

3686
✓
4
PILOO MODY

MEMBER OF PARLIAMENT

2 LODI ESTATE CORNWALLIS ROAD NEW DELHI 110 003 Tel. 6 1 1 6 5 8

September 1, 1974

Dear Sir,

I thank you for your letter No. 56/25/74/4272 dated 30th August, 1974, enclosing a copy of a letter received by you from the ex-general secretary of the Maharashtra unit of the Swatantra Party which has now merged with the Bharatiya Lok Dal. In this connection I would like to record the various resolutions of the Swatantra Party which culminated with the merger of the Swatantra Party into the Bharatiya Lok Dal.

As you will see the National Executive of the Swatantra Party at its meeting in Delhi on April 6 and 7th, 1974, unanimously passed the enclosed resolution (annexure A) which inter alia stated "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 work for the common good", and authorised the President, Mr. Piloo Mody to investigate the possibilities of approaching a 2-Party system. In pursuance of this resolution a proposal was formulated of merging 7 or 8 parties into a single party as an initial step in the direction of a 2-party system. In the General Council meeting of the Swatantra Party which was held at Delhi on June 9th and 10th this proposal was discussed thread bare and the General Council unanimously passed a resolution (annexure B) welcoming the idea of creating a National Alternative but leaving the final decision to be taken by a National Convention of the Swatantra Party.

Accordingly a National Convention of the Swatantra Party was called at Sapru House on August 4th and 5th, 1974 when a resolution was passed (annexure C) by an overwhelming majority of 407 votes for the merger and 53 against the merger, with one delegate abstaining - an 87% endorsement of the merger proposal. The resolution of the National Convention inter alia stated that -

"The National Convention approves of the idea of the formation of a National Alternative by the coming together of all political parties other than the Congress and the Communists. It welcomes the efforts made in this direction by various parties to come together on a common platform and notes with gratification the fact that it has evolved a common programme, acceptable to the Swatantra Party.

In view of this, the National Convention of the Swatantra Party resolves

That the National Convention of the Swatantra Party be and hereby approves the formation of a National Alternative by amalgamation of political parties, other than the Congress and the Communist Parties.

RESOLVES that the Swatantra Party ceases to exist, from such day as the President of the Party, Mr. Piloo Mody may declare.

RESOLVES FURTHER that the existing members of the Swatantra Party are urged to join the New Party, or to carry on independent such activities political or non-political as they may deem fit and proper in any name other than the "Swatantra Party".

RESOLVES FURTHER that the National Convention do authorise the President of the Party, Mr. Piloo Mody to request the Chief Election Commissioner to freeze the symbol of the Party.

RESOLVES FURTHER that the National Convention do authorise the President of the Party, Mr. Piloo Mody, to take all necessary steps and decisions to implement the aforesaid resolutions, and to render all necessary help to the members till the Party is completely dissolved."

According to the terms of the resolution of the National Convention a meeting of the National Executive was called in Delhi on August 28, 1974 which unanimously passed the merger resolution (annexure D) which inter alia authorised the President, Mr. Piloo Mody to merge the Swatantra Party into the Bharatiya Lok Dal at the inauguration ceremony of the Bharatiya Lok Dal which took place at Mavlankar Hall, New Delhi on August 29, 1974.

At the inauguration ceremony Mr. Charan Singh inaugurated the Bharatiya Lok Dal and was proposed as the Chairman of the New Party by Mr. Piloo Mody. Thereafter Mr. Piloo Mody announced the merger in the following words :

"By the authority vested in me by the Swatantra Party I hereby merge the Swatantra Party with the Bharatiya Lok Dal".

With that statement the Swatantra Party as the Swatantra Party ceased to exist and converted itself into the Bharatiya Lok Dal.

From the above you will note that all the rights, assets and liabilities of the Swatantra Party which includes amongst other things all moneys, bank accounts, properties, flag, symbol and name now form part of the rights, assets and liabilities of the Bharatiya Lok Dal.

Therefore in view of what I have stated above Mr. Girish Munshi's contention regarding the symbol of the Swatantra Party cannot be justified.

Further I would like to state that there has always been only one Swatantra Party and that was the Swatantra Party of India as founded by Rajaji and no separate State Parties existed in any State or part thereof other than units created for administrative convenience. The decision of the Swatantra Party to merge itself into the Bharatiya Lok Dal was taken constitutionally and by established practice and for any unit to claim a separate existence is totally contradictory to the unitary structure of the Swatantra Party.

Incidentally I might mention that I attended the meeting mentioned in Mr. Munshi's letter where the so-called resolution was passed by the State Council of the Maharashtra Unit of the Swatantra Party of India which in my opinion was constitutionally illegal because -

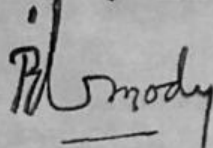
- a- The Maharashtra Unit had no competence to decide either on the future of the Party or on behalf of the members registered with that unit as the General Council of the Swatantra Party which incidentally is the only supreme decision making body of the Party had already decided, with members from Maharashtra participating, to leave the decision to a National Convention of the Party.
- b -Mr. Madhu Mehta, Vice President of the Swatantra Party of India, acting General Secretary of the Swatantra Party of India, and

President of the Maharashtra State Unit of the Swatantra Party of India who presided at this meeting where the resolution was discussed had to leave the meeting early because he had to speak at the Rotary Club of Bombay. Before leaving he explicitly stated that there was no question of passing a resolution by the Maharashtra Unit and that the feelings and opinions of the members as stated at that meeting should be recorded and sent to the National Headquarters of the Party. In spite of the directive by the President of that meeting the State Unit proceeded to pass the resolution and Mr. Madhu Mehta thereafter resigned as President of the Maharashtra Unit in protest. Having made my own submission why the merger proposal made was in the best interests of the country I also left the meeting and I am therefore not in a position to say what transpired thereafter.

It is possible that the Secretariat of the Election Commission may receive some other communication along the lines of Mr. Girish Munshi's submission. I am therefore writing to request the Election Commission of India to treat my submissions made above as the authoritative view of the Swatantra Party on the points raised above.

Thanking you for the courtesy of inviting my comments.

Faithfully Yours,



Piloo Mody

Shri K. Ganesan
Under Secretary (legal)
Election Commission of India
Nirvachan Sadan
Ashoka Road
New Delhi 1

cc : Presidents & General Secretaries of the State Units.

P.S. The Annexures are not being enclosed as they have already been dispatched to you as and when the meetings were held.

Draft Minutes of the Meeting of the National Executive Held
At Sappu House, New Delhi on Sunday, August 4, 1974

Present :

Mr. Piloo Mody, MP, in the Chair

Mr. Tribikram Tripathy
Mr. R. N. Singh Deo
Mr. P.K. Deo
Mr. G. Latchanna
Mr. N. K. Ganapalaiah
Mr. Ranjit Singh Ghorpade
Mr. H.M. Patel
Mr. A. J. Dominic
Mr. J. Chandramouli
Dr. M. Santosham
Col. H. R. Pasricha
Mr. M. R. Arya
Sardar Harbhajan Singh
Mr. H. K. Srivastava
Mr. M.N. Amersey
Mr. D. N. Patodia
Mr. K. N. Jain
Mr. Ram Kanwar Barwah, MP
Mr. S. C. Mahapatra
Mr. Gurucharan Tikayat
Mr. Munnu Singh
Mr. Narpat Singh
Mr. Yashwant Kumar Choudhary
Mr. Madhu Mehta

By Special Invitation

Mr. N. Dandekar

1. Confirmation of Minutes :

The Minutes of the last Meeting of the National Executive held in New Delhi on April 6 and 7, were confirmed.

2. The President, Mr. Piloo Mody, briefed the members as to what had happened towards efforts he had made for the National Alternative, from April 6 onwards to the present date.

The Resolution which was to be placed before the National Convention was put before the National Executive members for their consideration.

Col. Pasricha suggested that instead of leaving the announcement of the date of closing the Party to Mr. Piloo Mody and the Sub-Committee, it would be advisable if it was decided by Mr. Piloo Mody in consultation with the National Executive members. Mr. H. M. Patel and Mr. Dandekar agreed with Col. Pasricha's suggestion. Hence, the Resolution was duly amended and enclosed in the form attached. (Annexure A). Col. Pasricha wanted to know if the Press would be invited to attend the National Convention. The President Mr. Piloo Mody explained to him that the National Convention was not meeting to discuss anything of national

importance but was called only to attend to the question of the dissolution of the Party and hence the presence of the Press was not required at the Convention.

Mr. H. M. Patel explained that the Press was never invited to the National Convention when organisational matters were discussed. It was the dissolution of the Party for which the National Convention was called and as it was purely an organisational matter, there was no need to invite the Press. Hence, it was unanimously decided that the Press should be kept out of the deliberations at the Convention.

Col. Pasricha was of the opinion that the voting should be done by secret ballot and which was supported by Mr. M. R. Arya. The members of the Executive, except these two members, were not in favour of the secret ballot and hence it was decided that the voting should be conducted by a show of hands.

Expulsion of Members from Orissa

The State Executive of the Orissa Unit had sent in a few names of the members who were suspended and who they recommended for expulsion from the Party. The National Executive heard the remarks of Mr. P.K. Deo and then finally decided to expel these members.

Regarding Mr. Harihar Patel, the National Executive decided not to take any decision to expel him but authorised Mr. Madhu Mehta to inquire into the matter and to report to the President and the National Executive about his decision regarding the action to be taken against Mr. Harihar Patel for indulging in anti-Party activities.

The meeting then terminated with a vote of thanks to the Chair.

Annex A

Draft

Draft Resolution for National Convention

Swatantra Party at Delhi

August 4 & 5, 1974

The National Executive meeting in Delhi on April 7 and 8 reviewed the State of the Nation on the basis of which it arrived at certain conclusions and recommended a programme of action, which inter alia stated

"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 work for the common good."

In furtherance of this, the National Executive authorised the President to perque this objective, consulting any two senior members of the Party that happen to be present in Delhi at the time. Various negotiations were held from time to time in which the President, Mr Madhu Mehta, Mr R N Singh Deo, Mr Dandekar, Mr H M Patel, Mr Loknath Mishra and Mr D N Patodia participated. A proposal was framed and submitted to the General Council on June 9 and 10th. The General Council debated the pros and cons of the issue, and in its wisdom unanimously passed the following resolutions.

"The General Council of the Swatantra Party met in Delhi and discussed the proposal of getting together with various parties with a view to creating a National Alternative. It also discussed the draft programme prepared by the leaders of the new group."

The members of the General Council generally agreed that the present political situation in the country demands that an all out effort should be made for the formation of a National Alternative with a well-defined and clearcut alternative capable of fulfilling the urges and aspirations of the people.

In this context, while it welcomes the attempts made by various parties to come together with a view to ultimately provide a National Alternative it feels that in so far as the Swatantra Party is concerned, the final decision can only be taken at the National Convention. This could give a fair opportunity to as many members as possible to study the proposed programme and carefully examine all the pros and cons of the proposal. The General Council therefore has decided that a copy of the draft programme should be circulated to all the members of all the State Councils.

The General Council also authorises the President to fix the date and venue of the National Convention at the earliest, after giving due notice."

In pursuance of this Resolution, the National Convention of the Swatantra Party has been called to decide on the future of the Swatantra Party.

The National Convention approves of the idea of the formation of a National Alternative by the coming together of all political parties other than the Ruling Congress and the Communists. It welcomes the efforts made in this direction by various parties to come together on a common platform and notes with gratification the fact that it has evolved a common programme, acceptable to the Swatantra Party.

In view of this, the National Convention of the Swatantra Party resolves:

THAT the National Convention of the Swatantra Party welcomes the idea of forming a National Alternative by the amalgamation of all political forces, other than the Congress and the Communist Parties and approves the impending formation of the New Party namely Bharatiya Lok Dal (The Peoples' Party of India).

RESOLVED that from such date as the President Mr. Piloo Mody may declare in consultation with the National Executive the Swatantra Party will cease to exist and will merge itself with the New Party, The Bharatiya Lok Dal (The Peoples' Party of India), as and when it comes into being, to further the objectives of the Swatantra Party. Such of the existing members who do not wish to join the New Party, would be free to carry on such political and non-political activities as they may choose in any name other than the "Swatantra Party".

RESOLVES FURTHER that the President of the Party Mr. Piloo Mody is authorised to intimate to the Chief Election Commissioner about the dissolution of the Party from the date as mentioned above and request the Chief Election Commissioner to freeze the symbol of the Party to avoid its unfair exploitation.

RESOLVES FURTHER that the National Convention authorises the President of the Party Mr. Piloo Mody, to take all necessary steps and decisions to implement the aforesaid resolution.

Index.

1. Swatantra Party's Constitution.
2. List of National Executive and General Council members
3. List of Office-bearers and State Council members of Maharashtra Swatantra Party.
4. Resolution of National Executive of 6th and 7th April 74
5. Karnataka Unit's Resolution
6. Minutes of the Maharashtra State Council of 27.4.74
7. Agenda of the General Council of the meeting held on 9th and 10th June 1974.
8. Draft minutes of the General Council 9th and 10th June 74
9. Resolution of the General Council.
10. Draft statement of policy (National Alternative).
11. Mr. Pileo Mody's Circular dated 16.6.74.
12. Circular of Maharashtra Swatantra Party dt. 22.6.74 calling meeting on 6.7.74.
13. Mr. Madhu Mehta's circular dated 1st July 1974 relating to delegate's quota.
14. Mr. Masani's letters of 6.6., 1.7 and 2.7.74.
15. Requisition of General Council meeting by the General Council Members from Maharashtra.
16. Minutes of State Council Maharashtra dated 6.7.74.
17. Mr. Pileo Mody's letter dated 6.7.74 to General Council members.
18. Letter from Maharashtra to National Headquarters enclosing draft resolution to be moved at the National Convention (9.7.74)
19. Press Statement issued by Maharashtra on 8.7.74
20. Mr. Madhu Mehta's resignation dated 11.7.74 as President of Maharashtra State Unit, and Mr. Munshi's letter dt. 16.7.74 to Mr. Mehta Narayan's letter dated 26.7.74 to Mr. Mehta with enclosure of Mr. ~~Munshi's~~ Mr. Munshi's letter dated 16.7.74 Mr. Munshi's letter dated 26.7.74 8th August accepting Mr. Mehta's resignation.
21. Resolutions passed at the Convention on 4th and 5th August at Delhi.
22. Letter to the Editor of Times of India clarifying Maharashtra Unit's stand.
23. Minutes of the General Secretary on the Convention dated 20.8.74
24. Letter dt. 20th August to Sassoon J. David & co. Ltd. by Mr. Munshi regarding the premises.
25. Invitation Card from BLD for inauguration on 29.8.74
26. Letter of Mr. Munshi dated 23.8.74 to Mr. Bhatia re: Premises.
27. Letter from Mr. Munshi dated 23.8.74 regarding Party's symbol.