

SWATANTRA PARTY
National Headquarters.

26 Halls Road, Egmore
Madras 8

2nd January 1975.

To
Election Commission
New Delhi.

Dear Sirs:

I confirm my telegram of today reading as follows:

"Swatantra Party functioning all over India- Piloo Mody's action requesting freezing STAR symbol illegal and not binding on Swatantra Sixth City Civil Court has upheld our case and decreed in our favour STAR symbol is legally ours and cannot be frozen or allotted to BLD

Srikumar, Joint Secretary
All India Swatantra Party "

In this connection I wish to bring to your attention the following facts and request you not to take any action on the resolution adopted by the so-called National Convention of the Swatantra Party held at Delhi on August 4th and 5th 1974 and the consequent action taken by Mr. Piloo Mody requesting you to freeze our symbol Star and not to allot it either to our party or to other parties.

1. The Swatantra Party is functioning all over the country normally though some of its members have left the party and joined the BLD
2. The General Council of the Swatantra party met at Madras on 8.12.74 1974 and elected Mr. G.K. Sundaram (Rasakondalu, Circuit House Road, Coimbatore) as President, Mr. Girish Munshi (Bombay) as the General Secretary and myself as the Joint Secretary in charge of the National Headquarters of the Party.
- 3- By another resolution unanimously adopted the National Headquarters of the party was shifted to 26 Halls Road, Egmore, Madras 8 from 143 Mahatma Gandhi Road, Bombay. Hence all correspondence in future may be sent to this address.
4. The resolution adopted by the National Convention authorising the then existing executive committee to dissolve and merge the Swatantra Party in the BLD under contemplation at that time is against the Constitution of the Swatantra Party and since the Convention itself was not convened as per the Constitution and the rules framed thereunder the proceedings of the convention are ~~ip~~ ipso facto void and will not bind either the Swatantra Party or its members.
5. Further anticipating the illegal decision of the improperly constituted Convention the writer of this letter and some of his colleagues had filed a suit in the Sixth City Civil Court, Madras No. 5526/74 asking for a declaration that the Convention ~~was~~ was not properly convened and that any resolutions that the Convention may adopt will be illegal and not binding on the party or its members. We had also asked for an injunction against Mr. Piloo Mody and two of his friends restraining them from holding the Convention. Of course the injunction was not granted and the learned Judge of the Sixth City Civil Court observed in his order closing the application for injunction as follows:

"In the result I am inclined to hold that the Constitution of the Swatantra Party does not contemplate dissolution of the party and it is doubtful whether even a majority can decide dissolution of the party in view of the Constitution. There is no immediate danger of the party being dissolved and it is not for this Court to intervene at this stage to prevent the leadership and the members from giving their opinion over the question posed before the National Convention to be held on 4th and 5th August 1974. The petition is therefore closed with the above observation"

The suit proper was considered later and the Judge passed a decree in our favour on 10.12.74 as "decreed and prayer for in the plaint with costs"

Our prayers in the plaint under para XII read as follows:

"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 the dissolution of the Swatantra Party in the manner proposed in the circular 1.7.74 as 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 the Swatantra Party or on the Tamilnad Unit of the Swatantra Party" and "to grant costs of the suit" etc.

I also enclose a copy of the plaint in the suit No. 5526/74.

Hence neither Mr. Piloo Mody as a former President of the Swatantra Party nor as the present General Secretary of the BLD has any right to make any representation to you for freezing our party's symbol ~~XXXXXX~~ "STAR" and for having it allotted to the party to which he now belongs.

Lastly I understand from a report that had appeared in the Hindustan Times, New Delhi on 2nd January 1975 that you heard a petition from the BLD for allotment of an election symbol and that objections from BKD and others were also heard by you and that you reserved your judgment. In this connection may I bring to your notice that the Swatantra Party was not given due notice of this hearing, and hence that any decision that you may take in respect of the election symbol will be based only on the arguments of one or two interested parties and not based on the views of parties like Swatantra who have a definite stake and legal title to the reserved symbol "STAR". Hence I earnestly request you not to allot the symbol for which the BLD has applied since according to the press report the BLD is trying to take advantage of the popularity of the star symbol which legally belongs to our party and also derive further benefit by combining both the Star and the BKD symbol. This combination is likely to cause confusion to the voters and our party's interest will be adversely affected if the BLD is allotted to use the star in any manner whatsoever.

In any case the Swatantra Party should be given an opportunity to make suitable representations against the BLD being allowed to use the star symbol in any manner whatsoever.

Thanking you,

Yours truly

sd.

V. S. Srikumar
Jt. Secretary.