by the decision of the State/Regional Unit, he/she shall have the right of appeal to the National Executive.

- (ii) Any State/Regional Committee may on its own initiative, suspend or recommend to the National Executive the expulsion of any member of the Party in the State/Region concerned if, in the view of the State/Regional Committee such a member's continuance in the Party is not considered to be in the Party's interest. A member aggrieved

by such a decision shall have the right to appeal to the National Executive.

- (iii) The National Executive may on the recommendation of the State/Regional Unit or on its own initiative suspend or expel any member of the Party whose continuance as member is not considered to be in the interest of the Party.

5. SUBSCRIPTION

- (a) Every member of the Party shall pay a subscription of Re. 1/- per year. A member can pay his/her subscription for as many years as he/she desires. Anyone who pays his/her subscription at a time for a period of twenty years or more shall be deemed to be a member of the Party for life.
- (b) A member of the Party will continue as such, as long as he/she pays his/her subscription. Each member of the Party will be issued a Party Card (preferably in his/her regional language). The Cards will be issued by the National Headquarters of the Party. Renewal of membership shall be done in such manner as may be prescribed by the National Executive.
- (c) Only members whose membership is current on the date of the election shall have the right to vote in Party elections or to serve as Office Bearers or as members of elective committees.
- (d) The membership subscription shall be divided

between the various units in the following manner:

Primary Unit	...	40 %
District Unit	...	40 %
State/Regional Unit	...	10 %
National Headquarters	...	10 %

- (e) Every Unit shall maintain appropriate accounts of the receipts and expenditure which shall be available for audit.

6. PRIMARY UNIT

- (a) A Primary Unit of the Party shall be formed in respect of every Legislative Assembly Constituency in the State or Region. Provided that the Executive Committee of the State or Region may for more effective and convenient organising of the Party's work, authorise the formation of a Primary Unit for an area comprising more than one Legislative Assembly Constituency or for an area smaller than a Legislative Assembly Constituency.
- (b) Every such Primary Unit shall elect a Primary Unit Committee provided there are not less than 50 members enrolled in that Primary Unit; and provided that these 50 members are spread over at least one-third of the number of polling stations in the area of the primary unit concerned.
- (c) Such of those members who represent the Primary Unit on the District Committee but are not members of the Primary Committee concerned

shall be invited to meetings of the Primary Committee. They shall have the right to participate in discussions but not the right to vote.

7. DISTRICT COMMITTEE

- (a) For every Revenue District of the State, there shall be a District Committee constituted of such number as may be prescribed by the Executive Committee of the State or Region. Provided however that the Executive Committee of the State or Region may, for more efficient and convenient discharge of the Party's work, designate a Lok Sabha constituency as a "district" for this purpose; and provided further that there are at least two Primary Units in the District concerned.
- (b) Such a District Committee shall be elected by the elected members of the Primary Unit Committee of that District by proportional representation as set out in Appendix A annexed hereto.
- (c) Each District Committee shall elect a President, one or more Vice-Presidents, a General Secretary, one or more Joint Secretaries and one or more Treasurers.
- (d) Presidents and Secretaries of Primary Units in that district shall be *ex-officio* members of the District Committee with the right to vote.
- (e) Such of those members who represent the District Unit on the State/Regional Council but are not members of the District Committee concerned shall be invited to meetings of the District Com-

mittee. They shall have the right to participate in the discussions but not the right to vote.

- (f) Where the strength of a District Committee exceeds twenty-five it may elect a District Working Committee in such manner and constituted of such number as the Executive Committee of the State or Region may prescribe provided, however, that there shall be at least one representative on such Working Committee from each Primary Unit in the District.

8. STATE OR REGIONAL COUNCIL

- (a) For every State or any part thereof which may be recognised by the General Council to be a region for this purpose, there shall be a State or Regional Council.
- (b) Every such State or Regional Council shall be constituted of such number as may be prescribed from time to time by the National Executive. Such a State or Regional Council shall be elected by the elected members of all the District Committees in the State or Region by the method of proportional representation as set out in Appendix A annexed hereto.
- (c) Each State or Regional Council shall elect an Executive Committee consisting of a President, one or more Vice-Presidents, a General Secretary, one or more Joint Secretaries, one or more Treasurers, and not less than 10 and not more than 20 other members.

- (d) (i) Swatantra Party MPs from the State and Members of the State Legislative Assembly and State Legislative Council and Presidents of District Committees shall be invited to meetings of the State or Regional Council, if they are not already members thereof. They shall have the right to participate in the discussions of such meetings, but not to vote.

- (ii) Leaders, Deputy Leaders and Chief Whips of the Party's Groups in the State Legislatures shall be invited to meetings of the State/Regional Executive Committee concerned, to participate in the discussions at such meetings but not to vote.

- (iii) Such of those members who represent the State/Regional Unit on the General Council but are not members of the State Regional Council concerned, shall be invited to meetings of the State/Regional Council. They shall have the right to participate in the discussions but not the right to vote.

- (iv) Past Presidents of State/Regional Units shall be full members of the State/Regional Council.

9. GENERAL COUNCIL

- (a) There shall be a General Council of the Party consisting of not more than 250 persons.

- (b) The General Council shall be constituted of not less than 3 and not more than 20 from each State or Region as the case may be.
- (c) The number allotted to each State or Regional Unit between the minimum and the maximum mentioned in sub-clause (b) shall be determined in proportion to the number of members enrolled in the State or Region.
- (d) The members of the General Council allotted to a State or Region shall be elected by the appropriate State or Regional Council by proportional representation as set out in Appendix A annexed hereto.
- (e) (i) Swatantra Party Members of Parliament, the Presidents and General Secretaries of State/Regional Units and Leaders, Deputy Leaders and Chief Whips of the Party's Groups in the various State Assemblies and Councils shall be invited to meetings of the General Council if they are not already members thereof. They shall have the right to participate in the discussions at such meetings but not to vote.
- (ii) Past presidents of the Party shall be full members of the General Council.

10. QUORUM

The Quorum at all meetings of all elective bodies from the Primary Unit level upto the National level

shall be one-seventh of the total strength of that body, or five, whichever is higher.

11. ABSENCE FROM MEETINGS

Office Bearers and members of all elective bodies from the Primary level upto the National level who absent themselves from three consecutive meetings of their respective committees and councils without leave of absence shall be deemed to have vacated their seats or offices.

12. NATIONAL EXECUTIVE

- (a) The General Council shall elect the National Executive of the Party.
- (b) The National Executive shall consist of a President, one or more Vice-Presidents, a General Secretary, one or more Joint Secretaries, one or more Treasurers and not less than 10 and not more than 20 members.
- (c) The election of Office Bearers and members of the National Executive shall take place at a meeting of the General Council and, if possible, such meeting may be held on the eve of the National Convention.
- (d) The National Executive shall be competent and shall have the power:
 - (i) to take all such actions and decisions and to do all such things and acts as it may consider necessary or desirable in furtherance of the Party's objective; and

- (ii) to raise funds, collect subscriptions and to borrow moneys for the purpose.

13. ELECTION TRIBUNALS

- (a) There shall be set up one or more Election Tribunals for one or more States or Regions, constituted in such manner and composed of such persons as the National Executive may direct after consultations with the Executive Committees of the States or the Regions concerned. All disputes relating to all elections at the Primary or District Unit level, or concerning elections from the District level to the State/Regional levels shall be referred by the President of the State/Regional Unit to the State Election Tribunal concerned for decision. Appeals from the decisions of the State Election Tribunals shall lie (within one month from the date thereof) to the National Election Tribunal whose decision shall be final.
- (b) There shall be set up a National Election Tribunal constituted in such manner and composed of such persons as the National Executive may direct. All disputes relating to all elections at the National level or concerning elections from the State or Regional level to the National level shall be referred by the General Secretary of the Party (at the National Headquarters) to the National Election Tribunal for decision. Appeals from the decisions of the National Election Tribunal shall lie (within one month from the date thereof) to

the National Executive whose decision shall be final.

- (c) Notwithstanding anything to the contrary contained in sub-clauses (a) and (b) above, the General Secretary of the Party at the National Headquarters may, at any time after making such inquiry as may be possible in the circumstances, direct that pending the reference of an election dispute to the State Election Tribunal or, as the case may be, to the National Election Tribunal the results of the disputed election shall not be operative and shall have no effect until the determination of the dispute by the Election Tribunal.
- (d) Members of the Party are prohibited from taking election disputes into Courts of Law and the decision of the National Election Tribunal or, as the case may be, of the National Executive shall be final.

14. CO-OPTIONS

- (a) The General Council shall be entitled to co-opt members who shall not be more than one-tenth of the number of its elected members.
- (b) The President shall, for giving representation to unrepresented States or Regions or for other reasons, have the power to nominate not more than 7 members to the General Council.
- (c) The State or Regional Councils shall be entitled to co-opt a number of members not more than one-tenth of the number of their elected members.

- (d) A State or Regional Council shall have the power to authorise a District or Primary Unit Committee to co-opt members in number not more than one-tenth of the number of elected members of such bodies.

15. PARTY ELECTIONS

- (a) The first elections to the Primary Unit Committees, District Committees, State or Regional Councils and General Council shall be held before the end of 1964 and thereafter fresh elections shall be held by the end of every alternate year. Provided that elections shall not be postponed for more than one year without the approval of the General Council.
- (b) Workers and Life Workers duly enrolled by July 31, 1964, and Life Members enrolled on or before December 31, 1963, will be entitled to vote in the first elections to the bodies referred to in sub-clause (a).
- (c) The elections to the State and Regional Executive Committees and the National Executive shall be held as soon as practicable after the elections to the Committees and Councils are held as provided in sub-clause (a).
- (d) The procedure for the conduct of Party elections shall be such as may be prescribed by the National Executive from time to time.

16. NATIONAL CONVENTION

- (a) The National Convention of the Party shall be held at least once every two years.

- (b) The Convention shall be constituted of delegates elected on the basis of direct election by Members of the Party in such manner as may be prescribed by the National Executive.

- (c) The appropriate strength of delegates from each State shall be determined by the National Executive.

17. STATE OR REGIONAL CONVENTION

- (a) Every State or Region as the case may be shall hold a Convention of the Party at least once in two years for making recommendations in regard to the policy of the Party and for deciding policy in respect of matters relating to the State or the Region concerned.
- (b) Delegates to such Convention shall be elected on the basis of direct election by Members in the State or Region in such manner as may be prescribed by the Executive Committee of the State or Region.

18. RULES

- (a) The General Council shall have the power to prescribe by rules and directions such matters as are herein provided to be so prescribed and such other matters which may be necessary for or incidental to carrying out the objects of the Party.
- (b) Subject to the rule making powers of the General Council, the National Executive shall have the

power to frame such rules and to issue such directions and instructions as may be necessary for or incidental to carrying out the programme or activities of the Party.

- (c) Subject to the provisions of sub-clauses (a) and (b) of this Clause, every State or Regional Council shall have the power to prescribe by rules and directions, and subject thereto every State or Regional Executive Committee shall have the power to prescribe by rules, directions and instructions such matters as are herein provided to be so prescribed and such other matters as may be

found necessary to carry out its functions and duties in accordance with this Constitution.

19. AMENDMENTS

Amendments to the Constitution may be made at the National Convention of the Party:

- (a) on the recommendation of the General Council by a majority of delegates present and voting at such Convention, or
- (b) on a proposal by 200 Members of the Party by a three-fourths majority of the delegates present and voting, provided 30 days' clear notice thereof had been given to the National Executive.

II. ELECTION OF OFFICE BEARERS

The members set out in sub-paragraphs (1) to (4) of this paragraph shall qualify for election as Office Bearers in the following (or similar) categories of offices:

(a) One President or Chairman

(b) One or more Vice Presidents or

Deputy Chairmen

* It may be decided by the

PROCEDURE FOR VOTING AT PARTY ELECTIONS

I. The voting procedure set out in this Appendix shall be applicable for election of Office Bearers and Members of Committees and Councils at *all* levels, i.e.

- (i) Elections at the Primary Unit Level, and from the Primary Unit Level to the District Level;
- (ii) Elections at the District Unit Level and from the District Unit Level to the State/Regional Level;
- (iii) Elections at the State/Regional Unit Level and from the State/Regional Unit Level to the National Level;
- (iv) Elections at the National Level.

II. ELECTION OF OFFICE BEARERS

The procedure set out in sub-paras (1) to (4) of this paragraph shall apply for election of Office Bearers to the following (or similar) categories of offices:

- (a) One President or Chairman
- (b) One or more Vice Presidents* or Vice-Chairmen*

* If and where considered necessary

- (c) One Secretary or General Secretary@
- (d) One Treasurer
- (e) One or more Joint Secretaries*
- (f) One or more Joint Treasurers*

(1) Two or more Scrutineers (who are not themselves candidates) shall be appointed before the commencement of voting, which shall be by secret ballot.

(2) There shall be separate voting for elections to each category of office.

(3)(a) Where only one Office-Bearer is to be elected to any office (or only one vacancy to be filled up in any category of office) the voting shall be by casting a single vote, to be marked by the voter on the ballot paper against the candidate of his choice from among the contesting candidates shown on the ballot paper.

(b) If more than one vote is marked against any one candidate, such votes shall count as one vote.

@ The description "General Secretary" would be appropriate at the State/Regional and National levels; at the Primary Unit and District Level the description "Secretary" would be more appropriate.

- (c) If votes are marked against more than one candidate, such ballot paper shall be declared invalid; so, too, every ballot paper which discloses in any manner the identity of the voter shall be declared invalid.
 - (d) The scrutiny of ballot papers and the counting of votes should be done by the scrutineers as soon as possible after the voting is over.
 - (e) The candidates or their representatives (one for each candidate) may be present during the scrutiny of ballot papers and counting of votes.
 - (f) The candidate securing the highest number of valid votes shall be declared elected; and in the event of equality of votes between two or more candidates securing the largest number of votes, the scrutineers shall ascertain the result of the election by drawing lots between each candidate.
- (4) Where two or more Office Bearers are to be elected to any category of office (or when there are two or more vacancies in a category to be filled up) the voting shall be by the system of single non-transferable vote, where each voter shall cast as many votes *of equal preference* as there are vacancies to be filled from among the contesting candidates shown on the ballot paper, as follows:—

- (i) For each category of Office Bearers' election, each voter shall have (and may cast) as many votes as there are vacancies to be filled up;

(e.g. for the election of two Vice-Presidents, each voter shall have two votes).

- (ii) Such votes shall be marked by the voter on the ballot paper against the candidates of his choice from among the contesting candidates shown on the ballot paper.
- (iii) A voter may not cast more than one vote for any one candidate; but if he did so, such votes would count only as one vote.
- (iv) The voter shall not cast votes in favour of more candidates than the number of vacancies to be filled up; any ballot paper not complying with this condition shall be declared invalid. So, too, every ballot paper which discloses in any manner the identity of the voter shall be declared invalid*.
- (v) The scrutiny of ballot papers and the tabulating and counting of votes shall be done by the scrutineers as soon as possible after the voting is over.
- (vi) The candidates or their representatives (one for each candidate) may be present during the scrutiny of ballot papers and the tabulating and counting of votes.
- (vii) As many of those candidates who have secur-

* A voter shall be at liberty to cast less votes than the number of vacancies to be filled up, without rendering the ballot paper invalid; e.g. if there are three vacancies to be filled in any category of office but a voter chooses to cast votes only against two candidates he will be at liberty to do so.

ed the largest number of valid votes as there are vacancies to be filled shall be declared elected; and in the event of equality of votes between two or more candidates for the last vacancy to be filled up the scrutineers shall ascertain the result of the election for that position by drawing lots between such candidates.

III. ELECTION TO EXECUTIVE COMMITTEES

(1) For every election to Primary Unit Committees and to the Executive Committees at the State/Regional and National levels, the voting shall be by the system of single non-transferable vote, where each voter shall have (and may cast) as many votes, of *equal preference*, as there are vacancies to be filled up from among the candidates shown on the ballot paper.

(2) Such votes shall be marked by the voter on the ballot paper against the candidates of his choice from among the contesting candidates shown on the ballot paper.

(3) A voter may not cast more than one vote for any one candidate; but if he did so, such votes would count only as one vote.

(4) The voter shall not cast votes in favour of more candidates than the number of vacancies to be filled up: any ballot paper not complying with this condition shall be declared invalid. So, too, every ballot paper which discloses in any manner, the identity of the voter shall be declared invalid.*

(5) The scrutiny of ballot papers and the tabulating and counting of votes shall be done by the scrutineers as soon as possible after the voting is over.

(6) The candidates or their representatives (one for each candidate) may be present during the scrutiny of ballot papers and the tabulating and counting of votes.

(7) As many of those candidates who have secured the largest number of valid votes as there are vacancies to be filled shall be declared elected; and in the event of equality of votes between two or more candidates for the last vacancy to be filled up, the scrutineers shall ascertain the result of the election for that position by drawing lots between such candidates.

IV. ELECTION TO DISTRICT COMMITTEES, STATE COUNCILS AND GENERAL COUNCIL

In every election to District Committees under Article 7 of the Constitution, to State or Regional Councils under Article 8 of the Constitution and to the General Council under Article 9 of the Constitution, election shall be by proportional representation.

V. In the foregoing paragraphs, the word 'voter' with reference to any election shall mean the persons entitled and eligible to vote at that election.

* A voter shall be at liberty to cast less votes than the number of vacancies to be filled up, without rendering the ballot paper invalid: e.g. if there are ten vacancies to be filled but a voter chooses to cast votes only against eight candidates, he will be at liberty to do so.