

3833

December 28, 1965.

Mr. K. V. K. Sundaram,
Chief Election Commissioner,
Election Commission India,
Talkatora Road,
New Delhi-1.

Dear Mr. Sundaram,

In my letter of 4th November, 1965, addressed to the Secretary of the Election Commission, I had said I would be writing again in reply to the Election Commission's letter of 21st October. I do so now.

2. In reply to the enquiry contained in para 2 of the Election Commission's letter, the answer is that the Swatantra Party continues to function in Bihar. The Central Office of the Party has a branch office at Frazer Road, Patna. Elections at Constituency and District levels are in progress and an elected State Executive Committee will come into existence as soon as District Committees begin functioning in a majority of the Districts of the State. Meanwhile, an Advisory Committee set up by the National Executive of the Party meets from time to time and attends to organisational matters. This Advisory Committee consists mainly of senior members of the Swatantra Party's Bihar Unit which was dissolved in August 1964. Amongst its members are two of the former Vice-Presidents, two former General Secretaries and several Presidents and Secretaries of District and Constituency units prior to that time.
3. The Swatantra Party continues to be represented in the Bihar Legislative Assembly by Lal J.N. Sah Deo, MLA, and Mr. N.N. Singh Deo of Seraikella, MLA, and in the Bihar Legislative Council by Sardar Harihar Singh, MLC.
4. I now proceed, as requested in your Commission's letter, to comment on Mr. Kamakhya Narain Singh's letter to the Commission of 22nd September, 1965. The kernel of the case for recognition sought to be made out in that letter is that the newly formed Janta Party in Bihar is substantially the same as the party of that name that functioned some years ago and the Bihar branch of the Swatantra Party which came into existence later. The relevant facts are as follows:
5. On 20th September, 1959, the former Janta Party of Bihar decided to merge itself in the Swatantra Party. It was further decided to keep the name of the Janta Party in tact for the sole purpose of preserving its symbol of the 'Bicycle' pending the allotment of a symbol valid for the whole country to the Swatantra Party. A copy of the Minutes of the Working Committee of the Janta Party of that date, where reference is made to this matter in paragraph 2, is attached (Annexure A).
6. You will recall that it was not till August 1961, that the Election Commission took a final decision granting recognition to the Swatantra Party on a national basis and allotting the symbol of the 'Star' to it.

Certain correspondence that took place at that time is of relevance to the issue now before you.

7. On September 1, 1961, Mr. K. N. Singh, writing as President of the Janta Party, requested the Commission that the Bicycle, which had been their symbol and would now cease to their symbol in Bihar, should not be made a free symbol in Bihar or given to any other Party as that would cause confusion and injure those who had popularised that symbol. By its letter No.56/3/60 of 5th September 1961, the Election Commission wrote to Mr. K. N. Singh acceding to this request.

8. At this point of time, there was a complete volte face on the part of Mr. K.N. Singh who, on September 7, 1961, sent a telegram to the Election Commission claiming that the Janta Party was a recognised Party still functioning in Bihar and requesting retention of the Bicycle as their symbol!

9. On 9th September, 1961, I wrote to the Election Commission and placed on record the correct position as follows:

"The Janta Party merged with the Swatantra Party as far back as 1959. Its President stipulated, however, that they would not officially dissolve the Party but keep it in cold storage in order to retain the right to the symbol of the Bicycle, just in case the Swatantra Party was not given another symbol by the Election Commission before the 1962 Elections. An Executive Committee was set up by the Swatantra Party for the State of Bihar with Mr. Kamakhya Narain Singh as its President and other office-bearers and members. He was also appointed one of the Vice-Presidents of the Swatantra Party at the Centre and a member of the Central Organising Committee, which position he holds as of now. Several members of the Party from Bihar have also been appointed to the General Council of the Party, which is a somewhat bigger body.

"A point that we should like to stress is that the Bihar Swatantra Party is not just the Janta Party under another name but a new and a bigger and wider organisation.

"You will recall that the Janta Party was a local group based on Hazaribagh District and a few other areas. The Bihar Swatantra Party has branches and membership through the length and breadth of Bihar. We propose to put up a large number of candidates for Parliament and the Assembly from the North and West of Bihar. Indeed, the large majority of our candidates would be put up in areas where the bicycle is not known.

"I may also mention that the present Swatantra Party's organisation in Bihar has grown out of a merger of the original Janta Party elements and the Janta Congress group in Bihar some time in 1960. In order to make this point clear, perhaps, I may mention that the Bihar Swatantra Party has two Vice-Presidents, neither of whom was any time a member of Janta Party! Similarly, one of the two General Secretaries of the State Party has had no connection with the Janta Party. This is also true of several members of the State

Legislature and a large number of members of the State Executive."

10. On 15th September 1961, I again wrote to you forwarding for your reference certain material which went to substantiate further the position which I had already urged.

11. On 17th September, 1961, the Executive Committee of the State Unit of the Swatantra Party of Bihar met in Patna in my presence. The relevant passage in the agreed Minutes of that meeting reads as follows:

"The Working Committee heard statements from the President of the Bihar State Swatantra Party and from the General Secretary of the Party reporting on developments regarding the symbol since the last meeting of the Committee on August 29, 1961.

"The General Secretary reported that, in view of the genuine difficulty experienced by the Party in Chota-Nagpur as a result of this late change in the symbol, he had consulted Rajaji and had requested his concurrence in agreeing to request the Election Commission to grant the "Bicycle" to the Swatantra Party in Bihar for the 1962 elections alone on the following lines:

"1. The Janta Party is finally dissolved and merged in the Swatantra Party. The President of the Janta Party, is writing to the Election Commission and the leader of the Janta Party to the Speaker, Vidhan Sabha, today confirming this.

"2. The Swatantra Party in Bihar and its President have agreed to abide by the decision of Rajaji in respect of the symbol. After hearing the statements, the Working Committee was unanimously of the view that the "Bicycle" should be the Election Symbol of the Bihar Swatantra Party for 1962, it being understood that the 'Star' would replace it thereafter as in the rest of India.

"The General Secretary agreed to act on the wishes of the Working Committee to approach the Election Commission for the allotment of the 'Bicycle' as the Election Symbol of the Swatantra Party in Bihar.

"The Working Committee of the Bihar State Swatantra Party recorded a vote of thanks to our revered leader, Shri C. Rajagopalachari, who had kindly consented to allow the Bihar Swatantra Party to fight the 1962 election with the 'Bicycle' as their Election symbol in view of the strategic importance and the popular appeal of the Bicycle in different parts of Bihar."

12. This decision was communicated to you on the same day in a telegram jointly signed by myself and Mr. K.N. Singh, as President of the Janta Party, which informed you that the Janta Party was "finally dissolved". The telegram further stated that the symbol of the Swatantra Party in Bihar for the 1962 election should be replaced by the Party's national symbol, the 'Star' after the 1962 elections.

13. This telegram was followed up by a letter of the same date. Mr. K.N. Singh wrote to you as President of the Janta Party in which he informed you that "Janta Party in Bihar has now fully dissolved and merged into the Swatantra Party and the question of giving it any recognition or allotting any symbol to it does not arise."

14. Similarly, on 18th September, 1961, Dr. B. N. Singh, writing as leader of the Janta Party group in the Bihar legislature, informed the Speaker of the Legislative Assembly that "the Janta Party has now dissolved and merged in the Swatantra Party and requested the Speaker to recognise us under the new name of the Swatantra Party from now on."

15. On September 22, 1961, the Election Commission recognised the fact that the Janta Party was no longer in existence when, in the course of its notification, it stated inter alia:

"In the case of the Swatantra Party the Commission is satisfied that the Janta Party in Bihar, the Indian National Democratic Congress in Madras... all recognised Parties, have merged in the Swatantra Party... As a consequence, the Janta Party in Bihar (etc) will cease to be recognised parties and the reserved symbols allotted to them will be withdrawn."

16. In the same notification the Commission stated that only a party which polls at least 4% of the total valid votes either at the Parliamentary or Assembly Elections would be a recognised party in that State.

17. As you are aware, in the General Elections of 1962, the Swatantra Party candidates throughout the country, including Bihar, stood for election on the Manifesto of the Swatantra Party, a copy of which is attached. (Annexure B). You will also recall that, at that time, Mr. K.N. Singh, President of the State Unit of the Party, was nominated as the certifying authority, not for the whole State but for certain divisions only, while four other members were appointed by the Party as certifying authorities for the remaining areas.

18. In the summer of 1964, complaints started coming in from the State that members of the Party and its District Units were not being supplied with enrolment forms and that Mr. K.N. Singh was monopolising the enrolment of Active Workers with a view to retaining his hold over the Party by undemocratic methods. Other complaints received were that the Party at the Centre was being kept in ignorance of developments in Bihar and that the Bihar Unit was sought to be made "a closed shop" even more than before.

19. The Central Organising Committee of the Party, at its meeting on June 9, 1964, asked the senior Vice-President, Dr. K. M. Munshi, to investigate into the matter and submit his report to the Organisation Sub-Committee of the Party, which was empowered to take all such action in relation to the Bihar Unit as it deemed necessary on the report of Dr. K.M. Munshi. At this stage, as many as eleven members of the Party in the Assembly State and one in the State Council tendered their resignations, protesting against the arbitrary manner in which Mr. K.N. Singh was conducting the Party's affairs in the State.

20. On 8th August 1964, the Organisation Sub-Committee met and considered Dr. K. M. Munshi's Report (copy attached - Annexure C). It was unanimously decided to dissolve the Bihar State apparatus of the Party.

The text of the Resolution is annexed (Annexure D).

21. When a representative of the Central Office of the Party went to Patna to take charge of the papers, books of account, funds and other assets of the Party, in pursuance of the Organisation Sub-Committee's directive, Mr. K.N. Singh, as President of the dissolved State Committee, refused to hand over charge of the Party's papers, funds and assets. He specifically refused to hand over a sum of Rs.10425/- which had been collected as Membership subscription at the rate of Rs.3/- per annum from 3475 Active Workers of the Party enrolled in the State by 31st July, 1964. We regret to have to report that, to this day, he has improperly retained those funds despite the fact that many of those who had given him their subscription wrote to him requesting him to hand over the money to the Party or to return it to them.

22. The Organisation Sub-Committee of the Party considered the correspondence between the Central Office and the former President and General Secretary of the dissolved Unit and on August 26, 1964, adopted a resolution calling on them to show cause why disciplinary action should not be taken against them for flouting the authority of the Party. The text of the resolution is attached (Annexure E).

23. When the Central Organising Committee of the Party met on September 30, 1964, it considered the developments in Bihar and took the following decisions:

- i) It rejected the appeal made by certain members in Bihar against the Organisation Sub-Committee's decision to dissolve the State and District Committees in the State.
- ii) It considered a letter dated 9th September 1964, received from Mr. K.N. Singh and others and it noted the absence of a reply from Mr. Shyam Sunder Prasad, the former Secretary, who also had been asked to show cause why disciplinary action should not be taken against him. The Committee unanimously decided to expel Mr. K.N. Singh and Mr. Shyam Sunder Prasad from membership of the Party for "gross indiscipline and disloyalty" to the Party.
- iii) It took certain concrete steps for developing the Party's work in Bihar, including the establishment of a Branch Office of the Central Office in Patna and the nomination of an Advisory Committee for Bihar as a first step towards reorganising the Party in that State.

The text of a press statement announcing these decisions is annexed (Annexure F).

24. On 3rd October, 1964, I wrote to you communicating the discussions taken by the Party and withdrawing the authority given to Mr. K.N. Singh to certify the Party's candidates.

25. On September 25, 1964, at a press conference in Patna Mr. K.N. Singh had already said that "he and his group were joining the Congress Party without any reservation and with no strings attached". According to the Searchlight of 26th September, 1964, Mr. K.N. Singh

said that they were joining the Congress not to form any group within the Party but because they were imbued with the idea of rendering dedicated service to the people of Bihar. It is interesting in this context to recall that only two months earlier, on July 30, 1964, Mr. K.N. Singh had according to the Evening News of India, (Bombay) of July 30, 1964, said in a statement: "If the Opposition Parties are one by one wiped out, nothing but Nasism or Fascism or some other form of dictatorship will come into being".

26. Then followed a whole year during which the applications for membership made by Mr. Kamakhya Narain Singh and his fellow-defectors were repeatedly considered by the Central Parliamentary Board of the Congress Party and repeatedly held over without a decision. Finally, in the middle of 1965, it became known that admission to the Congress Party had refused to the applicants. It was only then that, in September 1965, Mr. K.N. Singh decided to float a new Party to be called the Janta Party. It might be useful to extract a few of the numerous reports in the Press on these developments:

i) October 1964:

New Delhi, October 28: The question of admission of about 50 former Swatantra Party members of the Bihar Legislature to the Congress may be taken up by the Congress President, after the Guntur session of the AICC, it is learnt
(Times of India, October 29, 1964)

ii) November 1964:

New Delhi, November 1: Congress President Kamaraj has assured the Raja of Ramgarh, Mr. Kamakhya Narain Singh, of an early decision on the admission of his men into the Congress Party.

Mr. Singh met the Congress President today and submitted to him a 19-page rejoinder to Chief Minister, K.B. Sahay's memorandum containing adverse comments against him (Mr. K.N. Singh)...
(The Indian Nation, November 3, 1965).

Ranchi, November 22 (UNI) ... Mr. Atulya Ghosh also addressed the meeting (of the Bihar Congress Workers). He referred to some posters displayed by supporters of the Raja of Ramgarh, Mr. Kamakhya Narain Singh, and said the Raja and his supporters applications for membership of the Party were being looked into by the Congress President and a decision would be taken in consultation with Mr. K.B. Sahay and Pradesh Congress President, Mr. Rajendra Mishra.

But I want to make it clear that nobody can sneak into the Congress with the aid of posters.

Some of the posters displayed by the rivals of Chief Minister Sahay said "The entry of the Raja of Ramgarh into the Congress will ensure clean administration in the State....."
(Hindustan Times, November 23, 1964).

iii) April 1965:

New Delhi, April 3 (UNI) Swatantra legislators of Bihar are understood to have asked their leader, the Raja of Ramgarh, to

get a decision on their admission to the Congress from the Party President, Mr. Kamaraj.

The Raja of Ramgarh's emissary, the Raja of Maksoodpur, today met Mr. Kamaraj and requested him an early decision. The Raja is believed to have said that his group would not join the Congress until the Raja of Ramgarh was also admitted....
(The Sunday Tribune, April 4, 1965).

iv) June 1965:

Patna, June 20: The Raja of Ramgarh, Mr. Kamakhya Narain Singh, leader of the Opposition in the Bihar Assembly, will form a new Party if, by July 10, the Congress President, Mr. Kamaraj, failed to announce his decision or to refer back to the Central Parliamentary Board the applications of the erstwhile Swatantra legislators for the membership of the Congress.

A spokesman for the applications said today it had been made clear to Mr. Kamaraj that they could ill-afford to wait indefinitely.

The monsoon session of the legislature was to convene on July 19 and the applicants were anxious to be in the Congress by then or to function with a new label.

(Times of India, June 22, 1965).

v) July 1965:

Editorial comment in the Searchlight of Monday, July 5, 1965, entitled "Ramgarh's future".

"Mr. Kamakhya Narain Singh, the Raja of Ramgarh, has probably lost all hopes of being admitted into the Congress even before a formal rejection of his application by the Central Parliamentary Board and the Working Committee. The unity in Bihar Congress has left him virtually with no supporter in the ruling Party.

"The Congress is a powerful organisation. It can afford to withstand pressure tactics from an individual, however influential he may be. The very fact that the Raja and his lieutenants so desperately wanted to join the Congress showed that they had lost confidence in their own popularity as a group. Perhaps the Raja's political stature has been badly damaged by the decision of the Central leadership of Swatantra Party which expelled him from the organisation on the charge of gross indiscipline. This may have been one of the factors why the Congress refused to touch him with a pair of tongs".

"Now his supporters are said to be planning to form a new political party. They may also be contemplating to approach some other all-India Party for admission... One of the prominent supporters of the Raja is reported to have stated on Saturday that "we must decide our line of action as early as possible if we are to exist in the political life of the State". But as everyone can see, they are visibly demoralised lot. Two leading all-India parties have slammed their door against the Raja, they will not find it easy to secure entry into any other recognised party.

"...The Janta Party which the Raja once ran, even if revived, will not cut much ice with the people. An altogether brand new Party may also prove a damp squib in the next general election.

It appears as if the Raja's political game is up. Even if he chooses to try his luck in 1967, he may get nothing but the worst possible rebuff from the voters including those belonging to Hazaribagh district".
(Searchlight, July 5, 1965)

Patna, July 7: Swatantra legislators of Bihar who under the Raja of Ramgarh Mr. Kamakhya Narain Singh deserted the Party, today decided to form a new Party.

The decision was by supporters of the Raja, who presided over the meeting.

The new move follows Mr. Singh's expulsion from the Swatantra Party.

The Raja with 33 MLAs, four MLCs, and seven MPs had applied for Congress membership.

What little chance the Raja had, disappeared with last week's accord between Mr. Sahay and former Chief Minister Binodanand Jha, who had been pleading Mr. Singh's case with the High Command.

Asked by newsmen whether he had lost all hopes of being allowed into the Congress, he (the Raja) said: "We cannot wait for centuries".

The Raja ruled out his reviving the Janta Party.

Asked whether he would seek admission to the SSP or PSP, he said, "Ideologically, we are poles apart".
(Indian Express, Bombay, July 8, 1965).

Patna, July 22: The Raja of Ramgarh, Mr. Kamakhya Narain Singh, is still hopeful of the entry of the legislators of the erstwhile Swatantra Party into the Congress.

The deferring of the decision to withdraw their applications pending before the Congress President is attributed to the hope that the situation might become clearer after the Bangalore session of the AICC, according to sources close to the Raja....
(Indian Nation, July 23, 1965).

Patna, July 26: The question of admission into Congress of the erstwhile Swatantra legislators of Bihar did not figure at the Bangalore session of the AICC, Mr. Satyanarayan Singh, Education Minister, told Hindustan Samachar here this morning
(Indian Nation, July 27, 1965).

vi) September 1965:

Patna, September 2: Mr. Kamakhya Narain Singh, leader of the Opposition in the Bihar Legislative Assembly, announced at a press conference here today the revival of the Janta Party and formation of its kisan, labour, student, youth and women wings.

He told newsmen today he had decided to withdraw the applications and that a letter to this effect would be sent to the Congress President.

(Hitavada, Nagpur, September 4, 1965).

27. On 2nd September, 1965, the Election Commission issued a Notification listing the recognised Parties in the State of Bihar along with their symbols, the Swatantra Party, being No.2 on the list alongside the symbol of the "STAR". In the same notification, the Commission included the Bicycle in the list of free symbol in the State.

28. We hope you will agree that, from the recital of facts set out above, certain conclusions clearly emerge:

- (i) The Swatantra Party which contested the General Elections of 1962 in Bihar was a much bigger and wider body composed of various elements in addition to those that had come in from the Janta Party and the votes cast for the Party in Bihar were votes cast for the Swatantra Party of India on the basis of its national leadership, prestige, resources and Election Manifesto.
- (ii) The argument in regard to the 'bicycle' symbol is a red herring drawn to confuse the issue. The fact, as the Commission is well aware, is that the 'bicycle' symbol was permitted as a special case not because the Janta Party's existence was recognised, but quite on the contrary because the Commission accepted the fact that the Janta Party was defunct and, since there was not sufficient time to popularise the new symbol, the Swatantra Party in Bihar was, at its request, allowed the use of the erstwhile symbol of the Janta Party for the 1962 elections alone.
- (iii) The action of the Central Organising Committee of the Party in dissolving the Bihar Committee, which arose out of a careful study of its unsatisfactory functioning by Dr. K.M. Munshi, was a purely administrative measure and the Swatantra Party has continued to exist and function in Bihar since then.
- (iv) The Party now formed by Mr. K.N. Singh under the name of "Janta Party" is a new one and is neither the one with the same name that was earlier dissolved nor the branch of the Swatantra Party which contested the General Elections of 1962.

29. It is our submission that, in the light of these facts, the recognition given to the Swatantra Party in Bihar on the basis of its performance at the polls in 1962 and reiterated only recently in the Election Commission's Notification of 2nd September, 1965, should not be disturbed and that the defection of the majority of its members in the Legislature, who have thus committed a breach of faith with the Electorate and the Party, contrary to the pledges given by them, should not lead the Commission to deviate from the principles embodied in its notification of 4th August, 1962. The essence of those principles quite rightly was that the strength of a Party was to be pledged at a particular point of time, viz., the date of a General Election.

30. In this connection, we would like to urge that the strength of a Party and its representative character should not be judged by the number of members of the Legislature who get elected under its banner

or who may defect from it any time, but by the number of votes polled by the Party's candidates on the basis of its Election Manifesto, as quite rightly accepted by the Commission. In this particular case, for instance, Mr. K.N. Singh has, as a result of nominating a large number of members of his own family- 4 out of 6 in the Lok Sabha - his retainers and personal employees eg., Mr. Bateshwar Singh in the Lok Sabha and by exercising pressure on various others, managed to persuade a large number of them to betray their obligation to the Electorate and to the party. This does not mean that those who voted for these men, when they stood as Swatantra Party candidates, because of the Party's Manifesto, its National leadership and prestige, would do so if they were to present themselves as candidates of the Janta Party.

31. A political party is a voluntary association which continues to function in pursuit of its objectives and policies irrespective of the defection or entry, from time to time, of individuals or factions.

32. In a Memorandum submitted by the Swatantra Party to the Election Commission as far back as 20th November, 1964, embodying the views and suggestions of the Party on various points discussed at the meeting of Party leaders in Parliament with the Chief Election Commissioner on 12th September 1964, we had already stated:

"The Swatantra Party is of the view that, where two Parties merge, the new Party should be recognised and it should be allowed a free choice in regard to the new symbol that it wishes to adopt. Such recognition should, however, apply in the case of a total merger of two entire Parties and can have no relevance to defections at State or local level by branches of a Party. Such defections, which are in the nature of a crossing of the floor, should not be encouraged, and the recognition of the Party from which such a defection has taken place as also its symbol should be maintained intact.

"In the case of a split, similar considerations would prevail. Where the split is of a national character, it should be recognised and the implications of such recognition should follow. Where, however, the split takes the form of a partial or local defection of dissidents, no encouragement should be given to it by way of recognition by the Election Commission and the granting of a symbol. In this connection, much importance should not be given to the number of M.P.'s and M.L.A.'s who defect, because their action may be unrepresentative of the membership and rank and file of the Party as a whole and of their electors".

33. The Janta Party as now constituted is a group born of gross indiscipline and rank disruption. It is led by a person expelled for indiscipline and disloyalty from the Party to which he belonged. This Group knocked at the doors of the Congress Party for admission for a whole year from September 1964 and finding in the end that they were turned down and found unfit for Congress membership, they have now formed themselves into a new Party and forthwith proceeded to join hands with the Communist Party, the Revolutionary Socialist Party and the Samyukta Socialist Party, whose policies are in direct conflict with the policies of the Swatantra Party, on the strength of which they got elected to the Bihar Legislature and Parliament, and with those they themselves have adopted for their newly formed Party.

34. If the Election Commission were to give recognition to the Janta Party and grant it a symbol at this stage, the Commission would in effect be rewarding their disruptive and indisciplined behaviour and would encourage people with similar tendencies to blackmail their respective parties in future. Such a decision would run counter to the laudable efforts which the Commission has been making to set certain standards of behaviour and stability for political parties.

35. On the other hand, it is the Swatantra Party that deserves encouragement and support by reason of the principle stand it has taken, at great cost to itself, in trying to maintain the purity of public life. Its action in this connection drew editorial approval for its courage from the two leading English dailies in Bihar viz., the Indian Nation and Searchlight, relevant editorial comments of which are attached (Annexure G).

36. The newly formed Janta Party, like any other Party, will have an opportunity during the next General Elections to provide their case for recognition on the basis of their performance then. It is our estimate that, beyond the district of Hazaribagh, the candidates of that Party will be routed and the Janta Party will be reduced to even smaller proportions than what it had before it merged in the Swatantra Party. To allow defectors from the Swatantra Party to benefit from the respectability and public support that they obtained by reason of their association with Mr. C. Rajagopalachari and the national leadership of the Swatantra Party in order to get recognition would, we submit, be most unfair, not only to the Party but also to those members of the Party in Bihar who have continued to behave as loyal and disciplined members.

37. In any event, the continued recognition of the Swatantra Party in Bihar, based on its having fulfilled the requirements of the Commission for such recognition, should remain unaffected.

Yours sincerely,

Sd/-
(M. R. Masani)
General Secretary.

ANNEXURE 'A'

COPY OF THE MINUTES OF THE WORKING COMMITTEE OF THE BIHAR
RAJYA JANATA PARTY, PASSED ON THE 20TH SEPTEMBER, 1965

The Working Committee of the Bihar Rajya Janata Party held an extra-ordinary meeting under the Presidentship of Raja Bahadur Kamakhya Narain Singh of Namgarh at 10 a.m., on the 20th September, 1959, in the Janata Party Central Office, Adalat Road, Patna 4. The following resolutions were passed unanimously :-

1. The Bihar Rajya Janata Party stood from its inception for the socio-economic philosophy of Gandhiji whereas the Congress Government at the Centre and in the States are making wide departures from the Gandhian ideology, they are thrusting contents of communism in quick and heavy doses down from the throat of an unwilling nation ;

Whereas other democratic nationalist parties like the P.S.P., and the Socialist Party are raising almost the same slogans as those of the Congress and are unable to deliver the goods; whereas the Communist Party of India with their extra-territorial loyalty and totalitarian philosophy is gaining momentum through the crisis generated by the Congress; Whereas security of life and property and freedom of family and firm and above all land and liberty are the main casualties of the chaos flowing from the implementation of the so-called socialistic pattern of the Congress;
And whereas the emergence of the All-India Swatantra Party under the powerful leadership of Shri Chakravarti Rajagopalachari has come to fulfil a historical necessity to salvage the freedom of the individual in all sectors of life and to keep ablaze the torch of Indian culture and society on the basis of Gandhian ideology ;

The Bihar Rajya Janata Party finding a common ideology and a common cause with the Swatantra Party resolves to merge itself with the All-India Swatantra Party.
2. In view of the wise advice given by Prof. Ranga, MP, President of the All India Swatantra Party to Shri Kamta Singh, MP, in course of a discussion on the need of a uniform symbol which is so very essential for achieving better results in the coming general elections the Central Executive of the Swatantra Party shall apply to the Election Commission for the allotment of an ALL INDIA election symbol to the All India Swatantra Party on the one hand while on the other, the Bihar Rajya Janata Party shall apply to the Election Commission for recognition of the Janata Party symbol as the symbol of the Swatantra Party. Pending the allotment of an All-India election symbol to the Swatantra Party or the recognition of the Bihar Rajya Janata Party symbol as the symbol

of the Swatantra Party in Bihar, the Working Committee of the Bihar Rajya Janata Party hereby further Resolves that in order to be able to preserve the recognised election symbol of the Janata Party in the State the name of the Bihar Rajya Janata Party be retained and it shall function for all practical purposes as the wing of the All-India Swatantra Party in Bihar.

3. The Working Committee prays to the Almighty for a long, happy and healthy life to Shri Rajagopalachari, leader of the Swatantra Party and the seniormost and the wisest statesman of India.
4. The Working Committee of the Janata Party considered the application of Maharaja Mata Shrimati Shashanka Manjari Devi, MLA, addressed to the President of the Janata Party seeking permission to resign her seat in the Bihar Legislative Assembly from the Burkagaon constituency in the Hazaribagh District on the ground of health. The Working Committee requests the Maharaja Mata to reconsider the matter and withdraw the resignation.

ANNEXURE "C"

MR. K.M. MUNSHI'S REPORT ON THE UNSATISFACTORY
FUNCTIONING OF THE BIHAR STATE UNIT OF THE PARTY

By the decision of the Central Organising Committee dated June 29, 1964, certain complaints in respect of the functioning of the State Unit in Bihar have been referred to me for submitting a report and recommending at the same time, action, if any, to be taken in the interests of the Party as a whole.

2. The matters which I have to examine, fall under 4 heads :

- (a) Unsatisfactory functioning of the State Unit in Bihar;
- (b) Lack of discipline that has been in evidence, including the failure of the Party to give a good account of itself during the Recent elections to the Rajya Sabha and the Legislative Council, and the grave charges levelled against the President of the State Unit and others by Shri Parmanand Kejriwal, the Party's first candidate in the Rajya Sabha elections;
- (c) Failure to provide facilities to members of the Party to enrol workers;
- (d) The general failure of the State Executive Committee to function over a period of several months.

3. I have carefully considered the complaints and explanations and other papers in the matter supplied to me by the Central Office.

4. I will first deal with the head (d) viz., "the general failure of the State Executive Committee to function over a period of several months."

5. I find that the State Committee has, since its formation on 22nd February 1964, failed :

- (a) to give a fair representation to a substantial section of the Party workers by coopting additional members;
- (b) to hold meetings at regular intervals; and
- (c) to maintain a proper office at the headquarters of the Unit.

6. The State Committee has systematically kept the Central Office in ignorance of material facts relating to its activities. In fact, since August 1963, 12 circulars and requisitions for information on matters affecting the Party some of them very vital and necessary to maintain the organic unity of the Party, have not been taken notice of by the State Committee.

7. With reference to complaint (a) viz. "unsatisfactory functioning of the State Unit in Bihar", I find that :

- (a) the State Committee has not carried on any sustained activity in the Legislature or outside it to keep the Party alive, or
- (b) It had done nothing to arrest the demoralisation which has been creeping over the Party members due to internal differences.

8. With regard to complaint (c) viz., "failure to provide facilities to members of the Party to enrol workers", I have come to the following conclusions :

- (a) the State Committee has failed to supply enrolment forms even to responsible members of the Party;
- (b) the normal procedure of enrolment adopted by all the other States, viz., the State Office would distribute the forms to District Committees and to have the completed forms scrutinised by a Screening Committee at the State level, was not followed.
- (c) the Constitution of the Party further prescribes that a State Committee shall have the right to enrol workers, but not the right to refuse enrolment to an applicant without the approval of the Central Organising Committee. A peculiar procedure was adopted by the State Committee to circumvent these provisions. Certain persons were invited by the President to meet him in Patna on 12th July, 1964. By this procedure, a person who is not able to go to Patna, though an active worker, will be excluded from being enrolled; a person who is not acceptable to the President will just not be invited to the meeting or not given forms, so that no question of refusal would arise.

9. I have, therefore, come to the conclusion that the policy of enrolment adopted by the State Committee is calculated to make the Bihar Unit a closed group regardless of the interests of the Party as a whole and to disable it from functioning on a democratic basis.

I I

10. After perusing the complaints, explanations and other documents in connection with the Rajya Sabha election, placed before me, I have come to the conclusion that without a regular enquiry being held, it would not be fair to arrive at any finding as regards the personal conduct complained of by Shri Kejriwal.

11. However, certain facts are admitted, viz.;

- (a) The President of the Bihar Unit recommended Shri Parmanand Kejriwal and Raja Anandchand as the Party's first and second preference candidates for the Rajya Sabha elections respectively.

- (c) As admitted by Shri Kamakhya Narain Singh, only 12 out of 47 members voted in favour of Kejriwal and 13 members voted in favour of Raja Anandchand, while 21 MLAs of the party cast their votes in favour of other non-Party candidates.
- (d) Even on the admission of Shri Kamakhya Narain Singh himself, the members present at the meeting of March 24, 1964, altered the list and gave a base of 30 to Shri Kejriwal and 17 to Raja Anandchand.
- (e) Even that promise of 30 votes was not adhered to by members of the Party, Shri Kejriwal getting only 12 votes.
- (f) Shri Kamakhya Narain Singh himself admits that there is indiscipline in the Bihar Unit of the Swatantra Party. In his letter of 17th April, 1964, he writes :
 ".....I have mentioned to him (Prof. Ranga) how indiscipline has grown in the Bihar Unit of the Swatantra Party and how on account of this indiscipline we are being disgraced from time to time. The defeat in the Rajya Sabha elections is a direct result of this indiscipline. We all know how this indiscipline has grown in the Party and how helpless I have been in setting the house in order. I felt so much frustrated that I had even taken my letter of resignation to Delhi, but Prof. Ranga pressed me not to file it."

12. From the admitted facts, the conclusion is inevitable that, in spite of the Centre having twice given Shri Kamakhya Narain Singh a team of his own choice in the Committee, neither the President nor the State Committee has been in a position to exercise any semblance of control over the Party members in the Legislature.

13. I am constrained to come to the conclusion that the Bihar Unit of the Party does not function as a Party at all.

III

14. In regard to the elections to the Bihar Legislative Council, the Swatantra Party members of the Legislative selected Shri Brijmohan Singh and Shri Tara Prasad Singh. In the counting, out of the total strength of the Party of 47, only 41 voted, Shri Tara Prasad Singh polling only 15 votes out of 23 allotted to him, and the other candidate, Shri Brijmohan Singh, polling 26 votes though only 24 votes were allotted to him.

15. As in the case of Shri Kejriwal, I do not want to go into the personal allegations made by the complainants. The pattern of behaviour of the members of the Party in the State Legislature has been the same as in the case of Shri Kejriwal.

16. My conclusion in that case, as in the case of Shri Kejriwal, is that neither the President nor the State Committee has any influence with the Party legislators, nor do the Party Legislators observe any semblance of Party discipline.

17. These matters referred to me cannot be considered in isolation. They are parts of the same pattern and have to be

considered together in the interests of the Party as a whole.

18. Considered as a whole, I find that the State Committee does not function in any real sense of the term; that the State Unit is entirely disorganised; that the members of the Party in the State Legislature who label themselves as "Swatantra Party members" do not regard discipline or the prestige of the Party as of any account.

19. The Party functions in Bihar only in name, operating neither in a businesslike or effective manner, nor in the interests of the Party as a whole.

20. Shri Kamakhya Narain Singh has been given ample opportunity and time to reorganise the Party on a satisfactory basis, but on his own showing, he has not been able to do so. Under the circumstances, I recommend that the Bihar Unit be suspended and the State Committee appointed on 22nd February 1964 be dissolved, and the Organisation Sub-Committee take over the reorganisation of the Bihar Unit of the Party.

(Sd) K. M. Munshi

July 29, 1964,
Bombay.

ANNEXURE 'D'

RESOLUTION ADOPTED BY THE ORGANISATION SUB-COMMITTEE
ON

Having considered Mr. K. M. Munshi's report the Organisation Sub-Committee unanimously decides that it sees no reason to differ from Mr. Munshi's recommendations and therefore resolves as follows:

"In the light of the special circumstances referred to in Mr. Munshi's report.

1. The Bihar Organisation of the Party is hereby dissolved. No further work (including enrolment of members) by or on behalf of the dissolved Unit shall Proceed.

2. The State Committee appointed by the Organisation Sub-Committee on the 28th March 1964 is hereby dissolved in view of continued failure to function.

3. Notwithstanding the above, the Swatantra Party Group of elected members in both Houses of the State legislature shall continue to function as at present under the general control and supervision of the Central Parliamentary Board of the Party. In view of the dissolution of the State Unit and obvious disaffection in the Party's ranks which has led to the reported defection of a number of members of the Legislature, the Group will forthwith meet and elect a leader and other office-bearers of their choice.

4. The Central Office is directed and authorised to take charge forthwith of all papers, accounts and assets of the dissolved unit from those hitherto in charge of its affairs.

5. The Organisation Sub-Committee will in due course consider steps to be taken to reorganise the Party in Bihar."

ANNEXURE 'E'

RESOLUTION OF THE ORGANISATION SUB-COMMITTEE ADOPTED BY CIRCULAR
ON AUGUST 26TH 1965.

The Organisation Sub-Committee, having considered the correspondence between the Central Office and the former President and Secretary of the Bihar State Unit contained in letters dated August 10, 13, 14, and 17, expresses its distress at the failure of Shri Kamakhya Narain Singh of Ramgarh and Shri Shyam Sunder Prasad to comply with the decision of the Party. It regards their action in refusing to hand over charge of the papers of the Bihar Unit, as directed by the decision of the Organisation Sub-Committee which had the specific authority of the Central Organising Committee in this behalf, as an act of indiscipline and a contempt of the authority of the Party.

The Committee therefore resolves that Shri Kamakhya Narain Singh and Shri Shyam Sunder Prasad be asked to show cause within 15 days of the dispatch of the communication from the Central Office why appropriate disciplinary action including expulsion from the Party should not be taken against them for flouting the authority of the Party.

ANNEXURE 'F'

PRESS STATEMENT ON THE DECISIONS OF THE CENTRAL ORGANISATION COMMITTEE
RE: BIHAR

The Central Organising Committee of the Swatantra Party, which met in Bombay on September 30, unanimously resolved to expel Messrs. Kamakhya Narain Singh of Rangarh and Shyam Sunder Prasad from membership of the Party for gross indiscipline and disloyalty to the Party.

An appeal by certain members of the defunct unit against the dissolution of the Party was considered by the Committee and rejected. The Committee was convinced that the former interim State Executive of the Bihar unit had completely failed to perform their functions.

The Central Organisation Committee, after considering the show cause notice served on Messrs. Kamakhya Narain Singh and Shyam Sunder Prasad by the Central office on August 26 for flouting the authority of the Party by refusing to hand over charge of the papers, books of account and assets of the dissolved unit of the Party in Bihar and the letter of resignation submitted by Mr. Kamakhya Narain Singh on September 9 by way of reply, took note of the fact that even while Mr. Kamakhya Narain Singh was appealing for justice from the Organisation Sub-Committee and an appeal against the dissolution was pending. Mr. Kamakhya Narain Singh had offered to join the Congress. Therefore the Central Organising Committee came to the conclusion that Mr. Kamakhya Narain Singh and Mr. Shyam Sunder Prasad (who had not cared to reply to the 'show cause' notice) were guilty of gross indiscipline and disloyalty to the Party. The question of their resignation from the Party, therefore, did not arise.

In so far as the MP's, MLA's and MLC's of the Party in Bihar were concerned, the Central Organising Committee, in the absence of individual communications from them, considered them to be members of the Party and, in the circumstances of the case, declined to accept the signatures appended to the letter of resignation from Mr. Kamakhya Narain Singh. The Central Organising Committee further decided that, in case any of them had applied for membership of any other Party, they will still have an opportunity to withdraw their applications (sending a copy of such withdrawal to the Central Office of the Party) and indicate their desire to remain members of the Party not later than October 20.

In so far as those persons who had been enrolled as Worker-members of the defunct unit prior to 31st July 1964, are concerned, the Central Organising Committee felt that they should be given an opportunity to be considered duly enrolled on their being screened by the Central Office provided they complete two forms viz. (a) a letter addressed to the Party giving the relevant particulars such as receipt number and date of enrolment and indicating their wish to be Workers of the Party and (b) a letter addressed to the former President of the State unit with a copy to the Central Office calling upon Mr. Kamakhya Narain Singh either to remit their subscription amounts to the Central Office of the Party or to return the money to the applicant concerned.

In response to the wishes expressed by the Party's friends and sympathisers in Bihar, the Central Organising Committee directed the Central Office to open immediately a branch office in Patna until such time as a reorganised State Unit comes into being. The Central Office was further directed to depute staff necessary to run the branch office. Mr. Dahyabhai Patel was requested to help the Central Office during the next few months in reorganising the Party in Bihar.

To ensure the fullest cooperation of the Party's friends and sympathisers with the work of the Bihar branch of the Central Office, the Central Organising Committee set up the following Advisory Committee

and authorised the General Secretary to add to the Committee as and when deemed necessary and helpful for the growth of the Party in Bihar:

1. Mr. Ram Binod Singh
2. Mr. Jaleshwar Prasad
3. Sardar Harihar Singh, MLC
4. Mr. N. Baksi
5. Mr. N.N. Singh Deo, MLA
6. Mr. Jaghdhatri Nath Sah Deo, MLA
7. Mr. Maheshwar Prasad Narayan Sinha
8. Mr. Parmanand Kejriwal
9. Mr. Harischandra Mishra
10. Mr. M.V. Shastri
11. Mr. Bashirul Haque
12. Mr. Budhan Rai Verma
13. Dr. M.A. Azazi
14. Mr. Ganga Prasad Singh
15. Mr. Gajadhar Singh
16. Mr. A.S. Chaudhari.

ANNEXURE 'G'

GLARING INDISCIPLINE - SWATANTRA PARTY

The reported reluctance of the general secretary of the Bihar unit of the Swatantra Party to hand over charge of his office to his successor appointed by the Central executive committee may be a prelude to the revolt of a sizable section of the State branch against the High Command. It may, on the other hand, be a part of some tactics to play for time. Whatever the case, it does show great courage and determination on the part of the Party High Command that it chose to take action against one of its strongest units in the country without caring for the consequences.

Some other major political parties are also facing more or less similar situation but with them discretion has been mostly the better part of valour. The Raja Bahadur of Ramgarh has been charged by the Central Committee of the Party with indiscipline. State leaders of some other parties have been found guilty of much graver offences but their party high commands have not mustered enough strength to touch them lest the organisations with which they are associated are weakened.

The Swatantra leadership is evidently prepared to face the prospect of total liquidation of the party in Bihar in the pursuit of certain well known and sacred principles. Most of the Swatantra legislators in Bihar are supposed to be personal followers of the Raja Bahadur though it is too early to say if they will make a common cause with him if he ultimately chooses to leave the Party.

Whatever the case, other parties will do well to emulate the Swatantra example which has kept its principles above expediency. Politically conscious people are bound to be profoundly impressed by the firmness of the Swatantra High Command in enforcing discipline. It is possible that ultimately the differences between the Central Committee and the State unit will be resolved, but it will undoubtedly enhance the prestige of the Swatantra Party among the people. It is unfortunate that the principal Opposition in this State should have to face internal dissensions when it was expected to be active on the legislative front and outside.

(Searchlight, dated October 1, 1962)