



## **Constitution of the *Swarna Bharat Party***

सुजलाम् सुफलाम् मलयज शीतलाम् शस्यशामलां मातरम् । वन्दे मातरम् ।

# Table of Contents

<b>PREAMBLE</b>	<b>4</b>
<b>PART I: IDENTITY AND EXISTENCE</b>	<b>4</b>
Article 1: Name	4
Article 2: Allegiance to Constitution	4
Article 3: Declaration to contest elections	4
Article 4: Commencement date	4
Article 5: Interpretation of this Constitution	5
Article 6: Fundamental Principles	5
Article 7: Powers and objectives	6
Article 8: Amendments to the Constitution	7
Article 9: Rules and Regulations	8
Article 9a: Initial structures and processes	8
Article 10: Merger or dissolution of the Party	8
<b>PART 2: MEMBERSHIP</b>	<b>9</b>
Article 11: Membership	9
Article 12: Membership management and records	10
Article 13: Duties and rights of members	11
Article 14: Electoral Roll of Party members	12
Article 15: Suspension from Membership	12
Article 16: Cessation of membership	13
<b>PART 3: ORGANISATION</b>	<b>14</b>
Article 17: Organisational Structure	14
Article 18: Conditions of eligibility to Committee	15
Article 19: Duration of membership to a Committee	15
Article 20: Merger or Dissolution of Units	15
Article 21: Oversight of subordinate Committees by higher Committees	16
Article 22: Automatic vacation of Party office bearer role upon election as people’s representative	16
Article 23: Emergency succession of key office bearer roles	16
Article 24: Council and Committee structure	17
Article 25: Fees payable by Committee members and office bearers	19
Article 26: State/Territory Policy Advisers	19
Article 27: National Policy Advisers	20
Article 28: National Mentors	20
Article 29: Assembly Party Unit (Caucus)	20
Article 30: State/Territory Shadow Cabinet where party is not in power	21
Article 31: State/ Territory’s Potential Shadow Cabinet where party has no seats	21
Article 32: Parliamentary Party Unit (Caucus)	21
Article 33: National Shadow Cabinet where party is not in power	22
Article 34: Nation’s Potential Shadow Cabinet where party has no seats	22
<b>PART 4: CONDUCT OF AFFAIRS</b>	<b>23</b>

Article 35: General functions of key office bearers	23
Article 36: Conduct of meetings, records of minutes and Quorum of the Meetings	25
Article 37: Vacancy in Committee membership and office bearers	26
Article 38: Code of Conduct and discipline	26
Article 39: Party Funds, Accounts and Audit	27
Article 40: Plenary Session of the Party	28
Article 41: Annual General Meeting of the National Council	28
Article 42: Special Session/s of the National Council	28
Article 43: Meetings of the National and State/Territory Executive	29
Article 44: Central Working Committee	29
Article 45: General Body meetings at levels below the district	29
Article 46: Chief Party Lokpal and disciplinary action	29
Article 47: Dispute Resolution	30
Article 48: Regular Internal Elections	30
Article 49: Chief Party Returning Officer	30
Article 50: Party spokespersons	31
Article 51: Educational Training and Developmental Activities	31
Article 52: Legal cell	31

**PART 5: PUBLIC ELECTIONS AND PARTY CANDIDATES 32**

Article 53: Campaign Committees	32
Article 54: Selection of candidates for public elections	32
Article 55: Electoral Agreements and Pre-Poll Alliance	32
Article 56: Obligations of Party candidates to follow the law	33

As adopted by the Swarna Bharat Party on 1 June 2013, noting that the Table of Contents does not form part of the Constitution.

## **Preamble**

For thousands of years, India's science, agriculture and craftsmanship were unparalleled. We supplied most luxuries and needs for the Roman Empire and Europe. In return, India was the final destination for most of the world's gold. It was therefore viewed as a golden bird (*Soné Ki Chidiya*). India was also humanity's guiding light, with many of world religions and philosophies having emerged from here.

After many setbacks, the people of India adopted a Constitution on 26 November 1949, a document that affirmed liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and dignity of the individual. Such ideas are entirely consistent with India's indigenous tradition of liberalism, tolerance, democracy and protection of property rights.

However, Indian governments of all shades and colour have successively adopted ill-thought out Western fads and fashions that have led to dilution of liberties and destruction of property rights. In addition, these policies have created incentives for extensive corruption in government.

But as the Rig Veda says, "Let good thoughts come to us from all sides". We are not obliged to take bad ideas from others. We should hark back to our own history as well, and advance the best in India's tradition.

Therefore, to protect the liberties, equality of status and dignity assured in the initial Constitution, we resolve to create a political party that represents the best of India and the best of the world. We pledge to make India the most prosperous nation in the world; a nation with the greatest integrity, simplicity and wisdom. We will make India the land of milk and honey, the land of bountiful fruits and plentiful water, dark with the crops of the harvest; where *Soné Ki Chidiya* chirps on every branch on every tree.

## **Part I: Identity and existence**

### **Article 1: Name**

The name of the Party shall be Swarna Bharat Party (hereinafter referred to as the "Party").

### **Article 2: Allegiance to Constitution**

The Party shall bear true faith and allegiance to the Constitution of India as by law established and to the principles of socialism, secularism and democracy and would uphold the sovereignty, Unity and integrity of India.

### **Article 3: Declaration to contest elections**

The party will contest elections conducted by the Election Commission of India within five years of its registration and thereafter will continue to contest, with a view to representing Indian citizens in elected bodies.

### **Article 4: Commencement date**

This Party Constitution shall take effect from 1 June 2013.

## Article 5: Interpretation of this Constitution

The National Executive alone shall have the power to interpret this Constitution and any Rules or Regulations framed thereunder. Should any cause arise to interpret the Constitution, the President shall require a summary report to be proposed by the Legal Cell of the Party, and upon being satisfied, shall put out that interpretation to vote by the National Executive.

## Article 6: Fundamental Principles

The following principles of nation building, based on the ancient Indian tradition of open debate and respectful discussion, will guide us in our efforts to make an India we can be proud of.

- 6.1 **Samagra Bharat:** India is one nation. The rule of law, not whimsy, should apply. Government should treat each citizen equally without reference to any innate or group characteristic such as gender or religion including 'caste'. This would mean a minimum standard for all even in matters of marriage and inheritance. Further, any social insurance decisions should be made solely on the economic, not religious or caste considerations.
- 6.2 **Equal opportunity:** We believe that a free society must ensure equal opportunity for all, particularly through education and healthcare for the poorest, and elimination of poverty.
- 6.3 **Individuals are the foundation of Bharat:** All men and women are unique and form the foundation of a society. We hold that progress, welfare and happiness of the people depend on their initiative, enterprise and energy. Through our individual striving and learning, through working with and serving others, we achieve our potential, and the community its best results. The emphasis on nationhood must not come at the expense of the primacy of the individual.
- 6.4 **Family as key social unit:** We recognise and value the role the family plays in bringing up new generations and imbibing the values that lead an individual to self-actualisation, and society to its greatest success. In particular, we value the role of mothers, sisters, and daughters in the formation of a great India.
- 6.5 High fertility is more often than not a symptom of desperation; of poverty. Fertility tends to decline as people get richer and become hopeful that their children, if educated, will achieve more than they themselves could achieve. With the right education and incentives, our large population will produce unparalleled wealth. As good policies are introduced, we expect birth rates to rapidly decline, as parents find it worthwhile to invest in their children's education.
- 6.6 **Freedom to pursue spiritual and material goals:** Each Indian should be free to pursue his or her material and/or spiritual goals, both of which form an important part of India's culture.
- 6.7 We stand for the principle of maximum freedom for the individual and minimum interference by the state consistent with its obligation to enforce contracts, prevent and punish those who harm others. The government, being our servant, must not "teach us" us how to live or direct the choices we make. Its role is limited to preventing us from harming others.
- 6.8 **Freedom comes with accountability:** Freedom comes with accountability. That is the basic principle of all Indian systems of thought. There is no freedom to harm others. Accountability is not limited to humans. Even animals have a right to live without pain. In particular, where animals are consumed as food, they should be treated with due respect and their pain minimised. Further, plant diversity must be maintained, particularly given the enormous medicinal uses of plants, and natural resources should not be exploited unnecessarily. But what about self-harm? Many things in life can harm us in excess, or even in moderation. But as Gandhi said, "Freedom is not worth having if it does not include the freedom to make mistakes". We believe that except for regulations for public decorum and public safety,

everyone must be free to make their mistakes and learn from them. We are responsible for guiding our friends and family, or even advocating social reform. But we do not agree that coercion ( government) should be used to prohibit private folly.

- 6.9 **Truth and the scientific method:** A powerful ancient Indian dictum says: *Satyameva Jayate*, which means that truth alone triumphs. Truth requires openness to new ideas (आ नो भद्राः क्रतवो यन्तु विश्वतः – “Let auspicious thoughts come unto us from every direction”, Rg Veda I-89-1) and openness to debate (वाद-विवाद and चर्चा). The scientific method, with roots in ancient Indian science, is one of the best ways to seek the truth. Accordingly, we hope that the inevitable differences among participants in the *Sone Ki Chidiya* movement will be resolved through debate in a search for the truth.
- 6.10 **Diversity and tolerance:** We value diversity of opinion and belief, and a tolerant India. Arguably, indigenous Indian thought had more diversity than the combined diversity of all modern systems of thought. We agree with Jean Pierre Lehmann that “in a global environment desperate for ideas, philosophy and religion, India is the most prolific birthplace of all three because of the great synergy of democracy and diversity. The planet needs a sense of moral order, spirituality and an ethical compass. The Indian religious and philosophical traditions can provide a great deal of all three.”
- 6.11 **Freedom of occupation and trade:** India was a great free market (in labour, goods, services, and capital) for thousands of years. The whole world came to India’s shores to buy and to sell. We value freedom of occupation and ability to trade. Free sale of agricultural products is particularly crucial to our farm sector. Perhaps the occasion where freedom to trade can be questioned is when goods are dumped into India at prices well below cost of production. Even then, free choices on quality and price are better for Indians than imposing barriers which can lower India’s long-term competitiveness. In any event, the use of ‘infant industry’ arguments after 65 years of independence is not tenable.

A society that follows such principles can live in mutual harmony with itself and its environment..

## **Article 7: Powers and objectives**

The Party, through its authorised officers, shall have the following powers:

- 7.1 to promote membership in the Party;
- 7.2 to participate in public affairs of India by contesting elections conducted by Election Commission of India within five years of its registration to represent the people of India and promote the Party’s Fundamental Principles including freedoms of the people of India and a small but strong government;
- 7.3 to assure the personal integrity and quality of endorsed Party candidates at all levels;
- 7.4 to promote good governance as per the Party Manifesto and promote policies and laws that make it prohibitive for anyone with ulterior motives to be dishonest or corrupt;
- 7.5 to create internal democracy and provide Party members a forum to democratically influence the policies and platform of the Party;
- 7.6 to provide, maintain, manage and carry on headquarters, Party Units within India, social centres and places of meeting for discussion, recreation or instruction as may be required and to furnish, equip and provide supplies therefor;
- 7.7 when deemed necessary or convenient for any of the purposes of the Party, and subject to any such consent or approval as may by law be required, to purchase, sell, exchange, lease, take on lease, mortgage, improve, manage, develop, hire or otherwise acquire, turn to account or deal with any property;

- 7.8 to construct, maintain, improve and alter any house, buildings or works necessary or convenient for any of the purposes of the Party;
- 7.9 to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Party in the form of donations, annual subscriptions and otherwise;
- 7.10 to invest any monies of the Party not immediately required for any of its objects in a conservative manner with well-established institutions to protect the monies and not take unnecessary risks;
- 7.11 to enter into any arrangement for joint working or co-operation or affiliation with any other party, association, society or body of persons whether incorporated or not incorporated carrying on work or having objects similar to the objects of the Party and to assist and support by pecuniary contributions or otherwise the operations of any such party, association, society or body and to take over upon any terms all or any of the property, undertakings and liabilities of any such party, association, society or body;
- 7.12 to produce, publish, issue and distribute gratuitously or otherwise such books, newspapers, pamphlets, periodicals and other literature as may seem calculated to promote the objects of the Party;
- 7.13 to receive and accept donations, subscriptions and endowments of money and/or of any form of property whether real or personal provided that no donation, subscription or endowment may be received or accepted if it is subject to any condition relating to the exercise by any member of the Party holding public office of the powers or entitlements of such office;
- 7.14 to borrow money with or without security centrally on behalf of Party candidates if the government creates a law to reimburse a part of the costs of contesting elections through schemes such as reimbursement to candidates per valid vote cast or any other such scheme; subject to a valid, written advance hypothecation of any such reimbursement to the Party, and on such terms as may seem expedient;
- 7.15 to engage and dismiss employees and agents of the Party and fix their remuneration and terms of employment;
- 7.16 to use and to grant revocable licences to approved organisations to use the words to which the Party is entitled;
- 7.17 to grant and pay pensions, salaries, gratuities and/or other payments to any person in recognition of services rendered to the Party; and
- 7.18 to do all such other acts and things as are or may be incidental or conducive to the attainment or furtherance of any of the objects or principles or the exercise of any of the powers as set out in this Constitution or otherwise for furthering the interests of the Party and the nation.

## **Article 8: Amendments to the Constitution**

- 8.1 Except for Article 2, this Constitution can be amended, altered and added to by the National Council (which represents the General Body of the Party) through a two-third majority of those present and voting. Such amendment will come into effect immediately and the General Secretary shall issue a fresh copy of the Constitution.
- 8.2 Where an amendment is raised for discussion at the Plenary Session of the Party (being more representative of the General Body than the National Council) it can decide through two-third majority of those present and voting.
- 8.3 In an emergent situation in which there is insufficient time to consult with the National Council, the National Executive (defined separately) shall have the power to alter and amend this Constitution, subject to voting being held at least for one week through the electronic Forum of the Party, and at least ninety per cent of those voting agreeing to the amendment.
- 8.4 All earlier versions of the Constitution shall be systematically and publicly archived on the Party website, for easy reference.

## **Article 9: Rules and Regulations**

The National Executive shall make appropriate rules and regulations for the operation of the Party. In doing so it may choose to make the broader rules and delegate detailed rule-making to any relevant Committee or office bearer of the Party. Such rules may include, but are not limited to:

- a) Grievance redressal;
- b) Disciplinary process;
- c) Code of Conduct;
- d) Finance and Audit;
- e) Media and communication policy;
- f) Administrative management requirements;
- g) Training requirements.

### **Article 9a: Initial structures and processes**

- 9.1 (a) At the initiation of the Party and until the end of one year from (i) commencement of this Constitution or (ii) opening of the Party's bank account which is subject to registration of the Party by the Election Commission of India, or until any other shorter period declared by the unelected Initial National Executive for the whole or any subset of the Constitution, all levels and all office-bearer roles shall be organized through ad-hoc arrangements without elections and membership fee for office bearers pending establishment of relevant systems.<sup>1</sup>
- 9.2 (a) At the end of one year or until any other shorter period declared by the unelected Initial National Executive for the whole or any subset of the Constitution, this Article shall be deemed to have been deleted and all internal democracy and membership fee requirements for office bearers would take effect.
- 9.3 (a) Should unavoidable delays arise in establishing various internal arrangements (such as incapacity to hold internal elections within one year<sup>2</sup>), the National Executive may, by two-thirds majority, extend this initial period beyond one year, but not beyond five years from the date of commencement.

## **Article 10: Merger or dissolution of the Party**

- 10.1 On behalf of the Party, the Plenary session can consider merger with another Party or dissolution of the Party at a specially convened meeting of the plenary session, which shall be held with a minimum of one week's notice. There will be no quorum for such a meeting of the plenary session, but it would be mandatory to have provided written notice to all members

---

<sup>1</sup> [Via resolution 8/2016 dated 2 November 2016](#), the party amended Article 9a in the Constitution to read 9.1 (a) The unelected Initial National Executive shall continue till 28 February 2017 at which stage it will be replaced by an elected Initial National Executive. All appointments to the elected Initial National Executive shall be for ten months, with a review of future arrangements implemented by 31 December 2017. The membership fee requirements applicable to NE members under the Constitution shall not apply till 31 December 2017, hence these arrangements shall remain part of initial structures and processes.

9.2 (a) At the end of 31 December 2017 or until any other earlier period declared by the elected initial National Executive for full application of all parts of the Constitution, this Article shall be deemed to have been deleted and all internal democracy and membership fee requirements would take effect.

<sup>2</sup> [Via resolution dated 8 December 2015](#), the Party extended the initial structures and processes of the party to 31 December 2016.

eligible to attend such session about this meeting at least one week in advance. Notice sent through an electronic Forum of the Party or email shall be deemed to be a written notice.

- 10.2 Any such resolution which is moved for merger with another Party or dissolution of the Party must have an approval from the 2/3rd majority of the members present in the plenary session.
- 10.3 Before a resolution to merge with another Party is undertaken, the General Secretary of the Party shall obtain an "in principle" written agreement from the President of the Party with whom the merger is sought.
- 10.4 All membership including fees paid shall lapse upon such dissolution or merger. All assets of the Party shall be transferred into the merged party on such terms and conditions as were agreed. Where the Party dissolves, without merger, all assets of the Party shall be paid into the account of the Freedom Team of India.

## **Part 2: Membership**

### **Article 11: Membership**

The Party shall make Rules for Membership from time to time. Till such Rules are made, the following rules shall apply:

- 11.1 The General Secretary of the Party shall make available membership forms on the Party website in various Indian languages, to be printed by individual applicants or distributed by Party Branches and Units.
- 11.2 Any Indian citizen over the age of 18 on the date of application, residing anywhere in the world, who accepts this Party Constitution and completes the prescribed membership form (including proof of registration in an electoral roll in India, contact details and declaration of the place from which the applicant will be primarily active), and is not a member of any other political party at the time of application, may, upon payment of life membership fee in the prescribed manner, become a member of the Party.
- 11.3 Among the declarations an applicant must complete upon application, are the following:
  - (a) He/she is the not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature;
  - b) He/she is not disqualified under the Constitution of India or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice;
  - (b) He/she broadly agrees with the Party's vision and objectives;
  - (c) He/she neither believes in nor practices untouchability in any shape or form and undertakes to work for its removal;
  - (d) He/she believes in an integrated society without distinction of religion or caste;
  - (e) He/she endeavors' to be compliant with all of India's laws even though he/she may have policy differences with some of them;
  - (f) He/she will not, directly or indirectly, openly or otherwise, adversely criticize the accepted policies and programmes of the party, except through party forums;
  - (g) is not a member of any other political party or organisation whose aims and objectives are in conflict with those of the Party; and
  - (h) He/she has no prior conviction for an offence with a potential penalty greater than six months in prison, by any competent court of law, or for any corruption.

- 11.4 The applicant is responsible for accuracy of the information provided. Serious lapses in accuracy will be grounds for termination of membership.
- 11.5 An applicant shall be eligible to become a member of the Party only at the Branch with jurisdiction over the place recorded in the relevant electoral roll.
- 11.6 The Party does not charge any annual fee for ease of record keeping. Instead, there is a lifetime membership fee. Upon the Party's formation, a concessional Lifetime Membership Fee of Rs.100 will apply until 1 January 2015<sup>3</sup> <sup>4</sup>or an alternative date announced by the Party General Secretary, whichever comes first. From the date this concession is removed, the full lifetime membership fee of Rs.1000 shall apply. The Party may revise this fee every three years, commencing 1 January 2017, or change the fee system entirely, with appropriate grandfathering clauses.
- 11.7 If the Secretary of a Party Unit believes that a potential member is unable to pay the Party's membership fee, he will have the discretion to reduce it to Rs.11 in consultation with the President of the relevant Party Unit. This waiver must be given purely on the basis of the economic status of the Party member, and will generally be applicable in poor segments of villages or slums.
- 11.8 A member can amend his or her membership details including the place of primary activity through appropriate notification.
- 11.9 Any Indian citizen over between the age of 18 and 25 who accepts this constitution and is not a member of any other political party at the time of application, shall be eligible for Youth membership of the Party.
- 11.10 The party shall enroll youth members upon payment of a nominal fee of Rs.10 which will be a valid one-time membership fee until the member turns 25.
- 11.11 Any Overseas Citizen of India over 18 years of age, who accepts this constitution and is not a member of any other political party at the time of application may be accepted at the personal discretion of the Party President as an Honorary member of the Party with all rights including contesting internal elections, except for the option to contest elections as representative of the citizens of India.
- 11.12 A person must not request or accept payment of his or her Party membership fee whether in money or in kind by or from another person (second person); or pay or offer to pay the Party membership fee for another person.

## **Article 12: Membership management and records**

- 12.1 Each membership form, whether received by electronic or hardcopy means, will be scrutinized by the Secretary and signed (physically or electronically) of the relevant Branch (in which the applicant primarily resides), and the President of the Branch will accept membership by physically signing on the form. Should an applicant be rejected, he or she can appeal to the President of the next higher organisational level whose decision regarding membership, after consulting other office bearers, shall be final.

---

<sup>3</sup> [Via resolution dated 8 December 2015](#), the Party extended the date for concessional lifetime membership fee of Rs.100 to 31 December 2016.

<sup>4</sup> Via [resolution 4/2017 dated 18 April 2017](#), the Article 11.6 of the party's Constitution has been amended to extend the date of expiry of the concessional Lifetime Membership Fee of Rs.100 to 31 December 2017 - with retrospective effect from 1 January 2017.

- 12.2 The fees received shall be deposited into a common bank account of the Party and the accounts shall be maintained at the central office. To motivate Branches and Units to increase membership, an incentive scheme may be devised and periodically announced by the National Council, which would provide for grants/ awards to Branches and various Units in proportion to the efforts they undertake to increase membership.
- 12.3 Upon acceptance as member, the relevant Branch Secretary shall (a) communicate the details of the new member electronically through a prescribed format and (b) provide the original signed form to the General Secretary or his authorized officer for entering into the Central Party Register, allotting a Membership number and generating a nationally valid ID card. A photocopy and/or a scanned copy of the original shall be retained at the Branch level with the Secretary for local verification.
- 12.4 The ID card (with printed signature of the General Secretary) will be physically signed by the Branch Secretary and member, and issued to the relevant member after obtaining due receipt. A member may be required to bring their ID card to specific Party meetings to prove identity before entry.
- 12.5 The Central Party Register shall contain relevant details such as membership number, full name, father's/husband's and mother's name, sex, membership of any scheduled caste or tribe, age on the date of enrolment, permanent and current residential address, up to two e-mail addresses, date of enrolment, term of membership, and details about any earlier enrolment with the Party.
- 12.6 The General Secretary shall cause relevant extracts of the up-to-date Membership Register to be furnished to any Unit or Branch on an annual basis. The Secretary of the Unit or Branch shall review the extract for accuracy and provide a Feedback Report to the General Secretary, so that party member records are up-to-date on an annual basis.
- 12.7 A statistical summary of membership shall be published on the Party website each year as part of the Party's annual report.

### **Article 13: Duties and rights of members**

- 13.1 Every member shall be obliged to promote the Unity of the Party at all times and on all levels and shall refrain from any activity that creates disunity, sectarianism and disruption of the services of the Party.
- 13.2 Every member shall swear to uphold the principles and policies of the Party as enshrined in this Constitution and shall pledge himself/herself to voluntarily join expecting nothing in return by way of personal gain and/or position.
- 13.3 Members shall at all times abide by the Party's Code of Conduct.
- 13.4 Every member shall undergo a minimum training – at his own expense – for leadership development, citizenship training, training in serving people, ideological training, or any other such training as may be prescribed by the National Executive, except where the member is able to provide satisfactory demonstration of alternative equivalent training.
- 13.5 Members shall promote one or more constructive activities such as the following:
  - i. Organisation of youth, students, women, farmers, soldiers, or labour
  - ii. Village sanitation, health and hygiene, removal of untouchability, bonded labour, child marriage and child labour
  - iii. Sanskrit Prachar
  - iv. Work in the Constituencies
  - v. Welfare of vulnerable groups

- vi. Work for National Integration
  - vii. Adult education and library movement
  - viii. Promotion of innovation, liberty and education
- 13.6 No member shall be eligible to nominate as candidate for a Parliamentary seat without demonstrating compliance with any specific training requirements established by the National Executive.
- 13.7 A member of the Party shall enjoy the following rights:
- (a) To elect and to be elected to any office of the Party at any level, or any Committee of the Party at all levels;
  - (b) To nominate for, and be selected, through a prescribed process, as Party's candidate for any elective role detailed in India's Constitution;
  - (c) To criticise any shortcomings in the Party at its meetings with proper facts and reasons;
  - (d) To attend in person meetings of the Party that discuss and pass decisions on his or her activities and work;
  - (e) to request the Committee of the Party at all levels up to and including the National Council to consider any questions or petitions;
  - (f) To freely take part in discussions on the work and policies of the Party; and
  - (g) To elect and to be elected to any position in the Party, save that one may not simultaneously hold more than one office bearer position.

#### **Article 14: Electoral Roll of Party members**

- 14.1 In the interest of privacy and security, detailed records of membership will not be made available to ordinary Party members, but duly constituted audit teams of party organisation will be able to request access to original forms and other relevant details from the office where these are required to be maintained.
- 14.2 The General Secretary shall cause a list of names (including member's father's/husband's name) of all Party members, by Branch, to be published on the Party website. This list shall form an Electoral Roll of Party Members, to be used for any internal party elections. Such a list, however, shall not contain any other information in the interest of privacy.
- 14.3 All complaints regarding irregularities in the Membership Registers shall be resolved first by the relevant Branch and thereafter, if any complaint remains, by the next higher organisational level.
- 14.4 Providing (or recording) incorrect information deliberately is sufficient to cause permanent removal of a member from the Party.

#### **Article 15: Suspension from Membership**

- 15.1 The relevant President shall refer the matter to the disciplinary process and avoid suspending anyone. However, in anticipation of a separate due process, the National President, State President or District President shall have the power to suspend a member from membership of the Party pending disciplinary proceeding.
- 15.2 This power shall be used with considerable care and in extremely rare circumstances since it limits the freedoms of a member to engage in political work, and use of such power is generally inconsistent with the objectives of the Party in relation to justice and due process.

- 15.3 Where any member is suspended under any exceptional circumstances, the relevant President or other office bearers shall not make any public comment about this event other than providing information about the fact of suspension, with insistence that due process will be followed.
- 15.4 Where any member is suspended, the Party will endeavor to ensure that the presumption of innocence is assured to the member, and no adverse comment made regarding the member till the process is quickly resolved by the Chief Party Lokpal.

## **Article 16: Cessation of membership**

- 16.1 A person shall cease to be a member of the Party in the event of:
- a. death;
  - b. resignation;
  - c. if he/she joins any other political party; or
  - d. On being convicted by a court of law for a crime that would debar him, under the laws of India, to contest elections.
- 16.2 Should a member actively support a person standing against the official candidate of the Party, the relevant a District, State or National President can directly terminate the member's Party membership.
- 16.3 Where such action is taken, the relevant President shall provide adequate documentation as proof to the relevant Unit Committee, for record.
- 16.4 A member whose membership has been terminated on such ground shall be allowed to appeal to the Party Lokpal to challenge the termination decision.
- 16.5 The Party reserves the right to terminate membership of an enrolled Party member after undertaking the process prescribed under the Party's Disciplinary Rules. Circumstances that can prompt termination include, but are not limited to the following:
- a. if a member takes up membership of, or gets associated with, any organisation, publication or institution the objects or activities of which are inconsistent with the principles and objectives of the Party, or contrary to the declared policies of the Party
  - b. if a member willfully disobeys instructions or orders passed by a competent authority of the Party;
  - c. if a member takes a Party dispute to any other agency outside the Party, and in particular, acts in a way calculated to lower the prestige of the Party or carries on public propaganda (indulging in open and public criticism of the policies of the Party or spreading ill feelings among members or carrying out a campaign of vilification are examples of such propaganda);
  - d. if a member is found to have leaked to anyone (including but not limited to the press) any meeting minutes or discussions or decisions that have been declared to be secret by the convenor of that meeting or electronic Forum;
  - e. if a members collects funds for the Party unauthorisedly, or in the name of the Party but misappropriates for personal use, or misusing the Party name, or indulges in malpractices in enrolment of members or in the conduct of Party or public elections;
  - f. if a member misuses authority vested by virtue of being an office bearer of the party or fails to use such authority and thereby brings about a failure of the functioning of a constituent part of the Party;
  - g. if a member opposes an official candidate set up by the Party in any election;

- h. if a member is convicted by a competent court of law in an offence involving moral turpitude;
- i. if it is found that the member has furnished wrong information in the application form on the basis of which the membership has been granted; and/or
- j. if a member indulges in any other omission/commission prejudicial to the interests of the Party and nation.

## **Part 3: Organisation**

### **Article 17: Organisational Structure**

17.1 The Party shall be organized into the following Units and elected decision making Committees or Councils, from Branch level upwards. (Where applicable, the geographical area shall conform to the Constitutional or Government declared geographical area relevant to the Unit. These Units can be reorganized by the National Executive through an appropriate notification.

- A) General Body comprising all members of the Party. In the context of a particular Party Unit, it refers to all members of that Unit.
- B) Branch Units at a village, municipal ward or city corporation division as a Parliamentary Constituency Committee may decide. A Branch shall cover approximately 5,000 people.
  - a. Branch Committee, with office bearers
- C) Group Units at Block, Mandal, Sub-division, Municipality, Municipal Corporation or such levels as a State Executive may decide. A Group shall cover approximately 50,000 people.
  - a. Group Committee, with office bearers
- D) Assembly Constituency Unit, as a State Executive may decide.
  - a. Assembly Committee, with office bearers
- D) District or Zila Unit at the district or at such other levels as a State Executive may decide, to play a coordinating and logistical role with the district administration, not in selection of candidates or in directly supporting elections.
  - a. District Committee, with office bearers
- E) Parliamentary Constituency Unit
  - a. Parliamentary Committee, with office bearers
- F) Regional Unit, to be created at the discretion of the State Executive.
  - a. Regional Committee, with office bearers
- G) State or Territory Unit, conforming in area to respective States or Union Territories mentioned in the Constitution of India
  - a. State/ Territory Council
  - b. Assembly Party Unit (Caucus)
  - c. State/ Territory Executive Council
  - d. State/ Territory Working Committee
- H) National Unit

- a. Plenary Session of the Party
  - b. Parliamentary Party Unit (Caucus)
  - c. National Council, which would act as the General Body of the Party
  - d. National Executive
  - e. Central Working Committee
- 17.2 The Party National Executive may, at its discretion, create any more levels, or not operationalize any level, as needed.

### **Article 18: Conditions of eligibility to Committee**

- 18.1 The Party believes the probability of good political capability running in particular families is extremely low, and actively wants to prevent nepotism or favouritism. In this regard, no two siblings, parent/child combinations, or husband/wife/partner combinations can become office bearers at any Committee level in the Party. Further, no such combination will be eligible to be nominated as candidate for elections.
- 18.2 The Party shall reserve a specific number of seats in each Committee for members of SCs/STs/OBCs in proportion to any reservation of relevant electoral seats for them under the law.
- 18.3 If adequate number of representatives from these groups do not nominate, their seat will remain vacant during the period of the Committee, subject to the possibility of holding special elections to induct such representatives, should they join the Party.
- 18.4 The Party will vigorously endeavour, through its policy platform, to ensure equal opportunity for all Indians, making the national reservation policy redundant.
- 18.5 Although there will be no reservations for women in various Committees, the Party will endeavour to ensure that half its Committee members are women.
- 18.6 One man one position rule: No Party member shall hold a government position as well as any senior executive position in the Party at the same time.
- 18.7 No member will hold the post of a President consecutively for more than one term.
- 18.8 At the National, State and District levels only a Party member who can devote time comparable to a full time employee, to party work, shall be appointed as General Secretary (or Secretary, as the case may be). He/she will remain eligible to be nominated as Party candidate to any election.

### **Article 19: Duration of membership to a Committee**

- 19.1 Except for the initial Committees, the term of every non-legislative Party Committee and of its Office bearers shall be three years.
- 19.2 No office bearer of the Party shall hold an office for more than two consecutive terms at any specific level. Membership of the initial Committee will be excluded from this.

### **Article 20: Merger or Dissolution of Units**

- 20.1 Each Unit subordinate to the National Council can consider its own merger with another lateral Unit, or entire dissolution of the Unit.
- 20.2 A resolution for such merger or dissolution should be approved by two-thirds of the members present at a specially convened meeting of the relevant Committee, which is held

with a minimum of one week's notice. There will be no quorum for such a meeting, but it would be mandatory to have provided written notice to all relevant persons about this meeting.

- 20.3 Before a resolution to merge with another Unit is undertaken, the Secretary of the Unit that wishes to initiate merger shall obtain an "in principle" agreement from the President of the lateral Committee with which merger is sought.
- 20.4 If a Branch passes a resolution to merge with another Branch, or to dissolve itself, the Secretary of the Branch must immediately inform each member of the Branch (including those who did not attend the meeting) and send written notification to the President of the immediately higher Committee, and Committee with which the merger has been agreed.
- 20.5 Upon merger, the Unit that has merged will not have any direct voice in the merged Unit's Committee, but its Unit members will be able to seek representation in the next round of internal elections.
- 20.6 In case no meeting of a Regional, Parliamentary, District, or Group or Branch Committee is held even once in six months, that Unit will automatically stand dissolved.

### **Article 21: Oversight of subordinate Committees by higher Committees**

- 21.1 The President of the next higher Committee may call a meeting of a subordinate Committee when in the opinion of the President of the higher Committee, the subordinate Committee is not functioning satisfactorily to show cause why the Committee should not be dissolved.
- 21.2 Such forcible dissolution of the Committee will necessarily need to be followed by fresh appointments – through due process prescribed elsewhere – unless the next higher Committee (through majority vote after due deliberation) decides to disband the entire Party Unit itself and merge it with another one.
- 21.3 Such decision of the next higher Committee will not be subject to any appeal.

### **Article 22: Automatic vacation of Party office bearer role upon election as people's representative**

- 22.1 Where a Party office bearer (at any level) is elected as a people's representative to a respective panchayat, zila parishad, municipality, State/ Territory assembly or Parliament, the member shall immediately vacate his or her office bearer position, while remaining member of the relevant Council/ Committee.
- 22.2 The relevant Unit of the Party will thereafter fill up the vacant office bearer position in accordance with procedures prescribed elsewhere.

### **Article 23: Emergency succession of key office bearer roles**

- 23.1 In the event of the death or resignation of the Party President, the senior most Vice-President (or General Secretary in case of no Vice-President) will discharge the functions of the Party President until the Central Working Committee (defined in a later section) appoints a provisional President.
- 23.2 Election to a new Party President shall be undertaken within a fortnight by convening a special session of the National Executive.

## **Article 24: Council and Committee structure**

- 24.1 Each Unit of the party shall create a Committee to manage Party activities.
- 24.2 Where a minimum number of Party members are not available for a particular Unit, the State Executive shall indicate how nearby geographical areas should be merged to ensure a minimum number of members, so a relevant Committee can be formed.
- 24.3 The minimum number of members in an area covered by a Committee is specified below:
- A) Branch Committee: 40 members
  - B) Group Committees (Block, Mandal, Sub-division, Municipality, Municipal Corporation or other declared level): 400 members.
  - C) Assembly Committee: 1000 members
  - D) District Committee: 2000 members
  - E) Parliamentary Committee: 1000 members
  - F) Regional Committee: 5000 members
  - G) State/ Territory Council: No minimum membership
  - H) National Council: No minimum membership
- 24.4 Each Committee shall endeavour to keep the number of its members as low as reasonably possible, to allow for greater coordination and minimize transaction costs. This objective would have to be balanced with the need for greater consultation and involvement with key party members.
- 24.5 A minimum number of 3 members shall constitute a Committee at any level, with the maximum specified below:
- A) Branch Committee: 5 members
  - B) Group Committees (Block, Mandal, Sub-division, Municipality, Municipal Corporation or other declared level): 11 members.
  - C) Assembly Committee: 15 members
  - D) District Committee: 17 members
  - E) Parliamentary Committee: 21 members
  - F) Regional Committee: 25 members
  - G) State/ Territory Council: Twice the number of assembly seats
  - H) State/ Territory Executive Committee: 31 members
  - I) State/ Territory Working Committee: 7 members (being members of the State/ Territory Executive Committee)
  - J) National Council: Twice the number of parliamentary seats
  - K) National Executive Committee: 75 members
  - L) Central Working Committee: 11 members (from membership of the National Executive Committee)
- 24.6 The National Executive shall specify the detailed process to give appropriate representation to each level at the next higher one.
- 24.7 Initially, all Committee positions will be filled through nomination by the President of the Committee, who in turn will be nominated by the President of the next higher Unit.

- 24.8 Within one year of formation of the Party (or a duration consistent with principles specified in Rule 9a), all Council/ Committee positions will be thrown open to election through processes specified elsewhere.
- 24.9 Each Committee will, in turn, elect a President for that level of Committee, within a week of the Committee being formed.
- 24.10 The minimum complement of office bearers for a unit is the President, Vice-President and general Secretary. Upon appointment the President will hold elections for individual office bearer positions in the following sequence (subject to the total ceiling of office bearers for that unit): Vice President(s), General Secretary, Secretary(s), Joint Secretary(s), Treasurer, Assistant Treasurer. The President may, with the majority consent of the relevant Party Unit, seek specific authorisation to nominate one or both of the following positions: General Secretary and Treasurer, where the President is of the view that doing so will ensure more harmonious and effective functioning of the unit.
- 24.11 The maximum number of office bearers for each Party Unit is specified below:
- A) Branch Committee: 3 office bearers (President, Secretary, Treasurer)
  - B) Group Committees (Block, Mandal, Sub-division, Municipality, Municipal Corporation or other declared level): 4 office bearers ( President, Secretary, Vice President, Treasurer )
  - C) Assembly Committee: 5 office bearers (President, Secretary, Vice President, Treasurer, Joint Secretary)
  - D) District Committee: 6 office bearers (President, Secretary, Two Vice Presidents, Treasurer, Joint Secretary)
  - E) Parliamentary Committee: 7 office bearers (President, Secretary, Two Vice President, Treasurer, Two Joint Secretaries )
  - F) Regional Committee: 8 office bearers (President, Secretary, Two Vice President, Treasurer, Assistant treasurer, Two Joint Secretaries)
  - G) State/ Territory Council: Twenty per cent of the number of members
  - H) State/ Territory Executive Committee: 21 office bearers (President, Secretary, Two Vice President, Treasurer, Assistant treasurer, Two Joint Secretaries, 13 Executive Members)
  - I) National Council: Twenty per cent of the number of members
  - J) National Executive Committee: 21 office bearers (President, Secretary, Two Vice President, Treasurer, Assistant treasurer, Two Joint Secretaries, 13 Executive Members)
- 24.12 Each Committee shall have the power to determine through majority vote the titles of additional office bearers it requires beyond the mandatory three specified above, from amongst the following: Vice President(s), General Secretary, Secretary(s), Joint Secretary(s), Treasurer, Assistant Treasurer.
- 24.13 Normal tenure of the each committee shall be a period of three years and in exceptional cases which can be extended for another one year with the approval of the national executive committee.
- 24.14 The election process for each post shall be based upon democratic process on the specific directives and rules determined by the Chief Party Returning Officer under Article 49 of this Constitution. Any disputes arising shall be dealt with under the rules created by the Chief Party Returning Officer.
- 24.15 If any vacancy arises during the tenure of a committee the same can be filled by nomination by the President of the appropriate committee with approval of the committee and in any case such nomination should not exceed 1/3rd of the strength of the body/ committee.

24.16 No office of the post should be hereditary or held permanently.

24.17 The party will abide by the highest principles of democracy.

## **Article 25: Fees payable by Committee members and office bearers**

25.1 Given the greater responsibility of Committee members, they are expected to raise funds to support their Committee's work. A fee is payable for holding Committee positions, expected to be raised through fund-raising at the relevant level.

25.2 The following fees (valid for the duration of the Committee) will be paid by Committee members within 3 days of being nominated/elected to this role:

- A) Branch Committee: Rs. 1,000 per member
- B) Group Committees (Block, Mandal, Sub-division, Municipality, Municipal Corporation or other declared level): Rs. 2,000 per member
- C) Assembly Committee: Rs. 5,000 per member
- D) District Committee: Rs. 7,000 per member
- E) Parliamentary Committee: Rs.10,000 per member
- F) Regional Committee: Rs. 12,000 per member
- G) State/ Territory Council: Rs. 20,000 per member
- H) State/ Territory Executive Committee: Rs. 50,000 per member
- I) National Council: Rs.50,000 per member
- J) National Executive: Rs.1 lakh per member

25.3 The main purpose of this fee is to be used to organize party events at the relevant level, and to support some other party activities.

25.4 Most funds for Party work will need to be raised separately.

25.5 All fees will be deposited in the Party bank account in accordance with the procedure prescribed by the Treasurer of the National Executive. The Treasurer will authorize the use of all fees paid by each Committee for various party activities through requisition of funds from the Secretary of that Committee.

## **Article 26: State/Territory Policy Advisers**

26.1 The President of the State/ Territory Executive may appoint internal policy advisers subject to approval by at least 35 per cent of the State Executive Committee.

26.2 In addition, the President may appoint up to 20 policy advisers from outside the Party subject to approval by a majority of the relevant Executive Committee to support development of the State Party's Party Manifesto and any other policy research agenda. These advisers would preferably be senior academicians or business executives of Indian origin (not necessarily Indian citizens), with connection to the State concerned / Territory.

26.3 Any reports prepared by advisers will be published on the Party's website except where these are marked for internal confidential discussion.

26.4 Advisers may be paid a token honorarium to be determined by the State Executive for services to the Party.

## **Article 27: National Policy Advisers**

- 27.1 The President of the National Executive may appoint internal policy advisers in consultation subject to approval by at least 35 per cent of the National Executive Committee.
- 27.2 In addition, the President may appoint up to 40 policy advisers, in consultation subject to approval by a majority of the National Executive Committee from outside the Party to support development of the National Party's Party Manifesto and any other policy research agenda. These advisers would preferably be senior academicians or business executives of Indian origin (not necessarily Indian citizens).
- 27.3 Any reports prepared by advisers will be published on the Party's website except where these are marked for internal discussion.
- 27.4 Advisers may be paid a token honorarium to be determined by the National Executive for services to the Party.

## **Article 28: National Mentors**

- 28.1 The Party President may appoint as National Mentors up to 11 eminent non-Party Indians or persons of Indian origin, subject to approval by a majority of the National Executive Committee.
- 28.2 National Mentors will be invited to all National Executive Committee meetings where they may exercise a vote if they wish.
- 28.3 In addition, National Mentors will have the option of being head by the Central Working Committee should they so desire to attend and speak.

## **Article 29: Assembly Party Unit (Caucus)**

- 29.1 All Party members of the State/ Territory legislative assembly (and Legislative Council where applicable) shall be members of the relevant Assembly Party Unit (Caucus).
- 29.2 Subject to the number of such members, the Caucus shall elect (through show of hands), the following: President & Party Whip (if one seat); President and Party Whip (if two seats); President, Vice-President, Secretary and Party Whip (if three or more seats). More office bearers may be elected (numbers to be determined by the Caucus President) if there are more than four seats.
- 29.3 The Party Whip shall be accountable both to the President of the Caucus and the President of the State Executive. In case of conflicting directions, the directives of the President of the State Executive shall prevail.
- 29.4 The directives of the President of the State Executive can be reviewed *suo moto* by the State Executive Committee in due course and any revised directives made.
- 29.5 The Caucus shall also elect key positions to the respective Houses of the Assembly (such as Speaker to the House) where such an opportunity exists.
- 29.6 Members of the Caucus shall be free to express their views and vote freely on any bill, except any bill that is deemed to be "Critical for the Party" and any finance bill or no-confidence motion in which the members will be mandatorily required to abide by the Party Whip.
- 29.7 Where the Party is in power, the Caucus President shall be the Party's nominee to become the State/ Territory Chief Minister, and have the sole power to recommend names of elected members to the Governor for appointment to the Council of Ministers.

- 29.8 Such Chief Minister may recommend for appointment as Minister any Indian citizen who would then need to become a member of the Assembly within six months.
- 29.9 The Caucus President shall abide by written directives given by the President of the State Executive (which may include directives to appoint or dismiss specific Cabinet Ministers, based on detailed justifications that must remain confidential at all times), failure to abide by which may lead to disciplinary proceedings. The State Party President shall exercise this power with extreme caution and in close consultation with a significant number of members of the National Executive.
- 29.10 If more than one-tenth of the Caucus members electronically or physically sign a request to hold fresh elections for the Caucus President, the Caucus Secretary shall convene an emergency meeting of the Caucus, giving a minimum of ten days notice from the date of receipt of such request.

### **Article 30: State/Territory Shadow Cabinet where party is not in power**

- 30.1 Where the Party is not in power but has some seats, the State/Territory Caucus President shall nominate, from within its members, a Shadow Cabinet.
- 30.2 The President of the State Shadow shall cause an annual report to be prepared that critiques the existing policies of the State.

### **Article 31: State/ Territory's Potential Shadow Cabinet where party has no seats**

- 31.1 This Article will only apply where the Party has no seats in the respective legislative assembly or house.
- 31.2 In such cases the State Executive shall invite nominations from the State Party for membership to a Potential State Shadow Cabinet.
- 31.3 Members of the Potential Shadow Cabinet should widely represent State/ Territory constituencies to the extent possible.
- 31.4 Membership of the Potential Shadow Cabinet is no assurance of nomination as candidate to a State Assembly seat, but performance as Shadow Minister would be taken into account at the time of nominating candidates to various Assembly constituencies.
- 31.5 All appointments to Potential State Shadow Cabinet shall be at the discretion of the President of the State Executive, based on applications received.
- 31.6 The President shall cause an annual report to be prepared by the Potential State Shadow Cabinet that critiques the policies of the party in power, including recommendations to improve these policies and general governance.

### **Article 32: Parliamentary Party Unit (Caucus)**

- 32.1 All Party members of the Parliament (both houses) shall be members of the relevant Parliamentary Party Unit (Caucus).
- 32.2 Subject to the number of such members, the Caucus shall elect (through show of hands), the following: President & Party Whip (if one seat); President and Party Whip (if two seats); President, Vice-President, Secretary and Party Whip (if three or more seats). More office bearers may be elected (numbers to be determined by the Caucus President) if there are more than four seats.

- 32.3 The Party Whip shall be accountable both to the President of the Caucus and the President of the National Executive. In case of conflicting directions, the directives of the President of the National Executive shall prevail.
- 32.4 The directives of the President of the National Executive can be reviewed suo moto by the National Executive Committee in due course and any revised directives made.
- 32.5 The Caucus shall also elect key positions to the respective Houses of the Parliament (such as Speaker to the House) where such an opportunity exists.
- 32.6 Members of the Caucus shall be free to express their views and vote freely on any bill, except any bill that is deemed to be “Critical for the Party” and any finance bill or no-confidence motion in which the members will be mandatorily required to abide by the Party Whip.
- 32.7 Where the Party is in power, the Caucus President shall be the Party’s nominee to become the Prime Minister, and have the sole power to recommend names of elected members to the President for appointment to the Council of Ministers. Such Prime Minister may recommend for appointment as Minister any Indian citizen who would then need to become a member of the Parliament within six months.
- 32.8 The Caucus President shall abide by written directives given by the President of the National Executive (which may include directives to appoint or dismiss specific Cabinet Ministers, based on detailed justifications that must remain confidential at all times), failure to abide by which may lead to disciplinary proceedings. The National Party President shall exercise this power with extreme caution and in close consultation with a significant number of members of the National Executive.
- 32.9 If more than one-tenth of the Caucus members electronically or physically sign a request to hold fresh elections for the Caucus President, the Caucus Secretary shall convene an emergency meeting of the Caucus, giving a minimum of ten days notice from the date of receipt of such request.

**Article 33: National Shadow Cabinet where party is not in power**

- 33.1 Where the Party is not in power but has some seats, the Parliamentary Caucus President shall nominate, from within its members, a Shadow Cabinet.
- 31.7 The President of the State Shadow shall cause an annual report to be prepared that critiques the existing policies of the State, including recommendations to improve these policies and general governance.

**Article 34: Nation’s Potential Shadow Cabinet where party has no seats**

- 34.1 This Article will only apply where the Party has no seats in the Parliament.
- 34.2 In such cases the State Executive shall invite nominations from the State Party for membership to a Potential State Shadow Cabinet.
- 34.3 Members of the Potential Shadow Cabinet should widely represent parliamentary constituencies to the extent possible
- 34.4 Membership of the Potential Shadow Cabinet is no assurance of nomination as candidate to a Parliamentary seat, but performance as Shadow Minister would be taken into account at the time of nominating candidates to various Parliamentary constituencies.
- 34.5 All appointments to Potential National Shadow Cabinet shall be at the discretion of the President of the National Executive, based on applications received.

34.6 The President shall cause an annual report to be prepared by the Potential National Shadow Cabinet that critiques the policies of the party in power, including recommendations to improve these policies and general governance.

## **Part 4: Conduct of affairs**

### **Article 35: General functions of key office bearers**

35.1 The National Executive may prescribe specific functions for key office bearers of the Party. Until that is done, the following rules and expectations apply:

35.2 President:

- a) To represent the concerned Executive Committee and be the main speaker of the respective Executive Committee. The National President shall act as the Chief Executive of the Party and is empowered to deliver speech on behalf of the Party or nominate appropriate person/s to do so. He/she will have discretionary power to take immediate action against any office bearer of any Executive Committee when he/she feels that not doing so will harm the reputation and interests of the Party and/or the nation. Such a decision taken by the National President would need to be ratified in the next relevant Executive Committee meeting, or (ideally) through short notice meeting of the Central Working Committee.
- b) To preside over the meetings of the concerned Council, Committee or Executive.
- c) To be responsible for the overall smooth functioning of the party as per the Party Constitution, remaining accountable at all times to the relevant Executive Committee.
- d) To nominate, as prescribed in this Constitution, any members or office-bearers to his Executive or other Committee.
- e) To allocate the work and duties among the office-bearers and members of the Committee/ Executive.
- f) To exercise any power of his Committee/ Executive, in an emergency, when it is not in session provided that any such action will have to be approved in its subsequent meeting.
- g) For the National and State President: To take part in talks with other Parties and to nominate representatives from the Party for such strategic and confidential work.
- h) To decide the date of the Committee/ Executive meeting and approve minutes prepared by the Secretary.
- i) To appoint people to various Cells of the Party and to co-ordinate their functioning.
- j) To conduct workers' Study Camps and Conferences as organised by the Committee/Executive.
- k) To guide the Committee/ Executive in implementing programmes for furthering the organisational and constructive activities of the Party.

l) The Presidents of the various Units are authorised to spend up to the following amounts on their own in urgent situations, with immediate ratification taken from the relevant Committee and approval from the next higher President:

- i. President of Branch: up to Rs. 500/-
- ii. President of Group Committee: up to Rs. 2000/-
- iii. President of District, Parliamentary and Regional Committee: up to Rs. 10,000/-
- iv. President of State Executive: up to Rs.1,00,000/-
- v. National President: As agreed by the National Executive Committee from time to time.

If under unavoidable circumstances, amounts more than authorised are required to be spent, it is essential to get necessary prior telephonic approval from the next higher President, followed by the usual post-facto approvals.

#### 35.3 Vice President:

- a) To carry out the responsibilities as directed by the President. In general, Vice Presidents at all levels shall assist the respective President.
- b) The absence of the President the Vice-President (or in case of more than one Vice-President, the Vice-President specially authorised by the President in writing), will preside over the meeting. If no such direction has been made, any one of the Vice-Presidents, and if all the Vice-Presidents are absent then the Committee/Executive can call on any one of its members present to preside.
- c) When authorised (such as due to leave of absence for personal work or sickness) by the President, the nominated Vice-President will discharge all functions and powers of the President, and attempt to get telephonic approval of the President on significant matters.

#### 35.4 General Secretary/Secretary:

- a) To convene relevant Executive or General Body meetings as per the instructions of the President, and issue circulars and agendas as well as organise the meeting/s. The President at relevant level may appoint an Assistant Secretary as appropriate to assist the Secretary in the discharge of his/her duties.
- b) To Secretary should maintain all the records of the activities of the party and read out the minutes of previous meeting to get it confirmed from the members.
- c) To maintain the all the records of the activities of the party and circulate the minutes of previous meetings, giving members a chance to confirm the minutes. If possible the Secretary should email the minutes of the meeting to the members concerned.
- d) To organise programmes, meetings, conferences, agitations and to look after publicity.
- e) To run the office of the Party and make necessary appointments with the consent of the President.

- f) To execute the decisions of the President and the Committee/Executive.
- g) In the case of General Secretary of the National Council, and Secretary of the State/Territory Council, to appoint, with prior written approval of the President, any number of Assistant Secretaries from among Party members (where necessary, on payment of a regular wage), to ensure that all functions required by this Constitution and allocated by the President and National (or State/Territory) Council are discharged faithfully.

35.5 Treasurer:

- a) Depending on powers delegated by the relevant President, to maintain the Party's accounts, Party's bank deposits, and prepare the annual report and income and expenditure account of the Committee/Executive.
- b) To get the accounts examined/audited annually and to report the same to the Committee at the earliest opportunity; and to file income tax returns to the appropriate authorities.
- c) To audit the accounts of all subordinate Units.
- d) In the case of National Treasurer, and Treasurer of the State/Territory Council, to appoint, with prior written approval of the President, any number of Assistant Treasurers from among Party members (where necessary, on payment of a regular wage), to ensure that all functions required by this Constitution and allocated by the President and National (or State/Territory) Council are discharged faithfully.

**Article 36: Conduct of meetings, records of minutes and Quorum of the Meetings**

- 36.1 Most Party meetings will be held electronically through the Party Forum.
- 36.2 The General Secretary (or Secretary, as the case may be) of various Committees would be the convener of the meetings, having first obtained agreement from the relevant President
- 36.3 All ordinary decisions at meetings will be taken through a voting process, often involving show of hands where electronic voting methods are not used. All such decision making will abide by the majority view of the representatives of each appropriate level.
- 36.4 The President of a meeting is the final authority in adjourning the session, either temporarily or indefinitely, according to the nature of the occasion that calls for such action.
- 36.5 The President shall have the authority to relieve a member of further physical presence in the floor on account of any breach of the Party Code of Conduct.
- 36.6 The Secretary shall draft (or cause to be drafted) the minutes of meetings after the conclusion of each session and upon approval by the President, shall cause these to be circulated only to Committee members.
- 36.7 Minutes of meetings at all levels shall remain totally confidential and any breach of such confidentiality shall be cause for disciplinary action.
- 36.8 Quorum for all meetings shall be one-third of the strength of the concerned body. If the Quorum is not complete at the appointed time, those assembled will wait for a maximum period of 30 minutes. If the required Quorum is still not available, the meeting shall be adjourned. A new meeting will then be convened and there shall be no need of a quorum for a

meeting that was adjourned due to want of quorum. There will be no requirement for a Quorum in case of Emergency or Extraordinary meetings. However resolutions passed in such meetings shall be required to be ratified in the next ordinary meeting of the concerned body.

### **Article 37: Vacancy in Committee membership and office bearers**

- 37.1 Members absenting without approval for three consecutive physical meetings of their Unit will be liable to be removed by a resolution of the concerned Unit.
- 37.2 Should members of a Unit desire to remove their President, not less than half of members of the relevant Committee should send a written notice to the President of the next higher Committee, on receipt of which the higher President will organise an emergency meeting of the lower Committee under the higher President's nominee's chairmanship where the notice will be taken up. A resolution passed by a two-third majority of the members present and voting in such meeting of the Unit concerned would lead to the removal of the President.
- 37.3 The National or State President can be directly removed by a resolution passed by a two-third majority of the members present and voting at a meeting requisitioned by at least one third of the members of the respective National or the State Council.
- 37.4 Members/s of the Executive Committee can be removed by the National President at his discretion, with ratification required by the National Executive within one month of any such decision.
- 37.5 The National President shall have the prerogative to intervene at any time in an extraordinary situation and to remove the Presidents and the office bearers of the State as well as District Executive Committees. Ratification is required by the National Executive within one month of such intervention.
- 37.6 To fill vacancy in any office-bearer position in a Committee or a Council the remaining elected members of that body will be entitled to fill the vacancy.
- 37.7 Vacancy of the President of any Unit will be filled in the same manner as was done originally, till then an ad-hoc appointment will be made by the President of the higher body who in turn will nominate his office-bearers from amongst the members of the existing Committee/Executive.
- 37.8 No post will remain vacant for more than 6 months.

### **Article 38: Code of Conduct and discipline**

- 38.1 While the party promotes individual freedom, it promotes individual responsibility and accountability in equal measure. No criminal activity will be countenanced by the Party, nor conduct that could bring disrepute to the Party, such as unruly behavior or conversation.
- 38.2 Although each member will have significant freedom of speech and opportunity to influence decisions, once a decision is taken by the Party, all members are expected to strictly comply with its decisions.
- 38.3 While the Party does not intend to impose any unnecessary restrictions or rules on its members, once a Rule has been made by the Party, members must obey it.
- 38.4 Office bearers will be subject to higher standards of discipline than ordinary party members. This will include furnishing declarations of income and assets as may be prescribed by the Party.

- 38.5 The National Executive shall adopt a Code of Conduct for all Party members and office bearers. Till such Code is adopted, the principles of conduct detailed in the Code of Conduct of the Freedom Team of India shall apply.
- 38.6 Except for rules for conduct of meetings specified in this Constitution, all other rules can be made by each individual Committee to best suit its circumstances. Any rules so made should be documented and circulated in writing to all relevant members, and a copy provided to the General Secretary for publication on the Party website.

### **Article 39: Party Funds, Accounts and Audit**

- 39.1 The party will prefer to receive all donations by electronic transfer or cheque, directly to its bank account. No person who is not a full Indian Citizen is eligible to contribute to the Party bank account. Despite reasonable precautions and steps to prevent non-citizens from transferring funds into its bank account, the Party cannot take full responsibility for any such unauthorised transfer.
- 39.2 The Party shall utilize funds only for political activities. Its accounts shall be maintained on the accrual system.
- 39.3 The Party shall never take any funds from convicted criminals or from criminal syndicates or corrupt officials or others, to the best of its knowledge. Anyone who knowingly collects such funds will be referred to the respective Disciplinary Committee. If the Party has inadvertently collected such funds, then the monies shall be returned to the respective donors – if this is not possible, then the Party shall remit these funds to the Consolidated Fund of India.
- 39.4 The Party will disclose the names and geographical location (not address or other details) of all those who donate more than Rs.10,000 in every financial year, along with the publication of the annual Party accounts.
- 39.5 Each Party Unit shall be issued a number of centrally printed donation receipt books in lots of 50 receipts each to collect donations. The unit shall be able to order a fresh receipt book upon the number of unused receipts falling below 10 in a particular receipt book. At the end of each quarter, any used (including partially used) receipt books shall be sent back to the nominated Party Office for record and audit purposes.
- 39.6 Each receipt issued to donors shall bear the seal of the concerned Unit Treasurer, with the receipt and counterfoil signed in full by the member who collects the donation.
- 39.7 The Party Unit collecting the money shall be responsible for obtaining and recording the PAN details of donors who donate more than Rs. 10,000.
- 39.8 Each unit will be responsible for depositing the cheques, drafts, and/or cash received from donors on a fortnightly basis in the Bank Account of the Party. Each Party Unit shall also send a monthly statement of donations collected and deposited to the Central office, via email, in the format as may be prescribed from time to time.
- 39.9 Accounting year shall be from the 1<sup>st</sup> of April each year to the 31<sup>st</sup> of March of the next calendar year.
- 39.10 All audited reports shall be placed on the internet and any citizen of India who wishes to inspect Party accounts shall be able to do so subject to procedures prescribed.
- 39.11 The Party shall audit its accounts through an auditor on the panel of CAG and submit its audited annual financial statement to the Election Commission of India within a period of six months after the end of each financial year.

## **Article 40: Plenary Session of the Party**

- 40.1 A Plenary Session of the Party shall be held once each year at such time and place as may be determined by the National Executive.
- 40.2 The following from below shall be invited to attend the Plenary Session :
- (a) All members of the National Council;
  - (b) All members of the State Councils;
  - (c) All members of the Party in Parliament;
  - (d) All members of the Party in State/Territory Legislatures; and
  - (e) Any other category of members agreed upon by the National Executive for the Session.
- 40.3 The National President shall preside at the said session.
- 40.4 All matters considered and recommendations made (except decision of merger or dissolution of the Party) taken at the Plenary Session will be considered by the National Executive for a final decision. Unless very strong reasons exist, the National Executive is expected to abide by decisions taken at the Plenary Session.

## **Article 41: Annual General Meeting of the National Council**

Immediately following the Plenary Session, National Council members will separately hold their Annual General Meeting. Apart from other business, the Treasurer of the Party shall present at that meeting:

- a. an audited income and expenditure statement for the previous Financial Year and balance sheet as at the last day of the previous Financial Year; and
- b. An (unaudited) income and expenditure statement for the period from the end of the previous Financial Year until the date of the meeting, for the consideration of the Party.

## **Article 42: Special Session/s of the National Council**

- 42.1 In addition to the Annual General Meeting, any number of Special Sessions of the National Council can be held if the National Executive so decides or if at least 100 members of the National Council jointly make a request to the National President to convene such Session for discussing an agenda specified in the request.
- 42.2 All members of the plenary session shall be invited to the Special Session.
- 42.3 It shall generally be endeavoured that no Special Session is necessary since National Council members shall be in constant touch through the party Forum, email or telephone throughout the year, with the sub-group comprising the National Executive meeting regularly to act on any strategic matters, and the National Working Committee resolving issues on an ongoing basis.
- 42.4 Similar principles shall apply to meetings of the State Council, which shall frame its own detailed rules.

### **Article 43: Meetings of the National and State/Territory Executive**

- 43.1 The National Executive, being a sub-group of the National Council, shall interact on a regular basis through the electronic Forum of the Party and physically meet at least once in six months, with at least one meeting that immediately follows the Annual General Meeting.
- 43.2 The National Executive shall act as the Board of Directors of the Party with responsibility to the National Council for ensuring the Party achieves its objectives.
- 43.3 Similar principles shall apply to the State/Territory Executive.

### **Article 44: Central Working Committee**

- 44.1 The Central Working Committee (CWC), being a sub-group of the National Executive, comprising many (but not necessarily all) the office bearers of the Party, is a permanent body with members able to devote at least eight hours a day to Party work.
- 44.2 Members of the CWC need not meet physically to conduct their business, but would endeavour to do so at least once every three months, with at least one meeting immediately following that of the National Executive which forms part of the Plenary Session.
- 44.3 Members of the CWC will report all key actions to the National Executive on a regular basis through the Party's electronic Forum or any other relevant means of communication.
- 44.4 The President of the Party shall have the power to reconstitute the Central Working Committee at any time, and reduce or increase its membership, subject to obtaining post-facto approval of the National Executive Committee.

### **Article 45: General Body meetings at levels below the district**

It is generally not feasible to conduct a General Body Meeting at the National, State/Territory, Regional, or District level. However, General Body Meetings of Committees below the District level may be organized where the relevant Committee so decides. Such meetings would not be authorized to discuss Party strategies, processes, or accounts – which would have to be determined by the relevant Committee. Such meetings can discuss campaigning of candidates for public elections.

### **Article 46: Chief Party Lokpal and disciplinary action**

- 46.1 The Party President shall appoint, with the approval of National executive committee (expressed through a majority vote), an autonomous Chief Party Lokpal who shall be at a retired judge of the High Court or Supreme Court, and shall be paid an annual honorarium as appropriate, which will be fixed by the president with approval of the national executive from time to time, by the Party for his or her services to the Party.
- 46.2 The Chief Party Lokpal shall retire at age 75 and cannot be removed before that age unless the National Council decides to do so with a two third majority for any reason including inability to perform the role diligently.
- 46.3 The Chief Party Lokpal can appoint (and terminate the appointments of) any number of other Party Lokpals at his discretion, all of them on voluntary basis, to implement the disciplinary system. Each such Party Lokpal would have demonstrated record of distinguished service and integrity but would not necessarily come from a judicial background.
- 46.4 The Chief Party Lokpal would create a system of discipline by which all members are held to account for following the Party Code of Conduct.

- 46.5 Principles of natural justice will be considered, but the standard of proof will be lower than required in a court of law. However, no disciplinary action shall be taken against a member without giving an opportunity to that member to explain and answer the charges against him/her.
- 46.6 The Chief Party Lokpal would not be involved in matters where directives of the Party President or State President to the Party Whips are involved. Any disciplinary action in such matters would be directly implemented by the Party or State President, without any appeal to the Party Lokpal.
- 46.7 Any recommendation of the Chief Party Lokpal regarding a member in relation to the Code of Conduct would be binding on the Party at all levels.
- 46.8 Any member guilty of any act of indiscipline shall be liable to punishment which may include one or more of the following:
- A. Expulsion from the Party which may be permanent;
  - B. Suspension from the membership of the Party for a specified period;
  - C: Removal from office; and
  - D: Imposition of disability to hold office which may be for a specified period or permanent.

#### **Article 47: Dispute Resolution**

To resolve Party-related disputes (not matters of integrity) the National Council shall establish a Dispute Resolution Committee which will prepare rules for resolution of such disputes. The rules will contain an appellate provision, except where the matter has been initiated by the National President.

#### **Article 48: Regular Internal Elections**

- 48.1 Regular internal elections for all office bearer positions, and membership to Committees, Executive, etc. are to be held every three years.
- 48.2 Elections shall be conducted in the month of December on the election year and the newly elected office bearers shall assume office in the first week of January.
- 48.3 All voting shall be by secret ballot except during elections to the Parliamentary or State Party Unit.

#### **Article 49: Chief Party Returning Officer**

- 49.1 The President of the Party shall appoint, on the advice of the National Executive, an autonomous Chief Party Returning Officer who shall be at a retired senior official with experience in the conduct of elections. The Chief Party Returning Officer shall be paid an annual honorarium as appropriate, which will be fixed by the president with approval of the national executive from time to time for his or her services to the Party.
- 49.2 The Chief Party Returning Officer shall retire at age 80 but cannot be removed before that age unless the National Council decides to do so with a two third majority.
- 49.3 The Chief Party Returning Officer can appoint (and terminate the appointments of) any number of other Party Returning Officers at his discretion, all of them on voluntary basis, to implement the internal election system of the Party. Each such Party Returning Officer would have demonstrated record of distinguished service and integrity but would not necessarily come from an election related background.

- 49.4 At all times the Chief Party Returning Officer shall ensure genuine internal democracy without imposing extraordinary costs on the Party.
- 49.5 The Chief Party Returning Officer can request the creation of a special Committee to assist him in the conduct of Party elections. Such request shall be binding on the President of the Party.
- 49.6 The Chief Party Returning Officer would create a system for conduct of elections and shall implement it from the date specified elsewhere in this Constitution.
- 49.7 Any recommendation of the Chief Party Returning Officer regarding the conduct of internal elections would be binding on the Party at all levels.
- 49.8 The Chief Party Returning Officer shall also lay out a dispute resolution mechanism for any election, and personally decide on any complaint against the election of the Party President.

### **Article 50: Party spokespersons**

- 50.1 The Party President and General Secretary shall be the key Spokespersons of the Party, for communication of Party related information to non-party members and other public groups/entities.
- 50.2 The President of the Party may appoint, in addition, other members of the Central Working Committee as Spokespersons with the authority to speak to the media on Party matters.
- 50.3 The President may also authorise State Party Presidents for such a role, and place restrictions on the scope of their communication. They may also be authorised to appoint other State spokespersons, as well.
- 50.4 No person not so authorised by the Party President will speak on behalf of the Party.
- 50.5 All Party candidates will be authorised to communicate the Party platform, and a tailored message for their own constituency.

### **Article 51: Educational Training and Developmental Activities**

- 51.1 The President of the Party shall appoint, on the advice of the National Executive, a Chief Policy Mentor who shall head a Party Research, Training and Development Division of the Party. The Chief Policy Mentor shall be paid a token amount as appropriate, which will be fixed by the president with approval of the national executive from time to time the Chief Policy Mentor shall retire at age 80 but cannot be removed before that age unless the National Council decides to do so with a two third majority.
- 51.2 All National Party Advisers will route their written advice to the Party President through the Chief Policy Mentor.
- 51.3 The Chief Policy Mentor shall organise training as may be prescribed by the National Executive, for each member or shortlisted candidate for public elections.
- 51.4 The Chief Policy Mentor shall establish a research and development wing for research on socio-economic issues facing the nation, as well as a leadership wing to socialise members and prepare them for responsibilities of public governance.

### **Article 52: Legal cell**

- 52.1 The President of the Party shall appoint, with the approval of the National Executive committee the Head of a Legal Cell who shall coordinate the drafting of all Party Bills and provide legal advice on matters of interpretation of this Constitution. The Head will generally be

a retired lawyer of considerable eminence, and shall be paid a token honorarium of Rs.5 lakhs per annum for services to the Party.

- 52.2 The Head of the Party's Legal Cell shall retire at age 80 but cannot be removed before that age unless the National Council decides to do so with a two third majority.
- 52.3 The Head of the Party's Legal Cell shall appoint, preferably from within the existing members of the Party, a team of lawyers who shall be collectively responsible, through him or her, for all legal drafting and advice to the Party.

## **Part 5: Public elections and party candidates**

### **Article 53: Campaign Committees**

- 53.1 Upon anticipating the likelihood of a future public election, the National or State Executive, as appropriate, shall set up a Central/State/Territory Campaign Committee for making final selection of candidates and conducting election campaigns. The functions of the Campaign Committees would include:
- (a) To propose names of Party candidates for Legislature and Parliamentary seats;
  - (b) To make final selection of Party candidates for the Local Body Elections, Co-operative institutions and the like; and
  - (c) To conduct election campaigns in the respective geographical areas.
- 53.2 The National Executive shall make detailed rules for the functioning of the Campaign Committees.
- 53.3 In general, the Party will nominate two candidates per seat, with one being the primary candidate and the other the standby candidate, in case the nomination papers of the main candidate are rejected by the Returning Officer.

### **Article 54: Selection of candidates for public elections**

- 54.1 The National Executive shall prescribe detailed processes for the Campaign Committees to follow. The key principle to ensure democratic selection of candidates through the Party machinery, without compromising the quality and winnability of candidates.
- 54.2 All nominees of the Party for public elections shall have to declare detailed asset statements and income tax statements of the past 3 years, proof of financial solvency, and provide an undertaking that no charges framed by a court of law in any criminal case are pending against the applicant.
- 54.3 Any person who is a citizen of India, has attained the age of 18 years, not convicted by any competent court of law or even under trial for some serious offence, accepts the Constitution and the ideology of the Party and is not a member of any other political party or organisation whose aims and objectives are in conflict with those of the Party can apply to become a member of the PARTY.

### **Article 55: Electoral Agreements and Pre-Poll Alliance**

- 55.1 Electoral agreements and pre-poll alliances, if any, will have to be approved and passed by the National Executive of the Party through a two-third majority of those present and voting.
- 55.2 The National Executive may, instead of such direct agreement, authorize a small group comprising President, General Secretary and one Vice President, to act on its behalf.

## **Article 56: Obligations of Party candidates to follow the law**

- 56.1 The Party's nominated candidates will be required to abide by all Electoral law requirements, including compliance with electoral expense limits.
- 56.2 The Party Campaign Committee will undertake secret monitoring of expenses of candidates and if any violation of the law is detected, it will directly report the matter to the Election Commission of India. The Party has no intention of breaking the laws of India in the process of offering good candidates to the nation, and will happily forego such seats lost in the interest of integrity and accountability in public life.