

5788

The position re symbol of the Swatantra Party.

After the split in the party, the Election Commission, on the request of the then 'merging' parties the Bharatiya Kranti Dal, the Swatantra Party led by (the late) Piloo Mody, and the respective symbols were frozen, including the Star.

In June 1989, the Election Commission issued a press note that under section 29A of the amended Representation of the People Act, 1988 the then existing political parties were required to register within 60 days from June 15 i.e. by August 15 and any party that came into existence after June 15 should do so within 30 days. A copy of the press report that appeared in the The Times of India, June 17, 1989 is enclosed (Annexure A).

The new section 29A of the Representation of the People (Amendment) Act, 1988 calls on the political parties seeking registration to ensure that their memorandum of rules and regulations contained a specific provision that they would

- a. bear true faith and allegiance to the constitution of India;
- b. the principles of socialism, secularism and democracy, and
- c. uphold the sovereignty, unity and integrity of India.

On August 1, 1989, the Swatantra Party, Maharashtra wrote to the Election Commission seeking registration "without prejudice to our right to question the constitutional validity of the amendment to the Representation of the People Act making registration mandatory." We were particularly concerned with the provision that we were required to swear by the principles of socialism when the Swatantra Party's basic position was an attack on socialism. A copy of our letter is enclosed (Annexure B).

In its reply the Election Commission sent application form and other relevant papers alongwith their letter of August 12. (copy attached, annexure C). The party did not reply to this letter. The reason obviously was our inability to provide them with information regarding number of members, members in the State legislature etc.

On the other hand it wrote to Mr. Soli Sorabjee on November 16, 1991 asking him whether:

- a. the section 29A was so added, and
- b. how can the Election Commission insist on allegiance to socialism if the party did not subscribe to the "principles of socialism" .

Unfortunately Mr. Sorabjee did not reply and no efforts were made to follow this up with him.

This is where the position rests.

What needs to be done:

1. reply to the election commission's letter of August 12, 1989,
2. Consider the question of challenging the socialism bit in a Court of law,
3. Get the Star de-frozen if the Swatantra Party is to be reactivated.

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