CHAPTER - 5

THE PREMIER, THE CHIEF MINISTER OF ORISSA, THE MEMBER
OF PARLIAMENT AND THE GOVERNOR OF UTTAR PRADESH
BISWANATH DAS : THE PRIME MINISTER OF ORISSA

A. Background :

On 1st April 1936, Orissa became a separate Province. After the creation of Orissa as a Separate Province, the strong-hold of Biswanath Das (the District of Ganjam) merged with Orissa. The Government of India Act, 1935 was yet to come to force for which elections were held in the winter of 1936-37. Das was elected to the Orissa Legislative Assembly. Earlier, he was a member of the Orissa Advisory Council. In the first ever election of Orissa, held under the Act of 1935, Congress secured 37 out of 60 seats, and thus emerged as the single largest majority party in the Assembly taking its

1. Congratulating the people of Orissa on the occasion, King Edward VIII said "The long cherished and natural desire of the Oriya people to be reunited after centuries of dependence upon other administration is thus fulfilled. It is my hope and expectation that the new Province will draw inspiration from the past and will prove wrothy of the historic tradition of the land of Orissa".

claim to form the Government. Like all other States (as in Bihar, Uttar Pradesh, Central Province - Berar, Madras and Bombay) the Congress could not form a government in Orissa because under the instruction of Mahatma Gandhi, Pandit Nehru, and the Congress President, the Congress demanded an assurance from the Viceroy to the effect that, if in any case the Governor rejected the advice of his Ministers and acted in his discretion, the Ministers would be free to speak out in the public that the Governor acted contrary to their advice. The Viceroy refused to give such an assurance and the Congress refused to form the Government in the Provinces. The Governor, then, invited the Maharaja of Parlakhemundi to form the Ministry and the Maharaja readily agreed.  

Nilakantha Das, who was at that time a Member of the Central Assembly, was placed in the waiting list to be elected to the Orissa Assembly. In this absence, Biswanath Das was elected as the leader of the Congress Party of Orissa. The Viceroy of the Congress Party in the election was the handiwork of Pandit Nilakantha Das, who was the President of the Orissa Congress. The arrangement was that after the Viceroy would give his assurance, the Congress would form the Government. Biswanath Das would resign as the Prime Minister and

1. Criticising the formation of the Government of Parlakhemundi, Biswanath Das, the leader of Congress
Party, issued a statement, "I saw the Government communique announcing the appointment of the Cabinet Ministers. The Provincial governors, who were invoking the Act and the Instrument of Instructions, have now themselves gone upon the very Act. This most illegal and flagrant Act of Constitutional impropriety has been brought about by the very people, who hold the government of India Act, 1935 sacred to themselves. The credit of creating the first dead lock in Orissa, therefore, goes to His Excellency - the Governor. This act of breaking the Constitution is now our common forum and I, therefore, without any reservation congratulate all Provincial Governors who have taken upon themselves the sacred task of inaugurating interim ministry, unknown to any Constitution in the World, I only regret that, the respectable gentlemen like the Maharaja of Parlakhemundi should have come forward to undertake to do almost condemnation of the people of Orissa wiping off the good name he had all along."

See, Amrit Bazar Patrika, dated 3rd April, 1937.
Nilakantha Das would be the new Prime Minister. In this sense, the election of Biswanath Das as the leader of the Congress was supposed to be a stop-gap arrangement. He became the prime minister and formed his ministry consisting of two others\(^1\) on 19th July 1937. The elected Congress Government of Orissa, as of all other Provinces resigned in December 1937\(^2\) as a token of protest against the unilateral decision of the British Government about India joining the Second World War without taking the consent of the elected popular Government of the Provinces.

1. Sri Bodh Ram Dubey, Nityananda Kanungo.

2. Interestingly different dates from different sources are available about the exact timing of resignation of the Biswanath Das Ministry, for example - The "Samaj" Daily of Orissa Dated 24th July 1939, puts it at "September, 1939". Dr. H.H. Das.

See "Biswanath Das : Symbol of National Pride" in "Biswanath Das personality & Politics" Ed. by J.K. Baral, B.U., 1990, puts it at "October 1939". Sri Sunit Ghosh in his "Orissa in Tormoil" Book Land International, Bhubaneswar, 1985, seems to agree to the date given by H.H. Das, In Our First Prime Minister', Dr. S.C. Dash puts the date as December 1939, see, Sri Biswanath Das, the P.G. Department of Political Science, Ravenshawa College, Cuttack, April 21, 1990.
B. **Achievements of the Das’ Government**

(i) Establishing practice of decision-making:

As the first Prime Minister (also known as the 'Premier') of Orissa, Sri B. Das continued his office approximately for a period of two and half years. His tenure as Prime Minister was short. He made the office ideal and workable through his political acumen, iron will, determination, and utter simplicity in personal life. Every moment of the tenure, he had utilised for the betterment of the administration, development of the Province and upliftment of the rural poor. As the first Prime Minister of the Province he had deepest realisation that whatever nature he would bring to his government would be the ideal for the succeeding generation. Thus he made the office of the Prime Minister as one of simplicity, honesty, frugality and workability. Though the Government of India Act, 1935 was already enacted, its workability was to begin on a clean State. No body knew how and in what way the act would work. In the absence of the details of functioning of the Council of Ministers on the different Provinces, Das made the Act workable by his political acumen.¹ As per Provision of

---

¹ See, 'Our First Prime Minister' by Dr. Dash, S.C., op. cit.
the Act, the decisions by the Council of Ministers shall be taken in the Government's House with Governor in the Chair. This Provision made the position of the Prime Minister awkward because inside the government's house and that too with the Governor as the chairman of the Council of Ministers, no free and frank discussion about the problems of the Province could take place. Besides, in case there were differences among the Ministers on an issue, the Governor may utilised such differences to his on advantage. Clever and farsighted, Biswanath Das, acting within the framework of the Act, arranged for informal meetings of the Ministers before meeting the Governor. In such informal meetings, they were exchanging their views on an issue, and were taking only such issues for decisions to the Governor on which there was unanimity. The Governor could not know, about these informal meetings at the background.  

1. Such innovations of Biswanath Das was soon to be followed by the other Congress Chief Ministers in different Provinces of India.

See, Dr. Dash, S.C., op.cit.
Forcing the Governor to withdraw the leave application:

The physical build of Das was not muscular, but he was mentally very strong. Putting into the words of Earnest Hamingway "He can be destroyed but can not be defeated". Depending upon the situation he will stand as solid as a rock and, in other, he can be as soft as a flower. His iron will and strong determination was best evidenced from the unusual situation of 1938, when the Governor of Orissa (Sir John Austin Hubback) was granted leave for four months.¹

---

¹ As per the practice some body should be appointed to officiate the Governor during his absence. Accordingly, John Rutherford Dain, the R.D.C., was appointed as the acting Governor. To this Das, as the Prime Minister, sharply reacted. He contended that since the R.D.C was an officer subordinate to him can not be appointed as Governor to whom he would be responsible. Secondly, as R.D.C. some one seats in the gallery in the meeting of the Cabinet but by virtue of being the Governor he would be the Chairman of such meeting. Das made it clear that if the decision was not reversed, he would resign. The view of Das was supported by Gandhiji and the congress Prime Ministers in different Provinces also took the cause and threatened to resign if the deadlock was not broken. The echo was to be heard in distant London. Since appointment of the Governor was made by the King Emperor of England and since he could not withdraw an order signed by himself, a via media was to be chalked out. Sir John Austin Hubback withdrew his application for leave and there was no necessity of appointing Dain as the acting Governor. The crisis passed off.
1. Raja Sankar Prasad Mahindra Bahadur of Dhenkanal ordered firing upon the Praja Mandal Activities which left many casualties including Baji Rout a boat-boy of 14. When the dead bodies were carried in bullock carts and taken in a procession round the city of Cuttack, the city expressed anguish. The reactions against such firing spread from Talcher to Athgarh. The Governor issued orders to the Government to send armed police contingents to these States. Das as Prime Minister launched vehement attack upon the Governor on the ground of 'excess of jurisdiction' since the matters of the native States were under the powers of the Viceroy. Hence the Governor's order to send police to the native States was in violation of the Act of 1935. Finally Das's view prevailed and the Governor's order was withdrawn. The Government of Orissa sent police reinforcement under the orders of the Viceroy of India.
C. The different Enactments for the Uplift of the Rural Poor:

A closer study of the different legislations and enactments of the Das Ministry reveals that the purposes behind such legislations are the faithful reflections of the principles and ideologies, he believed in and long cherished. On one occasion he said of following a disciplined life, making habitual and regular labour and contributing services to the society and its culture.

From the above statement the personality, the motivation and the purpose of life of Sri Das are clearly visible. Whatever principles he adopted in his life or whatever ideology he espoused, he translated them into action and established that there was no difference between thought, words and actions for him. Some one may wonder how could a man born with a silver spoon in mouth and bred and brought up in the cradle think and realise about those who were the under privileged, deprived of all means and dignity of life perpetually hunted by the exploiters. His life seems to be one of

1. According to one account, B.Das, a ryot/rayat, was having more than ten thousands acres of lands in his possession.

See "Our first Prime Minister" by Dr.Dash, S.C., op.cit.
contradiction. Born of not so well-to-do a father, enjoying during his life the status of prosperous royat, he was exposed to grinding poverty on the one hand and pomp and luxury on the other. He found that the process of exploitation in an agrarian society was a structure recognised and established. The royats were being exploited by the landlords and to compensate their deprivation, the royats were in turn, exploiting the tenants. Not to be surprised Sri Das in his youth organised the Tenant Movement against the landlords.

The primary two different but interrelated targets - reforms in agriculture and society, were to be achieved through different Acts and legislations through amendments. Let us look at the different Acts meant for agrarian reforms.

1. In course of an interview this researcher could collect information from an aged and close associate of Sri Das, that his father Sri Krushna Das was very poor but through his sincere and honest labour left behind himself a considerable amount of landed property.

The Prime Minister told the Orissa Legislative Assembly about the plights of the peasants and the determinations of the Government to remove those difficulties "By Legislation and by Reconstruction".

On the demands of the Utkal Krushak Sangh, Sri Das had to introduce several tenancy reforms to safeguard the rights and privileges of the cultivators.

Accordingly in the first session of the Assembly two major tenancy Laws were introduced. They were:

1. Mr. Das told in the first budget speech on 30th August 1937 "While recurrence of floods and famines sap the vitality of the masses, absentee landlordism and rock-renting combined with the usurious rate of interest of the money lenders brought about the ruination of peasants of the province. To remove the appalling poverty of the masses and their utter helplessness is an uphill task for any Government. We have decided to face these difficulties by legislation and by reconstruction". See, O.L.A. Proceedings Vol.1.,p.55.

2. On 1.9.1937, the Utkal Krushak Sangh moved a resolution requesting the Congress Ministry to inquire into the illegal and oppressive measures of the landlords and to take steps to remove the distress of the cultivators. See,"Biswanath Das - The First Prime Minister of Orissa and his Socio-Agrarian Reforms",by Sri Das,B.C.
(a) Madras Estate Land (Orissa Amendment) Bill (1937) and

(b) Orissa Tenancy (Amendment) Bill 1937.

(i) The Orissa Tenancy (Amendment) Bill 1937:

An important legislative proposal towards agricultural reforms was introduced in the Assembly on 25.2.1937 which can be known as Orissa Tenancy (Amendment) Bill, 1937.

1. a. The Madras Estate Land Bill (23.9.37)
   b. The Orissa Tenancy Bill (25.2.37).

2. See Annexure - 12.

3. The object of the bill was to confer on the Royats of the northern Orissa certain benefits such as:
   Rights of free transfer of occupancy holding and abolition of Mutation fees etc introduced by Sri Nityananda Kanunco, the Revenue Minister, the Bill aimed at:
   a. The abolition of the Mutation fee (free transfer of occupancy holdings without the consent of the landlords (Sec. 31).
   b. Giving tenants the right to cut trees standing on their holding, to plant trees, and enjoy fruits (Sec.27(A)).
   c. Reducing interest 12.5% to 6% on arrear rents and
d. Restraining all illegal levies on tenants.
This bill naturally faced severe criticism from the opposition which claimed through a motion, that the Bill be circulated for eliciting public opinion. But the motion was lost. In a dramatic turn, the Zamindars of North Orissa, whose interests were at stake, persuaded the Prime Minister and Revenue Minister to protect their interest and unilaterally assured them to reduce the mutation fees, on the transfer of land and also recognised the rights of the tenants of the trees.

The Bill becoming an Act, following the assent given to it by the Governor on 1st November 1938 provided for fine upto Rs. 500/- or simple imprisonment not exceeding six months for collection of illegal levies by the Zamindars.

1. Sri Das, the Prime Minister warned the Zamindars in the agitated House the people have got the political power. How long could you go on enjoying advantages that were conferred by government which had nothing to do with popular feelings and sentiments and much less with their economic life and existence?

See Dr. Mishra, S.K., op.cit.

2. The provision of the Bill was widely greeted and rejoiced at by the tenants. Encouraged, they demanded upon the government for complete freedom from the clutches of the Zamindars. But Das Ministry was out of power before giving anything more to them.
(ii) The Madras Estate Land (Orissa Amendment) Bill 1937:

The Bill\(^1\), as expected, confronted organised opposition headed by the Raja Bahadur of Khallikote\(^2\). Criticising the Bill the Raja Bahadur described it as "revolutionary in character" and "indefensible in principle\(^3\).

---

1. The bill was introduced by the Prime Minister himself on 23rd September 1937. It was to be made applicable to the areas which had been acceded to Orissa in 1937 from Madras Province.

The Bill aimed at abolishing the confusing position existing between the cultivators under the Zamindari areas and the royatwari areas with regard to the payment of high rate of rent paid in cash to the Zamindars.

See, the Proceedings of the Orissa Legislative assembly - 22.9.37 (See Annexure - 1,3)

2. He was actively supported by Sri Ram Chandra Dev, a prominent Zamindar of Southern Orissa.

3. The Raja Bahadur argued ".... It was a hasty piece of tenancy legislation", making a comparison between the rate of rent in the Zamindary and Rayatwari areas.

See, Proceedings of the Orissa Legislative Assembly 23.9.37.
Supporting the Bill with all determination, the Prime Minister counter argued the Raja Bahadur, that the interest of the poor tenants must be safeguarded by the Government\(^1\). Taking part in the discussion of the Bill clause wise, the prime Minister replied on 26th January 1938, that his long cherished dream was going to be a reality through the Bill\(^2\).

1. The Prime Minister declared if a protection to the poor peasants is required anywhere it is more required in the Zamindary of South Orissa than any other part of the Province. I do say that no where in Orissa the royats are so very helpless, so very miserable and so much oppressed and depressed as rayats in the Zamindary areas of the south Orissa".


2. "..... The history of the Land Reforms in this Province (of Orissa) is the history of woes. As a member of the Madras Legislative Council in 1930, I began the agitation with a group of friends to effect these reforms and that the agitation began from 1922. Till today, I must confess frankly that, the reforms that have been effected, do not touch the very tinge of tenancy difficulties in Madras and the Law that is in vogue here is after all the law that is in vogue in Madras. Therefore, what we have launched is on the lines of the agitation that was being carried on, not today or yesterday but since 1922".

See, Orissa Legislative Assembly, Proceeding, Dated 26.1.1938 p. 188.
However, an attractive piece of tenancy legislation proposed by the first Congress Ministry of the Province could not become a law.

(iii) The Agriculturist Loans Act, 1884, amended as the Orissa act VI of 1937:

To provide better standard of living and to assure better financial protection to the rural poor, Sri Das, got the Agriculturists Loans Act 1884. After such amendment the Act provided that, sheer dependence of a tenant (or rural poor farmer) upon the mercy of some are else to arrange for capital (indebtedness) would entitle him for loan.

Moreover, the Government also proposed to arrange for alternative sources of finance to the poor agriculturist.

1. The Bill was passed in the Assembly on dated 5.2.1938 with only four members opposing. But the governor of the Province kept the Bill reserve for the consideration of the Viceroy who, in turn, vetoed it after three years in 1941. The plea of the Viceroy was that the Zamindar had assured him of a cut in the rate of rent. Such an assurance of the Zamindars does not appear convincing.
(iv) The Orissa Co-operative Land Mortgage Bank (1938):

The Bill was introduced on dated 24.1.38 by the Prime Minister himself. Under this act of 1938, the Provincial co-operative L.M.B. was registered on 16th September 1938 and the Bank started functioning from February 1938.

(v) The Orissa Money-Lenders' Bill (1937):

The objectives of the Bill were broadly two:

(a) regulation of the business of the money lending and

(b) reduction of the high rate of interest and high compound interest in order to relieve a large number of rural poor debtors.

1. The purpose of the Bill was to help the rivals in their sufferings and to relieve them from the unwanted dependence upon the mercy of the dishonest money lenders by way of granting agricultural loans through the Land Mortgage Bank at a low rate of interest. See Annexure - 14

2. The Bill was introduced on 23rd September 1937 and became an Act after the assent of the Governor General on 13th June 1939. See Annexure - 15
The main features of the Act, included:

(i) the money lenders were required by law to register themselves for the legalisation of the profession;

(ii) rate of simple interest was 9% for secured and unsecured lands respectively;

(iii) the principle of 'Damdupad', was introduced with right to open up old accounts from 1st April 1936; and

(iv) penalties like, cancellation of registration for illegal extraction.

During 1938-39, the coastal Orissa especially the District of Ganjam was badly hit by a mighty cyclone. Thus to allow some relieves to the farmers, the Das Government made a remission of one anna and six pies for the wet lands. The limit of eligibility of remission was

1. The word means 'no moneylenders in any circumstances could realise interest more than the amount he had advanced.

also reduced from 12.5% to 25% of the normal yields for
the convenience of the tenants, the dates of 'Kistibandi'\(^1\)
was charged from 10th December and 10th March to 10th
January and 10th April respectively for the first and
second Kisti ("instalment").

\(\text{(vi) The Orissa Small holders'² and Relief Act :}\)

The Das government decided to give permanent
relief to the small peasants and the proprietors. The
Act was designed to prevent eviction of small holders and
also attachment and sale of their movable property\(^3\). It
was a temporary law which expired on 13th June 1949.

1. The data on which the instalment of the revenue is
paid

See, Das, B.C., op.cit.

2. A small holder was defined as 'a person holding land
not exceeding six acres of irrigated or 12 acres of
other lands, and who cultivated the lands himself or
through farm servants or who depended on agriculture.'

3. See, "Orissa : 1936-37 to 1938-39" by Mahapatra
Jadunath.
D. **Measures for Social Reforms:**

After taking the immediate problems of the rural poor farmers, tenants and royats, the attention of the Das's Ministry was diverted to the various reforms on the social fronts. All these reforms measures were initiated and implemented between the period 1937-39. Some of these measures were:

(a) total prohibition in the province;
(b) promotion of education and removal of illiteracy;
(c) Removal of untouchability;
(d) Abolition of Bethi (forced labour), and
(e) the zail reforms

The Das Ministry seemed to have given importance to the problems of prohibition because of the fact that, as a true Gandhian he perhaps found the roots of all evils of the rural poor society in taking alcohol. As the first step of the measure, it was decided to implement the opium prohibition in Balasore. Other prohibitive measures (besides opium prohibition) included the following:
(a) All the liquors shops opened were closed and no license was given to open new shops.

(b) Shops located at prominent places were shifted.

(c) Sale of toddy was discouraged.

(d) Sale of intoxicants after the sun-set was prohibited, and

(e) The practice of carrying liquor home after purchase was discouraged and discontinued.

In addition to the above mentioned administrative measures, the Orissa Legislative Assembly passed two more important Bills for the purpose of prohibition. These two Bills are:

(a) Opium (Orissa amendment) Bill, 1939

(b) Prohibition Bill, 1939.

1. The word 'toddy' means an alcohol indigenously extracted from the Khajoor and palm tree.

2. Both the Bills were passed on 12th September, 1939, but could not be implemented as the B. Das Ministry resigned on 4th November 1939.

See, "Biswanath Das: the first Prime Minister of Orissa And his Socio-Agrarian reforms : by Das, B.C., op.cit. See, Annexure - 16."
According to Dās, untouchability was another stigma on the Oriya society in which Jagannath Cult is idealised. To fight out this superstition, the Prime Minister assured the assembly that it was the most sacred wish of his government to give back status and dignity to the people of the depressed and backward classes of the society. As the first step towards the goal, measures were taken to provide educational facilities to the Harijans. A hostel was arranged for them at Cuttack\(^1\), scholarship was awarded to the Harijan students and priority was given to them - in matter of appointment of the clerical and ministerial staff.

"Bethi" (forced labour) was abolished and several zail reforms were introduced and use of "Khadar" was given top priority by the agencies of the Government.

E. Educational Reforms:

Biswanath Dās, before becoming the Prime Minister of Orissa was a social activist for more than two decades. Through his association with different unions and organisations, he gained a thorough knowledge

\(^1\) The name of the Hostel was "The Kaibalya Kutir".
on social life of Orissa and the different severe deficiencies that stood obstacles for its refinement. If he thought that alcohol was at the roots of all evils in the rural poor society, education alone might bring enlightenment and refinement by attacking the numerous superstitions and taboos that polluted the social life.

(i) For Higher Education:

Having the purpose of spread of education in the Province, the Prime Minister set up a committee to examine the feasibility of having a University in Orissa\(^1\). It was on the report of this committee that five years later pandit Godabarish Mishra, the Education Minister, in consultation with Pandit Nilakantha Das established the Utkal University on 27th November 1943\(^2\).

\[\begin{align*}
1. \text{The committee, set up in 1938, consisted of Pandit Nilakantha Das as Chairman and five other members, i.e. Mr. H.Dippie Saheb, the D.P.I. of the Province; Dr. P.K.Parija; prof. Shyama Ch.Tripathy, Principal Revenshaw college, Prof. Subhash Ch. Pradhan, Principal Training College and Pandit Gdavarish Mishra.}

2. This honour should have gone to Sri Biswanath Das, had he not resigned in 1939 on the issue of outbreak of Second World War.

\text{See, Dr. Dash, S.C., op.cit.}\end{align*}\]
(ii) Other Educational Matters:

The Das Government set up five other committees to advice several matters relating to-

(a) Secondary Education
(b) Certain Rules of the Orissa Education Code;
(c) A uniform system of primary education etc.
(d) The removal of illiteracy as the first priority; and
(e) Compulsory primary education.

The Prime Minister appointed another Committee on basic education. The government made all possible efforts to popularise the scheme of basic education.

In short, the Das Ministry, within its short tenure took several measures to provide a solid foundation for building up of sound educational system in the Province.

1. The Committee is known as the 'Gopabandhu Choudhury Committee'.
The Mid-term Assembly Poll, 1971

(a) The Background:

The Swantantra – Jana Congress coalition finally collapsed when the Swantantra Chief Minister Singh Deo resigned on 9th January 1971. The collapse was natural. It was natural because just before the 4th General election of March 1967, a group of politicians under the leadership of Dr. Mahtab broke away from the Congress and form the Jana congress, a regional party. Such a political step was taken by Dr. Mahtab for reasons which seemed to be personal. From 1961-67 though Congress formed the government in Orissa with three different Chief Ministers¹ Dr. Mahtab, once the premier and subsequently the Chief Minister, was neglected as a political phenomenon within the Congress organisation. Personally he might have been disillusioned and to force the Congress high command at New Delhi to consider him as a power-base, he might have thought of an alternative and the Jana Congress, at the time of the 4th General Election, might be considered as this alternative. In

1. Sri Biju Patnaik, Sri Biren Mitra and Sri Sadasiva Tripathy.
the election the Jana Congress did well by securing 26 seats and became the coalition partner with R.N.Singh Deo's Swatantra.

The formation of the government in Orissa did not serve any purpose of Dr. Mahtab. His Jana Congress became the junior partner in coalition because the office of the Chief Minister went to the major partner - the Swatantra with 49 seats making Sri Singh Deo as the leader of the Government. Since, from 1959-61, Singh Deo was the Deputy Chief Minister to Dr. Mahtab and since now Sri Singh Deo was the Chief Minister, Dr. Mahtab preferred to be outside the Government. Such isolation from the seat of power must have made Dr. Mahtab uneasy.

As per the election manifesto, the coalition government set up the Commission\(^1\) of Inquiry with Justice Hans Raj Khanna, as the Commission to enquire into the charges of corruption against all the persons who held ministerial positions in Orissa since 1959. The Khanna Commission found Sri Patnaik guilty of committing administrative improprieties in several cases\(^2\).

---

1. The Commission of Inquiry was set up in accordance with the Commission of Inquiry Act, 1952 (Act 60 of 1952). H.R.Khanna was the judge of the Delhi High Court. For details, see Govt.of Orissa Notification No.813 EC dated 26.10.1967 (Home Department).
2. Such improprieties were found in allegation No.1 (Kalinga Iron Works) etc.
After the Khanna Commission's report, Dr. Mahtab became suspicious of the Political motive of Singh Deo. Perhaps he wanted to read the 'mind of Singh Deo whether he was thinking to set up a similar commission of inquiry against him too. He became apprehensive. To desist the Chief Minister from such a line of thought, if at all there was any like that, of appointing a Commission of inquiry against him, he seemed to play with some pressure tactics.

At this stage the Jana Congress was heard of raising certain allegations against the Swatantra Forest Minister Sri Hara Prasad Mohapatra hobnobbing with the kendra leaves traders. Such a political situation in Orissa seemed to a political analyst as a two-persons zero-sum-game. The performance of the Swatantra got proportionately counteracted by the non-performance of the Jana Congress. Hence the latter seemed to be in the defensive.

Singh Deo appeared to have exhibited the proper image of a coalition leader and tried to the last to strike a balance between the political reality and the

political necessity. During the very first year of the coalition government Singh Deo, did not seem to offend Dr. Mahtab. When the Jana Congress started levelling the charges of corruption against Sri Mahapatra of the Swatantra, Singh Deo was left with no alternative. He set up the Mudholkar Probe Body against Dr. Mahtab.¹

The Mudholkar Probe Body found that there were certain prima facie cases against Dr. Mahtab which required the setting up of a full-fledged Commission of Inquiry.² Dr. Mahtab became still more apprehensive and did not want Singh Deo to appoint such a commission of inquiry.

1. Singh Deo wrote dated 3, May 1968 to Mudholkar to verify as to "whether any prima facie case against any such person as aforesaid exist and in case any prima facie case is found with respect to any of the allegation, you are also requested to report as to whether in public interest as at present a Commission of Enquiry should be established in order to have a full and complete inquiry into the said matters." See Appendix II, Report of the Mr. Justice J.R.Mudholkar.

2. Mudholkar wrote "I recommend that it is in the public interest even at this point of time to constitute a Commission of Inquiry for making an inquiry against Dr. Mahtab in respect of the following charges...."
Again he wrote "Only by a full and proper inquiry can Dr. Mahtab have an opportunity to have his reputation clear and the public be enabled to know the actual truth concerning a matter which has caused a sizeable loss to the State ".

inquiry as recommended by Madholkar¹. He did not think it wise to leave everything to chance and he became still more conscious about his political future. Perhaps the line of battle was clearly defined and Mahtab at this stage seemed to be playing the trump card by persuading his Jana Congress colleagues to break away from the coalition. He thought that such a commission of inquiry can be avoided only if the government collapsed or, on the other hand, if Singh Deo wanted to run the government for the full tenure, he must give up the idea of appointing such a Commission. The logic of politics took its own course and after the Jana Congress Ministers resigned from the government one by one, Singh Deo had no other alternative than submitting his resignation on 9th January 1971. Before Singh Deo resigned, he appointed a Commission of Enquiry on 9.1.71 - the Sarajoo Prasad Commission² against Dr. Mahtab and the I.C. Mishra Probe Committee against himself and his Swatantra Colleagues to prove into the charges of corruption.

¹ Dr. Mahtab finds the appointment of the Mudholkar Probe Body as a devise to pull down his political image. See, "Malafides of Mudholkar" The affidavit of Dr. Mahtab before the Mudholkar Probe Body.

(b) The Political Scenario:

Just before the mid-term poll of 1971, Dr. Mahtab joined the Congress (R). After joining Congress (R) Dr. Mahtab should have got the opportunity to relax but he must have got suffocated in the Congress organisation. So long as Biju Patnaik was in a political party, importance should not be given to Dr. Mahtab, as Biju might have thought. But against all his calculation, when the Congress high command allowed Dr. Mahtab to join the party, Biju with his supporters broke away from the Congress and formed a regional political party - the Utkal Congress. Biju was expelled by the UPCC on the charges of anti-party activities. Till now if the memory of the electorate was fresh, it will see Biju Patnaik a politician who, as a Chief Minister, was found to have committed administrative improprieties, as per the report of the Khanna Commission. He was the leader of a newly born regional party; he was required to give it a status with a partially furnished political image of himself.

Dr. Mahtab found himself in the Congress (R) accepted, but with certain reservation because as per the report of the Sarjoo Prasad Commission Mahtab became the
first ever Chief Minister in India to have been crash-bribed.\footnote{The Sarjoo Prasad Commission found that, an amount of Rs.6 lakhs was collected by the Kendu leaves traders. Of this amount, 3.5 lakhs was to go to the party fund of the Congress through Dr. Mahtab and the remaining amount 2.5 lakhs to Singh Deo. As per the evidence of Sri Babu Bhai Patel, Mahtab was found to be guilty by the Commission of accepting the bribe to allow concessions to the kendu leaves traders.} Thus the Congress(R) found that the continuance of Dr. Mahtab in the party might prove risky but both the party and Dr. Mahtab remained together under the peculiar political situation of the time.

Singh Deo, through the report of I.C.Mishra Probe Committee was still having a clean political image of himself. As the leader of a major national political party Singh Deo seemed to have possessed all the qualities required of a leader. Added to his personal political image, the performance of his political party in the previous coalition government was recognised by the electorate.

With such backgrounds of different political parties and their leaders, the mid-term poll was held in March 1971.
As expected, the poll verdict of 1971 became an uncertain verdict because the electorate did not give a clear mandate to any of the political parties to form the government. From the party position, it was clear that, there had been no political party which could form a government alone on its own strength. Hence the coalition government was the only and inevitable alternative.

The situation after the poll of 1971, appeared to be more a question of personal equation than a rigorous mathematical calculation. Whatever may be the mathematics or statistics behind the formation of the government, the immediate need was that two of the three leaders - of the majority parties of the Congress(R), Swatantra and Utkal Congress - would come to an agreement to form the coalition government. In such permutation, Dr. Mahtab, would not come to join hands with R.N. Singh Deo because of the wounds that he was suffering from.

1. (As per the election result collected from Report of the fifth General Election in Orissa, Home(Election) Department, Government of Orissa). The position of different political parties was as follows - Congress(Ram)-49, Swatantra-36, Utkal Congress-33, Jharkhand-4, Socialist-4, Communist-6, Jana Congress-1, Congress Organisation-6, Independent-4.
which was caused by R.N. Singh Deo, through the Sarjoo Prasad Commission. The wound was fresh and as if it was still bleeding. Hence a possible coalition of the Congress(R) and the Swatantra must be ruled out. Likewise Biju and Dr. Mahtab, could not come closer because, both of them could not stand under the same umbrella. It ruled out the possibility of a possible coalition of the Congress(R) and the Utkal Congress. Hence as the third and only alternative, the Swatantra and Utkal Congress had to come together and taking with them the support of 4 of the Jharkhand and 1 Independent (coming to a total of 36+33+4+1 = 74) to form the government.

(d) Biswanath Das: As the Chief Minister:

Any one interested in the political process, election and formation of government would find that the political situation after the mid-term poll of 1971 appeared like "The Law of Three". To keep Dr. Mahtab out of power and to avoid the President's Rule which

---

1. It refers to a situation where there are three actors with history of hostility towards each other, and any two of the three enemies combining to take the third enemy to task. This can otherwise be stated as "the enemy of the enemy of some one is his friend". See, 'Coalitional Politics in Orissa by Nanda, S., Sterling Publishers Pvt.Ltd., New Delhi, 1979, p.88.
might mean the rule of the Congress (R) under the supervision and guidance of Dr. Mahtab, Biju Patnaik and Singh Deo buried their past for the time being and came forward, with the collaboration of the Jharkhand and the one Independent, to form the Government.

(i) Choice of the Chief Minister:

Since the Swatantra and Utkal Congress were the two major partners of the probable coalition government, the leader of either of these two parties should naturally claim the Chief Ministership. But agreement upon forming a government seemed easier than allowing some one to be the Chief Minister. Biju Patnaik never considered Singh Deo as a great leader and especially was not having much regards towards leadership of the 'feudal lords'.

If Singh Deo was allowed, as he thought, to be the Chief Minister he might consolidate his own position through his 'clean political image' and thereby making difficult for Patnaik to aspire for the office.

1. It was R.N. Singh Deo, who convinced the people of the State, through the Khanna Commission and the Sarjoo Prasad Commission respectively that the polling images of Patnaik and Dr. Mahtab were not clean.
On the other hand, Singh Deo thought that, since he was the leader of the single largest political party, his claim for Chief Ministership was natural. Secondly, if he would allow Patnaik at this stage to head the Government he might gather support around him, through his 'attractive image' and might prove difficult to replace. Thirdly, though the Utkal Congress was a newly born regional political party, did well in the election begging 33 seats. But, its leader Biju Patnaik himself lost the election. Thus under such situations Singh Deo insisted upon his claim to the office.

(ii) A Compromise Candidate:

Since neither of these two was to allow the other to the office of the Chief Minister, they could be seen to have been guided by the principle of 'Minimax' of the Game Theory. They had no other alternative than to go for a candidate acceptable and agreeable to both of them. First, they approached Sri Radhanath Ratha, the Editor of "The Samaj" and a Member of the Legislative

2. "The Samaj" is the Oriya Daily claiming largest circulation.
Assembly of the State. Sri Rath declined the offer but was said to have suggested them the name of Biswanath Das.¹

Sri Das, once the Premier of Orissa was leading a retired life after he returned from Uttar Pradesh as Governor. When he was approached by both Sri Patnaik and Singh Deo, Das started calculating the situations and the consequences thereof. He should have been eager to accept that offer because he would thereby get a chance to avenge his defeat at the hands of Mahtab. Dr. Mahtab, seemed to have deprived him of Chief Ministership earlier twice in 1946 and 1950. In such an eventuality, he would have negative satisfaction. Second, about the positive consequence of the offer, he could not clearly see anything. It was because, as he thought, he would not have been approached if Patnaik would have been elected to the Assembly. Third, if he would accept the offer immediately, he, as well as Patnaik, would seek election to the assembly within six months. If both of them would be elected or, in worst case if Patnaik alone would be elected the consequence might be still more unfavourable to him. Last, he thought that, he was being approached by the two just because they could not find out a substitute from among themselves.

¹ See Nanda, S. op.cit.
After all these thoughts and considerations Sri Das accepted the offer but gave out to the press that he would continue in the office till Sri Patnaik and Singh Deo found their own leader. The meaning of the statement was that Sri Das would not hesitate to resign if both the partners would not behave with responsibility.

(e) Biju Creates Trouble:

Sri Das took the oath as the Chief Minister of Orissa. In September 1971, in the two bye-elections, Sri Patnaik and Sri Das got elected to the Assembly respectively from the Rajnagar and the Rourkela constituencies. Soon after his election, Patnaik became visibly restless for power. His acceptance of the leadership of Sri Das was based on 'cruel political realities', the main reason of which was that, he was not elected to the Assembly. Since now he was elected, he,

---

1. Sri Das made it clear, "I would not stick to power like a leech and would be happy to be out any day".

See, Nanda, S., op.cit.
as he thought, had a natural claim to the office\(^1\) and he started becoming irresistible to the seat of power\(^2\).

(f) Singh Deo not happy with the Chief Minister:

The first crack on the coalition-wall started appearing in August 1971 over the issue of abolition of the Privy Purse. The Congress(R) government of Mrs. Gandhi introduced the Constitution (24th Amendment) Bill in the Parliament seeking abolition of the Privy Purse. As per the Article 368 of the Constitution, the Bill after being approved by the Parliament came to the Orissa Legislative Assembly for ratification. The Utkal

1. Such intention of Sri Patnaik became clear when he said "Now that the Chief Minister is elected and the government is stabilised, it should be more dynamic and purposeful to meet the needs and aspirations of our people."

See, Nanda, S. op.cit.

2. Just on the day of this success in the election from the Rajnagar constituency, Patnaik said to the press 'He was next to Mrs. Indira Gandhi in the eyes of the Oriyas. He added that his thinking process was exactly like that of Mrs. Gandhi'.

See, Nanda, S. op.cit.
congress of Biju Patnaik declared its support to the Bill because Patnaik was trying to project a leftist image of himself and thereby to draw the attention of the Prime Minister towards him. Just because the Bill aimed at depriving the native princess of their privileges of the Privy Purse, naturally it was opposed by the Swatantra in the Parliament. Naturally again, it was to be opposed by the Swatantra under the leadership of Singh Deo in the Orissa Legislative Assembly. Sri Das as Chief Minister announced in the Press, "My government will support the Constitution (24 Amendment Bill)". Such statement of the Chief Minister was critically viewed by Singh Deo, who criticised the Chief Minister of making "such an irresponsible statement" embarrassing the coalition colleagues. Such a sentiment of Sri Singh Deo against the Chief Minister is understandable, in as much as the coalition leader, in the interest of the coalition maintenance, should have consulted the coalition colleagues before giving the statement to the Press.

(g) The Chief Minister As an Honest Politician:

It has been stated earlier that on the eve of accepting the offer of Chief Ministership Sri Das made it clear that he would continue as Chief Minister so long as the coalition partner behaved responsibly. Soon after the Rajnagar byeelection Patnaik visibly got restless
for power. First he proposed to Singh Deo that, he should merge his Swatantra with the Utkal Congress. Because, thereby Patnaik wanted to exhibit his political strength to Mrs. Gandhi and thereby might draw her attention towards him. Singh Deo, in turn, impressed Patnaik that since his party (Swatantra) was an All India Party, it was better for Biju to merge his party - the Utkal Congress with the Swatantra. Disillusioned and enraged, Patnaik called for a joint meeting of the Swatantra, Utkal Congress and Jharkhand legislature parties on 18th May 1972. Biju was hopeful that he might be elected as the leader by this joint meeting.

Just before the meeting began, Sri Das gave out in the Press that he had tendered his resignation because he, as the Chief Minister, was kept in dark about the proposed joint meeting. The discloser made by the Chief Minister about his resignation brought both Patnaik and Singh Deo back to their sense because they could well understand the devastating consequences of such resignation. The whole episode took a dramatic turn when Sri Patnaik, Singh Deo, and their Cabinet colleagues requested Das to continue as Chief Minister. Sri Das agreed to continue on same conditions.
Towards June 1972, the State politics witnessed large scale defection from the ruling Swatantra and Utkal Congress party to the Congress(R). It has been stated earlier that, some of the members of the Utkal Congress including its leader (Biju Patnaik) were frantically trying to go back to the Congress(R) and they now started making their efforts to topple the Das Government. During the first week of June 1972, six Swatantra Legislators led by Sri Gangadhar Pradhan defected to Congress(R). He was followed by the three Utkal Congress Legislators the next day. After such defection the coalition government of Das came down to a minority. On 9th June 1972, the Utkal Congress party decided for a total merger with the Congress(R). As a logical consequence the Das Coalition Government collapsed on 9th June 1972.

From the above analysis it is evident that, Sri Das could not find time to do anything noteworthy either for the people or for the State, during his tenure of Chief Ministership. However, whatever little time amidst political turmoil and bickering he got, he utilised it and established various committees for the smooth conduct
of the business of the House.¹

(i) **Sri Das and the G.K. Mitter Commission of Inquiry**

**Background**

By the time Sri Das resigned as the Chief Minister of Orissa, the strength of the Congress(R) in the Assembly was increasing slowly but steadily through political defections from the Utkal Congress and the Swatantra. It has also been stated that the Utkal Congress party itself merged with the Congress(R) on 9th June 1972. As a result, the strength of the Congress(R) in the Assembly which was just 49 in the mid-term poll in March 1971 was increased to 94 by 10th June 1972 and further to 96 by 11th January 1973. Mrs. Nandini Satpathy, who was the Union Minister of the State, for Information and Broad Casting, came to Orissa to take over the charge of Orissa as the Congress (R) Chief Minister on 14th June 1972. By the time she became the

¹ Such Committees were - (a) Business advisory Committee, (b) Committee on Subordinate Legislation, (c) Committee on Petitions, (d) Committee on government assurances, (e) House committee, (f) Committee to advice speaker and (g) Public Undertaking Committee.

See, "Biswanath Das the Legislator" by Dr. Mrs. S. Rath in "Biswanath Das: A Tribute", Department of Political Science, Utkal University, Bhubaneswar, 1990
Chief Minister she was not a member of Orissa Legislative Assembly. As per the provision of the Constitution, she must get elected to the Assembly within six months. By the time Mrs. Satpathy became the Chief Minister of Orissa, she had to act on two different fronts - first, she must not allow either Dr. Mahtab or Biju Patnaik to come to a position to dictate her. At this front her task was slightly easier because the political image of Dr. Mahtab was already tarnished by the Sarjoo Prasad Commission and that of Sri Patnaik through the Khanna Commission. But to take further precaution, she did not allow 6 (including Biju Patnaik) of the 33 Utkal Congress legislators to the Congress (R). This was the situation which she could tactfully handle to see that no opposition should come to her from inside her own party. Second, the same time, as she thought, some measures should be taken to keep the opposition under Singh Deo busy and ineffective to get any chance to meddle in the politics of the Congress(R). Besides, during the bye-election when Mrs. Satpathy was to contest from the Cuttack constituencies the Swatantra should not get anytime to influence the voters against the Congress(R) and Mrs. Satpathy. Finally the image of the Congress(R) in the politics of the State was too much soiled by the different commissions of inquiries set up by the Singh Deo's government in between 1967-71. The lost image was
to be recovered. Negatively it can be achieved if by some means the political image of Singh Deo could be soiled.

At the end of such a logical development, a Commission of Inquiry against Sri Singh Deo, and his Swatantra colleagues who held Chief Ministerial and ministerial posts in between 1967-73 remained to be the only alternative. Accordingly, Mrs. Satpathy appointed the G.K.Mitter Commission of Inquiry on 22nd February, 1973 and resigned on 1st March 1973. Under the situation, the selection of Justice G.K.Mitter as the Commission of Inquiry could be seen as a logical necessity\(^1\) from Mrs. Satpathy's stand point.

---

1. In the case of "Rasbihari Panda Versus the State of Orissa", (AIR, 1969, Supreme Court, 108) Justice G.K.Mitter was in the bench with other four (Chief Justice Hidayatullah, Justice J.C.Shah, Justice V.Ramaswamy and Justice A.N.Grover). The bench decided the case in favour of Rasbihari Panda. As per the ruling of the court, the kendu leaves policy of the Singh Deo government was declared void".

(ii) **Frame of Reference:**

As per the frame of reference to the Commission, it was to inquire:

(a) Whether the order of the government in 1970 granting rebate to purchasers and agents of Kendu leaves was proper and legal;

(b) Whether the aforesaid order, if implemented would have resulted in the loss of revenue, and

(c) Whether the procedure followed in granting the rebate was correct and proper.

From the frame of reference, it was clear that, though Singh Deo was thought to be the prime political adversary to Mrs. Satpathy, she, under circumstance, thought the entire period from 1967-73 should be brought under inquiry. But Singh Deo was the Chief Minister only between March 1967 to 9th January 1971. Here a question can be posed - what might have prompted Mrs. Satpathy to include the period from 9.1.1971 to 9.6.1972, when Singh
Deo was not the Chief Minister but the Deputy Chief Minister-cum-Finance Minister under Biswanath Das? The purpose was obvious. The corruption charges against the Singh Deo as Chief Minister between 1967-71 were understandable. But extending the period upto 1972 meant that if he might have done something illegal as the Finance Minister, that would cast doubts on the credibility of the Chief Minister-Sri Das. From the above analysis it emerged that Mrs. Satpathy carefully selected Justice G.K.Mitter and still more carefully selected the period to be inquired into by the Commission. Of course Sri Das might not be considered as the political rival to Mrs. Satpathy at that particular moment, but if anything came out in course of inquiry by the Commission, there was no harm to Mrs. Satpathy.

(iii) Findings of G.K.Mitter : Mrs.Satpathy's purpose served :

The Mitter Commission performed its judicial role and prepared the findings in such a way that would serve, if one could say, the purpose of Mrs. Satpathy. Singh Deo as a Chief Minister (1967-71) and as a Finance Minister (1971-72), Sri H.P. Mohapatra as Forest Minister upto 1971, Sri Ainthu Sahu the Forest Minister (1971-72),
two top ranking bureaucrats (Sri S. Sunderarajan and Sri Arjun Satpathy) - all got severe strictures.

Some one can appreciate the exhaustive inquiry conducted by the Commission but he fails to understand how the name of Biswanath Das figured in the list of those found corrupt by the Commission. Here the Commission seemed to have done some extra works for the purpose. In course of scrutiny of different files the Commission had been attracted specifically by three dates 23 August 1971, the date on which the Minister (Sri Ainthu Sahu) put his signature under his note on the file; 29 August, 1971, the date on which the Chief Minister approved it after putting his signature; and 21st September 1971, the date on which the minister endorsed it after putting his signature.

After meticulously examining these three signatures, Mitter found that all these three on the three different dates were in violet ink, a feature not to be seen anywhere else in the file except one or two signatures of Ainthu Sahu. The Commission started making out the logical deduction. The Commission understood that Sri Sahu was perhaps sing violet ink in his pen occasionally. But since the Chief Minister had also put the signature in the file on 29th August 1971 in violet ink, the Commission thought that, the Chief Minister
might have used the pen of Sri Sahu. In turn it meant that Sri Sahu was there with Sri Das when the latter put his signature. Under such circumstances, as the Commission thought the Forest Minister and the Chief Minister were working with close consultations and in 'collusion' with each other. Hence a shadow of suspicion was also cast upon the working of the Chief Minister.¹

Biswanath Das: As the Parliamentarian:

Article 79 of the Constitution of India provides that, the Parliament of the Union shall consist of the President of India and two other Houses to be known respectively as the Council of States and the House of the People. The Council of the States, also known as the Rajya Sabha, is a permanent house of the Parliament. In the sense that, like the U.S. Senate, one-third of its members retire every two years. The other House, also known as the Lok Sabha, has a fixed tenure of five years if not dissolved earlier.

The first ever General-election to the parliament was held in 1952, five years after the Independence of India, bringing into existence/life both the Rajya Sabha and the Lok Sabha. According to the provision of the Constitution, of the members who were

¹ "G.K. Mitter Commission of Inquiry and Biswanath Das" by Dr. Dash, S. op.cit. p.28.
elected in 1952 to the Council of States one/third retired after two years (1954) and election was held to fillup the vacancies. Biswanath Das, was elected from Orissa as a Congress member to the Rajya Sabha and remained as a member for a full term of six years (till 1960).

Biswanath Das, As governor:

In the mid-term poll of 1961, the Congress Party, under the Presidency of Biju Patnaik scored for the first time a comfortable majority and emerged in the Assembly the largest single majority party to form the Government with Biju Patnaik as Chief Minister. Biswanath Das was just a member of the Assembly which drew the attention of Pandit Jawaharlal Nehru, the Prime Minister of India. The Prime Minister, knowing Biswanath Das, intimately, rightly thought that his talent was being unutilised and wasted in the Orissa Legislative Assembly. He thought of an alternative for the proper utilisation of Das's calibre and intelligence; he wanted to put the right man at the right place. He recommended to the President of India the appointment of Das as the Governor of Uttar Pradesh, which was the biggest of the States in the Indian Union and the native States of the Prime Minister. Das entered the Uttar Pradesh Raj Bhawan at Lucknow in 1962.
Even as the Governor of the largest of the Indian Provinces (Uttar Pradesh) both in size and population, Das has acted remaining strictly within the confines of the constitution. As the leader of the State, he honoured much the Constitution of the land and never did anything unconstitutional.

His gubernatorial tenure was full of events and episodes but nothing could give him a stigma of any sort. A few cases might be cited to explain how his acumen and matter of fact approach could come over the crises and restore normally.

(i) U.P. Cabinet differences:

Sri Ali Zaheer, the Law Minister of the State resigned in protest against the Chief Minister's (Mrs. Sucheta Kripalani) turning down his decision not to grant further extensions to minor officials of the Election Department. The Statement lasted for four days. Mr. Zaheer withdrew his resignation only after the Governor (Sri Das) met both Mr. Zaheer and the Chief Minister separately.

1. See "The Hindustan Times" dated 7.4.64.
(ii) Demand with the Governor to Sack a Minister:

On 17.8.64, the Uttar Pradesh Legislative Assembly saw an uproarious scene. The feeling of the opposition was that Sri Banarasi Das, the Co-operation Minister, seemed to be over-enthusiastic in pushing the controversial Language Bill through the Legislature, without even consulting the Business Advisory Committee. They accused the Minister of violating an agreement reached today (19.8.64) by leaders of all parties under which the Minister was to apologise to the House. That day, instead of making an unqualified apology, the Minister accused the opposition of 'creating a nuisance' in the House.

On 17th of August, 28 Members of the Opposition were suspended from the House. On 19th of August, those suspended Members under the leadership of Mr. Sharda Bhakta Singh of the Jan Sangh, proceeded to the Raj Bhawan (Governor's House) straight from the Council House and demanded from the Governor immediate dismissal of the Minister which, as they understood, was within the normal jurisdiction of the Governor under Article 164 of the Constitution of India. They also wanted to impress upon

1. See, "The Statesman" dated 20.8.64.
the Governor that had the Chief Minister been there in the Assembly that day, the situation might not have deteriorated so much. The opposition also alleged that Mr. Banarasi Das's methods were calculated to impress upon the people that "he was the iron man of Uttar Pradesh".

For these last three days (17.8.64 to 19.8.64), the Chief Minister (Mrs. Sucheta Kripalani) was not attending to the Assembly for her indisposition. On the morning of 19.8.64, the Congress Legislature Party approved the action taken against the "unruly elements" in the Opposition. This meeting was presided over by the Chief Minister and soon after, she left for New Delhi.

The Governor (Sri Das) assured the Members of the Opposition that he would discuss the matter with the Chief Minister and the Speaker of the House. He felt that nobody, not even the Ministers including Mr. Banarasi Das, could be happy at the developments. The members calmed down and withdrew from the Raj Bhawan.

1. See "The Statesman" dated 20.8.64.
(iii) **SSP Motion questions U.P. Governor's conduct**: 

By 6th August, 1965 the Governor (Sri Das) was personally looking into an allegation of an American woman of alleged ungentlemanly behaviour against Sri Chaturbhuji Sharma, the Local Self government Minister. The S.S.P. (Sanjukta Socialist Party) took it an exception the manner in which the Governor was dealing with the matter. Sri K.N. Mishra, a member of the SSP raised a motion on the floor demanding recommendation to the President of India to dismiss the Governor (since the Governors of the States are appointed by the President). 

The Speaker said that the motion was ab initio inadmissible. Quoting a number of previous rulings, he said the Governor's actions, whether in his official capacity or as an individual, could not be commented upon. The Speaker also said that the Governor had the same status as the representative of the King or the President. Even if he did anything which appeared to be unconstitutional, the House could not discuss it. It was, however, open to a private party to approach the President for redress in a matter concerning the Governor. 

---
Commenting upon the ruling of the Speaker Mr. Mishra said that previous rulings could not be the last words on the subject. Also he argued that a member had a dual capacity. As a private citizen he could represent to the President, but as a member pledged to preserve the Constitution he could discuss the matter on the floor of the House. When Mr. Ugrasen (SSP) requested the Speaker to call the advocate General for advice, the latter reserved his ruling about the removal of the Governor.

Mr. Chaturbhuja Sharma resigned from the Cabinet on 23.8.65, and his resignation was accepted by the Governor on the advice of the Chief Minister. Asked as to whether the Governor would still continue with his enquiry against Sri Sharma, the Governor, seemed to escape the question by telling that the legal position would have to be examined.

(iv) Personal allegation against the Governor:

During the first week of October, 1965, certain allegations were made against the

---

2. See "The Indian Express" dated 24.8.65.
Governor (Sri Das) regarding his alleged hob-nobbing in the political affairs of another state. Sri Biju Patnaik, who was elected as the Chief Minister of Orissa in March, 1961, resigned in 1963 under the Kamraj Plan (a Scheme mooted by Sri K. Kamraj, the President of the All India Congress Committee according to which some prominent and popular Congress Chief Ministers and Ministers were to resign from the office and to devote time to strengthen the party organisation). After him, Biren Mitra became the Chief Minister of Orissa who appointed Biju Patnaik as the Chairman of the State Planning Board. Everyone in the State started thinking that Mitra's 'Darbar' rule might not last long. In case he vacated the office, a suitable successor was to be found. At this juncture, factionalism inside the Congress Party, while one supported the candidature of Biju Patnaik, another group was insisting upon Sadasiv Tripathy as the leader while still a third group was proposing Biswanath Das (presently the Governor of Uttar Pradesh). This was the time when Biju Patnaik was seen in the Uttar Pradesh Raj Bhawan (the Governor's House). Asked by the Press, the Governor told that he had told Biju Patnaik that it would be good if the groups in the Congress Legislature Party in Orissa could agree to have a common candidate.

Mr. Bhupesh Gupta (Communist) told in the Parliament (Rajya Sabha) that it was not proper for the
Governor of a State to meet another person from a different state and discuss the question of election of a party leader. The situation was still more controversial when the Governor's own name was being proposed as a prospective candidate.

Defending the position of the Governor, Mr. M.C. Chagla, the Education Minister of India maintained in the Rajya Sabha that the Uttar Pradesh Governor's statement on the Orissa C.L.P. leadership contest could not be regarded as a "Constitutional impropriety or interference" in the affairs of another State. Moreover, Das might have discussed the issue with Biju Patnaik because Das was a prominent and popular Congressman and an erstwhile Chief Minister of the State. Mr. Chagla added that a constitutional issue would certainly arise if a Governor interfered with the political affairs of the State of which he was the head. He concluded that the situation was not about the State of which he was the Governor, but about another State and the issue of constitutional propriety did not arise.