

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Ordinary Original & Constitutional Jurisdiction

4797

Notice of Motion No.

1995

In Writ Petition No. 14 of 1995

SWATANTRA PARTY
(MAHRASHTRA)
AND ANOTHER

}
}
}
}

PETITIONERS

Versus

UNION OF INDIA
AND OTHERS

}
}
}
}

RESPONDENTS

I, L.R. SAMPAT, General Secretary of the Petitioner
No. 1, hereby state on solemn affirmation as under:

1. By the present Petition, the Petitioners have questioned the constitutionality of sub-section 5 of Section 29 (A) of the Representation of the People Act 1951. In that it refuses registration to a political party desiring registration unless the said party inter alia affirms true faith and allegiance to the principle of socialism. The Petitioner also seeks a direction to the Respondent No.3, Election Commissioner India, directing him to register the Petitioner No. 1 as a Political Party under the provisions of the Representation of the People Act 1951.

2. The this Hon'ble Court on 12th January, 1995 heard the matter for admission and issued rule and also expedited the hearing.
3. I say that the Petition is thus admitted affecting the service on the Respondents and is ready for final hearing.
4. The Petitioners at that stage prayed for interim relief in view of the impending elections to the Maharashtra Legislative Assembly. In ter alia, the Petitioners had prayed for provisional registration. However, this Hon'ble Court was pleased to direct expeditious hearing of the matter itself.
5. The Petitioner submits that the Petitioner No.1 has not been able to get itself registered because of the offending provisions challenged in the present Petition and has thus almost given a complete go-bye to the Assembly elections held in February, 1995.
6. That the Lok Sabha elections are expected to be held in December, 1995. That the Petitioner No.1 intends to field candidates for the said elections to the Lok Sabha. Therefore, it is absolutely essential that it be able to go to the polls as a Registered Political Party.

2.7

That in the circumstances, it is submitted that it is essential in the interest of justice that this Hon'ble Court is pleased to allow the Notice of Motion taken out by the Petitioner herein.

2.8

I say that the Respondents are served with the Rule nisi on 18th February, 1995 and thus the Petition is ready for final hearing.

SOLEMNLY AFFIRMED AT BOMBAY, THIS.....DAY OF
SEPTEMBER, 1995

L.R. SAMPAT

In The High Court of
Judicature At Bombay.

Ordinary Original &
Constitutional Jurisdiction

Notice of Motion No. 1995.

In Writ Petition No. 14 of 1995.

Swatantra Party
(Maharashtra)
and Another
... Petitioners

)
}
0
)

Versus

Union of India
and Another
... Respondents

}
}
}

Notice of Motion.

Affidavit of Mr. L.R. Sampat:-

Dated:- 21st Day of September 1995

Advocate for Petitioners.-

Rajiv Patil,
6-A, Krishna Kunj,
36, Shivaji Park,
Dr. M. B. Raut Marg,
Bombay 400 026.
Phone No. 445 8489.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Ordinary Original & Constitutional Jurisdiction

Notice of Motion No.

1995

in Writ Petition No. 14 of 1995

SWATANTRA PARTY

(MAHRASHTRA)

AND ANOTHER

}

....

PETITIONERS

Versus

UNION OF INDIA

AND OTHERS

}

....

RESPONDENTS

I, L.R. SAMPAT, General Secretary of the Petitioner

No. 1, hereby state on solemn affirmation as under:

1. By the present Petition, the Petitioners have questioned the constitutionality of sub-section 5 of Section 29 (A) of the Representation of the People Act 1951. In that it refuses registration to a political party desiring registration unless the said party inter alia affirms true faith and allegiance to the principle of socialism. The Petitioner also seeks a direction to the Respondent No.3, Election Commissioner India, directing him to register the Petitioner No. 1 as a Political Party under the provisions of the Representation of the People Act 1951.

2. The this Hon'ble Court on 12th January, 1995 heard the matter for admission and issued rule and also expedited the hearing.
3. I say that the Petition is thus admitted affecting the service on the Respondents and is ready for final hearing.
4. The Petitioners at that stage prayed for interim relief in view of the impending elections to the Maharashtra Legislative Assembly. In ter alia, the Petitioners had prayed for provisional registration. However, this Hon'ble Court was pleased to direct expeditious hearing of the matter itself.
5. The Petitioner submits that the Petitioner No.1 has not been able to get itself registered because of the offending provisions challenged in the present Petition and has thus almost given a complete go-bye to the Assembly elections held in February, 1995.
6. That the Lok Sabha elections are expected to be held in December, 1995. That the Petitioner No.1 intends to field candidates for the said elections to the Lok Sabha. Therefore, it is absolutely essential that it be able to go to the polls as a Registered Political Party.

9.7

That in the circumstances, it is submitted that it is essential in the interest of justice that this Hon'ble Court is pleased to allow the Notice of Motion taken out by the Petitioner herein.

10.8

I say that the Respondents are served with the Rule nisi on 18th February, 1995 and thus the Petition is ready for final hearing.

SOLEMNLY AFFIRMED AT BOMBAY, THIS.....DAY OF
SEPTEMBER, 1995

L.R. SAMPAT

In The High Court of
Judicature At Bombay.

Ordinary Original &
Constitutional Jurisdiction

Notice of Motion No. 1995.

In Writ Petition No. 14 of 1995.

Swatantra Party 0)
(Maharashtra) }
and Another 0
... Petitioners)

Versus

Union of India }
and Another }
... Respondents }

Notice of Motion.

Affidavit of Mr. L.R. Sampat:-

Dated:- 21st Day of September 1995

Advocate for Petitioners,-

Rajiv Patil,
6-A, Krishna Kunj,
36, Shivaji Park,
Dr. M. B. Raut Marg,
Bombay 400 026.
Phone No. 445 8489.
