

3685

EXCERPTS OF THE ORDER DATED 3 JANUARY, 1975
PASSED BY THE ELECTION COMMISSION ON THE
FORMATION OF THE BHARATIYA LOK DAL

Before the Election Commission of India

In re: Dispute in Bhartiya Kranti Dal, under paragraph 15 of the Election Symbols (Reservation and Allotment) order, 1968.

In re: Amalgamation of Swatantra Party, B.K.D. and Utkal Congress to form Bharatiya Lok Dal under paragraph 16 of the Symbol order.

ORDER

1. There are two cases which are dealt with in this composite order as they are closely inter-related. One relates to a dispute between three rival groups in the Bhartiya Kranti Dal, a recognised State Party in the State of Uttar Pradesh. This falls for determination under paragraph 15 of the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter called the 'Symbols Order'). The other relates to the question of amalgamation of the Swatantra Party, a recognised National Party, the B.K.D., a recognised State Party in the State of Uttar Pradesh the Utkal Congress, a recognised State Party in the State of Orissa, and some other unrecognised political parties to form a new party under the name and style of the "Bharatiya Lok Dal". This falls for determination under paragraph 16 of the Symbol Order.

(refers to B.K.D.)

11. As scheduled, a hearing was held on 1 January 1975 in connection with the enquiry in these cases under paragraphs 15 and 16 of the symbols order. The following representatives of the different parties were present :-

1. Shri Piloo Mody, M.P., President, Swatantra Party.
2. Shri Biju Patnaik, President, Utkal Congress.
3. Shri Lok Nath Joshi, Secretary, Bharatiya Lok Dal.
4. Shri Pran Nath Lekhi, Advocate on behalf of
Shri Charan Singh, Bhartiya
Kranti Dal.
5. Shri R.P. Kaushik } on behalf of Shri M.S.
6. Shri C.V. Francois, } Oberoi, M.P. and
Shri Shyam Lal Yadav,
M.P., Bhartiya Kranti Dal.
7. Shri Sita Ram Dwivedi on behalf of
Shri Jairam Verma, Bhartiya Kranti Dal.

(refers to arguments offered by various B.K.D. groups.)

QUESTION OF AMALGAMATION OF PARTIES UNDER
PARAGRAPH 16 OF THE SYMBOLS ORDER.

22. Having decided the dispute between the three rival groups in the B.K.D. in terms of paragraph 15 in favour of the group led by Shri Charan Singh, the question of amalgamation of that party with the Swatantra Party and the Utkal Congress and other groups to form a new party by the name and style of the Bharatiya Lok Dal has now to be dealt with under paragraph 16 of the Symbols Order.

23. From the records made available to the commission, it appears that the representatives of the Swatantra Party, a recognised National Party; the B.K.D., a recognised State Party in the State of Uttar Pradesh, the Utkal Congress, a recognised State Party in the State of Orissa, and some other political parties met in New Delhi on 14 April, 1974 under the Chairmanship of Shri Charan Singh, Chairman of the B.K.D., with the idea of exploring the possibility of forming a national alternative to the ruling party in power. It was decided at that meeting that the above parties should merge themselves to constitute a new broad-based party. The representative of the above parties further agreed at that meeting to secure the ratification of the above decision of merger by 5 August, 1974 by the general bodies of the respective parties. In some subsequent meetings of the representatives of the above parties, the new party to be formed by the amalgamation of the above parties was

given the name and style of "Bharatiya Lok Dal". A Policy Statement and the aims and objects of the new party were also drawn up. The Commission, however, is not concerned with these latter matters in the present case.

24. By a letter dated 27 September, 1974, Shri Piloo Mody, M.P. and General Secretary of the Bharatiya Lok Dal officially informed the Commission that the Swatantra Party, the Bhartiya Kranti Dal and the Utkal Congress had all merged their identity into the Bharatiya Lok Dal, and requested "recognition" of that party as a National Party and the Allotment of a symbol thereto in terms of paragraph 16 of the Symbols Order. With that letter he also furnished a list of office-bearers of the new party at National level.

25. On receipt of this letter from Shri Piloo Mody, the Commission issued on 19 October, 1974, notices in terms of paragraph 16 of the Symbols Order to (1) the President and General Secretary of the Bharatiya Lok Dal, (2) the President and General Secretary of the Swatantra Party and (3) the President and the General Secretary of the Utkal Congress asking them to file their statements of case and other supporting documents within 20 days of the receipt of the said notice. A similar notice to Shri Charan Singh, in his capacity as Chairman of the Bhartiya Kranti Dal was issued on 28 October, 1974.

26. In response to those notices, Shri Charan Singh filed his statement of case and other supporting documents on behalf of the B.K.D. on 19 November, 1974 which were supplemented by further production of documents on 26 November, 1974 and 4, 5 and 6 December, 1974. He has adopted a common statement of case and supporting documents in respect of both the proceedings before the Commission, (i.e. one relating to the dispute in terms of paragraph 15 between the two groups of the B.K.D. and the other relating to the determination of the matter regarding the formation of Bharatiya Lok Dal) as both the matters are inter-related. The position in regard to the B.K.D. with reference to the documents and other information furnished has already been fully examined above. The Statements of case and supporting documents on behalf of the Bharatiya Lok Dal, the Swatantra Party and the Utkal Congress were filed on 10 December, 1974. All the above said parties namely the Swatantra Party, the B.K.D. and the Utkal Congress have filed true copies of the resolutions passed at the highest deliberative bodies of those parties approving their merger to form the Bharatiya Lok Dal. They have also filed the lists of members elected to the House of the People, the Council of States, the Legislative Assemblies and the Legislative Councils of States on their party tickets who now sit with members of the Bharatiya Lok Dal in their respective Houses. These lists have been closely scrutinised by the Commission on the basis of the records available with it. Wherever the Commission was not either satisfied with the correctness of the position of elected members as stated in these lists or has felt that the claim in regard to certain members is irrelevant, the names of those members have not been taken into account by the Commission. After such scrutiny, the Commission itself has prepared a list of such elected members.

27. A copy each of the resolutions passed by the Swatantra Party, the B.K.D. and the Utkal Congress at their National Conventions are annexed to this order as Annexure C-I to C-III. The lists of members elected to the various Legislative bodies about whose support to the merger of these parties to form the new party, Bharatiya Lok Dal, the Commission is satisfied are also annexed as Annexure 'A' - Statements Nos. I-VI.

28. In this connection, it may also be stated that one Shri Girish K. Munshi claiming to be the General Secretary of the Maharashtra Unit of the Swatantra Party by his letter dated 23 August, 1974 urged the Commission that the party in Maharashtra, by a decision of its State Council, decided to continue to function even in the event of the dissolution of the Party at the Centre and that the Symbol 'Star' belongs as much to the Maharashtra State Unit of the Party as it does to other State Units and to the Party at the National level. The Commission refused to accept this claim from the State Unit of the Swatantra Party as the Party is a recognised National Party under the Symbols Order and only the National Party can approach the Commission in the matter.

29. Shri Piloo Mody, Shri Patnaik and Shri P.N. Lakhi, appearing on behalf of Shri Charan Singh at the hearing on 1 January, 1975 urged the Commission that the new party should be recognised as a National Party that the symbol of the erstwhile parties i.e. the Swatantra Party, B.K.D. and Utkal Congress should be frozen and that no organisation or association should be allowed by the Commission, to appropriate or use the name of any of these erstwhile parties.

30. Taking into account all the facts and circumstances of the case under paragraph 16 of the Symbols Order, the Commission hereby decides that the newly formed party viz. the Bharatiya Lok Dal as a result of the amalgamation of the Swatantra Party, the Bhartiya Kranti Dal and Utkal Congress should be a National Party for the purposes of the Symbols Order.

31. Shri Piloo Mody, General Secretary of Bharatiya Lok Dal requested for some time to be given to suggest a suitable symbol to be reserved for the party. The Commission has decided to make a separate Order in regard to the reservation of a particular symbol for the party, after receipt of particulars as to the description of the Symbol and the format of the symbol from Shri Mody.

32. Subject to the orders in pursuance of paragraph 31 above reserving a symbol for the Bharatiya Lok Dal, the Commission also hereby decides that the Symbols (i) "Star" reserved for the Swatantra Party, (ii) "Haldhar" reserved for the Bhartiya Kranti Dal in Uttar Pradesh (iii) "Water wheel and plough (Halchakra)" reserved for the Utkal Congress in Orissa, be frozen and that in order to avoid any possible confusion in the minds of the electorates, no political organisation or association seeking registration with the Commission as a political party under the Symbols Order should be registered with the same name or a name similar to that of the Swatantra Party, the Bhartiya Kranti Dal or the Utkal Congress.

33. Necessary action to carry out the decisions of the Commission in this Order by suitable amendments to its notifications under paragraph 17 of the Symbols Order, should be taken forthwith.

Sd/-
(T. SWAMINATHAN)
CHIEF ELECTION COMMISSIONER
OF INDIA.

Dated 3 January, 1975.

Attested
4.1.1975
(K. G. NESAN)
Under Secretary (Legal)
Election Commission of India
New Delhi.

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ORDER

1. There are two cases which are dealt with in this composite order as they are closely inter-related. One relates to a dispute between three rival groups in the Bhartiya Kranti Dal, a recognised State Party in the State of Uttar Pradesh. This falls for determination under paragraph 15 of the Election Symbols (Reservation and Allotment) Order, 1968 (hereinafter called the 'Symbols Order'). The other relates to the question of amalgamation of the Swatantra Party, a recognised National Party, the B.K.D., a recognised State Party in the State of Uttar Pradesh the Utkal Congress, a recognised State Party in the State of Orissa, and some other unrecognised political parties to form a new party under the name and style of the "Bharatiya Lok Dal". This falls for determination under paragraph 16 of the Symbol Order.

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(refers to arguments offered by
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32. Subject to the orders in pursuance of paragraph 31 above reserving a symbol for the Bharatiya Lok Dal, the Commission also hereby decides that the Symbols (i) "Star" reserved for the Swatantra Party, (ii) "Haldhar" reserved for the Bhartiya Kranti Dal in Uttar Pradesh (iii) "Water wheel and plough (Halchakra)" reserved for the Utkal Congress in Orissa, be frozen and that in order to avoid any possible confusion in the minds of the electorate, no political organisation or association seeking registration with the Commission as a political party under the Symbols Order should be registered with the same name or a name similar to that of the Swatantra Party, the Bhartiya Kranti Dal or the Utkal Congress.

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