CHAPTER II

BJD GOVERNMENT IN U.P.
Formation of BKD Government in U.P.

Charan Singh, the BKD leader returned to power for the second time on February 17, 1970, exactly after two years after he resigned as the SVD Chief Minister, with his swearing in by the Governor Gopala Reddy as Chief Minister at the head of a 10 member Single Party Ministry. Six other Ministers and three Deputy Ministers were also administered the oath of office and secrecy. The ceremony was also attended by the New Congress Party leader Kamalapati Tripathi with some of his party men and speaker A.G. Kher, but none from the alliance led by the Old Congress was present.

On February 17, 1970 Charan Singh met the Governor with the list of his supporters. An hour later the rival candidate Girdhari Lal (Old Congress) supported by the leaders of SJP, Jana Sangh, Swatantra and old Congress also met the Governor. The Governor invited Charan Singh to form the Ministry. The same day, the oath taking ceremony took place.

In his first meeting with the Governor Charan Singh claimed a strength of 235 legislators, including 96 of BKD, 13 of New Congress, five Communists and three others. On the other hand Girdhari Lal claimed the support of 236 legislators including 129 of the Old Congress. Two New Congress members also

1. *The Hindustan Times*, New Delhi, Feb 18, 1970
personally intimated to the Governor their decision to support Girdhari Lal. Two BKD members who met the Governor claimed 21 other members of their Party behind them to support Girdhari Lal.

Speaking at the oath taking ceremony, Chief Minister Charan Singh assured the people of the State that his government would do the best through hard work and clean and efficient administration. He regretted that though the State was backward and underdeveloped, the Congress government indulged only in slogans. There was need to find realistic solution to the problems howsoever unpopular they might be.1

On the formation of Charan Singh Ministry, the Old Congress, Jana Sangh and the SSP alliance alleged that the Governor, B. Gopala Reddy was persuaded by the Central Government to invite Charan Singh to form the Ministry. They criticised the manner in which the Charan Singh Government had been sworn and alleged that "democratic norms and well known constitutional principles had not only been ignored but violated."

The Old Congress President Nijalingappa, criticising Indira Gandhi said: "the swearing in of Charan Singh Ministry in U.P. is a shot in the arm of Mrs. Gandhi's Congress." He

1. The Hindustan Times, New Delhi, Feb 18, 1970
summed up his party's reaction by taking exception to Governor Gopala Reddy's conduct. According to him the Governor had acted under pressure from New Delhi in inviting Charan Singh to form a Ministry "without verifying the claim of the SVD leader Girdhari Lal, particularly when nearly 50 MLAs were common in the lists submitted by the two leaders." He described the BKD Chairman as the 'King of defectors' and complained that "Politicians in India had lost honesty, integrity and political morality. Every Indian ought to hang his head in shame at what happened recently in Bihar and U.P."

Nijalingappa thought that Charan Singh's defection had been brought about by Mrs Gandhi. He also declared that he would never like to have alliance with the BKD even if some opportunity comes. He further said that horse trading was practiced on large scale. Nijalingappa demanded that the U.P. legislators should meet immediately so that the strength of new Government could be tested. He predicted that these governments would not last as they had come into existence without any moral basis. 1

1. The Hindustan Times, New Delhi, Feb 19, 1970
The Coordination Committee of the alliance of Old Congress, SSP, Jana Sangh, Swatantra, KMP and Independents expressed its "firm determination to launch an agitation if Charan Singh Ministry imposed land revenue on the economic holdings and profession tax, and reversed other measures taken by the Gupta's Government under its 13 point programme to bring relief to the various sectors of the people." The Committee also decided "to put up stiff fight on the floor of the legislature for the retention of the programme and for its further implementations." Besides exemptions of uneconomic holdings from land revenue and abolition of profession taxes, the programme also provided for the government undertaking the responsibility of distribution of teachers' salaries through its agencies, redistribution of land to the Harijans and the landless, 45% recruitment for Harijans in services until the reserved quota of 18% was filled, and compulsory use of Hindi for all administrative work and facilities for proper development of Urdu language.

The Coordination Committee accused the Governor of installing Charan Singh's Ministry as "part of a conspiracy to strengthen the Prime Minister's hands." It contended that "Reddy had taken a decision in favour of the BKD leaders without verifying the claim of both sides." It alleged that the Governor had already decided to commission Charan Singh even
before the rival candidate Girdhari Lal had put his case before him. "This was evident from the fact that the order had already been issued for making arrangements for the oath taking ceremony before these interviews. The whole process was carried out in a surreptitious and conspiratorial manner. While Mr Gupta got the invitation after the oath taking ceremony was over, the retiring Minister and leaders of various opposition groups forming the alliance never received it."

The Committee further pointed out that BKD workers were making public announcements on loudspeakers from early morning that Charan Singh would be sworn in at 2.40 PM. The ceremony did take place at this very time, showing that all the decisions had been taken much in advance.

In a letter to the Governor former Chief Minister C.B. Gupta said that the BKD—New Congress alliance could not provide a stable government in the absence of agreement on such burning issue like exemption of uneconomic holdings from land revenue. It was not known what was the nature of the reported alliance between the two parties nor was it known that there could be any reasonable likelihood of the two groups holding together even if they had majority support, which they had not.1 It was

1. *The Hindustan Times*, New Delhi, Feb 19, 1970
further said that "the opposition will make the motion of thanks for the Governor's address and the issue of no confidence against the Charan Singh Ministry, if it did not accept the Old Congress alliance's economic programme. The motion will provide the first opportunity for a trial of strength between the two sides on the floor of the Assembly."

Girdhari Lal was confident of toppling the Government. He said that "an opposition deputation will meet the President before the session to post him with the correct position and to protest against the Governor's arbitrary action." He said that the opposition has completely lost its faith in the Governor for his partiality and apprehended that the House might be adjourned to prevent government from being defeated. He alleged that the process of assessment started by Dr Reddy was "only a make believe to camouflage the decision he had already taken to invite the BKD leader to form the Ministry." In support Girdhari Lal claimed that the party legislator had over heard telephonic talk between Delhi and the Government House in Lucknow, in which clear instructions were given to install the BKD Ministry at 2.00 PM.¹

¹. *The Hindustan Times*. New Delhi, Feb 20, 1970
While on one hand the opposition alliance was putting forward its claim to a majority Charan Singh on the other was pursuing Indira Gandhi that New Congress should join his Ministry soon so as to clear the atmosphere of instability in the State. Charan Singh was not personally averse to the merger proposal but was not finding it too easy to carry the majority with him in this regard. He also sought Indira Gandhi's help in dropping the C.B. Gupta Government's measure exempting economic holdings from revenue. According to Charan Singh, one of the reasons why such a drastic step should not be taken was: extremely poor per capita taxation in the State. While the average per capita in Punjab, Maharashtra, West Bengal, Gujarat, Haryana and Tamil Nadu was more than Rs. 400, it was only Rs. 306 in U.P., one of the lowest taxed States figuring fourth from bottom.1

Charan Singh was said to be determined to abolish the scheme which had the unqualified backing of New Congress and a section of his own party. His problem seemed to be that another section of his party backed by big and politically influential farmers was opposed to the measure. Those farmers were disappoint-

1. The Hindustan Times, New Delhi, Feb 23, 1970
ted because "the scheme not only benefited very small land holders but had the danger of an increased land revenue on the bigger ones to make up for the loss." A proposal mooted by Charan Singh was that instead of abolishing land revenue on small holdings, the amount collected from them should be ploughed back in the shape of fertiliser subsidies and irrigation facilities. Charan Singh promised his best efforts to secure a favourable decision from the BKD National Executive for the support of Indira Government through the BKD parliamentary members. The 14 member BKD Parliamentary group was sharply divided on whether the party should reciprocate the party gesture in U.P. towards the BKD by giving conditional support to Indira Gandhi's Government. Some members opposed the proposal and felt that the cooperation should depend on the merit of each issue. Ultimately it was resolved to refer the matter to the National Executive. As regards the merger issue, the BKD General Secretary Prakash Vir Shastri ruled out its prospects in the foreseeable future. In response to Bihar Chief Minister Daroga Rai's request it was decided that Vice President Rai Kumbha Ram Arya and Secretary S.K. Sinha should visit Patna for consultations with

1. *The Hindustan Times*, New Delhi, Feb 23, 1970
2. Ibid.
BKD MLAs and issue appropriate directions to them.

Kamlapati Tripathi had talks with Indira Gandhi on February 24, 1970 regarding the formation of Ministry in alliance with BKD under Charan Singh's leadership. During the meeting Charan Singh urged such coalition to lend stability to the administration instead of supporting his Government from outside. He, with Tripathi and Indira Gandhi, had also agreed to accept nominees of the New Congress in the proposed Coalition.¹ He was said to have favoured a 21 member team including himself excluding the Junior Ministers. While agreeing that the party should join Charan Singh's Ministry without unnecessary delay, the New UPCC Executive Parliamentary Board and the Legislature Party authorised Kamlapati Tripathi to take a decision about the timing, personnel and the number of its representatives. The New Congress had also proposed a coordination agency between the two parties.²

On April 18, 1970 it was stated that the New Congress would formally enter into a coalition with BKD when the Charan Singh Ministry was to be expanded, about two months after its installation. As many as 27 New Congress representatives, 14 Cabinet Ministers, 17 Ministers of State and 6 Deputy Ministers,

¹ The Hindustan Times, New Delhi, Feb 25, 1970
² Ibid., Feb 26, 1970
besides one BKD Minister would be sworn in by the Governor, which would have raised the strength of the Council of Ministers to 38. Originally the Council of Ministers was comprised of only 10 members; 7 cabinet Ministers including the Chief Minister and 3 Deputy Ministers, all belonging to the BKD.

The Chief Minister said that the Ministry would be further expanded sometime later to include some BKD men. Representation to the two parties was being given on the basis of their representative strength in the Assembly going by the figure of fifty as the final strength of the Ministry. The BKD was to have 21 representatives and the New Congress 29. Charan Singh was not in favour of having a Deputy Chief Minister. Kamlapati Tripathi kept himself out. The one BKD addition was to be Bishan Lal of Moradabad with cabinet rank. The New Congress list of 14 Cabinet Ministers headed by ChaturbhuJ Sharma, who would be No. 2 in the Ministry, consisted of 9 Ministers who resigned from Gupta cabinet following the split in the party in addition to former PWD Minister J.P. Rawat, former Agriculture Minister Genda Singh, former Minister Baldev Singh Arya and two new comers B.S. Avasthi and Ram Lakhan, Harijan members from Banaras. Besides Nine Cabinet Ministers including Sharma, there were seven Ministers of State and six Deputy Ministers.

1. The Hindustan Times, New Delhi, Apr 19, 1970
Later on in a statement Charan Singh said that three more men from BKD would be included in his cabinet. He indicated that this would be after the Tanda by-election on May 17, 1970, which, acting State BKD Chairman Jai Ram Verma was contesting. With three men coming, the number of representatives of his party was to rise to 11 in the 25 men cabinet; fourteen Congressmen were already there. Charan Singh said that he had not consulted the New Congress leaders about the allocation of portfolios, which he had done on his own but generally the New Congress Ministers were satisfied with it.¹

On the day of opening of the joint session of the U.P. Legislature on February 26, 1970 a chorus of "shame shame", and "Governor go back" and loud thumping of desks emerged from the opposition benches. Ignoring Opposition leader Girdhari Lal's protest Governor Gopala Reddy started reading his address. The SSP leader A.R. Jaiswal and Jana Sangh leader Madhav Prasad Tripathi charged the Governor with acting in a partisan manner against the constitution in installing a minority government headed by Charan Singh "to retain his own job."² The opposition, they said "would not bear him", (the Governor).

¹ The Hindustan Times, New Delhi, Apr 26, 1970
² Ibid., Feb 27, 1970
Immediately after when the upper House met separately the entire opposition walked out following the rejection of Chairman Virendra Swaroop of his contention that the Governor had left the Chamber without reading his address at the joint session and so that the address should not be repeated to the House formally. Ruling out the objection the Chairman said that he was sitting by Governor's side and he heard him. Quoting a Calcutta High Court ruling he said that the validity of Governor's performance in usual conditions could not be questioned even if it was irregular.

In a separate sitting of the Assembly, the opposition did not raise this objection when A.G. Kher repeated the address of the Governor and fixed four days for its discussion. At the fag when the speaker announced that he had received a notice from Kamlapati Tripathi seeking to express regret of the House at the insulting behaviour meted out by some members to Reddy, the Old Congress Secretary Krishnanand Rai and some opposition members opposed it and declared that the "Governor deserved it because of his action."

On February 26, 1970 the Speaker announced in the Assembly that a notice of breach of privilege had been received against Chief Minister Charan Singh "for announcing at a public meeting on February 25, 1970 certain important decisions of the Cabinet barely 12 hours before the Assembly session to have
opened." The Chief Minister contended that this question has been raised many times in the House and the Speaker had ruled that this could not be considered a breach of privilege. A similar ruling had been given in the Parliament also. Charan Singh said he would produce the ruling later if the chair wanted it. The speaker said that as far as he could remember he had said that as a matter of etiquette the Government should announce important decisions on the floor of the House when it was in session and not outside. But it could not be a matter of breach of privilege. He said, he would, however, study the issue further and give the decision later.

Finance Minister Balbir Singh later presented in the Assembly supplementary budget totalling Rs. 78.45 crores. Irrigations Minister Virendra Verma presented supplementary demand to the council earlier in the day. There was a great tension in the air as members assembled for the joint session. In anticipation of trouble the visitors galleries had been closed for the day and a big police force guarded the corridors outside. As Chief Minister Charan Singh took his seat, followed by Kamalpati Tripathi next to him, they were greeted with cheers from the BKD and New Congress benches and with shouts of "shame shame" from the Opposition. C.B. Gupta sat quietly in one of the rear rows. Tension grew up further in the Assembly
as the Governor entered the House.

In his protest speech the SSP leader A.R. Jaiswal said that "the Governor had violated his oath of allegiance to the Constitution by swearing in Charan Singh as Chief Minister on the basis of the list he had himself declared bogus." He alleged that Dr Reddy has eaten his words to save his job. Jana Sangh's Madhav Prasad Tripathi said that "Dr Reddy had ceased to be the Governor as he had taken a partial decision to get an extension or another job. Instead of using his own discretion he went to Delhi for consultations with Prime Minister and the President." The decision to install Charan Singh Ministry, Tripathi charged, "was guided by personal interest and no sense of fair play and justice could be expected from the high office he held."

As reported in the press the noisy first day debate on the Governor's address in the U.P. Assembly on February 27, 1970 was "marked by a bitter two hour indictment of Chief Minister Charan Singh by SSP group leader Anant Ram Jaiswal." Jaiswal, who moved an amendment to the motion of thanks on behalf of the Opposition leader Girdhari Lal "regretting that no motion had been made of the ordinances by the Gupta Ministry for exemption of 6.25 acres from land revenue", accused Charan Singh of "conducting deceptive house trading with both sides for getting
Chief Ministership" and said: "such a leader could never give a clean and efficient administration to the State."

Moving the motion of thanks Ganda Singh (New Congress) said that the address was not the last word about the Government policies: There would be occasion to reconsider certain issues. The SSP leader A.R. Jaiswal charged the Chief Minister with constantly shifting his stand for retaining or acquiring power. He said that one of the main reasons given by Charan Singh for not breaking with Gupta was that he could agree to land revenue exemption, yet under the pressure of New Congress which was committed to it, he had now agreed to it for the fear of being toppled.

On March 6, 1970 the U.P. Assembly adopted by voice vote the motion of thanks on the Governor's address with the Old Congress, SSP and Jana Sangh groups abstaining, after the speaker had declared "division procedure irregular". He however confirmed his ruling that the Opposition amendment had also been lost. On March 22, 1970 Charan Singh scored a convincing victory when a no-confidence motion against him was rejected by the Assembly by a large margin of 67 votes. The House then was adjourned upto April 28, 1970. The Hindustan Times.

1. The Hindustan Times, New Delhi, Feb 28, 1970
2. Ibid.
wrote: "In what came to be the first lobby division challenged by Opposition against the new Ministry, as many as 236 voted against the motion and 169 for it."¹ After declaring the motion lost, the Speaker announced that according to the figures submitted by various previous groups their respective strength was as follows:²

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Congress</td>
<td>136</td>
</tr>
<tr>
<td>Congress (O)</td>
<td>96</td>
</tr>
<tr>
<td>BKD</td>
<td>94</td>
</tr>
<tr>
<td>Jana Sangh</td>
<td>44</td>
</tr>
<tr>
<td>SBP</td>
<td>32</td>
</tr>
<tr>
<td>Communist (R)</td>
<td>4</td>
</tr>
<tr>
<td>Communist (M)</td>
<td>1</td>
</tr>
<tr>
<td>Republican</td>
<td>1</td>
</tr>
<tr>
<td>Swatantra</td>
<td>4</td>
</tr>
<tr>
<td>Muslim League</td>
<td>2</td>
</tr>
<tr>
<td>Independents</td>
<td>4</td>
</tr>
<tr>
<td>Unattached</td>
<td>2</td>
</tr>
<tr>
<td>Praja Socialist Party</td>
<td>3</td>
</tr>
<tr>
<td>Hindu Sabha</td>
<td>1</td>
</tr>
<tr>
<td>KMP</td>
<td>1</td>
</tr>
<tr>
<td>Vacant</td>
<td>1</td>
</tr>
</tbody>
</table>

¹ The Hindustan Times, Feb 28, 1970
² Ibid., March 22, 1970
Chief Minister Charan Singh said that the Opposition had probably tabled the no-confidence motion misled by certain rumours which did not fructify. The new announcement he made was that "all Hill areas of Kumaun and Uttar Khand division except Nainital district would be declared dry within a few days." He said that he was opposed to the exemption of land revenue but since it had been made a political issue and one of sentiments by almost all parties, he had perforce to agree to exempt holding up to 3,125 acres. He made it clear that he was not going to withdraw the enhanced irrigation rates. Personally he was opposed to ceiling as well.

But certain defects in the existing law had to be removed and therefore a Bill was to be brought in the monsoon session. The land to be released by the Ceiling measure would not be enough to solve the economic problems. Nevertheless Charan Singh stood by the policy decision he had announced about ceiling, though its details were to be settled in consultation with the BKD and the New Congress and at a later stage by the agreement of the House itself. There was no difference of opinion about it in the ruling alliance, he said. He also rejected the demand for withdrawal of professional tax and disbursement of salaries of aided schools through Government treasuries. The House later passed by a voice vote the Zila Parishad and Block Committee (Emergency Provision) Act.
Opinion was divided in the BKD State Executive on the key question of the Party merger with the New Congress. It was clear that even those favouring the merger could not envisage it in the immediate future. Some senior BKD leaders including Industries Minister Virendra Verma felt that in the absence of any formal offer from the New Congress Working Committee or the Prime Minister it would be only "sheer surrender" on the part of BKD to talk of merger. Udit Narain Sharma who had submitted a note to the BKD National Executive calling for merger read out its contents to the executive members and explained it at length. He and Education Minister P. Mishra strongly supported the merger move. Acting President Jai Ram Verma said that the Prime Minister had in her talk with BKD leader several times pressed for merger, though it was no pre condition for a coalition government nor was there any pressure applied. He felt the merger was desirable but wanted the party to make up its mind either way soon.

3. **BKD-Congress (N) merger issue and split in the BKD**

The party leadership had authorised the Chief Minister to settle several key issues relating to the future set up of the BKD, both in government and the organization. The joint meeting of the Executive Committee of the organisational and legislature wings of the BKD, authorised Chief Minister Charan
Singh to take "all such steps in this connection as he may
deem fit." nothing that the merger between the BKD and Congress(N)
was a "ticklish talk more easily thought of than implemented."
The resolution pointed out that the question would have to be
taken to the National Executive. The meeting decided to
call a State Convention of the party representatives from
districts at Lucknow on June 27 and 28, 1970. The State BKD
was seriously seized of the problem of merger. In a meeting
held in April, 1970 the majority of its members in favour of
merger differed a final decision for a future date. The resolution
said: "In order that democracy may prosper the BKD has believed
all along in polarisation of like minded parties and groups in
the country. The BKD has, interalia, stood for social justice.
The BKD finds itself nearer to the New Congress as compared
with other political parties and groups in the country." The
resolution added: "The BKD believes in the removal of poverty,
reduction in disparities of income and elimination of unemploy-
ment. The country needs turning more to Mahatma Gandhi than to
any other source." Saying that the accusation preferred in the
memorandum by some New Congress members to the Prime Minister
against the BKD ministers only served to undermine the confidence
of the people in the government stability, the resolution said:
"In fact BKD ministers are extending the same treatment to the
Congress legislators as to their own partymen. Nor is the Chief Minister acting in a partisan manner or as the leader of the BKD alone." As regards the distribution of portfolios, except in one "inevitable case" where it consisted of five departments, Charan Singh allotted to all the ex-ministers of the Congress those very departments they held previously, the resolutions added.¹

When news about the merger appeared in the newspapers a spokesman of the party said: "We only read in newspapers about the merger move in U.P. but the point had never come before the National Executive. So far as the National Executive is concerned, it decided against the merger and that decision stands." It was also explained that the BKD was not merely a party of U.P. but spread all over the country and was an all India organisation. If a decision to merge with Congress (in U.P.) was taken it would not affect the party organisation at national level. The BKD claimed that it was the major partner in the coalition government in Orissa as Jana Congress was nothing but BKD with a different name. In fact the Jana Congress had adopted the BKD Constitution and its leader Pavitra Mohan Prachan was one of the Vice-Presidents of BKD.

¹ The Hindustan Times, New Delhi, May 27, 1970
In Rajasthan the BKD had eleven members in the Assembly and though the Swatantra Party was the official Opposition the BKD had turned out to be the principal Opposition party in the state particularly after it led a mighty Kisan movement and got more than 30,000 people to court imprisonment.

On the eve of the crucial BKD National Executive meeting in July 1970 Charan Singh met Mrs. Indira Gandhi to discuss the problems connected with BKD’s proposed merger with the New Congress. He also met his senior party colleagues and asked them to sort out the differences of opinion. He said that "in the larger interest of the country, the party should not mind losing its identity; after all most BKD members were former Congressmen who had left the party due to bossism. They should identify themselves with the forces emerging in the New Congress after the split." This view was not shared by several BKD leaders. The pro and anti merger groups had taken rigid positions and the party might not have been able to avoid a split if the majority view was sought to be imposed. Those opposing the merger were also expected to press that the National Executive was not competent to wind up the organisation and therefore a National Convention was to be called to discuss the merger issue.
The U.P. State BKD Chairman Jai Ram Verma opened the debate in the National Executive meeting. In his 70 minute speech he explained the two resolutions of the State BKD which had virtually recommended merger. J.R. Verma pointed out that in the circumstances of the country at that time "the task of developing BKD into an All India live political force might take more than a decade while the need for the various democratic elements in the country to present one consolidated front to the growing threat of extreme communism and fissiparous tendencies were urgent." According to J.R. Verma, the country was in a bad shape in 1967 but the situation had further deteriorated requiring a reappraisal of the whole situation: "It was in this context that the BKD should respond to the appeal of the Prime Minister who had called upon the like minded parties, in particular the BKD to participate in national resurgence." He agreed that "the Congress (N) did not possess everything good and the reason prompting the BKD leader to have separate organisation had not completely been eliminated, but the approach of both the parties to the problem of the man in the street was much in common."

On July 5, 1970, the BKD National Executive shelved the issue of merger with Congress (N) indefinitely, authorising its Chairman Charan Singh to study the situation in all its aspects.
and report back to the party. This, according to the *Hindustan Times*, "caused a wave of disappointment in the New Congress circles, but leaders were reluctant to comment." The UPCC(N) Chief, Kamlapati Tripathi said that it was not necessary to react to all the formulations of other political parties, though he admitted he would have been happy if the BKD had decided for merger.2

The anti merger lobby overwhelmingly outnumbered the supporters of the merger; only three out of fourteen executive members present being in favour of merger. The merger group scored victory in that the executive did not reject the proposal outright. It was believed that Charan Singh, after meeting Mrs. Indira Gandhi would discuss the terms and conditions of merger with the Congress(N). If there was a firm assurance that the BKD members would be reasonably accommodated at the Centre and in the States both in the government and in the organisation Charan Singh could have persuaded his colleagues to a merger. However Charan Singh warned the executive that the BKD might have to pay the price for its separate existence. He was obviously suggesting that the Congress(N) might withdraw itself from the government in U.P.

1. *The Hindustan Times*, New Delhi, July 6, 1970
2. Ibid.
On July 5, 1970 the first attack was made by S.K. Sinha (Bihar) who had been vigorously campaigning against the party losing its identity. He was followed by another joint secretary Moti Ram Shastri who was also vehemently opposed to the idea of merger. Prakash Vir Shastri was perhaps the most outspoken critic of the merger moves. Most of the invitees holding executive position in their respective States disapproved the merger proposal characterising it as "an attempt to liquidate a really democratic nationalist organisation committed to follow the path of Mahatma Gandhi." They refused to accept the contention that any basic change in the country's politics had taken place requiring the BKD to consider such a step. On the other hand they felt that "it might be more desirable to wait and watch and keep the options open." The three advocates of the merger were Udit Narain Sharma, Jai Ram Verma who opened the debate and M.S. Oberai. Their principal argument was that "the circumstances since the congress split had basically altered the political situation; in the larger interest of the country, the BKD should help the process of polarisation and the nearest possible organisation to the BKD was the Congress(N)." An alternate resolution sought to be moved by Narain Naik (Maharashtra) was applauded by several members but in view of the alternate decision giving authority to Charan Singh to review the whole
situation it was not pressed.

The resolution called for "helping the formation of a new party of socialism, spurning any move to join hands with the Old Congress and its allies." It argued that the efforts of certain parties to form an alliance in Parliament was "a clear indication that those who want the status quo to continue are getting together fast. There are also indications that the Congress(N) may not continue as Congress for long. The question of merger with Congress(N) therefore does not arise."

Referring to the circumstances in U.P. and Bihar the resolution said: "The BKD is prepared to work in coalition on an All India basis with Congress(N) and other like minded parties on the basis of a clear cut and time bound socialist programme. Through such initial cooperation these parties should come together and form a new party of Socialism (Samajwadi Dal). During the discussions Charan Singh said: "I did not give any decision in favour of against the merger issue."

There was a high level meeting which the Prime Minister Indira Gandhi had with her senior cabinet colleagues Jagjivan Ram, Y.B. Chavan and Fakhruddin Ali Ahmad, where it was decided

---

1. *The Hindustan Times*, New Delhi, July 6, 1970
that the Congress(N) would not withdraw from the BKD coalition in U.P. However, the hope was still entertained in the Congress(N) circles that the last has not been heard on the subject and that the Chief Minister Charan Singh might succeed in persuading the BKD to a merger. The UPCC(N) president Kamlapati Tripathi was also present at the meeting when the U.P. situation was discussed. Though he was put out by the BKD decision, he had not given up the hope that Charan Singh would be able to carry the executive with him on the merger issue at a more opportune moment later. This was the impression Charan Singh gave to Mrs. Gandhi when he met her after the BKD decision. Charan Singh reportedly told Mrs. Gandhi that he needed some more time to persuade his party executive to accept the merger proposal. But Congress(N) sources maintained that "in view of the overtures made to the BKD by Congress(O) the executive was perhaps thinking over this matter in an entirely different context." They also said that "he was probably trying to strike a political bargain by delaying merger."

The Executive Committee of the Rajasthan unit of the BKD strongly opposed the merger of BKD with Congress(N). It said that such talk created an atmosphere of instability and misunderstanding, and this damaged the image of BKD. Besides this, only the National Executive was capable of taking such
a decision on merger. Chairman Ram Kiran Joshi said that most of the state units were opposed to the merger and he did not think the National Executive would decide otherwise.

4. Expansion of Charan Singh Ministry

Charan Singh had proposed to expand his Ministry in the third week of July 1970. This had to be done mainly to include the BKD representatives to complete his party quota in the Ministry. The Chief Minister was entitled to add three cabinet Ministers, 7 Ministers of State and 3 Deputy Ministers. But he was not to appoint so many Ministers as the total strength of the Ministry would have been too big.1 He was to appoint some Ministers for the time being and add a few later in the second phase. There were 22 cabinet Ministers out of which 15 belonged to the Congress(N). Among the 9 Deputy Ministers only three were from BKD. When the Ministry was expanded on April 19, 1970 to include Congress(N) representatives only one BKD Minister was taken in. It was given out then that the BKD quota would be completed later.

The Charan Singh Ministry was expanded on July 19, 1970 for the second time to induct two more Cabinet Ministers, 2 Ministers of State and a Deputy Minister, all belonging to the

1. The Hindustan Times, New Delhi, July 8, 1970
BKD, raising its strength to 46. Ram Kinkar, a Deputy Minister was promoted to the Cabinet rank. In the 46 member Ministry the Congress(N) now had a share of 26, comprising 13 Cabinet Ministers, 7 Ministers of States and 6 Deputy Ministers. The BKD had 10 Cabinet Ministers, 2 Ministers of State and 8 Deputy Ministers. Originally a 10 member BKD Ministry led by Charan Singh was installed on Feb. 17, 1970 to make a Coalition Ministry. It was expanded for the first time on April 19, 1970 to include Congress(N) representatives; since the BKD quota was not completed it was then decided that the Ministry would soon be expanded but the expansion was delayed due to a by-election and the budget session of the Assembly.¹

5. Law and Order Under the BKD Government

The Chief Minister Charan Singh made it very clear that the U.P. government would deal firmly with unlawful activities whether by politicians, students or land grabbers. He said: "I would like to tell all the potential law breakers that the law will take its inexorable course and no intercession on anybody's behalf or appeals for mercy will be heard."²

1. *The Hindustan Times*, New Delhi, July 8, 1970
An ordinance for preventive detention of people was
issued on August 5, 1970. The maximum period of detention was
fixed at a year. Under this ordinance some students were arres-
ted in Kanpur and Lucknow. In protest and anger they burnt the
BKD flag.

R.K. Sinha, General Secretary of the Congress (R) parlia-
mentary party criticised the "repressive policy" of the U.P.
government towards the students, public servants and the working
class. He said that "U.P. should not be ruled by the promul-
gation of undemocratic ordinance such as the Preventive Detention
Ordinance and the Universities (Amendment) Ordinance," He
alleged that "the BKD members of the Parliament were determined
to oppose the policies of Mrs. Gandhi's government; the
Congress party in U.P. could not therefore extend the uncondi-
tional support to Charan Singh for all times to come." He said
that the Congress MPs resented the attitude of Charan Singh.¹

Justifying the ordinances Charan Singh told a press
conference that Assam, Andhra and Maharashtra governments also
had promulgated ordinances to provide for preventive detention.
All the governments except that of Orissa were Congress governments

¹ The Statesman, New Delhi, Aug 11, 1970
In taking preventive detention measures the U.P. government was in very good company. The Chief Minister pointed out that "the communists had all along been opposed to preventive detention. They were living in the world of their own fantasy, far removed from reality." Adding that the legislation was not aimed at curbing legitimate political activities of any party but only at intercepting and keeping under detention those about whose dangerous and subversive intention the government had no doubt, Charan Singh said: "So far nobody had been arrested under preventive detention measures." He further added that "the people of U.P. are not living in darkness as slaves but in the light of full freedom and security; the prophets of doom who have forecasted a reign of terror and police shooting following the promulgation of the ordinance had been proved to be utterly wrong." According to the Chief Minister no land grabbing had taken place in his state though some political parties had launched an agitation. He told a press conference that arrests so far made in the State for violating prohibitory orders had totalled 3,248 including 6 members of Parliament and 11 MLAs.

6. BKD Rejects Merger

The BKD National Executive met on August 27, 1970, wrote The Statesman, "dragged its feet on the merger issue as the idea was overwhelmingly opposed to join the Congress(R). The BKD dropped the idea of merger with the Congress(R), thus ending the prolonged uncertainty about its future. It took care, according to press reports, "not to assume a position that may appear to have even a slight element of hostility." It expressed the hope that the coalition government in U.P. would continue to function as before. At the same time Charan Singh visualised close cooperation between the BKD and the Congress(R) at the time of General Elections. The BKD, he said, "did not propose to initiate talks for an alliance with any other party." A resolution adopted by the BKD Executive on August 28, 1970 announced the party's resolve against merger without assigning any reason. Presumably the party leadership did not want to create a public controversy on this issue and upset the delicate balance of the U.P. coalition.

In Parliament there would be no shift in the party's attitude and it would continue to function as an opposition group, but in particular circumstances might support the govern-

1. The Statesman, New Delhi, Aug 29, 1970
2. Ibid.
In his talk with Mrs. Gahdhi, Charan Singh stressed that "the BKD stand on merger should not be allowed to strain the functioning of the U.P. coalition", and cited the cooperative spirit shown by the Congress(R) and BKD Ministers in taking important decisions." His party would continue to maintain this amity, Charan Singh said, and requested the Prime Minister to ensure reciprocity by the Congress(R) unit.  

The UPCC(R) declared after the joint meeting of its executive and the State Parliamentary Board that it did not want to wreck the coalition. A letter was sent to Charan Singh clearly indicating that the policies of the Congress(R) consisting five points: (i) Nationalisation of Sugar factories; (ii) land reform (lowering the ceiling and quick distribution of surplus land; (iii) formation of a Cabinet sub committee to deal with transfers and postings; (iv) outlining of minimum programmes and the setting up of a coordination committee; (v) the meeting adopted a resolution promising continuity of employment to the staff of private sector firm acquired by the government; this had immediate relevance to the electricity supply firms acquired by the UPSEB.


2. Ibid.
7. Congress(R) – BKD Relations Strained

The strain of uneasy partnership between the BKD and the Congress(R) had come out into the open. The BKD General Secretary Shiv Swarup Singh openly accused the Congress(R) of "trying to nibble at the members of its coalition partners." He also alleged that H.N. Bahuguna, General Secretary of AIICC(R) had met junior Ministers and legislators belonging to the BKD and offered them ministerships in a different government from the present, provided they help in forming such a government by quitting the BKD.²

Shiv Swarup Singh made it clear in a report that the BKD was opposed to "throwing the State into another mid term election. The party would try its level best to avoid it even if other parties wanted it. But in the eventuality of the mid term poll, the party would be prepared to face the electorate."

It was pointed out that "soon after the formation of the coalition government the Congress(R) had allegedly started negotiations with the Congress(O). In case the coalition government comes to collapse, said Shiv Swarup Singh, all possible efforts would be made to work out an alternative, so that a mid term poll was not held.

1. The Statesman, New Delhi, Sep 6, 1970
To forestall possible difficulties from Congress(R) for the coalition government, Charan Singh had established contact with the Congress(O) central leaders through a trusted lieutenant on August 7, 1970.\(^1\) The Congress(O), it appeared, had reacted positively to Charan Singh's feelers. With the Congress(R) disillusioned by the BKD MPs votes against the privy purses Bill, the position of coalition government in U.P. had become untenable. Its High Command, it appeared, had given a free hand to the State unit to plan its strategy in the light of the new situation. In the next few days it appeared both the Congress(R) and the BKD would be consolidating themselves and each one was hopeful of the support of a sizeable section from the other's rank. The war of words between the two parties had meanwhile intensified. On August 27, 1970 Bahuguna denied the charge labelled by U.P. BKD Secretary Shiv Swarup Singh that the was engineering defections from the BKD rank. Obviously Singh was in search of an alibi to cover up the growing frustration and disappointment among well meaning people about the role of the BKD, Bahuguna said.\(^2\)

The UPCC(R) President Kamlapati Tripathi sent a letter to Charan Singh requesting him to call a session of the Vidhan Sabha not later than the end of the month (September 1970) so

---

1. *The Statesman,* New Delhi, Sep 6, 1970
that all issues concerning important policy matters may be thrashed out in the House. He also said that after the BKD vote in Rajya Sabha on the Privy Purses issue it was impossible for the Congress(R) to support the BKD government. In his letter to Charan Singh Tripathi stated that the Chief Minister had publicly accepted that the Congress(R) Bombay resolution on economic policy of which the abolition of the Privy Purses and privileges of the former rulers was an important item. Tripathi's letter said: "We depended upon your good faith. Voting of your party members under your direction on the Privy Purses bill has proved to be the last straw. You have thus created a situation under which the support of Congress(R) party to your government has become well nigh impossible." It was also pointed out that the Congress(R) had good reasons to believe that Charan Singh was negotiating with other parties including Congress(O), the Jana Sangh and others which had been opposed to Chief Minister and the Congress(R) policies. Charan Singh and his party were expected to respect the policies of Congress(R).

8. The Policy of Congress(O) and Jana Sangh Towards the BKD Government

The Congress(O) and Jana Sangh leaders in U.P. were understood to have agreed that no talk should be initiated by

1. The Statesman. New Delhi, Sep 9, 1970
them with the BKD until the government was defeated on the floor of the House. They were of the view that a joint front would be formed immediately consisting of the Congress(O), the Jana Sangh and the SSP "in order to counter any attempt by the Congress(R) to form a government in the State on the basis of the party strength." The three parties had a combined strength of 172 against 146 of the Congress(R) in a House of 425.¹

The Jana Sangh leader Namaji Deshmukh had a meeting with the Congress(O) leader C.B. Gupta and later appraised A.B. Vajpayee on the outcome of this talk. The top leadership of the SSP demanded the immediate removal of Charan Singh. The demand came in a statement issued by the central party office signed by Ram Sevak Yadav, Madhu Limaye, Raj Narain, Arjun Singh Bhadoria and George Fernandes. On September 9, 1970 George Fernandes, General Secretary of the SSP said that "his party would neither enter into an alliance nor support the BKD in forming alternative government in U.P." He added: "We would not want the Charan Singh government to last a single moment."

9. Congress(R) Decision to end the Coalition in U.P.

The Congress(R) High Command was not contemplating any rapprochement with Charan Singh, and as far as the party was concerned, the coalition with the BKD in the U.P. had virtually

¹ The Statesman, New Delhi, Sep 9, 1970
come to an end. The High Command was said to have made up its mind that "coalition with Charan Singh was totally untenable ... It had to be broken off even if that led to the imposition of President's rule in the State."

The Congress(R) effort now was to see Charan Singh's defeat on the floor of the House which was scheduled to meet on October 6, 1970. Charan Singh was not in a position to reconstitute his Cabinet by dropping the Congress(R) Ministers before that, since by doing so he would put his own majority in doubt. He was trying to secure support from the Congress(O) and Jana Sangh to tide over the crisis that had overtaken his Government. Originally it appeared that the support would be forthcoming since the aim of both the Congress(O) and the Sangh normally was to see the Congress(R) out of power in U.P. But as days passed the BKD appeared to be more and more disillusioned with earlier promises of help from Congress(O) and Jana Sangh.

The Congress(R) High Command on September 18, 1970 gave the green signal to its U.P. unit to part company with BKD in case the context remains unchanged.¹ In the assessment given by Kamalpati Tripathi to Mrs. Gandhi and Jagjivan Ram, two points

¹. The Statesman, New Delhi, Sep 19, 1970
stood out: first the congress(R) strength had improved in the last few days, and second the Jana Sangh and Congress(O) may not come to the Ministry though they might join hands with him later. In case Charan Singh was ousted from power, Tripathi visualised hopeful possibilities for the Congress(R).

A joint meeting of the BKD legislators and Executive Committees of various districts and town committee which was held on September 23, 1970 gave full authority to Charan Singh to take the decision he thought proper in the political situation in the State. A resolution passed by party activists gave a free hand to their leader, to take a decision in the interest of the people and the party. 44 of the 96 legislators including MPs took part in the deliberations. Some wanted the coalition with the Congress(R) to continue if possible, others were inclined to negotiate with other parties so that government could be formed and another mid term election avoided.

The BKD-Congress(R) coalition finally disintegrated on September 24, 1970. The Chief Minister Charan Singh relieved 13 Congress(R) Ministers of their portfolios and asked them to resign. They did not resign. Instead the leader of the

1. The Statesman, New Delhi, Sept 19, 1970
2. Ibid.
Congress(R) Legislative Party K. Tripathi wrote to the Governor requesting him to ask Charan Singh to resign since the Congress(R) had withdrawn its support and that Charan Singh no longer commanded majority in the House. At her press conference Mrs. Indira Gandhi expressed the hope that it might not be necessary to resort to President's Rule in the State, but admitted that anything could happen. Charan Singh asked several of his Congress(R) colleagues (but not all) in a letter addressed to them individually to resign from the government. Since the Congress(R) Ministers had precipitated a constitutional crisis by refusing to resign, Charan Singh might have had to tender his and his government's resignation to weed out the undesirables. But that would have opened the way for Kamlapati Tripathi to claim as the leader of the single largest party in the Assembly, an opportunity to prove that he can form a stable government.

Charan Singh had significantly excluded some important Congress(R) Ministers who were not asked to resign: Chaturbhuj Sharma, N. Dutt Tewari and Jagan Prasad Rawat and a few others - all were close to Charan Singh. The exclusion could be an attempt to drive a wedge in Congress(R) ranks. Those

1. The Statesman, New Delhi, Sept 19, 1970
2. Ibid.
asked by the Chief Minister to resign were: Mrs. Vidyawati Rathore, Baldeo Singh, Laxmi Shanker, Dr. Sita Ram, Atigur Rehman (all Ministers); Dharam Dutt Ved, Mahmood Ali Khan, Narain Singh Bisht, Raj Mangal Pande, Narain Gupta, Gopi Dixit, Dr. Mrs. Rajendra Kumari (all Ministers of State); Bhagwati Singh, Bir Bahadur Singh and Om Prakash Singh (all Deputy Ministers). All except Om Prakash Singh belonged to the Congress(R).

Charan Singh declared that he was prepared to face a trial of strength in the assembly. The BKD, he said, "felt that the Congress(R) needed an overhaul and complete orientation of its policies and programmes. That was why the BKD National Executive had decided to drop the merger proposal." He further added that as far as he was concerned, he was in favour of continuing the present coalition.

The leaders of Congress(O), Janata Sangh and SSP handed over a letter to the Governor asking him to let Charan Singh continue as Chief Minister. The leaders of these parties said in the letter that they were against the Congress(R) and its leadership, and so no action should be taken on Kamlapati Tripathi's request that Charan Singh be dismissed.¹

¹ The Statesman, New Delhi, Sept 26, 1970
On the Congress(R) side the reasoning was that the coalition stayed and that the opposition was only to Charan Singh's leadership. 24 of the Congress(R) Ministers (2 were out of station) submitted to the Governor a letter pointing out that the party was in majority when the coalition government was formed and since Charan Singh had himself announced a break from the majority group, he was in minority and should resign. They requested the Governor to direct Charan Singh to resign if he failed to resign on his own.\(^1\)

The opposition leaders who met the Governor declared that the mere withdrawal of Congress support did not necessarily and conclusively reduce the Chief Minister and his government into a minority unless the same was established on the floor of the House. The opposition parties advised the Governor in the same letter that he should dismiss the Ministers whom Charan Singh had asked to resign. The opposition parties made the point that the advice of the Chief Minister on this matter was binding on the Governor. There had been much reluctance among the political parties to straight away support Charan Singh till terms for a new coalition were settled between them and the BKD.

\(^1\) *The Statesman*, New Delhi, Sept 26, 1970
The opposition parties submitted to the Governor a statement of the comparative strength of the different parties and groups in the Assembly. According to it the Congress(R) and its allies mustered 171 against 199 members of the Congress(R) and its allies, and 9 occupying an intermediate position between the two. The statement gave the strength of the BKD as 80 and with the BKD added to Congress a new leader could claim the support of 250 members in the House of 425, one seat being vacant.¹

On September 26, 1970 Kamlapati Tripathi wrote to the Governor and claimed that he could form a stable government to succeed Charan Singh. He requested the Governor to demand the resignation of Charan Singh on the ground of loss of majority in the House.² But on the other hand the Congress(0), Jana Sangh and Swatantra parties wrote to the Governor tendering their support to Charan Singh and telling that with their support Charan Singh enjoyed majority in the House.³ Tripathi cautioned the Governor against trusting in the advice of Charan Singh. He said that "if once the principle of accepting the advice of Chief Minister who had lost his majority was agreed it would lead to several problems."⁴ Tripathi was referring to Charan Singh's advice to

the Governor that all the Congress(R) Ministers should be dismissed.

On September 27, 1970 the Governor had passed orders concerning with Charan Singh's action of withdrawing of portfolios from 13 Congress Ministers of the Cabinet rank. The Governor entrusted those portfolios to the Chief Minister.¹ The Governor had not yet taken decision on Chief Minister's advice that all the 26 Congress(R) ministers should be removed from office.

The Congress(R), in a counter move, withdrew its support on the same day to the six month old coalition government. All the Congress(R) Ministers, through a letter to the Governor, demanded the dismissal of Chief Minister on the ground that he did not enjoy the support of the majority party. Sharply reacting to their demand for his resignation Charan Singh recommended to the Governor the dismissal of all 26 Congress(R) Ministers on the ground of break of discipline. The National Executive of the PSP was of the view that Charan Singh should have resigned from office after his announcement of the termination of BKD-Congress(R) coalition. "This break up of the coalition," according to the PSP, "had reduced his support in the Assembly to a manifest minority."

¹ The Statesman, New Delhi, Sept 27, 1970
After obtaining the opinion of the Attorney General the Governor B. Gopala Reddy asked Charan Singh to resign by the evening of September 28, 1970.\textsuperscript{1} Charan Singh wrote to the Governor that he needed time to give a detailed reply and he also requested the Governor to provide him with the Attorney General's opinion on the basis of which he had asked him to resign. The Governor sent him a copy of the same.\textsuperscript{2} Some opposition party leaders had consultation with Charan Singh on the possibility of forming a Samyukta Vichayak Dal (SVD). The legislators of the BKD, Jana Sangh and Congress(O) who were not present in the town were understood to have been directed to present themselves so that they could be mustered to appear before the Governor if necessary.

In a letter to the Governor Tripathi said that in case Charan Singh resigns, he should be invited to form the Ministry.\textsuperscript{3} The UPCC(R) executive passed a resolution saying that the Governor should have asked the Chief Minister to resign immediately after the withdrawal of Congress(R) from the coalition. However the meeting considered the action of the Governor in demanding the resignation of Chief Minister appropriate and constitutional

\textsuperscript{1} The Statesman, New Delhi, Sept 29, 1970
\textsuperscript{2} Ibid.
\textsuperscript{3} Ibid.
and requested him that "failing immediate submission of resignation, the Governor may be pleased to withdraw his pleasure from the Chief Minister Charan Singh." The meeting urged the Governor that Tripathi was not only the leader of the largest party in the Legislature but also commanded the support of other members in the U.P. Legislative Assembly. He was competent to form a stable government and hence he should be called upon to form the new Ministry.

The resolution also said: "Experience of partnership with Charan Singh for a few months had made it clear that the interests of the working class, peasants, women, students and political workers were not safe in his hands. This led to deep difference over policies and programmes between Charan Singh and Congress (R)". Thereafter the resolution added: "Charan Singh decided to openly align himself with the rightist forces. The manner in which the rightist parties came to his rescue only confirmed that those forces of reaction could go to any length to thwart the progressive policies of the Congress(R)."

Soon after the Governor wrote to Charan Singh, Girihar Lal (C-O) who was leader of the opposition said that he should be invited to form an alternate government. Ram Kiran Singh, the PSP leader, urged the Governor to invite Tripathi to form
the government.\footnote{The Statesman, New Delhi, Sept 29, 1970} The Governor in his letter to Charan Singh told him that the matter of his having obtained the support of other parties can be gone into at the time of the question of a new government after his resignation.

C.B. Gupta (C-O), in a letter to the Governor, had protested against the demand for Charan Singh's resignation. He said that the post of Attorney General being political his opinion was not impartial. Dr. R.C. Shukla, Secretary of the State PSP thought that the Governor had acted beyond the limit of constitutional propriety in asking Charan Singh to resign.\footnote{Ibid.} Archarya Kripalani, in a statement said that by not waiting for the meeting of the Assembly the Governor had made suspect the impartiality of his office. Ugra Sen, Chairman of the State PSP said that "since a no confidence motion against Charan Singh had already been tabled in the Assembly the Governor's action in asking Charan Singh to resign was an insult to the House."\footnote{Ibid.}

C.B. Gupta wrote to the Governor:

"You will kindly consider the matter and not blindly accept the opinion of Attorney General, whose office being political is in the grip of the government in power at the centre. And it is well known that the Prime Minister wants her own party to come in power or failing that President's rule. The Attorney General's opinion is..."
therefore not like the verdict of the Supreme Court coming from an impartial judicial body. It is to be examined in the light of the provision of the constitution and practice of parliamentary democracy in other countries on which our constitutional conventions and provisions are so largely based ... The meeting of the Legislative Assembly is fixed for October 6, 1970 where it can be constitutionally and indisputably established whether the Chief Minister commands or does not command a majority. If you do not want to wait for the meeting of legislature on October sixth, you may call it at the earliest you can for a proper determination of the question. That is what the constitution provides for, and that is what, I may add, is your sacred duty to enforce regardless of advice from the centre or any one else. To do otherwise would be making a mockery of our constitution, democratic practices and traditions. The question who is in and who remains Chief Minister is not so important as the maintenance and preservation of our democracy, its constitutional conventions and traditions. I therefore appeal to you to be true to your oath as Governor, and not to be misled or pressurised by a partisan centre. The office of the Governor exists to save and preserve the constitution in conditions of political pressure. It may involve some risk and sacrifice on your part. But that will be worthwhile for preserving our democracy and saving it from dictatorship ... I write this as I have laboured, worked for, and am still working for the establishment and strengthening of democratic traditions, and resigned my office twice as Chief Minister in pursuance of it. The consequences of disregard evasion of the constitution will be disastrous as it will lead the people to lose their
faith in democracy and democratic process."

10. BKD Moves the High Court for Writ

The Congress(R) asked the Governor to recommend to the Centre the imposition of President's rule in U.P. Meanwhile the BKD and the opposition parties continued to fight back against the Governor's move asking Charan Singh to resign. The BKD moved the Lucknow bench of the Allahabad High Court for a writ of mandamus to restrain the Governor from dismissing the Charan Singh Ministry on the ground that such action by the Governor would be malafide owing to political pressure from Congress(R) government at the Centre. The BKD petition was only partly heard on September 29, 1970 by the Bench and arguments relating to its admissibility, because of Governor's immunity under the constitution, were to be continued next day.2

The General Secretary of the UPCC(R) and Syed Ali Zaheer, one of the party's constitutional experts asked the Governor to take action under Article 356 of the Constitution since Charan Singh had refused to oblige the Governor with his resignation though he was asked to do so.

1. The Statesman, New Delhi, Sept 30, 1970
2. Ibid.
Charan Singh's main argument was that since the Assembly was meeting only eight days later, there seemed to be little point in his resigning or being dismissed, and an ad hoc government being installed to face the Assembly or in the Governor assessing through legislators parades, the respective strength of the claimants to Chief Ministership. Charan Singh also reminded the Governor that he himself in April 1968 had enunciated and acted upon the Speaker's Conference recommendation that the question of majority or minority support should be tested on the floor of the House and there alone. The Governor had himself set a precedent which he was not following in the present case.  

Raj Bahadur Dwivedi, Secretary of the State BKD filed a petition before the Lucknow Bench of Allahabad High Court alleging that "the Governor's letter asking Charan Singh to resign was malafide." "In the present instance, "as the petition contended, "the Governor was acting malafide being under political pressure from the centre." "The Prime Minister," the petition alleged "had cut short her tour and rushed to the government house and was understood to have discussed the matter with the Governor thereby leading to the legal advice tendered by State Advocate General being ignored. The Chief Minister had asked for

1. The Statesman, New Delhi, Sept 30, 1970
the resignation of 13 of his colleagues belonging to the Congress(R) which he was competent to do under article 164 of the constitution."^1 The petition also contended that "the Attorney General's opinion was biased because his was a political office." The petition also claimed that "with the opposition of three opposition parties the Chief Minister commanded a following of 223 in a house of 426 and was prepared to face the House on October 6th or earlier."^2

The following was the text of Charan Singh's letter to the Governor: "My reply to your letter of this morning asking me to tender my resignation by the evening is as follows:

"You rely upon the opinion of the Attorney General while you had simultaneously asked for the opinion of Advocate General also. It seems you did not wait for his opinion to arrive which it did this morning, before you reached your conclusion and wrote to me perhaps ... As the coalition government is now no longer in existence. I cannot, under the constitution, function as the Chief Minister any longer. Now may I point out to you in all humility that the constitution does not speak of one party of multiparty government at all? It speaks of the state government whether it is manned by one political party or more than one, being immaterial so the Attorney General's reasoning on the basis of the coalition government no longer existing is fallacious in the extreme.

1. The Statesman, New Delhi, Sept 30, 1970
2. Ibid.
"A Chief Minister's position cannot be called illegal or unconstitutional simply because his party does not enjoy a majority in the House all by itself. That a majority government can function with the support of other parties is clear from the case of the present central government headed by itself. That a majority government can function with the support of other parties is clear from the case of the present central government headed by Mrs. Indira Gandhi. The case of a purely PSP ministry led by Mr. Thanu Pillai, which functioned for a considerable time in Kerala supported from outside as it was by Congress which constituted the majority is well known to constitutional history in our country.

"There have been many minority governments in England also both in 19th and 20th centuries which functioned for years and years together. Whether a government starts as a minority government or is later reduced to a minority is immaterial. Our legislative assembly is already under summons and it is on the floor of the house as you yourself and others have said many times that claim of majority and minority can and should be tested.

"One of the guidelines which was unanimously framed by the Presiding Officers Conference in April 1968 and upon which you took a stand when the minority government of C.B. Gupta was functioning in the State, ran as follows: "The question whether the Chief Minister has lost the confidence of the assembly shall at all time be tested in the assembly." Governor Dharam Vira of West Bengal had dismissed the Chief Minister Ajoy Mookerjee for evading the legislature; here in case I fail to resign you propose to dismiss me while the assembly is scheduled to meet on
October 6th which is hardly a week away. A monstrous situation indeed, the Governor asking the Chief Minister to resign the government that he is in minority, and yet not allowing him to prove his majority on the floor of the house. I may tell you, I am prepared to face the assembly even earlier, say, on September 30th or October 1st, only if you summon it as you can under rule 4(2) of the Rules of Business of the Assembly.

"In exactly a similar case, viz., when the Jana Sangh had withdrawn itself from Akali Dal coalition government in Punjab recently, thus reducing it to a minority and demanded the removal of the Chief Minister. The Governor instead of calling upon the Chief Minister to resign asked for the summoning of the assembly.

"You had sought the opinion of the Attorney General on September 25th, 1970. A day after, however, viz., on September 26th, 1970 the Jana Sangh the Swatantra and the Congress(O) sent you their letters of unqualified support to the government. According to the papers in Speaker's secretariat, their support amounts to a figure between 235 and 240. I may add, however, as I told you in my previous letter that acceptance of my advice regarding removal of certain minister did not turn on whether I commanded a majority or minority in the house at the time. As Jennings, an eminent authority on constitutional law had pointed out, a minister can and ought to be removed on the advice of the Prime Minister although the minister may enjoy majority in the House of Commons. For in the case, the Prime Minister could be thrown out by an adverse vote of the House, but in as much as the minister was appointed on the advice of the Prime Minister, he has to go out in any case if the Prime Minister so desires. Yet another point, the Attorney General's opinion is presumably based on the assumption that the present government began or came into being as coalition ministry whereas in fact it was started on February 17th as
a purely BKD ministry, of course with Congress(R) support. A coalition government was actually formed two months later, viz., on April 9. The only change that has occurred since is that the position of Congress(R) has taken up by the other parties, viz., the Jana Sangh the Swatantra and the Congress(0).

"... I hope to be forgiven if I say that the Governor who has written this morning a letter to me appears to be a different person from the one whom I saw on September 24th who seemed to be convinced of the propriety of my stand and wanted to consult the legal rememberancer simply for formality's sake as also from the Governor who told leaders of Jana Sangh and Congress(0) on September 26th that their support to the present government had materially changed the situation. Even after accepting my resignation or dismissing me as you please you will obviously have a government in order that the business of the House is transacted on October 6th and the following days. What is the method which you want to adopt in order to choose a leader of government in my place? Ostensibly either by asking all the members of the assembly to appear before you in order to express their wishes in this regard of taking an adhoc decision without reference to any principle.

"May I enquire whether any of these courses will be proper or constitutional? Is this how we propose to preserve democracy in our country? You must have made up your mind either way by now. I hope you would not mind disclosing it to me. You have said that the correct stage of evaluating the quantum of my support will arrive when the question of formation of new government comes up after my resignation. May I enquire
why it can not be gone into today? Should it be necessary for me first
to resign or to get dismissed before
you can go into the quantum of my
support? If that is your stand, may
I respectfully enquire raison d'être
behind it? Cannot a Chief Minister
change partners? If not, may I know
where the prohibition is contained,
in which Article of the constitution
please? Is there a convention to this
effect in any of the parliamentary
democracies of the world? If so, where?
After I have heard from you, I will let
you know my final reply.  

On September 30, 1970 Charan Singh cabled to the President
of India V. V. Giri who was in Russia, requesting him not to sign
any order for President's Rule in U.P. till his return to India.
"Constitutional propriety and natural justice require that you
should be fully informed and hear the other side before reaching
any conclusion," Charan Singh said in his cable.  

Charan Singh told some newspaper reporters that "the
Supreme Court in a judgement had emphasised that the President
must personally satisfy himself about a situation before issuing
orders." The BKD and the opposition parties had planned a
legislators' march to Raj Bhawan to protest against the denial
of an opportunity to run the administration. A Coordination
Committee formed by the Congress(O), Jana Sangh, SJP, Swatantra

1. The Statesman, New Delhi, Sept 30, 1970
2. Ibid., Oct 1, 1970
and the BKD decided that MLAs belonging to these parties should parade themselves before the Governor in protest against his recommendation for President's Rule in the State, as well as to show their strength. The Committee in a resolution alleged that "the Governor had acted in a partisan spirit so that the Assembly could be dissolved and the Congress(R) policy of holding a fresh election furthered."  

In New Delhi the SSP leader Limaye demanded removal of the U.P. Governor B. Gopala Reddy "for his partisan conduct in the State constitutional crisis. No Governor or President can usurp the powers of legislature or remove a government or give it confidence." But he reiterated his party's 'hatred' for Charan Singh's politics.  

The Jana Sangh leader Nanaji Deshmukh described the Governor's action as "a murder of the constitution and rape of democracy. We shall fight such dictatorial methods of Mrs. Gandhi with all the power at our command," he added.  

In Bombay the Swatantra Party General Secretary R.C. Koopers charged Mrs. Gandhi's government with "resorting to devious means to seek power in U.P." He said that "loss of the State to Congress(R) would be a shattering blow to Mrs. Gandhi's prestige and plans."

2. Ibid.  
3. Ibid.  
4. Ibid.
K.K. Bhattacharya, Vice-President of the Allahabad High Court Bar Association and a constitutional lawyer said in Allahabad that in his opinion the Governor could not ask the Chief Minister to resign or to dismiss him in the present circumstances.¹ The Convenor of the Punjab PPCC(O) Mohanlal accused the Governor of being a tool in the hands of the centre.² Karpoori Thakur, Chairman of SSP said: "The Governor has nakedly and unashamedly acted in the interest of the Prime Minister."

11. President's rule in U.P.

Governor B. Gopala Reddy asked Charan Singh to resign by the evening of September 28, 1970 and President V.V. Giri signed a proclamation taking over the administration of U.P. and suspended the State Assembly on October 1, 1970.

A day before the proclamation of emergency in Uttar Pradesh, on September 30, 1970, the principal opposition parties, the Congress(O), Jana Sangh, Swatantra and BMD asked for an emergency session of Parliament to review the political developments in U.P., to move a motion of no confidence against the government if

¹ The Statesman, New Delhi, Oct 1, 1970
² Ibid.
such a session materialised. They also sent a cable to V.V. Giri in Kiev (USSR) stating that the U.P. Governor could have tested the strength of Charan Singh's government on the floor of the Assembly which was due to meet shortly.

The statement added: "It was significant that the same Governor only the day before approved of two ordinances recommended by the Chief Minister and in fact accepted the Chief Minister's advice to divest 13 Ministers of their portfolios. The Chief Minister claimed that he enjoyed majority in the Assembly as before. The Congress(J) Jana Sangh and Swatantra had officially extended their support to his government in such a situation."

The statement said that "If inspite of all known facts the U.P. government and the Legislative Assembly were suspended for whatsoever period, the people of the State had no forum of redress. It then becomes necessary to call an emergency session of Parliament."

Two Congress(J) leaders M.S. Grupnade Swamy and Nawal Kishore called for observence of October 2, 1970 as "save the constitution and save democracy day."\(^1\)

The Governor in his report of a constitutional breakdown in the State had asked only for the Assembly suspension presumably anticipating the possibility of an alternative government being

---

formed. According to constitutional procedure the President's rule would come into force after a notification from the Home Ministry. It was the first time that the President had signed an order in a foreign country imposing President's rule in a State. U.P. had gone under the President rule for the second time since 1967.

On the same day in Lucknow Charan Singh said that Mrs. Gandhi "had tried to draw him out of U.P. Politics by offering him on July 3, 1970 the Home Portfolio at the Centre. He had not found the offer attractive because "the Home Ministership had been downgraded after the June 27, 1970 reshuffle and departments such as the CBI, and relation with States were taken out of its purview."

Charan Singh further said that the imposition of President's rule in the State was "a denial of the right of the Assembly to determine not only the question of majority but also of stability." He further said:

"If the Congress(R) could not attain a majority all constitutional process would be suspended in U.P. This had happened but it would be worth while to recall how the Congress(R) had shifted its ground. At first my removal was sought because it was alleged

---

1. The Statesman, New Delhi, Oct 1, 1970
that I had lost majority. Then it was contended that the majority in the Council of Ministers wanted my removal. Later it was argued that I should have been dismissed because I had refused to resign when I was asked to do so by the Governor. When I had asked for the removal certain ministers consequent on their own and their leadership's attempt to wean members of BKD, the Assembly was due to meet only about 10 days ahead. Also it became manifest that despite the withdrawal of Congress(R) support the government continued to enjoy a majority in the House.

"So far as the majority in the council of Ministers wanting my removal is concerned, it was not due to any friction in the working of the council, but because of external pressure following the withdrawal of Congress(R) from the coalition. In fact once its leadership had decided upon withdrawal which it was proclaiming from the House tops for weeks past. It is the Congress(R) ministers who should have resigned far before I had to ask for their removal. I had not refused to comply with the Governor's letter asking me to resign. I had sought only some clarifications vital to the functioning of representative government and promised to reply to the governor after receipt of his clarification." 1

1. The Statesman, New Delhi, Oct 1, 1970
Major Decision Taken by BKD Government

Following were the major decisions taken by the BKD Government which was in power for only seven months (Feb 17 - Sep 28, 1970)

a. Takeover of Sugar Mills: On Feb 21, 1970 the BKD Government in U.P. had decided to take over the Sugar Industries and to set up a Committee to suggest the form and procedure for doing it. Chief Minister Charan Singh who announced the decision at a press conference after the Cabinet meeting, did not make it clear whether it would mean nationalization, cooperativisation or some other form of social control. He said that the committee headed by the Irrigation Minister Virendra Verma would suggest how compensation would be paid to the owners and in what form shares would be given to the farmers.

"A law should be enacted empowering the State government to acquire sugar mills by the payment of bonds but after this, the government should transfer the units gradually to cane growers by selling out the shares to them but by deducting the money from their cane juice price," said Charan Singh. The government had also passed a resolution protesting against the Centre's failure to increase the minimum statutory price of cane and demanded that it should be raised to Rs. 10 per quintal with immediate effect. As recommended by the Indian Sugar Cane
Development Committee, this was necessary to ensure the growers a fair return from the cultivation of sugar cane, and also to put an end to the constant cycle of fluctuation in production. The resolution said: "During the last three years there had been a considerable increase in the cost of cultivation of sugar cane. The cost of major agricultural inputs like fertilisers, irrigation and labour had increased substantially. The present prices being paid to cultivators by sugar factories as compared with other crops did not provide an adequate return to the grower and likely to lead to the reduction of the area under cane, thereby jeopardising the sugar industry."

p. Curb on Gurh Lifted! Another important decision by the Cabinet to bring relief to the farmers was to lift all the restrictions on the movement of Gurh from the State. So far only edible Gurh was allowed to be exported. Now the other type used for the manufacture of alcohol was also permitted to be exported.

c. Purchase of Wheat! The State government took another important decision to purchase 2 lakh tonnes of wheat during the fourth rabi crop season in conformity with its policy of not to allow the prices to fall considerably to the prejudice of the cultivators.
d. Law Commission for the State: To recommend measures to reform procedural law and to expedite justice, the BKD government had also decided to set up a Law Commission under the Chairmanship of J.K. Tandon, a retired High Court Judge.

e. Elections to Zila Parishads: The issue of elections to Zila Parishads was also considered where elections had not been held for as long as 8 or 9 years where office bearers had been nominated or their term extended.

f. Decision on Land Ceiling of 30 Acres: On February 23, 1970 the BKD Government took a major decision involving land ceiling limit to 30 acres per family and withdrawing the much abused exemption granted to fruit growers and cooperative farmers. The fruit growers and cooperatives could possess as much land as they could without limit. The limit however was 45 acres for Bundelkhand, the Tarai and the Kalamur range in Mirzapur district. By doing this the government wanted to release several Lakhs of acres of land for distribution to the landless. Earlier the ceiling limit was 40 acres for a family of five with the provision that there could be an addition of 8 acres with each additional unit subject to an overall maximum of 64 acres. Now the term 'family' had been redefined to include an adult, his spouse and minor children with no number fixed, but the ceiling limit would remain 30 acres whatever may be the size of the unit.
In Bundelkhand, Tarai and Kāsamur range the limit hitherto was 80 acres with a maximum of 126 with additional unit. Now the uniform limit in these areas was to be 45 acres. Earlier the growers and cooperative farms had no limit. But now the limit of 30 acres would apply to growers also. While in the case of cooperative farms, the total permissible area would be calculated on the basis of 30 acres for each member the remaining would have to be surrendered. It was pointed out that making use of these concessions influential people built farms and acquired thousand of acres with fake entries. So far educational institutions were also exempted from the Geeling Act. Now there was no limit for universities and postgraduate agricultural colleges. But for Degree and Intermediate Colleges there was a restriction of 60 acres.

g. Proprietary rights to the tenants: Another important decision taken by the BKD Government was with regard to the transfer of proprietary rights of the house sights in urban areas to tenants so that they might become owners of land also and not merely the building material of the house built on such land. This was expected to bring relief to lakhs of poor people living in the suburban areas who had to get their land lease renewed with ever increasing rent.
h. Land Revenue Concessions: The BKD Government on February 25, 1970 had decided to exempt land holdings up to 3.125 acres only from land revenue. The former government had exempted land holding up to 6.25 acres from land revenue through an ordinance. It was said that the decision would come into force from July 1970. While announcing the new decision Charan Singh said that the benefit of exemption from revenue would be available to holding up to 12.5 acres. But after cabinet meeting he declared that the question of 12.5 acres has been reconsidered and studied in all its implications, and that a decision would be taken later. The decision exempting 3.125 acres from land revenue would cost the State Exchequer a loss of Rs. 7 crores per year as against Rs. 11 crores entailed in Gupta's ordinance. The exemption was meant to benefit roughly half the land holders in the State.