

रफ़्तारी-54

R.F. 54

प्राप्ति-स्वीकृति (रसीद) ACKNOWLEDGMENT

* एक रजिस्ट्री/पत्र/पैकेट/पैकेट/पैकेट प्राप्त हुआ
बीमा

*Received a Registered/Letter/XXXXXXXXXet/Parcel
Insured

पाने वाले का नाम
Addressed to (name)

† बीमा का मूल्य (रुपये में)
† Insured for Rupees

Under Secretary
Election Commission of India
New Delhi.

पाने वाले का हस्ताक्षर Signature of addressee

* अनावश्यक को काट दिया जाए।
† केवल बीमा वस्तुओं के लिए।

* Score out the matter not required.
† For insured articles only.

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क्रमांक 119
No.

12/9/74

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

भेजने वाले का पता Sender's address



Date-stamp

Swatantra Party, Maharashtra
Sassoon Building
143 Mahatma Gandhi Road
Bombay 1

GIPN—FW—668 P&T NK/59 .00,000.

स्वतंत्र पक्ष

महाराष्ट्र

Swatantra

Party



सासुन बिल्डिंग, १४३, महात्मा गांधी रोड, मुंबई - ४०० ०२३. दूरध्वनी क्रमांक २५३०८५

MAHARASHTRA

SASSOON BUILDING, 143, MAHATMA GANDHI ROAD, BOMBAY-400 023

Phone: 253085

September 11, 1974

Regd. AD

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

Dear Sir:

Mr. Piloo Mody, MP has been kind enough to send us a copy of his letter to you dated 1st September 1974 in reply to yours No. 56/25/74/4272 dated August 30, 1974 regarding the symbol of the Swatantra Party.

As you may be aware, the Tamil Nadu Swatantra Party has taken a position similar to that taken by us. We are presently in consultation with them.

Meanwhile, this is to request you not to take any action till you hear from us again in this regard.

Thanking you,

Yours faithfully

Parmanand Kejriwal

Parmanand Kejriwal
Vice-President

September 11, 1974

Regd. AD

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

Dear Sir:

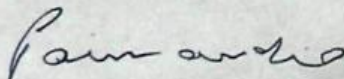
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Yours faithfully



Parmanand Kejriwal
Vice-President

PILLOO 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 independently 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 -

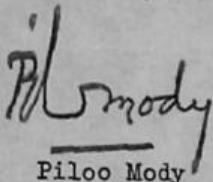
- a- The Maharashtra Unit had no competence to decide either on the future of the Party or on behalf of the members registered with that unit as the General Council of the Swatantra Party which incidentally is the only supreme decision making body of the Party had already decided, with members from Maharashtra 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.