

# स्वराज इंडिया



स्वराज  
INDIA

## CONSTITUTION

# CONSTITUTION OF SWARAJ INDIA

## **ARTICLE I: NAME OF THE PARTY**

The name of the Party will be SWARAJ INDIA (hereinafter referred to as “the Party”).

## **ARTICLE II: OBJECTIVES OF THE PARTY**

- A. The Party aims to attain Swaraj for and within our country, our society, our globe and our selves.
- B. For us Swaraj is rule of the self and rule over one’s self, freedom from all forms of dominance and freedom for self-realization at every level of human life, so that we have:
- (a) Democratic governance that is transparent, accountable, participatory and de-centred;
  - (b) Sustainable economic development that encourages human enterprise and ensures well-being for all;
  - (c) Just society that achieves true harmony across divisions of gender, caste, class, race and religion, etc. based on equality;
  - (d) Education, knowledge and culture that fosters human understanding, enriches diverse cultural heritage of humankind and promotes quest for truth;
  - (e) Global peace involving harmonious existence among nations and states, humans, other living beings and nature; and
  - (f) Human happiness that comes from individual liberty, freedom of thought and autonomy in ideas and deep self-awareness and self-transformation.
- C. In order to realize this ideal, the Party seeks to intervene in democratic politics and governance by:
- (a) Taking part in elections by putting up candidates, declaring manifesto and forming government to give effect to the manifesto;
  - (b) Using legitimate constitutional means to launch agitations, struggles and movements;
  - (c) Carrying out constructive work;
  - (d) Evolving new ideas, policies and models; and
  - (e) Training citizens to imbibe values of Swaraj.
- D. In order to ensure that there is no gap between the principles and practices of the Party, it would strive for:
- (a) Transparency and accountability in its functioning;
  - (b) Participatory democracy wherein the voice of every member is respected;
  - (c) Democratic decision making that respects the voice of dissent;
  - (d) Collective leadership that avoids personality cult of any kind;
  - (e) Decentralization of power, so that higher levels of organizations take only those decisions that cannot be taken at grassroots levels;

- (f) Social diversity, giving due representation to marginal and disadvantaged social groups;  
and
- (g) Truthfulness and upholding highest standards of integrity in public life

E. The Party will not in any manner promote or instigate or participate in violence.

F. 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 III: MEMBERSHIP OF THE PARTY**

#### **A. ELIGIBILITY**

Membership of the Party, subject to other clauses of this Article, is open to any person without discrimination as to age, caste, ethnic origin, religion, disability, gender or sexual orientation, who agrees with its objectives and principles and who:

- (a) is a citizen of India and above 18 years of age;
- (b) is not a member of any other political party registered with the Election Commission of India;
- (c) is not a member of or associated with any organization whose views, objectives, policies or actions are inconsistent with the underlying objective and founding principles of the Party;
- (d) has not been convicted by a competent court of any criminal offense punishable by more than 5 years in prison or of any financial misappropriation; and
- (e) whose membership is not considered detrimental to the best interests of the party.

#### **B. MEMBERSHIP PROCESS**

- (a) An eligible individual will, on submission of an application, membership dues, and declaration as may be prescribed from time to time for such membership, become a member of the Party unless rejected by the Unit/Executive functioning in the area in which he or she applies. Applications should be submitted to the local unit operating in the area where the applicant ordinarily resides, as prescribed.
- (b) The Unit/Executive receiving the application shall scrutinize the same, and publicize the applicant's name, inviting feedback from members of the public for a period of at least one week. The Unit/Executive may also adopt other means to verify the character and credentials of the applicant.  
Provided that the application shall be deemed to be accepted if not denied or rejected within a period of two calendar months from the date of application.

Provided further that the National Executive may freeze the processing of new membership applications for a period of time, whether for the purpose of conducting elections or for any other reason, and such periods shall be not be counted towards the two month period mentioned in the previous proviso.

- (c) If a membership application is denied by the local Unit/Executive, it may be appealed to the next higher Executive of the Party. The next higher Executive may, if it deems fit, appoint one or more of its members to decide such cases.
- (d) A final appeal against the decision of the next higher Executive shall lie with concerned State Executive in cases where the denial and first appeal have both been adjudicated by a Unit/Executive subordinate to it.

### C. TERM

The term of membership, subject to renewal, termination or resignation, will be 2 years.

Provided that for the purpose of this clause, a year will be taken as the period commencing from 1<sup>st</sup> of April of a calendar year to the 31<sup>st</sup> of March of the succeeding year.

Provided, further that for the first year of membership, a year will be taken as the period commencing from the date of membership up to the following 31<sup>st</sup> of March.

Provided, further that the Party will send a reminder to all members whose membership is due for renewal. Members will have a grace period of three months to renew their membership in cases where such reminder was sent, failing which their membership will lapse. However, in case no reminder has been sent, the grace period will be 6 months.

### D. CESSATION OF MEMBERSHIP

A person will cease to be a member of the Party in the following events:

- (a) Death
- (b) Resignation
- (c) Termination
- (d) Non-renewal of the Membership during grace period
- (e) Applying for or accepting the membership of any other political party

### E. TERMINATION OF MEMBERSHIP

A person's membership will stand terminated if

- (a) a reasoned or speaking order to the effect is passed by a competent Disciplinary Committee of the Party. Provided that no such finding may be recorded without providing a reasonable opportunity to respond including an opportunity of personal hearing to the person,

(b) he/she is convicted by a competent court of a criminal offense punishable by more than 5 years in prison or of any financial misappropriation.

Provided that on appeal if the Party Lokpal decides that the charge and conviction is not of a kind that should debar that person from public life, the termination shall be reversed.

#### F. SUSPENSION OF MEMBERSHIP

(a) A person's membership may be suspended by a competent Disciplinary Committee of the Party on the basis of prima facie findings in disciplinary proceedings as per the provisions of this Constitution.

(b) A District or State Executive or the National Executive or the Party Presidium may suspend a person's membership, provided that a complaint specifying the grounds for such action is submitted to the competent Disciplinary Committee immediately thereafter. The Disciplinary Committee may on the basis of prima facie findings, either vacate the provisional suspension order or confirm it.

Provided that the suspension order shall be deemed to be automatically vacated if the Disciplinary Committee fails to pass any order on the matter within 1 month of the passing of the original suspension order.

### **ARTICLE IV: ORGANISATIONAL STRUCTURE**

#### A. ORGANS OF THE PARTY

(a) The Party will be structured at the National, State, District and Block levels with organs at respective levels being,

(i) Block Level:

Block Unit

(ii) District Level

District Executive

(iii) State Level

State Council

State Executive

(iv) National Level

National Council

National Executive

Party Presidium

(b) The National Executive of the Party in consultation with respective State Executives may sub-divide a state into two or more regions for functional or administrative convenience by constituting regional Councils and Executives for each such regions of

the state. The provisions of this Constitution applicable to state level Councils and Executives will apply to such regional organs, *mutatis mutandis*.

- (c) The Party's organs may be organized at Taluka, Tehsil, Mandal, Assembly Constituency, or other administrative level below District level suitable for that state instead of at the Block level as deemed fit by the concerned State Executive. Powers and functions of such units will be identical to those specified for Block units in this Constitution and all references to Block Units in this Constitution shall be deemed to include such Taluka, Tehsil, Mandal, Block or other sub-district level defined as equivalent to Block level by that State Executive.
- (d) State Executives may create separate units of the Party for Towns, Cities, Cantonment Areas, Metropolitan Areas, Panchayats, City Wards, Rural or Non-Metropolitan parts of Districts, and on any other basis as deemed fit by that State Executive. State Executives may similarly create units at intermediate levels as defined by that State Executive between State level and District level, between District level and Block level, and below Block level for functional or administrative convenience in that state. The composition, hierarchy, powers and functions of such urban and intermediate level bodies shall be as specified by the concerned State Executive. However, if any such units are proposed to be constituted in substitution of rather than in addition to District level units of the Party as specified in this Constitution, they will be constituted only on the basis of direct election by Party members in that region. Further, any such substitution shall require ratification by the National Executive.
- (e) State Executives will exercise their powers to restructure Party Organs below state level under the direction and superintendence of the National Executive.
- (f) Areas of District Units will ordinarily be the same as those of respective Administrative Revenue Districts in the State. Areas of State Units of the Party will conform to the States and Union Territories mentioned in the Constitution of India. If a state has been subdivided into Regions, boundaries of each Region will be as prescribed by the National Executive.

## B. BLOCK LEVEL: Block Unit

- (a) The Block Unit will be the General Body of all members of that Unit. It will:
  - (i) deliberate and decide on any issue or action program to further the objectives of the Party,
  - (ii) scrutinize applications for membership where it deems necessary,
  - (iii) elect 1 President and 1 General Secretary (of which at least one must be a woman) in Blocks with not less than 50 members by consensus, failing which, it will be done through elections; the President and General Secretary will be available to work for the Party on a regular basis,
  - (iv) form such teams as required and assign them such work as deemed fit,
  - (v) reconstitute any team or committee,

- (vi) recall President or General Secretary,
- (vii) perform such tasks as assigned to it by the District unit from time to time for the purposes of the Party,
- (viii) If there are not less one hundred members in a block unit, an Executive will be elected for that Block whose structure, powers and functions will be, as far as may be on the lines of District Executives.

### C. DISTRICT LEVEL

#### (a) District Executive:

- (i) There will be elected a District Executive by all the members of that district, if the number of such members is not less than hundred.
- (ii) The District Executive will comprise of 10 members, which shall include at least 3 women and 1 student/youth (up to 35 years of age).

Provided that if an insufficient number of nominations for election are filed by women or youth, the corresponding seat will be kept vacant. Such vacant seats will be filled through bye-elections to be held at such time and in such manner as prescribed.

Provided, further that if an elected District Executive member's or elected State Council Delegate's seat becomes vacant due to death, resignation, recall or any other reason, the same shall be filled through bye-elections within a period of 6 months in such manner as prescribed.

- (iii) The members referred to in sub-clause (ii) above will elect one person as the District President.
- (iv) If the President, General Secretary or Executive member of any Block Unit is elected to the District Executive, he/she will resign from the position of President, General Secretary or Block Executive member as the case may be, immediately.
- (v) The District Executive may co-opt persons who are eminent individuals, experts from such fields as the National Executive deems fit, or members of disadvantaged or under-represented social groups, such as Women, Scheduled Castes (SC), Scheduled Tribes (ST), Socially and Educationally Backward Classes (SEBC/OBC), Persons with Disability (PwD), and religious or linguistic minorities, if there is inadequate representation of such groups. The total number of co-opted members shall not exceed 25% of the elected strength of the District Executive at the time of co-option.
- (vi) Subject to the limitation of sub-clause (iii) of this clause, co-opted members will have all the rights of elected members of the District Executive.
- (vii) The District Executive may invite anyone from within or outside the Party to attend its meetings as a 'Special Invitee' for one or more meetings. Such Special Invitees may participate in discussions but will not enjoy any voting rights.
- (viii) Subject to prior approval of the concerned State Executive, a District Executive may constitute a separate unit for any Village/s, Municipal Ward, or other delineated

area below block level. Provisions for Block level units will apply to such units *mutatis mutandis*.

(b) Powers and Functions of District Executive

The District Executive will

- (i) form as many teams as are required to carry out the objectives of the Party,
- (ii) elect a General Secretary and a Treasurer for the District,
- (iii) appoint one or more Party members from the District as Spokespersons authorized to communicate the official Party position on any subject to the public and media; Spokespersons who are not themselves members of the District Executive shall be invited to attend all District Executive meetings as 'special invitees',
- (iv) appoint one or more Party members from the District as electronic media panelists authorized to represent the Party in media debates and discussions,
- (v) appoint one or more Party members from the District to any District level designation or post and assign them suitable responsibilities as may be deemed suitable for the purposes of the Party,
- (vi) monitor and supervise the activities of functionaries of the Party in that District,
- (vii) undertake all such activities as are needed to meet the objectives of the Party in that District,
- (viii) undertake activities related to public issues affecting that District,
- (ix) maintain the Register of Members of the Party of that District in such manner as may be prescribed,
- (x) maintain accounts of District Level Finances,
- (xi) form a District Grievance Redress Committee for settling internal grievances and disputes of Party members in that District,
- (xii) form a District Disciplinary Committee headed by a person with legal/administrative background who is not a member of any Executive in the Party,
- (xiii) constitute and reconstitute any team or committee,
- (xiv) recall District President by an absolute majority of elected members, and District General Secretary and Treasurer by an absolute majority of all members

D. STATE LEVEL (This will apply to Union territories also):

(a) State Council:

A State Council will be convened in each state or Union Territory where elected District Executives are present in one-third or more Districts, consisting of –

- (i) Delegates not exceeding one hundredth the number of Party members in that state, or half the strength of the state assembly, whichever is lower, to be apportioned to Districts in proportion to their respective membership strength.

Provided, that any fractional number so obtained must be rounded downwards.



- (ii) Additional District Delegates equal to half the strength of the state assembly to be apportioned equally to all the Districts provided, –
  - (a) any fractional number must be rounded upwards for as many districts as required to take the numbers of delegates to half the assembly strength, in decreasing order of the number of assembly seats in that district, and rounded downwards for all the remaining districts; and
  - (b) each district would be required to have at least 50 members for every delegate of its apportioned strength that it nominates under this sub-clause; the seats falling short will be kept vacant till this condition is met.
- (iii) The delegates mentioned in sub-clauses (i) and (ii) of this clause will be nominated by the concerned District Executive in all Districts with elected District Executives.
- (iv) Membership strength of each District and state as on the 1<sup>st</sup> of July of every year, certified as such by the National Executive will be used under this section to decide district wise delegate strength for the period lasting till 1<sup>st</sup> of July of the next year.
- (v) Additionally, the State Executive may nominate up to 2 District Delegates from each District without elected District Executives to the State Council.
- (vi) The State Council may co-opt a maximum of 25% of its non co-opted strength at the time of co-option from among the following:
  - (a) experts from such fields as the National Executive deems fit,
  - (b) eminent individuals from any field in the country,
  - (c) members of disadvantaged or under-represented social groups, such as Women, SC, ST, SEBC/OBC, Persons with Disability (PwD) and religious or linguistic minorities, if there is inadequate representation of such groups.

(b) Functions and Powers of the State Council:

- (i) The State Council will elect the State Executive from among Party members in that State.

Provided that if a State Council has not been constituted for a State in which the number of Party members is not less than ten times the number of parliamentary constituencies in that state, and in any case not less than 100, a State Executive of 20 members may be elected directly by all Party members of that state, subject to the prior consent of the National Executive, in such manner and for such period till a State Council is convened, as prescribed.

- (ii) The State Council will have the power to recall the members of the State Executive.
- (iii) It will decide the stand and policy of the Party on issues concerning that state in such manner as may be prescribed.

(c) State Executive:

Each State Executive will organize and coordinate the activities of the Party at the State Level.

- (i) The State Executive will consist of not less than 15 and not more than 35 members elected by the State Council, of which at least one fourth shall be women, and one tenth shall be students/youth (18 to 35 years of age).  
 Provided that if an insufficient number of nominations for election are filed by women or youth, the corresponding seat will be kept vacant.  
 Provided further that the National Executive may in consultation with respective State Executives additionally fix the number or proportion of seats mentioned in this clause to be reserved in each State Executive for candidates belonging to members of disadvantaged or under-represented social groups, such as SC, ST, SEBC/OBC, Persons with Disability (PwD) and religious or linguistic minorities
- (ii) In addition to the above, District Presidents, or their respective nominees will be ex-officio members of State Executives with all the rights of elected members of the State Executive.  
 Provided, that ex-officio members may not serve as state level office bearers.
- (iii) The members referred to in sub-clauses (i) and (ii) above will elect one person as the State President.
- (iv) If the President, General Secretary or Executive member of any lower level unit of the Party is elected to the State Executive, he/she will resign from the position of President, General Secretary or lower level Executive member as the case may be, immediately.  
 Provided, that this provision is not applicable to District Presidents or their nominees, who are ex-officio members of the State Executive.
- (v) The State Executive may co-opt persons who are eminent individuals, experts from such fields as the National Executive deems fit, or members of disadvantaged or under-represented social groups, such as Women, SC, ST, SEBC/OBC, Persons with Disability (PwD) and religious or linguistic minorities, if there is inadequate representation of such groups. The total number of co-opted members shall not exceed 25% of the elected strength of the State Executive at the time of co-option.
- (vi) Subject to the limitation of sub-clause (iii) of this clause, co-opted members will have all the rights of elected members of the State Executive.
- (vii) The State Executive may invite anyone from within or outside the Party to attend its meetings as a 'Special Invitee' for one or more meetings. However, Special Invitees will not enjoy any voting rights.

(d) Functions and Powers of State Executive:

The State Executive will:

- (i) form as many teams as required to carry out the objectives of the Party,  
 (ii) elect State General Secretary and Treasurer,  
 (iii) appoint one or more Party members from the State as Spokespersons authorized to communicate the official Party position on any subject to the public and media; spokespersons who are not themselves members of the State Executive shall be invited to attend all State Executive and Council meetings as 'special invitees',

- (iv) appoint one or more Party members from the State as electronic media panelists authorized to represent the Party in media debates and discussions,
- (v) monitor and supervise Party activities in that State,
- (vi) appoint one or more Party members from the State to any State level designation or post and assign them responsibilities as may be deemed suitable for the purposes of the Party,
- (vii) undertake all such activities as are needed to meet the objectives of the Party in that State
- (viii) undertake various activities related to public issues affecting that State
- (ix) maintain and keep accounts of State Level Finances
- (x) form a State Grievance Redress Committee for settling internal grievances and disputes of Party members in that State,
- (xi) form a State Disciplinary Committee headed by a person with legal/administrative background who is not a member of any Executive in the Party & set up the first State Level Lokayukta,
- (xii) constitute and reconstitute any team or committee
- (xiii) recall State President by an absolute majority of elected and ex-officio members, and State General Secretary and Treasurer by an absolute majority of all members.

E. NATIONAL LEVEL:

(a) National Council:

The National Council is the highest policy making body of the Party. An elected National Council will be constituted as soon as elected Councils have been constituted in 6 states and Union Territories and elected Executives have been constituted in at least 100 Districts across the country. The National Council will consist of –

- (i) Delegates not exceeding two hundredth the number of Party members, or 272, whichever is lower, to be apportioned to states in proportion to their share in national membership strength of the Party.  
Provided, that any fractional numbers so obtained must be rounded downwards.
- (ii) Additional State Delegates calculated to be half of the total number of Lok Sabha seats in that state,
  - (a) provided, that any fractional numbers so obtained must be rounded downwards, except in the case of states with one member in Lok Sabha; and
  - (b) each state would be required to have at least 200 members for every delegate of its apportioned strength that it nominates under this sub-clause; the seats falling short will be kept vacant till this condition is met.
- (iii) The delegates mentioned in sub-clauses (i) and (ii) of this clause will be nominated by the concerned State Executive in all States with elected State Executives.
- (iv) Membership strength of each State and for the Nation overall as on the 1<sup>st</sup> of July of every year, certified as such by the National Executive will be used under this section

to decide state wise delegate strength for the period lasting till 1<sup>st</sup> of July of the next year.

- (v) Additionally, the National Executive may nominate delegates not exceeding one half of the number of Lok Sabha seats in that state, from each state without elected State Executives to the National Council,
- (vi) The National Council may co-opt a maximum of 25% of its non co-opted strength at the time of co-option from among the following:
  - (a) experts from such fields as the National Executive deems fit
  - (b) eminent individuals from any field in the country
  - (c) members of disadvantaged or underrepresented social groups, such as Women, SC, ST, SEBC/OBC, Persons with Disability (PwD) and religious or linguistic minorities, if there is inadequate representation of such groups.

(b) Powers and Functions of the National Council:

- (i) The National Council will
  - (a) elect the National Executive from among all Party members in the country
  - (b) have the power to recall members of the National Executive
  - (c) have the power to amend this Constitution
  - (d) decide the stand and policy of the Party on issues of National interest
- (ii) The National Council may if it deems fit, delegate any of its powers under this constitution to a larger National Party Assembly consisting of delegates from across the country in such number and selected in such manner as the National Council may specify.

(c) National Executive:

The National Executive will be the highest Working body of the Party. It will organize and coordinate activities of the Party at the National Level.

- (i) The National Executive will consist of not less than 40 and not more than 60 members, of whom at least one fourth shall be women, and one tenth shall be youth (18 to 35 years of age).

Provided that if an insufficient number of nominations for election are filed by women or youth, the corresponding seat will be kept vacant.

- (ii) In addition to the above, State Presidents, or their respective nominees will be ex-officio members of the National Executive with all the rights of elected members of the National Executive.

Provided, that ex-officio members may not serve as National level office bearers.

- (iii) The members referred to in sub-clauses (i) and (ii) of this clause will elect one person as the National President.

- (iv) If the President, General Secretary or Executive member of any lower level unit of the Party is elected to the National Executive, he/she will resign from the position of President, General Secretary or lower level Executive member as the case may be, immediately.  
Provided, that this provision is not applicable to State Presidents or their nominees, who are ex-officio members of the National Executive.
- (v) The National Executive may co-opt persons who are eminent individuals, experts from such fields as the National Executive deems fit, or members of disadvantaged or underrepresented social groups, such as Women, SC, ST, SEBC/OBC, Persons with Disability (PwD) and religious or linguistic minorities, if there is inadequate representation of such groups. The total number of co-opted members shall not exceed 25% of the elected strength of the National Executive at the time of co-option.
- (vi) Subject to the limitation of sub-clause (iii) of this clause, co-opted members will have all the rights of elected members of the Executive.
- (vii) The National Executive may invite anyone from within or outside the Party to attend its meetings as a 'Special Invitee' for one or more meetings. However, Special Invitees will not enjoy any voting rights.

(d) Powers and Functions of the National Executive:

The National Executive will:

- (i) form as many teams as are required to carry out the objectives of the Party,
- (ii) elect the National General Secretary and National Treasurer,
- (iii) appoint one or more Party members as Spokespersons authorized to communicate the official Party position on any subject to the public and media, spokespersons who are not themselves members of the National Executive shall be invited to attend all National Executive and National Council meetings as 'special invitees',
- (iv) appoint one or more Party members as electronic media panelists authorized to represent the Party in media debates and discussions,
- (v) appoint one or more Party members to any National level designation or post and assign them such responsibilities as may be deemed suitable for the purposes of the Party,
- (vi) monitor and supervise the activities of Party functionaries at various levels in the country,
- (vii) undertake all such activities as are needed to meet the objectives of the Party in the country,
- (viii) undertake various activities related to public issues,
- (ix) maintain and keep accounts of National Level Finances,
- (x) form the National Grievance Redress Committee for settling internal grievances and disputes of Party members,

- (xi) form the National Disciplinary Committee headed by a person with legal/administrative background who is not a member of any Executive in the Party & set up the first Party Lokpal,
- (xii) reconstitute any team or committee,
- (xiii) recall National President with an absolute majority of elected and ex-officio members and National General Secretary or Treasurer by an absolute majority of all members,
- (xiv) make rules and regulations under this Constitution,
- (xv) constitute and reconstitute an Party Presidium consisting of President, General Secretary, Treasurer and 7 to 17 other Party members. The Party Presidium shall serve at the pleasure of the National Executive for a period not exceeding one year at a time, subject to reappointment.

(e) Party Presidium:

- (i) The Party Presidium will discharge all powers and functions of the National Executive, except those specifically retained by the National Executive with itself, in between two National Executive meetings.
- (ii) All decisions of the Party Presidium shall be reported to the National Executive at the next regular meeting and will be voided unless ratified by the National Executive at this meeting.
- (iii) The National President, General Secretary and Treasurer are expected to discharge all of their powers and duties in consultation with the Party Presidium in the spirit of collective leadership.

F. NRI LEVEL

- (a) The National Executive shall formulate rules to create Party units for Non-Resident Indians, specifying their composition, powers and functions respectively.
- (b) The National Executive may if it finds fit specify representation levels for Non-Resident Indians within State and National organs of the Party, including the numbers of such representatives and their mode of election.

G. TERM OF MEMBERSHIP OF COUNCILS & EXECUTIVES

- (a) The term of office of every Council and Executive member shall be two calendar years, subject to maintaining the currency of their Party membership.
- (b) No individual may continue as office bearer in the same office for more than two consecutive terms.

## H. FUNCTIONAL AUTONOMY AT EACH LEVEL

Every Unit, Council & Executive of the Party will have functional autonomy with respect to issues at the level of and arising from the area for which it is constituted.

Provided, that the National Council and Executive of the Party may intercede on issues concerning more than one state or if there are significant and persistent differences between regions or groups within a state.

Provided, further that a decision of a Unit/Council/Executive which is inconsistent with the objectives or principles of the Party may be overruled by a Council or Executive at a higher level.

## I. ADVISORY COMMITTEES

- (a) Executives at State and National levels of the Party shall appoint Advisory Committees comprising of eminent citizens drawn from various fields to review activities and progress of the Party and to offer non-binding advice regarding the same, either on suo-moto basis, by reference of the concerned Executive, or on the application of any member in that area. Executives shall be bound to consider such advice and to deliberate the same on record. Opinions and Advise of such Advisory Committees will be put in the public domain if the committee so demands, regardless of whether the concerned Executive has taken a contrary view or decision.
- (b) The composition, terms of office, meeting frequency and procedures, etc. of such advisory committees will be as prescribed.

## J. INITIAL STRUCTURE OF THE PARTY

- (a) All the persons who attend the foundation meeting of the party on 2<sup>nd</sup> October 2016, accept this Constitution and/or sign the application for registration of the Party with the Election Commission of India will automatically become members of the Party.
- (b) The members will elect the first National Executive of the Party consisting of 40 to 60 Party members.
- (c) This National Executive will elect the first Party Presidium as defined in section E(d)(xv) of Article IV of this Constitution.
- (d) This National Executive may invite individuals it deems fit to join the Party as members and all members who apply for party membership on such invitation on or before 31<sup>st</sup> Dec 2016, will be granted membership automatically without being subject to the scrutiny process specified in section B of Article III of this Constitution.

- (e) This National Executive will constitute regular State and District Executives from party members in each State of the country, where it feels suitable conditions for the same exist.
- (f) This National Executive may if it deems fit also constitute a National Council and State Councils in all States where regular State Executives as mentioned in this section have been constituted.
- (g) Additionally, this National Executive may further constitute ad-hoc or preparatory Executives in other States and Districts as it feels fit.
- (h) A State Executive constituted as per the clause (d) or (f) of this section may further constitute ad-hoc or preparatory District Executives in all Districts within that State without an elected or regular Executive, in accordance with this Constitution.
- (i) All Executives and Councils constituted under this section will function until replaced by an Executive or Council elected in accordance with the provisions of this Constitution.  
 Provided that elections may be held anytime within 2 years of the founding of the Party in States and Districts where threshold conditions specified in this Constitution for the same have been met and where regular State and District Executives have been formed as provided for in this section.
- (j) Subject to the provisions of this section, the powers and functions of Councils, Executives and the Presidium defined in this clause will be identical to the powers and functions of respective Councils, Executives and the Presidium as defined in clauses A through F of this Article.
- (k) The powers and functions of the office bearers appointed by the organs defined in this clause will be identical to the powers and functions of the respective office bearers as defined in this Constitution.

#### K. SOCIAL DIVERSITY IN PARTY ORGANS

- (a) The Party shall strive to achieve social diversity within the leadership and will make special efforts to have adequate representation of marginalized and under-represented social groups.
- (b) It shall be mandatory for the effective strength of any Council or Executive to include at least one-fourth women.
- (c) At least one-tenth of the members of every Party Council and Executive at any level shall be youth aged between 18 years and 35 years.
- (d) In case an insufficient number of women or youth file nominations at the time of elections, the shortfall will be left vacant.
- (e) Every effort shall be made to give due representation to under-represented social groups such as SC, ST, SEBC/OBC, and disadvantaged minorities. National and State Executives may prescribe a minimum number or proportion for any or all of such social groups for organs below their level.



- (f) It shall be mandatory to report the social breakup of each Council or Executive at the time of its constitution by number of women, youth, SC, ST, minorities, or any other prescribed category.

**ARTICLE V: OFFICE BEARERS OF THE PARTY**

A. The office bearers of the Party at respective levels will be:

- (a) Block Level
  - (i) Block President and Block General Secretary
  
- (b) District Level
  - (i) District President
  - (ii) District Treasurer
  - (iii) District General Secretary
  
- (c) State Level
  - (i) State President
  - (ii) State Treasurer
  - (iii) State General Secretary
  
- (d) National Level
  - (i) National President
  - (ii) National Treasurer
  - (iii) National General Secretary

**B. POWERS & FUNCTIONS OF OFFICE BEARERS**

- (a) President

The President will be in charge of functioning of the Party at the concerned Level
- (b) President/General Secretary at the Block Level and President at the District/ State/ National Level will
  - (i) facilitate and organize meetings of the Unit
  - (ii) implement and execute decisions of the Party and carry out all such work as assigned from time to time
- (c) General Secretary

The General Secretary will be responsible for

  - (i) managing the day to day affairs of the Secretariat at the concerned Level
  - (ii) maintaining records and maintaining minutes of the meetings at the concerned level
  - (iii) carrying out all such work as given to him/her by the Party from time to time

(iv) General Secretary at National level will represent the Party for all legal purposes

(d) Treasurer

The Treasurer will be responsible for

- (i) maintaining accounts at the concerned Level, ensuring adequate supervision and training of Treasurers at subordinate levels, combining and collating accounts from lower levels with own level and ensuring that they are duly reported every quarter
- (ii) following all guidelines and instructions issued from time to time with respect to maintenance of accounts etc.

(e) National Treasurer

The National Treasurer additionally will

- (i) ensure that Accounts of the Party are properly maintained and transparently reported, as prescribed, to the public
- (ii) ensure that all statutory compliances regarding accounts and funds of the Party are duly completed

C. TERM OF OFFICE OF OFFICE BEARER

- (a) Term of office of all office bearers will ordinarily be two years, subject to maintaining the currency of their membership status for the duration of their term. Executive members should make themselves available for Party work for at least 10 hrs/week on average.
- (b) No member will hold the same post as an office bearer for more than two consecutive terms.

D. RESTRICTIONS ON HOLDING POSITIONS WITHIN THE PARTY

- (a) No member of an Executive of the Party at any level or Block President or General Secretary may be a member of any other Executive or serve as President or General Secretary of a different unit.

Provided that this provision shall not be applicable to any ex-officio member of any Executive, including District or State Presidents or their nominees who become ex-officio members of State and National Executives respectively.

- (b) No Office Bearer of the Party can be a part of a Disciplinary Committee of the Party at that level.
- (c) No family member (spouse, child, parent or sibling) of any Executive member or office bearer of the Party may serve in the same Executive, or on a Disciplinary Committee, post or designation appointed by it.

(d) No family member (spouse, child, parent or sibling) of any Executive member or office bearer of the Party may be given the Party's nomination to contest election by that Executive or by an entity delegated by that Executive for the same.

Provided, that there shall be no bar on any Council, Executive or Disciplinary Committee member or their relatives from serving in any other post or designation of the Party or working with a functional division or program committee established as prescribed under sub-clause (e) of clause A of Article V of this Constitution at any level.

Provided, further that members of the Lokpal or their family members (spouse, child, parent or sibling) may not be members of the National Executive of the Party or serve as National Office Bearers of the Party.

## **ARTICLE VI: CODE OF CONDUCT, DISCIPLINE AND DISPUTE RESOLUTION**

### **A. CODE OF CONDUCT**

(a) Every member of the Party will abide by the following Code of Conduct:

(i) A member will not engage himself in any unethical or illegal activity as would tarnish the image of the Party or such conduct as would bring disrepute to it.

(ii) A member will not undertake any activity, which is contrary to the objectives of the Party as set out in this Constitution.

(iii) A member will abide by the rules framed from time to time by the National Executive and respective State Executive, wherever applicable.

(iv) A member will not involve himself in any corrupt practices, or promote, instigate or participate in violence in any manner.

(v) A member may not participate in any activity or be a part of any organization which spreads disharmony on the basis of caste, creed, religion or untouchability.

(vi) A member will not engage in sexual harassment, exploiting or ill-treating women, nor indulge in drunken behavior or be a drug addict.

(vii) Members will be free to express their own opinion within and outside Party fora on policy related questions. Mere expression of difference of opinion will not be considered to be a violation of the Code of Conduct unless it runs contrary to the ideals and objectives of the Party. However, it shall be the member's responsibility to clarify that they are speaking in personal capacity and not on behalf of the Party in such circumstances.

Provided that misrepresenting ones position or standing within the Party will constitute grounds for Disciplinary action.

Provided, further that when an organ of the Party has taken a public position on any question through a statement or resolution, Executive Members, Office bearers, Spokespersons and Media Panelists of that or its subordinate organs may not express contrary views in public fora.

- (viii) Persons having a conflict of interest in an issue shall abstain from participating in discussion, decision making or voting concerning that issue.
  - (ix) Members shall refrain from canvassing or support in any direct or indirect form for an opposing candidate in any elections where the Party has put up a candidate.
- (b) Without prejudice to the generality of the above, office bearers must also make an annual declaration of his/her income and assets and that of their family honestly and correctly to the Unit/Council/Executive as per the pro-forma for candidates developed by the Election Commission of India.
- (c) Elected representatives who contested and won elections as the Party's candidates shall not be issued a party directive or "whip" under the anti-defection provisions of the Tenth Schedule to the Constitution of India, except in the case of voting on a vote of confidence or no-confidence in the government, on the election of speaker or on any other vote which affects the formation or dissolution of any government.

## B. AUTHORITIES FOR DISCIPLINARY ACTION

- (a) The following will deal with complaints of violation of Code of Conduct against Office Bearers, Spokespersons, Media Panelists & Executive members at various Levels:
- (i) National Level: Lokpal
  - (ii) State Level: State Lokayukta; provided that in states where a state Lokayukta is yet to be constituted, such complaints will be decided by the National Disciplinary Committee
  - (iii) District Level: State Disciplinary Committee
- (b) Complaints of violation of Code of Conduct against members shall be dealt with by their respective District Disciplinary Committee
- (c) Decisions of the District Disciplinary Committee may be appealed to the respective State Disciplinary Committee, whose decision will be final.
- (d) Decisions of the State Disciplinary Committee, in cases where it served as the adjudicatory body of first instance, may be appealed to the National Disciplinary Committee
- (e) The National Disciplinary Committee will exercise supervisory control over the functioning of all other Disciplinary Committees of the Party
- (f) The National Executive will frame regulations for the constitution of Grievance Redress and Disciplinary Committees and the procedures to be followed by them.
- (g) Lokpal and State Lokayukta members will have special invitee status at all Council and Executive meetings at the National and State level respectively and must be provided with due Notice of the same.

### C. PENALTIES

Disciplinary action may result in penalties ranging from warning, censure, loss of voting rights for a specified period, and termination of membership from the Party.

Provided that no Disciplinary penalty other than suspension may be imposed against any member, unless based on a reasoned order passed after giving him fair opportunity to answer the charges against him, including an opportunity for personal hearing.

### D. COMPOSITION, APPOINTMENT/REAPPOINTMENT AND TERM OF OFFICE OF LOKPAL/ STATE LOKAYUKTA:

- (a) The Lokpal/State Lokayukta will be a body comprising of three persons who are not members of the Party, at least one of whom will be an eminent jurist/eminent person from the legal field. Other members will be eminent persons from different walks of life.
- (b) The First Lokpal & State Lokayuktas will be appointed by respectively the National and State Executives as the case may be.
- (c) The term of office of each Lokpal/State Lokayukta member will be three years. However, in so far as the first body constituted by the National/State Executive is concerned, members will retire by rotation on yearly basis starting from the end of the first year. The senior most in age will be the first to retire.  
Provided that an year will be taken to end on 31st of December for the purposes of this clause.
- (d) Every Lokpal/Lokayukta will be eligible for reappointment for a maximum of two terms.
- (e) Vacancy caused by retirement/resignation/death of a Lokpal/State Lokayukta will be filled by nomination by the remaining and outgoing members of the body.
- (f) Lokpal will devise their own procedure and shall lay down the procedure to be followed by State Lokayuktas.
- (g) Lokpal and State Lokayuktas may act on any complaint forwarded to them by a member of the Party.
- (h) Lokpal and State Lokayuktas may also initiate suo-moto proceedings against any Executive member, spokesperson, media panelist or office bearer of the Party falling within their Jurisdiction.

## **ARTICLE VII: RULES OF CONDUCT OF BUSINESS, ACCOUNTABILITY & TRANSPARENCY**

### A. MEETING:

- (a) Every meeting of any Party Executive or Council will be chaired by a member of that Executive or Council respectively who is not an office bearer, as elected by members

present in that meeting. This meeting chairperson will ordinarily abstain from voting in the meeting, but may exercise a casting vote in case a decision is deadlocked.

- (b) The time period between consecutive ordinary meetings of a Party Block Unit shall not exceed two calendar month.
- (c) The time period between consecutive ordinary meetings of State and National Councils shall not exceed six calendar months.
- (d) The time period between consecutive ordinary meetings of Executives shall not exceed the following:
  - District Level & below: one month
  - State Level and levels intermediate between District and State level: three months
  - National Level: three months
- (e) If required, a meeting of a Block Unit or any Council or Executive may be requisitioned by 1/3rd of the members of the concerned Unit, Council, or Executive
- (f) Every meeting of a Party organ, body or committee shall commence with the General Secretary, President or other office bearer providing evidence that Notice of the meeting was sent to each member of that organ, body or committee.
- (g) If 10% or more members of any Unit, Council or Executive wish for discussion or a vote on any Resolution during a meeting, the same shall be accommodated during the meeting by the meeting Chairperson.

Provided, that a 2/3rd majority of members present and voting will be sufficient to shelve any motion or to curtail discussion and force an immediate vote on the same.

- (h) Complaints of irregularities in the conduct of meetings shall be adjudicated by the Disciplinary Committee, State Lokayukta or Lokpal empowered to decide complaints against members of the concerned Executive.

## B. QUORUM

- (a) Quorum for all meetings will be one-third of the strength of the concerned body for Councils and one-half of the strength for Executives.
- (b) There will be no requirement for a Quorum in case of Emergency or Extraordinary meetings of any Executive or Block Unit. However resolutions passed in such meetings will be automatically invalidated unless ratified in the next ordinary meeting of the concerned body.

## C. NOTICE

- (a) The notice period for Ordinary meetings of the various bodies will be as under:

Body	Days
Block Unit	4
District Executive	4

State Council	21
State Executive	7
National Council	21
National Executive	7

- (b) Emergency meetings of the any Executive may be convened by the concerned President by giving such notice as deemed fit and giving reasons. The above time periods will not be applicable for such meetings.
- (c) Members may attend meetings of the District/State/National Executive either in person or via video/teleconference.

**D. DECISION MAKING**

All decisions at all Levels in any meeting will be taken by consensus, failing which by a majority vote.

Provided, that voting in any meeting will be by secret ballot if any member so desires.

Provided, further that any decision to amend this constitution shall be as specified in Article IX of this constitution.

Provided further that if a desire for referendum on an issue is expressed by the concerned Council or Executive, or through an initiative by not less than 15% of the total members in a District, or smaller delineated region with a separate unit or 10% of the total members in a State or in the Nation, the issue will be decided by referendum in that area, whose outcome will be final. A clear majority of all members who cast valid votes in the Referendum, including those who express a neutral opinion (NOTA) will be required for the initiative to prevail.

Provided, further that the wording of any such proposed initiative will have to be approved by the concerned Executive before it can be put to vote. If no decision is taken on a proposed initiative within 4 months of its submission to concerned President or General Secretary, the wording suggested by the initiative’s proponents will be deemed to be approved by concerned Executive and it shall be put to vote through in a Referendum.

Provided, further that a proponent of the referendum dissatisfied with the decision or conduct of the Executive in this regard may appeal the same to the Disciplinary Committee, State Lokayukta or Lokpal empowered to decide complaints against concerned office bearers.

**E. MINUTES AND RECORDING OF MEETINGS**

- (a) Attendance and minutes of all meetings of all Units, Councils and Executives of the Party shall be maintained by concerned General Secretary or President.
- (b) Video of every meeting of the National Council will be recorded and maintained in such form as may be prescribed.

- (c) All meetings of the Party shall be conducted in accordance with Meeting Rules as prescribed by the National Executive
- (d) If any member wishes, they may have their dissent recorded on any decision of a Council, Executive or Committee.

F. RECALL OF OFFICE BEARERS AND REMOVAL OF COUNCIL and EXECUTIVE MEMBERS

- (a) There will be a referendum on the issue of recall of a Council member, Executive member or Office Bearer if not less than ten percent of Party members of that area so desire and the outcome of the referendum will be final.
- (b) A member of a Council or Executive will stand removed as such member if not less than fifty percent of Party members participating in the referendum vote for his/her removal.

G. PRO-ACTIVE PUBLIC DISCLOSURES AT ALL LEVELS

The Party will put in place measures to ensure pro-active transparency and will put the following in public domain:

- (a) Details of all office bearers at all levels.
- (b) Details of members of units/Councils/Executives.
- (c) Details regarding policies made and decisions taken including outcomes of referendums at all levels.
- (d) Matters relating to finance, funding, donation, expenditure, etc.
- (e) Feedback of volunteers and members, outcome of audit, disciplinary proceedings, etc.
- (f) Any other matter, prescribed from time to time, disclosure of which is necessary to ensure pro-active transparency.

H. RIGHT TO INFORMATION

- (a) There shall be Right to Information (RTI) in the Party, available to Party Members as well as the general public.
- (b) Each State and National Executive of the Party shall appoint one or more Public Information Officers (PIO) from the members of the Party in its area tasked with implementing this Right to Information.
- (c) Procedures for the implementation of this RTI within the Party will be as prescribed by the National Executive through rules.

I. INTERNAL PARTY ELECTION COMMISSION



- (a) The National Executive will appoint an Internal Party Election Commission (IEC) tasked with conducting all internal organizational elections of the Party, consisting of at least 3 persons, who are not Office Bearers of the Party.
- (b) The term of office of the IEC will start from the date of its appointment and last till the completion of the next election of the National Council, National Executive & National Office Bearers.
- (c) The IEC will formulate its own rules and procedures in accordance with this constitution for the conduct of internal elections in the Party.

#### J. CONTESTING ELECTIONS AND SELECTION OF CANDIDATES

- (a) The decision to contest any elections or by-elections at national or state level in any state will be taken by the National Executive.
- (b) The decision to contest elections in any corporation ward, panchayat or other rural or urban local body will be taken by the respective State Executive on the basis of a framework and yardsticks devised by the National Executive.
- (c) All applicants for the Party's nomination will be screened by the relevant Candidate Screening Committee appointed by the Party Presidium in the case of National elections, by the respective State Executive in case of State level elections and concerned District Executive in case of local body elections.
- (d) The Candidate Screening Committee will scrutinize all applications received by it, finalize a shortlist of applicants and forward the same to the concerned Candidate Selection Committee as constituted by the Party Presidium in the case of national and state elections and by respective State Executive in case of local body elections.
- (e) The concerned Candidate Selection Committee will finalize the Party's candidate through processes which among others, may include, –
  - (i) public scrutiny of candidates,
  - (ii) consultation with Party volunteers in the constituency or region,
  - (iii) vote by all Party members of that constituency, or
  - (iv) a vote by a larger group of eligible voters from that constituency as may be prescribed.
- (f) The National Executive will determine threshold conditions to be met for conducting any such elections in the constituency, the procedure for conduct of such elections and for deciding the list of voters eligible to participate in them. Further, different procedures and thresholds may be adopted in different elections and constituencies as deemed fit by the National Executive.
- (g) A final decision on grant of ticket will be taken by the Candidate Selection Committee as prescribed

### **ARTICLE VIII: PARTY FUNDS, ACCOUNTS AND AUDIT**

#### A. COLLECTION OF FUNDS

- (a) Funds will be collected by means of membership fee, donations, sale of materials related to the Party, cultural programs, and other means, etc.
- (b) Only such persons, at the district, state, national or any other level, as are previously authorized by the concerned Treasurer, are permitted to receive funds on behalf of the Party.

Provided that the Treasurer may if s/he finds fit, delegate their authority under this clause to any other Party member, subject to such conditions as the concerned Executive may specify.

## B. BANK ACCOUNTS

- (a) The National Executive of the Party is authorized to open such Bank Accounts at such places as are considered necessary for the Party's purposes.
- (b) State, District and other Executives of the Party, subject to authorization by the National Executive, may also open Bank Accounts to meet their respective purposes or the purposes of subordinate Executives.
- (c) Each Bank Account of the Party will be operated by the concerned Treasurer and two other members of the concerned Executive authorized by it for this purpose, and approved by the National Treasurer. The mode of operation of the account shall be "Treasurer together with any one other signatory". National, State and District level Treasurers will additionally exercise supervisory control over bank accounts operated by respective lower level units, as may be prescribed.
- (d) All receipts must first be deposited in the bank accounts of the Party before being drawn for the purpose of meeting expenses.

## C. UTILISATION OF FUNDS

- (a) The funds received by the Party will be utilized for the purpose of any of its political activities.
- (b) The funds will be utilized by the concerned Executive. The National Executive may frame regulations governing the utilization of funds.
- (c) Accounts of the Party will be maintained on accrual basis.
- (d) The Details of all Donations and Expenses will be made transparent and will be uploaded and duly updated on the website(s) of the Party at such frequency as may be prescribed.
- (e) Any mishandling of finances, laxity in prompt financial reporting of transactions, mishandling or loss of receipt books, vouchers and other financial records of the Party, or failure to deposit funds collected on behalf of the Party into bank accounts in a prompt and timely manner shall be grounds for Disciplinary Action against the concerned member.

#### **D. AUDIT AND FINANCIAL REVIEW**

- (a) The Party will put in place mechanisms for the conduct of annual audit and financial review of the Party.
- (b) Every Executive of the Party will appoint an Audit Committee consisting of two or more of its members who are not office bearers. This Audit Committee will be responsible for getting the Party Executive's annual Balance Sheet and Income and Expenditure statements audited by an external Auditor.
- (c) The Accounts of the Party will be audited annually by an Auditor on the panel of the Comptroller and Auditor General of India.
- (d) The Audited financial statement of the Party shall be submitted to the Election Commission of India within a period of 60 days after the end of each financial year.

#### **ARTICLE IX: INTERPRETATION & AMENDMENT OF CONSTITUTION**

A. This Constitution can be amended by the Party's National Council which shall be considered the General Body of the party, provided that the amendment has the approval of 2/3rd of its members present and voting after due notice to all members. For this purpose, if a resolution for amendment bearing the signatures of at least 20% members of the National Council is received, a meeting of the National Council will be convened within 30 days thereafter to decide the same.

Provided that the approval of a simple majority of members present and voting after due notice to all the members will suffice for amending this Constitution at the second general meeting of the National Council.

Provided, further that this Constitution may be amended through a referendum of all members of the Party in the Country as per clause D of Article VII of this Constitution.

B. The decision of the National Executive will be final on any question of interpretation of this Constitution or the rules and regulations framed there under, unless subsequently overturned by the Lokpal in appeal.

#### **ARTICLE X: MERGER, SPLIT & DISSOLUTION**

A. Any decision to dissolve the Party or to merge it into another party or organization can only be taken on the basis of a resolution to that effect by the Party's National Council, followed by a referendum of all members of the Party as per clause D of Article VII of this Constitution.

B. Any decision to permit any other party or organization to merge itself with the Party may be taken by the National Executive.

Provided that the National Executive may if it deems fit waive scrutiny requirements for members of the party or organization merging itself with the Party.

C. Any dispute about constitutional or governance issues within the Party, including splitting the party will be resolved in a regular meeting of the National Council with due notice to all members.

#### **ARTICLE XI: MISCELLANEOUS PROVISIONS**

A. This Constitution of the Party in its present form is hereby adopted by the National Council on 2<sup>nd</sup> October 2016 and shall come into force immediately.

B. Unless so apparent from the context in which it is used, 'prescribed' means prescribed by the National Executive through rules.

Provided that the National Executive may delegate this power to State Executives in specific cases, either on its own initiative or on application from the concerned State Executive.

C. Unless so apparent from the context where it is used, any reference to a State or States in this Constitution shall be taken to include Union Territories in the Union of India.

D. The method for election of various Councils, Executives and office bearers of the Party will be as prescribed by the National Executive in keeping with the principles of proportional representation and social diversity in Party organs as far as possible.

E. The Party shall contest elections conducted by the Election Commission of India within 5 years of its registration.

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