

In The City Civil Court, Madras.

I. A. in O. S. No. 5526/1974.

1097

*E. Adhikesava Pillai, T. Aravamuthan,
M. Poosalingam, T. Ramanujam
V. S. Srikumar*

... **PLAINTIFFS**

vs.

*Piloo Mody, President, Swatantra Party.
Madhu Mehta, Vice President.
Acting General Secretary.
Dr. M. Santhosham, Joint Secretary,
All India Swatantra Party.*

... **DEFENDANTS**

Plaint under or. VII Rule I C. P. C.

1. E. Adikesva Pillai, son of Kulasekara Pillai, aged about 72 years residing at No. 46, Thambiah Reddy Street Madras-33 He is a life worker and Executive member of Swatantra Party, Saidapet Constituency.

2. T. Aravamudhan, son of Sri Thiruvenkatachariar Hindu, aged about 49 years, carrying on business and residing at 1/25, Gengu Reddi Lane, Madras-8. He is the treasurer of Madras District Swatantra Party and a member of the Tamil Nadu General Council of Swatantra Party.

3. The third plaintiff Sri Poosalingam, son of late Munuswami, Hindu, aged about 53 years, residing at 67, Old Vazhamanagar, Otteri, Madras-12. He is a member of Tamil Nadu State Executive Committee and member of General Council and Vice President of Madras District Committee and Life Member of Swatantra Party.

4. T. Ramanujam, son of Late T. R. Veeraraghavan, Hindu, aged about 40 years, residing at 14, Second Street, Subramania Nagar, Madras-24, employed in Messrs. Gokak Patel Volkart Ltd., Madras. He is the member of executive committee, Madras District Swatantra Party.

5. Sri V. S. Srikumar, son of Sadasiva Aiyer, aged about 59 years, Businessman, Secretary, Madras District Swatantra Party and member of Tamil Nadu Parliamentary Board, Swatantra Party.

The address for service of all notices and process on the plaintiffs herewith is that of their counsel Sri R. S. Venkatachari, B. Com, B. L., at No. 13, Law Chamber, High Court Buildings, Madras-1.

The 1st defendant Shri Piloo Mody, son of late H. P. Mody, Parsi, aged about 45 years, Architect residing at No. 2, Lodi Estate, New Delhi-3. He is the President of All India Swatantra Party.

The 2nd defendant Sri Madhu Mehta, Father's name not known, Hindu, aged about 50 years, Vice-President, and Acting General Secretary of All India Swatantra Party and he resides at No. 84/A, Nepean Sea Road, Bombay-6.

The 3rd defendant Dr. M. Santhosham, son of Madh-uram Santhosham, Christian aged about 61 years, Medical Practitioner, residing at No. 30, Srinivasa Nagar, Madras-8. Joint Secretary, All India Swatantra Party.

The address for service of all notices and processes on the defendants are as set forth above.

III. The Plaintiffs state that they are all members of Swatantra Party, some of whom are office bearers and are holding important executive posts in the Hierarchy of Swatantra Party Organisation. They have become

members of the Swatantra Party having subscribed to its ideals and the fundamental principles, adopted at the preparatory convention of Swatantra Party held at Bombay on 1st and 2nd of August, 1959. They state that the statement of principles of Swatantra party adopted at the above convention still forms the basic principles underlying the Constitution of the party. The Plaintiffs submit that the Constitution of Party as amended on 14th April 1973 by the Sixth National Convention in Rajajinagar, Madras, is the present Constitution of Swatantra Party and the powers of National Executive are set forth in para 12 thereof. They can take all such actions and decisions, and do all such things and acts, as they may consider, necessary or desirable in furtherance of party's objective, in para 2 of the Constitution of "Swatantra" party.

IV. The plaintiffs state that neither the National Executive nor the party's Convention can deviate from the objectives and ideals and ideologies of the party and that led to its formation and functioning as an All India Organisation. Its ideals and objectives are clearly set forth in the preparatory convention itself and as the name of the party itself signifies, the party is pledged to Social Justice and equality of opportunity for all people without distinction of religion, caste, occupation or political affiliation and the party holds that the progress welfare and happiness of people depend on individual initiative, enterprise and energy. The ethical and moral principles of social polity are emphasised and social welfare of citizens of India sought to be promoted in accordance with the democratic principles as fully set forth in the "statement of principles", which may be read as part and parcel of this plaint.

V. The Plaintiffs submit that the 1st defendant, Shri Piloo Mody became the president of the Swatantra party in or about 1971 and it appears that instead of being anxious to build up the Swatantra party, its organisation and growth and fostering up the ideals and principles that distinctly mark out "Swatantra" party, from other parties, the 1st defendant is attempting for "dissolution of the party" which is not one of the functions of the National Executive for which, it is empowered under the Constitution. The plaintiffs learn that the 1st defendant has been striving for dissolution of Swatantra party and for forming a national alternative with the object of bringing about a two party system and with that idea, is negotiating with other parties like: 1) Samyuktha Socialist party, 2) Bharathiya Kranthi Dal, 3) Lok Thanthrik Dal, 4) Utkal Congress, 5) Khetihar Dal, 6) Harijan Sangarsh Samithi to form a new party.

VI. The plaintiffs state that the 1st defendant has manifested his intention to carry out that object and he is taking steps therefor by the circular letters dated 16th April 1974, 13th May 1974 and 1st July 1974. The fifth plaintiff who is a member of Swatantra party from its inception has sent letters of protest to the 1st defendant and he has given various reasons that the dissolution of the party is wholly unwarranted and unjustified.

VII. The plaintiffs state that the 2nd defendant, Sri Madhu Mehta and the 3rd defendant Dr. M. Santhosham are actively assisting the 1st defendant in his proposal to dissolve the party and a Convention is proposed to be held on 4th and 5th August 1974. The plaintiffs also crave leave to refer to the Tamilnadu Swatantra General Council's resolution dated 2nd June 1974 and 21st July 1974 at Madras, and Vellore respectively protesting against the

proposed dissolution, as that would affect the party's existence in the national polity. The plaintiffs crave leave to refer to the resolutions passed by Tamil Nadu Swatantra General Council against proposed dissolution as part and Parcel of this plaint. The plaintiffs are filing this suit only in representative capacity and for and on behalf of the members of Tamil Nadu Swatantra party, as they are interested in maintaining the integrity, solidarity and continued existence of "Swatantra Party" to serve as a political organisation in furtherance of the political interest, for achieving the economic and social goals, for which it was founded by a National leader and pre-eminent Statesman Sri C. Rajagopalachari.

VIII. The plaintiffs submit that the dissolution of a party like Swatantra Party, which is a party recognised by Election Commission and a National party recognised even on international level is a matter of vital importance as its continued existence is very essential in the national and for public good and plaintiffs state that the proposed action of the defendants is not conducive to the interests of national welfare or of the body politic of "Swatantra" Party, i. e. since two party system is not a basic principle to the functioning of democracy or of a Republic.

IX. The plaintiffs further submit that the amendment to the Constitution envisaged under para 19 of the Constitution do not justify or support the dissolution of the party itself. The action of defendants 1 to 3 is therefore wholly unauthorised and ultravires of the Constitution. Even if any resolution is passed at the Delhi Convention on 4th and 5th August 1974, it would not bind the party or its members and it will lead to disruption amongst members of the Swatantra Party and it will

create serious trouble and affect the reputation of the Party also. The plaintiffs are interested in keeping the "Swatantra Party", its principles and its organisation intact and that is also evident from the view of Sri M. R. Masani former president and one of its founders and architects of the party and it is shared by General elite of the Members of the Swatantra Party. The Plaintiffs state that the proposed action of dissolution will cause irreparable loss and incalculable harm and damage to the image of "Swatantra" Party both inside and outside India. The Plaintiffs state that in spite of several protests, the defendants 1 to 3 are attempting to hold a convention, disregarding the interests of party. The Plaintiffs are therefore obliged to institute the present suit for declaration and injunction against defendants 1 to 3 herein from holding or conducting any convention or attempt to pass any resolution, for the dissolution of Swatantra Party, contrary to the Constitution of the Party itself and being opposed to the dominant purpose and objectives of the Party. The Plaintiffs state that the defendants should be restrained from taking any steps for dissolution of the "Swatantra" Party. In fact the delegates to attend the Convention have not been properly elected nor it is in accordance with the Constitution of the Party to hold the Convention to discuss dissolution without the recommendations of the National Executive and approving such dissolution by the General Council.

X The Plaintiffs therefore pray that this Hon'ble Court may be pleased to hold that the action of defendants 1 to 3 in proceeding with or for the holding of convention as proposed on 4th and 5th August 1974 as per the circular notices dated 15th April 1974 and 13th May 1974 and 1st July 1974 as illegal, ultra vires and unauthorised and not

binding on the members of Swatantra Party of Tamil Nadu Unit or on the Party in general as an All India Organisation.

XI. The cause of action has arisen within the jurisdiction of this Hon'ble Court, wherein the Plaintiffs have been informed about the proposed dissolution and coming to know that its Joint Secretary, the 3rd defendant is actively supporting the dissolution and also by receiving intimation from the 2nd defendant about the proposed dissolution at Madras within the jurisdiction of this Hon'ble Court.

The Plaintiffs state that the cause of action for the suit has arisen at Madras on 16th April 1974 and again on 13th May 1974 and again on 1-7-1974 by circular letter No. 317 that the proposed Convention is to be held at New Delhi intimating that it is convened for dissolution of the party. The suit claim is not barred by limitation.

XII. The Plaintiffs value the reliefs for purposes of Court fees and Jurisdiction at Rs 400/- and pay Court fees of Rs. 30-50 thereon under Tamil Nadu Court fees and suit valuation Act 1955.

The Plaintiffs therefore pray that this Hon'ble Court may be graciously pleased to declare that the proposed action of defendants 1 to 3 in attempting to bring about dissolution of Swatantra party in the manner proposed in the circular 1-7-1974 is wholly illegal and ultra vires and the proposed Convention, to be held at New Delhi on 4th and 5th August 1974 is not properly convened and that any resolution passed or adopted at such Convention would not be binding on members of Swatantra Party or on the Tamil Nadu Unit of Swatantra party.

ii) to restrain by injunction the defendants 1 to 3 from proceeding with or holding the proposed Convention or take any action on their notice of 1-7-'74 or initiate any action as threatened therein for dissolution of the Party.

iii) to grant costs of the suit.

iv) to grant such further or other reliefs and thereby render justice.

Dated at Madras this the 27th of July 1974.

COUNSEL FOR PLAINTIFFS. PLAINTIFFS

VERIFICATION

Plaintiffs do hereby declare that what is stated in the plaint para 1 to 12 are true to the best of our knowledge, and belief.

Verified at Madras this the 27th day of July, 1974.

Mr. R. S. Venkatachari
COUNSEL FOR PLAINTIFFS PLAINTIFFS.

The Plaintiffs abovenamed state as follows:

1. At all material times the Plaintiffs and the Defendants 1 to 32 have been members of the Swatantra Party an unincorporated Political Association of persons which came into existence in 1959.

2. The Defendants 1 to 32 were ^{since the} the duly constituted ^{members & office bearers} National Executive of the Swatantra Party and were acting as such until the 29th August 1974.

3. The Defendants 1 and 33 to are the ^{members} National Executive of ^a the new Political Party ^{Called the Bharatiya Lok Dal} formed on the 29th August 1974.

4. The Swatantra Party was Constituted on about in May 1959. On or about the 1st and 2nd August 1959 a preparatory convention of the Swatantra Party was convened and held in Bombay. At the said preparatory ^{Convention} a statement of principles was adopted as the essential ~~political~~ political creed and confession of the Swatantra Party. The Plaintiffs say that the said statement ^{of} and principles ^{was} were basic and fundamental in their ^{its} philosophical context and gave to the Swatantra Party its identity as a political community. Its philosophy and

creed were intended to ensure the unity of political and social faith and beliefs which its adherents professed. The essential idea of that creed and political faith ^{covered} ~~appeared~~ in the public acknowledgement of the political views enunciated on the basis of the said principles as the bond of union which bound the members of the Swatantra Party as one political community. A copy of the said Statement of principles is hereto annexed and marked Ex.A.

5.. Pursuant to the formation of the Swatantra Party the Swatantra Party adopted a constitution which was modified on the 4th April 1973 at Rajaji Nagar at the Party's Madras Convention. Hereto annexed and marked Ex.B. is a copy of the said Constitution.

6. The said constitution provides for the following organisational hierarchy with centres or organs of powers from the base to the Apex-

- (a) A Primary unit and its committee
- (b) A District with its District Committee
- (c) A State or a Regional Council for every State or part thereof recognised by the General Council to be a region for the purpose with an Executive

Committee elected by the State or the regional Council.

(d) A General Council elected by the appropriate state or regional councils with a National Executive elected by the General ~~Committee~~xxx

The said Constitution provides for a national convention and/Regional convention being held at least once in every two years. The said constitution also provides for a suitable machinery for election and an election tribunal.

7. By clause 4(b), 5 and 12⁺¹⁹ of the said Constitution it is interalia provided as follows.

Set out

8. The Plaintiffs say that by reason of the aforesaid provision funds could be raised, subscription collected, borrowings made, acts done and decisions taken only in furtherance of the Swatantra Party's objective and not otherwise. The Plaintiffs say that the Swatantra Party's objective as set out in clause 2 of the Said Constitution is as follows.

Set out

The Plaintiffs submit that defendants 1 to 32 were thus in the position of ~~constructive~~ ^{or in fiduciary position} Trustees ^{visa vis} the assets, properties, funds etc. which were acquired

9. Pursuant to the formation of the Swatantra Party the said party acquired several assets, funds office premises and other properties.

10. Until December 1959 the National Headquarters of the Swatantra Party were situated in Madras. In or about May 1959 Shri M.P. Masani acquired on tenancy basis for the Swatantra Party, Bombay region (which was an approved Region) office premises at 143 Mahatma Gandhi Road, Bombay-1. In December 1959 Sri Masani who had been appointed the General Secretary of the Swatantra Party, transferred the said National Headquarters to Bombay so as to enable him to function effectively and upon his request the Swatantra Party, Bombay Region permitted the said National Headquarters to be accommodated in a portion of the said office premises until the 29th August 1974 the National Headquarters of the Swatantra Party have continued to operate from the said portion of the office premises which was obtained for the Swatantra Party Bombay Region. The Swatantra Party Maharashtra also used to function from the said office premises of the Swatantra Party, Bombay Region. In the Bombay Region and

Maharashtra Region were amalgamated and unified into a single region of Maharashtra with all attendant and consequential effects and the said office premises became the office premises of the Swatantra Party, Maharashtra- The Swatantra Party Bombay Region and after amalgamation and unification as aforesaid the rents and electricity charges have been paid from the funds of the said Bombay & Maharashtra Swatantra Parties.

11. On or about the 6th and 7th April 1974 the National Executive of the Swatantra Party passed several resolutions on (1) The State of the Nation (2) The Resolution on the State of programme of action (3) On Economic Recovery (4) On Gujarat and Bihar affairs and (5) On Impending Railway Strike.

The Resolution on "Programme for action set out programmes which the Swatantra Party intended to take up. By programme (a) to (c) it was provided as follows:-

- (a) To do so, the Party must build its cadres in every village and city of India through programmes to motivate the people and particularly the youth into the nation building activities and constructive thought based on the sound and integrated principles, policies and programmes of the Swatantra Party.
- (b) At the same time the Party must continue to educate the Government and other authorities into accepting pragmatic postures, discarding dogma, and into mobilising the necessary energy and wisdom to administer efficiently and to root out corruption.
- (c) The Party will continue to explore all possibilities to bring about a two-party system in India with a view to remove the chaos prevailing in our political life and the confusion created in the minds of the electorate. In this connection the Swatantra Party urges all political parties and politicians to cooperate in this endeavour and to

The Plaintiffs say that the combined effect of the said resolution and the programmes was that while the National Executive endorsed the efforts of the Swatantra Party to explore the possibility of a two party system it did not authorise the Swatantra Party to give a go-by to the fundamental principles accepted by the Swatantra Party as aforesaid but only to seek areas of cooperation with other parties in the near future if other parties did not accept the said principles of the Swatantra Party.

Ex. 'C'

Hereto annexed and marked Ex. 'C' is a copy of the Minutes of the National Executive held in New Delhi on the 6th and 7th April 1974.

12. A meeting of the General Council of the Swatantra Party was thereafter held in New Delhi on the 9th and 10th June 1974. The following agenda was notified by the 2nd Defendant, one of the Vice-Presidents of the Swatantra Party.

- (1) To Consider the Draft policies and programme of the proposed new party,
- (2) To decide whether the General Council should recommend or not the National Convention of the Swatantra Party, the dissolution of the Swatantra Party for

for the purpose of bringing about a new Party with an acceptable common programme.

(3) Any other matter with the permission of the Chair.

The Plaintiffs will rely upon the said notice of the meeting notifying agenda when produced.

13. On or about 9th June 1974 a cyclostyled draft statement and policy was presented to the members of the General Council then assembled. After a debate which lasted until the evening of the 10th June 1974 the General Council passed a resolution stating that while the General Council welcomed attempts made by various parties to come together with a view to provide a National alternative it felt that in so far as the Swatantra Party was concerned the final decision could be taken only at a National Convention. The General Council decided that a copy of the Draft Programme should be circulated to all the members of the State Council.

Ex'D' Hereto annexed and totally marked Ex.'D' is a copy of the said resolution together with the minutes of the said meeting issued by the National Headquarters.

14. A printed draft statement of Policy entitled "The National alternative, India's only hope", a New Party publication, was thereafter made available to the members of the State Council

of the Swatantra Party, Maharashtra as envisaged in the said Resolution Ex. "D" hereto.

15. In the said printed draft statement of Policy presented for consideration of the members of the State Council it was stated as follows:

- (a) The only way to arrest this deteriorating situation and to avert the dangers of a totalitarian take-over is to create a strong National Alternative and also to act as a national corrective to the Ruling Party. Therefore, the National Alternative must present to the people a distinct and definite alternative programme of action to meet the challenge and stem the rot.
- (b) Political parties that follow different paths, or no path at all, inscribe on their banner abstract principles and cliches like democracy, socialism, progressivism, Garibi Hatao. etc. without meaning anything. The Congress Party has been clear enough to beg, borrow and steal these expressions and pretend to translate them to represent the new urges of the radicals. In their hands these radical principles and programmes of socialism, equality, progress and change have lost all meaning and content-- in fact, they have been soiled with blood and dirt.
- (c) The new party, must, therefore, concretise these principles and present guidelines for action: How to end inequalities in status, reduce inequalities in income to the maximum extent banish poverty and unemployment, stabilise prices, eliminate corruption,

improve morals, encourage growth and build hope and aspiration.

Therefore the said draft statement enunciated four principles of democracy, nationalism, socialism, better expressed as Sarva Dharma Samabhava and social justice which implied the welfare of the people based on equality and prosperity enunciated and described as the fundamental principles and the four pillars of the proposed New Party. The said "Four Pillars" were then explained in elaboration.

The said printed draft statement of Policy then set out certain policies and programme.

Ex. 'E'

Hereto annexed and marked Ex. "E" is a copy of the said draft statement of policy.

16. The Plaintiffs say that the said draft statement of policy was either a fundamental document or enunciated philosophy and principles different from those accepted by the Swatantra Party in the following respects referred purely as a pragmatic programme. In Any event the plaintiffs say that the Swatantra party. The Plaintiff say that to the extent of deviation from the principles enunciated in the statement of principles it could no longer be said to.

By a circular letter dated the 16th June 1974

issued from the office of the 1st Defendant as the President of the Swatantra Party the members of the State Councils started to evolve a two party system in the Country.

The said letter went on to say the following:-

In such a situation the only worthwhile political activity remains to create a powerful, viable and credible national alternative bringing all non-Congress, non-Marxist, non-Communist parties together. This include all national and state parties, communal parties, regional parties, fractional parties, personal parties, independents, new people with new hope, and whatever else may exist.

Therefore the only solution seems to us to be a TWO-PARTY system. The two-party system has a chance of succeeding where other efforts have failed for the simple reason that it breaks down old inhibitions and steers clear of ~~mutual~~ ideological conflict. It also has a greater chance of survival as all alternatives are neatly obliterated leaving only two parties in the field.

The reason why the Swatantra Party has decided to pursue this two-party idea is to remove a vast number of inhibitions, political and personal, prevailing in our political parties in joining hands with each other.

The dichotomy of Indian politics is largely historical. We have inherited a coalition party in the form of the Congress which is based on the Anglo-American example and confronting it is a plethora of ideological or regional based parties on the Continental pattern. At no time is any opposition party attacking the entire political spectrum of the Congress, creating an anomaly in our

parliamentary system.

The two party system would therefore create a broad spectrum which will not only confront the Congress but present an alternative to the people.

The two party idea is not based on merger, which tends to carry the old odiums attached to the existing parties into the new one, forcing the new party into compromises and bargaining amongst its constituent units. It implies a dissolution of all parties and the creation of a new party which would evolve a programme from time to time on the basis of consensus. Naturally within the party, all of us should and must fight to gain the predominance of our principles and policies. That is why, to keep Swatantra philosophy alive and enhancing its propaganda, the Swatantra ~~XXXX~~ members must remain together and join the new Party ~~and~~ en mass to flood it with our ideas.

The advantages of a "two-party" system are too numerous to list in a letter of this length. Its most obvious advantages being that both parties, that is the ruling party and the opposition party, are not ideologically based but are programme based, permitting a large degree of regional deviation and a broad spectrum of individual opinion in keeping with our 21st principle.

A draft programme, a draft constitution and a tentative name has to be agreed upon. You need have no apprehension with such a programme, a draft which is enclosed. As you will see, it largely incorporates Swatantra thinking and that we may have to compromise on a very few matters like agreeing to start trade unions and student organisations to pacify our partners. But then you know that even in our own party, opinions have been strongly divided on these

matters. Further the new party will have a strong emphasis on decentralisation and would consequently have to frame its constitution permitting the state parties some measures of regional deviation and the expression of individual opinion. Again, our 21st Principle will also largely pacify those who believe in a federal party.

17. By a General Secretary's letter No. 317 dated the 1st July 1974 the Swatantra Party Maharashtra was informed that at the National Convention of the Swatantra Party would be held on August 4th, 5th in New Delhi at the Sapru House. A meeting of the members of the State Council, Maharashtra, was held on the 6th July 1974. After discussion the meeting of the State Council Maharashtra felt convinced that the new party would make no advance on the search for a truly national alternative comprising as it did those who, thought for the present, had consented to get together in a general programme were bound to disagree in regard to the ~~fix~~ of a vague and general statement of policy. The said State Council resolved that it did not consider the time or occasion opportune for the disappearance of the Swatantra Party from the Indian Political Scene and was opposed to the proposal to dissolve the said party and requested the office bearers of the Party to convene another meeting of the General Council on the eve of the National Convention to enable

to enable the matter of the dissolution of the Swatantra Party and its merger into a new party to be reviewed once again before the same was brought up at the

The said meeting further resolved that in the event of the resolution to dissolve the party was carried in the National Convention, the Maharashtra Swatantra Party will continue to retain its identity as Swatantra Party and would carry the message and flag of the party.

A copy of the said resolution was sent to the National Headquarters.

Hereto annexed and marked Ex. 'F' is a copy of the resolution adopted by the State Council of the Swatantra Party Maharashtra. No meeting of the General Council was convened as requested

18. At the National Convention held in New Delhi on the 4th and 5th August 1974 3 484 delegates attended from all the parts of the country out of which 407 voted in favour of the official Resolution moved by Singh Deo and seconded by Dr. M. Santosham 55 members opposed the said resolution. By the said Resolution the Seventh National Convention resolved that

"That this National Convention of the Swatantra Party welcome the idea of forming a

National Alternative by the Amalgamation of all political forces other than the Ruling Congress and Communist parties and approvesSwatantra Party, resolved that the final declaration Swatantra resolved further.....exploitation resolved that the National Council..... the aforesaid resolution.

Hereto annexed and marked Ex. 'G' is a copy of the said Resolution.

(19) The Plaintiffs say that another resolution opposing the dissolution of the Swatantra Party was defeated . A copy of the said resolution is hereto annexed and marked Ex. "H".

20. The Plaintiffs say that under the Constitution of the Swatantra Party there is no provision for the dissolution of the Swatantra Party. The Plaintiffs say that there is a provision for amendment to the Constitution so far as the objective in clause 2 of the Constitution is adhered to. The Plaintiffs further say that even amendments to the constitution can be made only on the recommendation of the General Council by a majority of delegates present and voting at such a

Convention or on a proposal by 200 members of the Swatantra Party by a three fourth majority of the delegates present and voting provided thirty day clear notice thereof has been given to the National Executive.

The Plaintiffs say that the said resolution did not constitute merely an amendment to the said Constitution as envisaged in clause of the Constitution but meant the dissolution of the Swatantra Party and the same was not permitted under the said constitution. The Plaintiffs say that the National Convention of the S.P.

had to pass any resolution ~~for~~ from existence of the S.P. or for merging it ~~with~~ with any other party. In the event of this Hon'ble Court holding that the said resolution passed at the National Convention constituted an amendment to the constitution, which the Plaintiffs deny the Plaintiffs will say that the alleged amendment was ~~on that~~ in the shape of the said resolution was not made or the recommendation of the General Council as the General Council at its meeting held on the 9th and 10th June 1974 only left the decision regarding the proposal to the of the Swatantra Party to the National Convention without making any recommendation whatsoever. The Plaintiffs further

say that 200 members of the Swatantra Party did not make any proposal for such an amendment after giving 30 days' notice to the National Executive. In the aforesaid circumstances the Plaintiffs submit that in any event the said Resolution passed at the National Convention on the 5th April 1974 is illegal, ultravious the Constitution of the D Swatantra Party null, void and of no effect whatsoever and does not bind the Plaintiffs or any member of the Swatantra Party. The Plaintiffs will pray for declaration to that effect.