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THE NOTIONAL ALTERNATIVE

S. V. Raju

BESET by serious snags, the countdown for the rocket (six stage) christened "Bharatiya Lok Dal" destination National Alternative, continues fitfully. The trouble with the rocket is its fuel. The various components like the Swatantra Party, the BKD and the SSP don't mix. Yet the scientists are confident that the rocket will lift off even if it be for a "leap in the dark". The latest report is blast off is scheduled for August 29.

This is the story of one of the components, the Swatantra Party, its technical problems, and how the scientist in charge of this component sought to get over the problem.

The Swatantra Party was formally launched at its Preparatory Convention in Bombay on August 1, 1959. Fifteen years later on August 4, 1974, the seventh National Convention resolved to vote itself out of existence "from such date as the President, Mr. Piloo Mody, may declare in consultation with the National Executive." It is not without significance that not one of the Founding Fathers who were on the platform at the Preparatory Convention was to be seen at the seventh Convention. The only one, Minoo Masani was on the floor seeking to shake those on the platform out of the hypnotic spell of the mantra of "National Alternative" that had gripped them.

Why the involved decision? Why could not the Convention decide to dissolve the Party with immediate effect? The reason was that another component, the BKD, was also having problems of its own. Therefore the Swatantra decision was suitably tailored. In plain language, it was left to Mr. Charan Singh to decide whether or not the Swatantra Party should wind up!

In its editorial of August 12, 1974, the *Times of India* observed:

"Mr. Masani is mistaken in thinking that the Swatantra Party, with little following anywhere, has a worth while role to play anywhere."

Perhaps if the facts as to what transpired at the Convention had been known and if the role of the Party had been understood in its correct perspective, the comment might have been different. As it happens, the press in general could be forgiven for its ignorance.

For it was kept out of Sapru House despite delegates pointing out as the Convention got under way that for the first time since its birth, the press had been prevented from following the proceedings.

There were actually three resolutions before the Convention. The official one that sought dissolution, another rejecting the idea and a third which sought, in the light of the present mood in the country and the plight of the Party, to convert it into an educative and service organisation. This resolution which was tabled by Mr. Masani, was a compromise resolution and would have had meaning only if it evoked a consensus. The compromise would have enabled those who wished to see Swatantra alive to see its continuance *sans* electoral politics and those who wished to join the new Party would have been equally free to do so.

Defectors' Formula?

The Party establishment rejected Mr. Masani's formula on the ground, as Mr. Piloo Mody put it, that

(Continued on page 13)

IN THIS ISSUE

"This is the way world ends,
Not with a bang but a whimper."

This little verse comes to mind on a perusal of the article on the fading out of the Swatantra Party contributed by S. V. Raju, for over a decade the Executive Secretary of the Party at its national headquarters.

'Checkpoint Charlies' exist in great numbers even in India today. This zone is the zone of *Gulag Archipelago*, says well-known novelist Manohar Malgonkar.

After 'A Mood of Barriers' comes 'A Time For Sharing'. Our new contributor, Pervin Mahoney, writes about her experience of work in an Israeli kibbutz during the war.

THE NOTIONAL ALTERNATIVE — Cont'd from page 1

it would make all those who wished to join the new Party appear as 'defectors'. This was not true (see Resolution below). What Mr. Mody really wanted was to abolish the word "Swatantra" and the flag. This led to what would have been the amusing (were it not so impertinent) statement in the official resolution which graciously conceded that (sic.) "such of the existing members who do not wish to join the new party, would be free to carry on such non-partisan activities which eschew all elections as they may choose, in any name other than the Swatantra." The drafters of the resolution were evidently under the mistaken notion that the name of a Party was, like a Trade Mark, legally protected property!

The "no-changers" were equally firm in rejecting Mr. Masani's proposition. They were unable to conceive of a situation where an organisation could be political and yet not participate in elections. The result was that Mr. Masani did not move his resolution.

The *Times of India* editorial has however helped to focus attention on a central issue that is really at the heart of the matter — What precisely is the Swatantra Party's role in India's politics? Like any political Party, The Swatantra Party, too seeks power which would place it in a position to implement policies which in its view do justice to the people of India. But the Party

has been insistent that in the ends and means equation, means are as important as the ends. Thus it was that while the Party was attacked by its opponents on many issues, very rarely did anyone accuse it of opportunism, expediency or dishonesty.

The other forte of the Party has been its ideological clarity which was acknowledged even by the Communists who never ceased singling out the Swatantra Party for some of its most virulent attacks. Many an editorial observed that the Swatantra Party at least knew its mind. This was the role of the Swatantra Party as conceived by its Founding Fathers — setting high standards in public life on the one hand and providing the people of India with a clear-cut alternative on the other. Swatantra members believed that time was on their side. Despite the gloomy outlook, they were prepared to wait for power. This was so till June 1972.

On June 24, 1972, Rajaji, in what was destined to be his last appearance at a formal meeting of the Swatantra Party, somewhat reluctantly (and as it has turned out, ironically) proposed Mr. Piloo Mody to the Presidentship of the Party in circumstances which would itself make an interesting story.

The Slide Down

The "Young Turks" gained control of the Party

THE COMPROMISE THAT FAILED

"The National Convention of the Swatantra Party has carefully considered the proposal placed before it that the Swatantra Party be dissolved to facilitate the formation of a new party.

While the Convention has noted that of the seven parties that are expected to be dissolved in a similar manner the Swatantra Party alone is a national party, it hopes that the leadership of the proposed new party will continue to make efforts to draw in their fold other major national democratic opposition parties to be able to provide a credible national alternative to the ruling Congress which is really the need of the hour.

The Convention notes the feeling of great disappointment expressed by many delegates about the proposal to dissolve the Swatantra Party on the ground that the principles and policies of the Swatantra Party continue to be as valid today as when they formulated in 1959-1960 and that, had they been the policies of the Union Government, our country would not be in the present critical situation. However, in keeping with the spirit of the Swatantra Party's principle of providing freedom of choice and expression to various points of view within its ranks and in order to provide opportunities for functioning to those who hold conflicting points of view and to facilitate a decision by consensus, the Convention resolves that the Swatantra Party be and is hereby converted into a non-Party organisation named the Swatantra Sewa Sangh which will be solely devoted to the pursuit of educative and constructive activities in furtherance of the principles of the Swatantra Party and which will eschew electoral and parliamentary activities at both the Union and State levels.

Through Swatantra ceasing to be a political Party and becoming a service organisation, it will be possible both for those who wish to join the proposed new party to do so with a good conscience and for those who wish to continue to educate the people of India about the validity of Swatantra principles and to serve the people of India in a constructive way to do so in their own way."

apparatus at the Centre. They were not willing to be patient in the pursuit for power. Quality they considered to be relative. What mattered was numbers, particularly in Parliament and the Legislatures. Policies and principles were important but not primary. The slide down began and the Swatantra Party started losing its vitality.

It was in pursuit of this game of power and quick gains that even persons who had been drummed out of the party for gross indiscipline were not only taken back but given positions of responsibility. The man who rushed to the platform at the Convention and sought to belabour the President of the Delhi Unit was one such person. The victim of the assault had had the 'temerity' to question the genuineness of the delegates from U.P. (in the context of the disastrous performance of the Party in the elections earlier this year when all but one of the 200-odd candidates lost their deposits). Unfortunately for the "Young Turks" there still were people in the Party old fashioned enough to believe in principles and values who refused to accept defeat by continuing to believe in a slogan that was coined as far back as 1959 "The Swatantra Party has faith in the people". These old-fashioned ideas, which were held by not-so-old people, as was revealed at the Convention, were dismissed by the establishment as "sentimentalism". In order to guard against the danger of any possibility of these people convincing a large number of delegates, the Establishment took adequate precautions to see that the decision at the Convention would go the way they wanted it to. The delegates' quota was gerrymandered to ensure the overwhelming preponderance of delegates from U.P. 209 delegates from that state were brought to Delhi in three or four buses out of a total attendance of 483. Earlier Conventions had prescribed a different ratio of delegates to the number of members on the rolls. A ceiling that used to be set on the maximum number of delegates from each State was done away with.

The demand for a secret ballot was rejected. This demand was crucial in view of the atmosphere of intimidation that prevailed at the Convention. This writer who had many friends among the delegates was told by some of them that if the ballot was secret they would vote against dissolution. They were under a variety of pressures. In one State the property of the Party was mortgaged to an office bearer. In another a delegate feared for his family's safety. A certain gentleman from a Southern State said that he had paid for the fares of a number of "committed" delegates from his State.

There was even a legal adviser on the platform available for on-the-spot consultations!

Speakers who opposed the official resolution were barracked. The mover of the resolution rejecting dissolution was sought to be shouted down with the slogan 'Indira ka dalal'. For the first time in its history

a Party Convention witnessed rowdy scenes. There were cheerleaders who ensured a regular "Piloo Mody Zindabad" when they were not busy shouting down other speakers. There was even a ringmaster who never addressed the Convention but said to a delegate that he was there only to "manage votes"!

The attempt was to secure a unanimous verdict in favour of the dissolution. This attempt failed. Fifty-three delegates insisted on a division and recorded their dissent. Later, at a press conference, the States of Tamil Nad, Maharashtra, Haryana, Kerala and Delhi announced that, while they would abide by Party discipline so long as the Party remained, they would carry on as the Swatantra Party in their respective States once the Party at the Centre ceased to exist.

The grounds on which the minority opposed the dissolution were:

- to call the new party a 'national alternative' was a misnomer as two major democratic opposition parties and some major State parties like the Akali Dal and the D.M.K. to mention only two, had declined to go along. The mischief of the present electoral system would continue. Moreover by its very composition the new Party would not secure one vote more than what its components individually received. A more appropriate description would be to call it a "Notional Alternative" which is all that it really is.
- the past record of some of those who were the new party's sponsors was not such as would inspire the confidence of the electorate.
- even before the new Party had come into being its leaders were already speaking and acting at variance with one another. For instance, Patnaik was reported to be negotiating with Nandini Satpathy and promising support to Fakhruddin Ali Ahmed. Charan Singh had sought to persuade Giri to seek re-election. Raj Narain had proclaimed that the one-point programme of the new Party would be once again 'Indira Hatao'!
- the major coalescing partners were facing opposition from within their own parties, whether it was the B.K.D. or the SSP or Swatantra.
- the move was premature and would come in the way of a genuine consolidation in the future when the economic and political situation developed in a manner so as to make it imperative.
- finally that the Swatantra Party's principle continued to be valid and another opportunity had presented itself for the Party to educate people and seek their support now that the false promises of Mrs. Gandhi's were coming home to roost as had been predicted by the Swatantra Party.

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Defensive

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The opposition of the minority thus arose not from party-mindedness but from a genuine belief that it was not worth while sacrificing the Party for something that was doomed to failure because of its own internal contradictions.

It is not without significance that the ruling Congress and the Communists have chosen to ignore the new Party and have concentrated all their venom on Jayaprakash Narayan.

Defensive

The 'pro-changers' were clearly on the defensive. In his presidential speech, Mr. Piloo Mody set the tone when he confessed that at best what he proposed was a 'leap in the dark'. Mr. R. N. Singh Deo, who as Chief Minister of Orissa had appointed a Judicial Commission which found Biju Patnaik guilty, devoted a considerable part of his speech to prove that Mr. Patnaik was not such a bad person after all. In fact he took exception to any one stating that Mr. Patnaik was found guilty of 'corruption'. Not 'corruption', Mr. Singh Deo corrected, only 'improprieties'!

And so it went on. They were tired men who found the opportunity a godsend to jettison their responsibility of keeping the Swatantra Party going. One Party leader was heard to observe "thank God, *mera jaan chhuta*". Instead of confessing failure in building up the Party, these gentlemen wanted the Party itself destroyed.

Mrs. Indira Gandhi would welcome the new Party for at least two reasons. First, even the nominal existence of Swatantra is an irritant. It would, so long as it lives, provide a potential focal point for people to rally around when they realised the validity of its past warnings. Secondly, a Charan Singh with the B.K.D. and its symbol was infinitely more dangerous than a Charan Singh with a new Party and a new symbol but minus some of his followers and non-Jat support particularly from the minorities.

In the final analysis, the Swatantra Party has been broken up by the very methods it abhorred—money power, meaningless slogans and the various measures to produce a contrived conformity to rubber stamp the Party President's public commitment to lead the Party into the conglomerate even before the Convention had a chance to debate and decide.

THE BIGGEST HAZARD

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—Point of View

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Making a Mockery of Indian Democracy

S. V. Raju

That socialists have the possibility of organising themselves as political parties while those having problems of conscience in declaring adherence to socialism should be stopped from organising themselves into a political party is wholly discriminatory and hence, clearly a breach of the fundamental right of association.

While socialism is passing into the history books as a once-noble ideal that degenerated into an instrument of tyranny in most parts of the world, it continues to bedevil Indian polity. Even while we have jettisoned a good deal of the licence permit quota raj which in India is the visible symbol of socialism, the word continues to disfigure the Indian Constitution and is making a mockery of Indian democracy.

Not many are aware that a political party cannot register itself with the Election Commission unless it swears allegiance to socialism along with secularism and democracy. In other words, as the law stands today only a socialist party can participate in the Indian political process.

When and how did this happen? In 1976, the preamble to the Constitution of India was amended. The words "Sovereign Democratic Republic" were amended to read "Sovereign Socialist Secular Democratic Republic". The amendment was adopted during the last days of the infamous emergency under Mrs. Indira Gandhi in highly controlled conditions when most leaders of opposition parties were in prison and civil liberties suspended.

Based on the amended preamble, Parliament passed in 1989, an amendment to the Representation of the People Act which introduced the concept of registration of parties for allotment of symbols and the entitlement to other facilities such as free copies of electoral rolls etc. A new section was added to the Representation of the People Act - Section 29(A). This new section stipulates among other things that a political party seeking registration should

swear allegiance to the Constitution of India in general and to the principles of socialism, secularism and democracy in particular. Every party candidate filing his nomination paper has also to so swear. Curiously an independent candidate has only to swear general allegiance to the Constitution without having to spell it out in terms of his or her allegiance to socialism.

The Swatantra Party founded by Rajaji and Masani is a party wedded to liberal democracy and is opposed to socialism in all its forms and manifestations. The party was founded in 1959 much before the enactment of 29(A).

The Swatantra Party split in 1974 when a section of the Party led by Mr. Piloo Mody decided to merge with the U.P. based Bharatiya Kranti Dal led by Charan Singh and Raj Narain.

The story of the split and the continuance of the Swatantra Party are told by this writer in *Freedom First* of September 1974 (No.268)

Soon after the notification by the Election Commission the Maharashtra Swatantra Party asked for registration. In its letter it specifically stated its inability to swear by socialism but had no difficulty in swearing loyalty to democracy and secularism. The reply on more than one occasion was truly bureaucratic. 'Please complete the registration form as stipulated by Section 29(A).' Denied registration and in the context of the then impending elections to the Maharashtra Assembly, the Party sought justice from the Bombay High Court. A Writ Petition was filed on December 15, 1994. The Petition was

heard but its prayer for interim relief (to be allowed a common symbol to participate in the elections pending the Court's decision) was denied. The Petition is likely to come up sometime in April. The Division Bench of the Bombay High Court while rejecting the prayer for interim relief however agreed to expedite the hearing.

The following is an extract from the writ petition. The Party is represented by Mr. Rajiv Patil and Mr. Sharad Bobde.

"The stipulations of Section 29(A) create problems of conscience and principles which the petitioner No.1 (The Swatantra Party) does not wish to circumvent by prevarication and falsehood as has been done by other parties in the country. For example, the extreme leftist revolutionary parties have apparently constituted themselves by a memorandum which contains a provision to the effect that they bear allegiance to the principle of democracy; crassly communal parties have sworn allegiance to secularism and the ruling party despite its declared objective of liberalisation and globalisation has pledged or at any rate continues to pledge its allegiance to the principle of socialism. Section 29(A) poses no problem that cannot be overcome by recourse to pliable conscience. There is no provision for any verification of the truth of the memoranda or regulations nor is there any instance of registration being denied to or withdrawn from any party on the basis of proven falsehood of the provisions in the memorandum of association of any party. The petitioner No.1 party has no wish to resort to such unconscionable procedure followed quasi-

universally.

"The petitioner No. 1 has no difficulty whatsoever in confirming its allegiance to the principles of democracy and secularism as also to uphold the territorial integrity of the Republic. It encounters insurmountable difficulty in declaring allegiance to the principle of socialism. The term socialism has not been defined in the Constitution of India or in the said Act. The requirement to declare allegiance to a tenet so shrouded in vagueness can serve no possible purpose. If the provisions contained in the Constitution represent, in the view of the authors of the stipulation, the essential content of socialism, the specific requirement of the Section 29(A) is unnecessary since the oath of allegiance to the Constitution as by law established would more than cover the requirement.

"On the other hand, if the dispositions of the Constitution of India are entirely socialistic but are a little less or a little more, there would arise a contradiction between the declaration of allegiance to the Constitution and that to the principle of socialism.

"The petitioners submit that, it is significant that the Third Schedule to the Constitution which contains the texts of oaths to be taken by candidates to the election of Lok Sabha and of the State legislatures has not been modified following the amendment to the Preamble to the Constitution and of the amendment to the Act. The texts of oaths required to be taken by individual candidates continue to be limited to swearing true faith and allegiance to the Constitution of India as by law established without any reference to the principle of socialism. The oath of allegiance to the principle of socialism is insisted upon only in the case of associations of persons wishing to be registered as a political party. The petitioners further submit that the provisions of the Act which deal with qualification and disqualification for membership to Legislature does not impose any such

precondition. Nor do the provisions which lay down the requirements of a valid nomination lay down any such precondition. The effect of the relevant provisions of the Act is that whereas individual candidates i.e. those not set up by a registered political party may contest elections without having to bear any allegiance to the principles of socialism, parties which seek registration for the same purpose are required to do so. It is submitted that for the purposes of the said Act, namely to confer and regulate the right to contest election, there is no intelligible differentialia between political parties and individual candidates. The provision i.e. Section 29(A) which only requires political parties to bear allegiance to the principles of socialism is wholly discriminatory and void being in violation of Article 14 of the Constitution of India. That socialists have the possibility of organising themselves as political parties while those having problems of conscience in declaring adherence to socialism should be stopped from organising themselves into a political party is wholly discriminatory and hence, clearly in breach of the fundamental right of association.

"The petitioners' grievance is not against the amendment to the Preamble incorporating therein a reference to socialism. The Constitution contains many dispositions not all of which need be uniformly acceptable to any given individual or association of individuals. What is essential is that a citizen must have the right and the possibility at par with any other citizen to act and to canvass by constitutional means, for changing the dispositions of the Constitution in accordance with his inclinations howsoever unreasonable they may look to others at a given point of time. Section 29(A) of the Act prevents committed and sincere non-socialists from agitating as an organised force in favour of getting the Constitution modified in their favour by entering the Legislature - State Assemblies as also Parliament - and influencing the persuasions of

the other members of the Parliament.

Thus, without going into the question of the precise definition of the term socialism, the right of a non-socialist citizen to hold his personal views and be entitled to all the privileges enjoyed by the socialist fellow-citizens cannot be denied. In particular his access to the legislative body as an individual and as a party cannot be hindered by denying him the privileges of registration as political party.

"The term 'socialism' has been applied to a large spectrum of theories over the last two centuries. Saint Simonism based on compassion for the less fortunate and suffering fraternity; Owenism as a serious attempt at organisation of the weaker sections into economically viable units; Fabianism with its mighty intellectual prestige provided by G. B. Shaw, Sidney and Beatrice Webb; Guild Socialism advocated by G. D. H. Cole; Welfarism providing a misplaced justification for equal distribution of wealth; the European type of liberal, democratic, welfarist socialism; the Keynesian model entrusting the responsibility of ensuring fuller levels of employment and investment; third world states resorting to planning as an instrument of accelerating growth and equality; the Soviet type of bolshevik scientific socialism based on dialectical materialism, historical determinism, class conflict, the theory of surplus value aimed at industrialisation, nationalization, planning and dictatorship of the proletariat; and last but not the least, the Maoist, Guevarist, Castroist, Royist, etc. provide only part of the spectrum of ideas that have been identified with the word socialism. By virtue of the vast expanse and the political and economic power of the erstwhile Soviet Union and the use of the word socialist in the nomenclature of the Soviet bloc countries, the word is now understood to mean, in popular parlance, a system associated with the Soviet model. Other schools of socialist thought are identified by the appendage of qualifications like democratic, chris-

tian, liberal. The term socialism used without qualifications is interpreted to refer to the system of thought propagated by Marx and Engels and supplemented by the lesser prophets like Lenin and Stalin.

The Concise Oxford dictionary defines the word socialism as a political and economic theory of social organization which advocates that the community as a whole should own and control the means of production, distribution and exchange; a policy or practice based on this theory. It is quite clear that the word socialism in its unmixed form means much more and much less than a system based on justice, liberty, equality and fraternity that is envisaged in the Constitution of India. It, therefore, follows that the oath of allegiance to both the Constitution of India and to socialism are in good part mutually contradictory.

"The petitioners submit that, certain traits of the mainstream theory of socialism are clearly opposed if not repugnant to the basic principles and structure of the Constitution of India; for example, class-contradiction, atheism, dictatorship of the proletariat.

"An argument may be made that the term socialism is so vague that no individual should have any difficulty in adhering to it or should feel any need to dissociate himself from it. The obvious corollary is that the declaration of allegiance to the principle of socialism is unnecessary. Further, the argument is far from true. The essential part of all brands of socialism is the notion of the paramountcy of society over an individual; of social decision-making over individual behaviour. This concept of paramountcy stands in ruins today. It is now accepted quasi-universally that mankind has, till date, not invented anything better than the market mechanism for arriving at the best decisions for society as a whole, that holistic social decision-making is a masquerade for a few individuals hijacking the system to their advantage, that individuals are

unique and hence unequal, that individuals pursuing fulfillment of their unique personality interact amongst each other to produce the most desirable results and that there are no Masters neither spiritual nor economic with superior lights.

"In most countries of the world the socialists are collapsing under the weight of their own non-viability. Even the Government of India has admitted the errors of its socialist past and professes to be pursuing the path of market oriented economics. It makes little sense in this era to deny non-socialists the possibility of organising themselves as a party in order to be able to contest political elections.

"The position of the Petitioners is thus diametrically opposed to the basic minimum of the world view, economics, sociology and politics that is associated with the term socialist. The petitioners are, therefore, approaching this Hon'ble Court to seek relief from being forced to change their convictions or to have recourse to deceit in order to be able to exercise the basic democratic human rights embodied in the fundamental rights of being able to form a party with a view to contesting elections.

"Section 29(A) makes a hostile and invidious discrimination between political parties which bear allegiance to the principles of socialism and those that do not. It is submitted that for the purpose of registration of political parties i.e. for the purpose of contesting elections and conferring certain rights and privileges and imposing certain liabilities in relation thereto, there is no intelligible differentia between the two kinds of political parties. It is further submitted that for the election law, the differences in beliefs or political philosophies which parties may hold cannot become a ground for discriminating between them so as to confer certain privileges only on parties holding one set of beliefs as long as the beliefs do not contradict or adversely affect the sovereignty and integrity of India or public order.

'Change the Law'

says Mr. Seshan

On January 11, Mr. Moreswar Temurde the Convenor of the Swatantra Bharat Party in Maharashtra and I called on Mr. T. N. Seshan the Chief Election Commissioner, in New Delhi. The purpose of our visit - to make one final effort to persuade the Election Commissioner to consider an interim allotment of a symbol to the newly formed Swatantra Bharat Party.

This party's application for registration had been turned down on the technical ground that the application had not been made within 30 days of the formation of the party as required. This in itself is a very arbitrary rule. If a party does not ask for registration within thirty days, it is permanently debarred from the electoral process.

We asked Mr. Seshan if he would consider an application within the stipulated time period if we declined to swear allegiance to socialism. 'Let us not waste our time in speculation' was his immediate response, but when we persisted, he said that he does not make the law, he only implements the law. Any organisation seeking registration must fulfil all requirements under Section 23A including the bit about allegiance to socialism.

When we pointed out the fact that the law meant that only socialist parties could participate in the electoral process, he shrugged his shoulders and pointed out that the amendment to the Representation of People's Act was passed by Parliament in 1989 without a single dissenting vote. There was only one solution:

'Change the law' said Mr. Seshan.

The writ petition filed by the Swatantra Party is an effort to do precisely that.

S. V. Raju

Such a difference, as is sought to be emphasized by Section 29 (A) (5) is without any basis and has no nexus with the purpose of the Act which is avowedly an Act which provides for "the conduct of elections to the Houses of Parliament and to the House or Houses of Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decisions of doubts and disputes arising out of or in connection with such elections".

"The petitioners further submit that for the aforesaid objective of the Act, there is no valid difference in individuals contesting elections and parties doing so. There is thus an arbitrariness and a hostile discrimination writ large in the scheme of the Act in that it enables individual candidates contesting as independents to contest elections even though they do not bear allegiance to the principles of socialism but prevents an

association of such individuals from doing so as a registered political party unless it bears allegiance to the said principles. The petitioners submit that this constitutes an unreasonable and unjustified denial of the advantages of registration only because as an association the said individuals are non-socialists.

"The petitioners submit that the restriction which Section 29(A) imposes on political parties nullifies the very essential and basic feature of the Constitution of India namely democracy and the fundamental right of freedom of association and of thought and expression on citizens for the purpose of preserving democracy.

"It is submitted that the right to amend the Constitution so as not to change its basic structure having being upheld and socialism not being part of the basic structure of the Constitution, the restriction imposed by Section 29(A) has the effect of

virtually denying the right to attempt an amendment of the political philosophy of the Government of the day reflected in the Constitution of India."

The Petition wanted the Court to:

- strike down Sub-Section 5 of Section 29 (A) of the Representation of the People Act 1951 as being ultra vires the Constitution of India to the extent it requires the memorandum and rules and regulations of the association or body desiring registration to contain a specific provision that such an association and body shall bear true faith and allegiance to the principle of socialism; and
- direct the Election Commission to register the Petitioner as a political party under the Representation of the People Act, 1951.

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THE NOTIONAL ALTERNATIVE

S. V. Raju

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(Continued on page 13)

IN THIS ISSUE

"This is the way world ends,
Not with a bang but a whimper."

This little verse comes to mind on a perusal of the article on the fading out of the Swatantra Party contributed by S. V. Raju, for over a decade the Executive Secretary of the Party at its national headquarters.

'Checkpoint Charlies' exist in great numbers even in India today. This zone is the zone of *Gulag Archipelago*, says well-known novelist Manohar Malgonkar.

After 'A Mood of Barriers' comes 'A Time For Sharing'. Our new contributor, Pervin Mahoney, writes about her experience of work in an Israeli kibbutz during the war.

September 1974

THE NOTIONAL ALTERNATIVE — Cont'd from page 1

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The "no-changers" were equally firm in rejecting Mr. Masani's proposition. They were unable to conceive of a situation where an organisation could be political and yet not participate in elections. The result was that Mr. Masani did not move his resolution.

The *Times of India* editorial has however helped to focus attention on a central issue that is really at the heart of the matter — What precisely is the Swatantra Party's role in India's politics? Like any political Party, The Swatantra Party, too seeks power which would place it in a position to implement policies which in its view do justice to the people of India. But the Party

has been insistent that in the ends and means equation, means are as important as the ends. Thus it was that while the Party was attacked by its opponents on many issues, very rarely did anyone accuse it of opportunism, expediency or dishonesty.

The other forte of the Party has been its ideological clarity which was acknowledged even by the Communists who never ceased singling out the Swatantra Party for some of its most virulent attacks. Many an editorial observed that the Swatantra Party at least knew its mind. This was the role of the Swatantra Party as conceived by its Founding Fathers — setting high standards in public life on the one hand and providing the people of India with a clear-cut alternative on the other. Swatantra members believed that time was on their side. Despite the gloomy outlook, they were prepared to wait for power. This was so till June 1972.

On June 24, 1972, Rajaji, in what was destined to be his last appearance at a formal meeting of the Swatantra Party, somewhat reluctantly (and as it has turned out, ironically) proposed Mr. Piloo Mody to the Presidentship of the Party in circumstances which would itself make an interesting story.

The Slide Down

The "Young Turks" gained control of the Party

THE COMPROMISE THAT FAILED

"The National Convention of the Swatantra Party has carefully considered the proposal placed before it that the Swatantra Party be dissolved to facilitate the formation of a new party.

While the Convention has noted that of the seven parties that are expected to be dissolved in a similar manner the Swatantra Party alone is a national party, it hopes that the leadership of the proposed new party will continue to make efforts to draw in their fold other major national democratic opposition parties to be able to provide a credible national alternative to the ruling Congress which is really the need of the hour.

The Convention notes the feeling of great disappointment expressed by many delegates about the proposal to dissolve the Swatantra Party on the ground that the principles and policies of the Swatantra Party continue to be as valid today as when they formulated in 1959-1960 and that, had they been the policies of the Union Government, our country would not be in the present critical situation. However, in keeping with the spirit of the Swatantra Party's principle of providing freedom of choice and expression to various points of view within its ranks and in order to provide opportunities for functioning to those who hold conflicting points of view and to facilitate a decision by consensus, the Convention resolves that the Swatantra Party be and is hereby converted into a non-Party organisation named the Swatantra Sewa Sangh which will be solely devoted to the pursuit of educative and constructive activities in furtherance of the principles of the Swatantra Party and which will eschew electoral and parliamentary activities at both the Union and State levels.

Through Swatantra ceasing to be a political Party and becoming a service organisation, it will be possible both for those who wish to join the proposed new party to do so with a good conscience and for those who wish to continue to educate the people of India about the validity of Swatantra principles and to serve the people of India in a constructive way to do so in their own way."

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It was in pursuit of this game of power and quick gains that even persons who had been drummed out of the party for gross indiscipline were not only taken back but given positions of responsibility. The man who rushed to the platform at the Convention and sought to belabour the President of the Delhi Unit was one such person. The victim of the assault had had the 'temerity' to question the genuineness of the delegates from U.P. (in the context of the disastrous performance of the Party in the elections earlier this year when all but one of the 200-odd candidates lost their deposits). Unfortunately for the "Young Turks" there still were people in the Party old fashioned enough to believe in principles and values who refused to accept defeat by continuing to believe in a slogan that was coined as far back as 1959 "The Swatantra Party has faith in the people". These old-fashioned ideas, which were held by not-so-old people, as was revealed at the Convention, were dismissed by the establishment as "sentimentalism". In order to guard against the danger of any possibility of these people convincing a large number of delegates, the Establishment took adequate precautions to see that the decision at the Convention would go the way they wanted it to. The delegates' quota was gerrymandered to ensure the overwhelming preponderance of delegates from U.P. 209 delegates from that state were brought to Delhi in three or four buses out of a total attendance of 483. Earlier Conventions had prescribed a different ratio of delegates to the number of members on the rolls. A ceiling that used to be set on the maximum number of delegates from each State was done away with.

The demand for a secret ballot was rejected. This demand was crucial in view of the atmosphere of intimidation that prevailed at the Convention. This writer who had many friends among the delegates was told by some of them that if the ballot was secret they would vote against dissolution. They were under a variety of pressures. In one State the property of the Party was mortgaged to an office bearer. In another a delegate feared for his family's safety. A certain gentleman from a Southern State said that he had paid for the fares of a number of "committed" delegates from his State.

There was even a legal adviser on the platform available for on-the-spot consultations!

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a Party Convention witnessed rowdy scenes. There were cheerleaders who ensured a regular "Piloo Mody Zindabad" when they were not busy shouting down other speakers. There was even a ringmaster who never addressed the Convention but said to a delegate that he was there only to "manage votes"!

The attempt was to secure a unanimous verdict in favour of the dissolution. This attempt failed. Fifty-three delegates insisted on a division and recorded their dissent. Later, at a press conference, the States of Tamil Nad, Maharashtra, Haryana, Kerala and Delhi announced that, while they would abide by Party discipline so long as the Party remained, they would carry on as the Swatantra Party in their respective States once the Party at the Centre ceased to exist.

The grounds on which the minority opposed the dissolution were:

- to call the new party a 'national alternative' was a misnomer as two major democratic opposition parties and some major State parties like the Akali Dal and the D.M.K. to mention only two, had declined to go along. The mischief of the present electoral system would continue. Moreover by its very composition the new Party would not secure one vote more than what its components individually received. A more appropriate description would be to call it a "Notional Alternative" which is all that it really is.
- the past record of some of those who were the new party's sponsors was not such as would inspire the confidence of the electorate.
- even before the new Party had come into being its leaders were already speaking and acting at variance with one another. For instance, Patnaik was reported to be negotiating with Nandini Satpathy and promising support to Fakhruddin Ali Ahmed. Charan Singh had sought to persuade Giri to seek re-election. Raj Narain had proclaimed that the one-point programme of the new Party would be once again 'Indira Hatao'!
- the major coalescing partners were facing opposition from within their own parties, whether it was the B.K.D. or the SSP or Swatantra.
- the move was premature and would come in the way of a genuine consolidation in the future when the economic and political situation developed in a manner so as to make it imperative.
- finally that the Swatantra Party's principle continued to be valid and another opportunity had presented itself for the Party to educate people and seek their support now that the false promises of Mrs. Gandhi's were coming home to roost as had been predicted by the Swatantra Party.

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The opposition of the minority thus arose not from party-mindedness but from a genuine belief that it was not worth while sacrificing the Party for something that was doomed to failure because of its own internal contradictions.

It is not without significance that the ruling Congress and the Communists have chosen to ignore the new Party and have concentrated all their venom on Jayaprakash Narayan.

Defensive

The 'pro-changers' were clearly on the defensive. In his presidential speech, Mr. Piloo Mody set the tone when he confessed that at best what he proposed was a 'leap in the dark'. Mr. R. N. Singh Deo, who as Chief Minister of Orissa had appointed a Judicial Commission which found Biju Patnaik guilty, devoted a considerable part of his speech to prove that Mr. Patnaik was not such a bad person after all. In fact he took exception to any one stating that Mr. Patnaik was found guilty of 'corruption'. Not 'corruption', Mr. Singh Deo corrected, only 'improprieties'!

And so it went on. They were tired men who found the opportunity a godsend to jettison their responsibility of keeping the Swatantra Party going. One Party leader was heard to observe "thank God, *mera jaan chhuta*". Instead of confessing failure in building up the Party, these gentlemen wanted the Party itself destroyed.

Mrs. Indira Gandhi would welcome the new Party for at least two reasons. First, even the nominal existence of Swatantra is an irritant. It would, so long as it lives, provide a potential focal point for people to rally around when they realised the validity of its past warnings. Secondly, a Charan Singh with the B.K.D. and its symbol was infinitely more dangerous than a Charan Singh with a new Party and a new symbol but minus some of his followers and non-Jat support particularly from the minorities.

In the final analysis, the Swatantra Party has been broken up by the very methods it abhorred—money power, meaningless slogans and the various measures to produce a contrived conformity to rubber stamp the Party President's public commitment to lead the Party into the conglomerate even before the Convention had a chance to debate and decide.

THE BIGGEST HAZARD

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The Swatantra Part

~~The Story~~
- Victory even in Defeat

The Story

as told by

Ch. K. R. Prasad

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Annexure

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