CHAPTER THREE

Assignment with the Congress Ministries (1937-39)

Formation of Congress Ministry in Bihar

The programme of reinvigoration and revitalizing the Congress had been successful as demonstrated by its success in the elections to the provincial assemblies. The Congress had secured an absolute majority in six Provinces, namely Bihar, Orissa, United Provinces, the Central Provinces, Madras and Bombay and the Congress Working had outlined, as discussed in the previous chapter, the guidelines for its newly elected legislators. An analysis of these guidelines suggests that the intentions of the Congress lay elsewhere than the offices and all that it wanted was to use it in order to build up again a bigger and more intense form of mass struggle. The AICC, which

1 The government officials believed that voters had associated ballot box with Gandhi. *FR (I)*, February 1937.
Linlithgow was of the opinion that the elections had enabled the Congress to establish contact with the rural population on a very large scale on a pretext which made it difficult for the British to interfere with. Linlithgow to Zetland, 5 March 1937, *Linlithgow Papers*, F. No. 125/4.
2 The Congress won 716 out of 1161 seats it contested. It had a majority in most of the provinces. The exceptions were Bengal, Assam, the NWFP, Punjab and Sind. However in the first three it was the largest single party.
This was the first time that the Congress had broken with its conventional opposition to participation in the structures of Government under colonialism. Historians, particularly the leftist historiography, have taken not very kindly to this shift in the politics of the Congress. Bipan Chandra argued: "... the Congress accepted office under the new Government of India Act of 1935, got reduced to a parliamentary party, gave up the perspective of mass anti-imperialist struggle except in the distant future, and even inside the legislatures pursued bourgeois-landlord politics rather than anti-imperialist, pro-worker, pro-peasant and in general, pro-people politics..." Bipan Chandra, 'Indian National Movement and the Communal Problem', *Nationalism and Colonialism in Modern India*, New Delhi, 1979 (reprint 1981), p.262.
This statement is however no more representative of the author's views (see his 'Long-Term Dynamics of the Indian National Congress', Presidential Address at the Forty-Sixth Session of the Indian History
subsequently met in Delhi, endorsed the Working Committee’s resolution “on the extra-parliamentary activities of the of the Congress members of legislatures, mass contacts, and the Congress policy in the legislatures” and reiterated its resolve to carry out the struggle both inside and outside the legislatures:

In the event of the British Government still persisting with New Constitution, in defiance of the declared will of the people, The All India Congress Committee desires to impress upon all Congress members of the legislatures that their work inside and outside the legislature must be based on the fundamental Congress policy of combating the New Constitution and seeking to end it, a policy on the basis of which they sought the suffrage of the electorate and won their overwhelming victory in the elections. That policy must inevitably lead to dead-locks with the British Government and bring out still further the inherent antagonism between British Congress, 1985, for a complete revised understanding. However, this is typical of the writings in the leftist historiography, which looked upon with disdain the constitutional activity of the Congress. Again we can take for example the remark by Ranajit Guha about “movements which ... had lost (firm anti-imperialist objectives) in the course of their development and deviated into legalist, constitutionalist ... compromise with the colonial government ...” and his consequent emphasis on the “failure of the Indian bourgeoisie to speak for the nation”. See ‘On Some Aspects of the Historiography of Colonial India’, in Ranajit Guha, ed., Subaltern Studies I, Delhi 1982, pp. 5-6. Sumit Sarkar also takes a similar position: “There were inevitable paradoxes of a party committed to Purna Swaraj and bitterly critical of the 1935 Constitution working within its framework, with powers limited by official reservations and safeguards as well by restricted financial resources, and having to implement decisions through a civil service and a police with which its relations had so long been extremely hostile ...” Sumit Sarkar, Modern India 1885-1947, New Delhi, 1983.

4 The AICC met in Delhi on 17 and 18 March 1937. See IAR, Vol. 1, 1937, p. 177-78.

5 R. Coupland argues that the Working Committee, which was engrossed in their arduous and constructive work, maintained its intention to combat the constitution. See R. Coupland, The Constitutional Problem in India (Part II Indian Politics 1936-42), Oxford, 1944, p. 154.
imperialism and Indian nationalism, and expose the autocratic
and undemocratic nature of the New Constitution.\(^6\)

The AICC took up the issue of the acceptance of office that had so far generated
diverse forms of response groups within the Congress. It finally decided in favour of
the acceptance of office in the Provinces where the Congress commanded a majority in
the legislature.\(^7\) It required the leader of the Congress party in the legislature to be
satisfied and able to state publicly that the Governor would not use his "special powers
of interference or set aside the advice of Ministers in regard to constitutional
activities".\(^8\) The AICC, accordingly, directed the Congress legislators to elect their
leaders who would accept office only on a public undertaking to abide by the condition
of non-interference by the Governors.\(^9\)

Rajendra Prasad subsequently had to shoulder the onerous responsibility of
facilitating the formation a Congress Ministry in Bihar. He was also president of the
Bihar Provincial Congress Committee. Accordingly, he called a meeting of the BPCC
and the Congress M.L.As, and told them what he desired. He abhorred the idea of
dissensions and rivalries with in the Congress legislators. There were several names in
the fray and a vigorous campaigning launched in their support.\(^10\) Obviously not liking
this he thought of working out a unanimous decision as regards the leader of the

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\(^8\) Ibid.
\(^9\) The Governors' special powers had been subject to much criticism by the Congress. This was one of the main reasons, according to Rajendra Prasad, as to why the constitution was rejected. Rajendra Prasad's critique of the white paper, in his presidential address, was highly influential in the Congress. Jawaharlal Nehru referred to it in his Presidential address of 1936 at Lucknow. See Nehru, *Selected Works*, Vol. 7, p. 182.
\(^10\) Rajendra Prasad, *Autobiography*, p. 437
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Congress legislature party in Bihar as that would eliminate the possibility group rivalries.\textsuperscript{11}

Rajendra Prasad had never visualized this kind of situation throughout his political career. Opposed to group and sectarianism, he tried from the very beginning to discourage those tendencies. He rebuked the proponents of different nominees and told them "not to talk in terms of groups" or otherwise. Consequently, the meeting authorized Rajendra Prasad "to consult prominent Congressmen of every district and after gauging their opinion to give my decision as who should be the leader of the party". He accepted the decision "as it would obviate voting and the attendant wrangles."\textsuperscript{12}

Selecting a Leader to Lead the Ministry

Rajendra Prasad, indeed, faced an intricate situation because the responsibility of selecting the leader had been thrown over him. The issue was crucial for the future development of the freedom struggle in Bihar. He was liable to be misunderstood and faulted later on as it happened in this as well. There were four contenders for leadership in the fray, namely, Shri Krishna Sinha, Anugrah Narayan Sinha, Syed Mahmud and Ram Dayalu Sinha. In addition, it was, indeed, a difficult choice for Rajendra Prasad, to take any one of them. Mahmud had been a member of the AICC and the working committee for many years and had been General Secretary of the Congress and the Khilafat Committee. Ram Dayalu Sinha was a reputed Congressman. Anugrah

\textsuperscript{11} \textit{Ibid.}
\textsuperscript{12} Rajendra Prasad, \textit{Autobiography}, p.437.

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Narayan Sinha was a capable organizer and administrator and so was the case with Sri Krishna Sinha.

Rajendra Prasad was well aware about their abilities but after meeting these leaders themselves and ascertaining the views of the party M.L.A’s he finally decided in favour of Shri Krishna Sinha as leader of the Bihar legislator Party. Apparently the crucial factors, weighing in his mind, were the acceptability and popularity of the leader to the people and the candidate’s own willingness to shoulder the responsibility, which had to be, as Mahatma Gandhi put it, ‘a crown of thorns’\(^{13}\). His decision, in favour of Shri Krishna Sinha, was also determined by his likings and eagerness for a consensual type of approach towards an issue, and which was quite characteristic of Rajendra Prasad’s politics and philosophy throughout his life. Other than selection of a candidate through consensus, there were, apparently, no other considerations in his mind in selecting Shri Krishna Sinha. In his own words:

> Among these, Dr. Mahmud had been a member of the AICC and the Working Committee for many years and had been General Secretary of the Congress and the Khilafat Committee. Since he had been working outside the province, he was not so well-known as the other persons. Ram Dayalu Sinha was a reputed Congressman who was strongly supported by some, but a section of the Congressmen, even including some from his own district, were strongly opposed to him. So he was ruled out. Anugraha Narain Sinha was a capable organizer and

\(^{13}\) *CWMG*, Vol.66, p.16.
administrator, but he told me that he did not want the honour and that others were canvassing for him despite his unwillingness. Sri Krishna Sinha had won great popularity in the province by his oratory, dauntless courage and self-sacrifice. After weighing all factors I decided that the mantel of leadership of the legislature party should fall upon S.K. Sinha.  

Nevertheless, his decision aroused displeasure and protests in some quarters of political opinion. He had bear with the charges of canvassing in favour of Sri Krishna Sinha at the cost of others. Muslims, particularly the non-Congress ones, held him responsible for ignoring Syed Mahmud because he was a Muslim. Remaining unperturbed, Rajendra Prasad however felt no regrets as he had done, he thought, the best of what he could have done in the given situation. To quote him:

Some people were annoyed at this and protested that, having made my choice, I canvassed for that man and enlisted the support of the representatives from the districts. It was not correct and even it were so, there was nothing wrong in it and I would not have hesitated to acknowledge it. The fact was that the consensus of opinion favoured the election of either S.K. Sinha or A.N. Sinha and, as the latter did not like to run for leadership, my choice fell on S.K. Sinha. I told them that I

14 Rajendra Prasad, op. cit., p.437.
15 See S. Jha, Political Elites in Bihar, Delhi 1972.
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wanted to present the names of both of them being proposed.

Eventually, only S.K. Sinha was proposed for leadership and he was unanimously elected. 

However, a more sensitive and extremely disturbing allegation Rajendra Prasad had to bear was that he had ignored Syed Mahmud because the latter was a Muslim. This caused a considerable amount of bitterness among the Muslims, particularly among the non-Congress Muslims. They launched a propaganda that Syed Mahmud had worked longer in all-India circles and was better known than Sri Krishna Sinha. To Rajendra Prasad this kind of charge was unimaginable, as these sorts of thoughts, did not occur to him even in his wildest of dreams. They even represented the matter to Maulana Azad, who in turn retorted to them that had he been in Rajendra Prasad’s place, “perhaps his decision too would have been the same”. Reminiscing about this episode, almost a decade later, Rajendra Prasad wrote in his Autobiography:

Looking at the whole affair in retrospect, even today I feel I committed no mistake in preferring Dr. Sinha to Dr. Mahmud ....but on such occasions when a person has to be chosen for a particular job in the interests of the nation, one man has to be singled out and that is all I did. I had a sense of satisfaction for having done the right thing and that is how I feel even today. 

16 Rajendra Prasad, Autobiography, pp.437-38
17 Ibid., p.438.
18 Ibid.
Rajendra Prasad successfully resolved the leadership in Bihar and the entire credit for this should go his persuasive skills, coupled with his straightforwardness and politics of consensual approach to any problem. This in fact ensured unanimous election of Sri Krishna Sinha as the leader of the Congress Legislative Party in Bihar. Subsequently, when the Congress ministry was formed in Bihar under the leadership of Sri Krishna Sinha as premier all the erstwhile contenders, Anugrah Narain Sinha, Syed Mahmud and Ram Dayalu Sinha not only accepted Sri Krishna Sinha as the leader of the Bihar legislature party but also joined the cabinet as ministers.

There were no differences of opinion as regard to leadership issue in the U.P. and Madras. Just as Govind Ballabh Pant was the only person, the people of U.P. could think of, it was impossible to think in terms of a rival to C. Rajagopalachari in Madras. Bombay selected Balasaheb Kher. The election was not so smooth in central Provinces and Orissa where a good deal of bickering, dissensions and group rivalries took place. Later, Congress Ministries were also formed in the North-Western Frontier province and Assam.

Functioning of the Ministry and the Constraints of the Colonial Constitution

The Congress had now launched itself on a novel path of experiment. It was committed to liquidate British rule and, instead, it had taken upon itself the charge of

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19 Vinita Damodaran, Broken Promises, p. 64. See also S. Jha, Political Eites in Bihar, Delhi 1972.
20 There was some amount of dissatisfaction at the emerging strength of the Bhumihar lobby after S.K. Sinha, a Bhumihar by caste, became the Premier. This lobby had ensured that A.N. Sinha, a Rajput, was denied the post. FR (J), March 1937.
21 Though in character and ability he was second to none... and was not so well known in the province. For Bombay Congressmen it was a surprise election.
administration, and that too, under a constitution which was framed by the British who had hoped to “destroy the effectiveness of Congress as an all India instrument of revolution”, by way of deceptive provincial Autonomy.\textsuperscript{22} The constitution also yielded only partial power to the Indians. This power too, moreover, could be taken away from the Indians whenever the British so desired. To quote Rajendra Prasad:

The British government did not want to discard the constitution which it had framed after so much labour and on which it prided itself so much. It perhaps thought that Congressmen would not be able to resist the lure of office for long and if it succeeded in getting ministries formed of persons willing to work the constitution, it would be cause split in the Congress ranks and wean away some weak men from the party.\textsuperscript{23}

The Congress was now required to function both as a Government in the provinces and as the opposition to the centre where the effective state power lay. “It was to bring about social reforms through the legislature and administration in the provinces and at the same time carry on the struggle for independence and prepare the people for the next phase of mass struggle”.\textsuperscript{24}

To help coordinate and carry out the activities of the Congress Ministries according to the laid down principles of the Congress, therefore, a central control

\textsuperscript{22} Linlithgow wrote in 1936, ‘our best hope of avoiding a direct clash is in the potency of Provincial Autonomy to destroy the effectiveness of Congress as an all-India instrument of revolution.’ Cited in R. Palme Dutt, \textit{India Today}, pp.491-2.

\textsuperscript{23} Rajendra Prasad, \textit{Autobiography}, p.439.

\textsuperscript{24} Bipan Chandra, et al, \textit{India’s Struggle for Independence}, p.323.
board, known as the Parliamentary Sub-Committee was formed which consisted of Rajendra Prasad, Sardar Patel and Maulana Abul Kalam Azad as its members. Whether the Congress should accept the office was the issue to be engaged with. Earlier Rajendra Prasad has thought it wise to leave the matter for the AICC to decide after the elections were over and the results known. But now the elections were over and results out so the matter needed to be resolved. The Congress had already raised objections to the Governor’s special powers. The provinces were to be governed under a new system based on provincial autonomy. The elected ministers controlled all provincial departments but the Governors, appointed by the British Government retained special powers. They could veto legislative and administrative measures, especially those concerning minorities, the right of civil servants, law and order and British business interests. The Governor also had power to take over and indefinitely run the administration of a province. Thus, both political and economic powers remained in the British hands.\textsuperscript{25}

That the acceptance of the office was conditional has already been made clear by the resolution adopted by the AICC. Rajendra Prasad had always argued, as discussed in the previous chapter, for an appropriate occasion that would have enabled the Congress to take a decision in this regard. Way back, in a letter to Nehru in December 1935, he had expressed his opinion:

\begin{quote}
As it strikes me it is not right to put it as if it were a question of acceptance or non-acceptance of offices. So far as I can judge, no one wants to accept offices for their own sake. No
\end{quote}

\textsuperscript{25} Ibid., p.317.
one wants to work the constitution as the Government would like it to be worked. The question for us are altogether different. What are we to do with this constitution? Are we to ignore it altogether and go our way? Is it possible to do so? Are we to capture it and use it as we would like to use it and to the extent it lends itself to be used in that way.... It is not a question to be answered a priori on the basis of pre-conceived notions of a so called pro-changer or no-changer, cooperator or obscurantist.26

However, the Congress remained firm in its stand and did not succumb to the temptations of office as the British had visualized. On Gandhiji’s advice the AICC subsequently, in March 1937, took a decision that it would not assume responsibility unless the Governors had given assurances to the effect that they would not exercise those special powers.27 The leaders of the Congress legislators, therefore, insisted on such assurances to which the Governors refused, on the ground that they had no authority for nullifying the constitution in that manner. The issue of formation of the Congress ministries, consequently, remained in abeyance and the stalemate continued.

27 The All India Congress Committee in its meeting at Delhi on 17 and 18 March 1937 came to the following decision, “The all India Congress Committee authorizes and permits the acceptance of office in Provinces where the Congress commands a majority in the Legislature provided the ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the the advice of ministers in regard to constitutional activities.”
The Government had, however, no intentions of discarding the constitution on which, thought Rajendra Prasad, it prided itself so much. The governors subsequently proceeded, in the six provinces where the Congress was in absolute majority, to form interim ministries that could have functioned for a maximum period of six months without going to the legislatures. The government thought and hoped that they might be able to cause split in the Congress ranks and wean away some weak men. Subsequently, in Bihar, the Governor called Muhammad Yunus, the elected leader of the independent Muslim Party's legislature group and the latter formed an interim ministry, which was "just a farce", in the words of Rajendra Prasad, "to show people that the constitution was being worked". On the day, the Yunus ministry was sworn in, hostile demonstrations, led by Jayprakash Narayan, were held in Patna. Jayprakash Narayan was arrested and sentenced to imprisonment but was released by Yunus before the completion of the term.

The Government dreams of breaking the Congress, however, did not materialize with swearing in of this puppet ministry. However, Yunus tried to play his cards but he did not succeed in his efforts to persuade even a single Congressman to walk in to his cabinet. In the words of Rajendra Prasad:

Yunus offered one seat in his cabinet to a Harijan member of the Assembly, Jagjivan Ram. He even took him to the Governor for talks. This caused some concern among us but I was unperturbed because I was sure that Jagjivan Ram would
never take the bait. I was proved right; he refused to join Yunus ministry\textsuperscript{28}.

During the period of constitutional deadlock, which continued for three months, Rajendra Prasad decided to engage himself in carrying out constructive activities and disseminating Congress point of view to the masses at large. The Bihar Provincial Congress Committee organized celebration of National Week from six to 13 April 1937 in various places of Bihar. It was marked by sale of *khadi*, enrolment of Congress volunteers and holding of meetings.\textsuperscript{29} In the first week of May 1937 Rajendra Prasad addressed the Gaya District Political Conference, which was held Gaya where he largely concerned himself with dealing with the constitutional issues the Congress was engaged with. This political conference also adopted one very important resolution recommending the abolition of Zamindari,\textsuperscript{30} which until now the Congress had not taken up in its programme.

Rajendra Prasad also visited Champaran and addressed there the Champaran District Political Conference at Dharka where one very fascinating thing happened. On his exhortation, some people decided to devote themselves to further the constructive programme of the Congress. Among these, there was person, Ram Lakhan Singh from Chatauna (Darbhanga), who was an old nationalist worker. He had been deeply influenced by Mahatma Gandhi ever since his visit in 1920. Now under the influence of Rajendra Prasad, he was impressed so much that he decided to establish a *Gram Seva*

\textsuperscript{29} IAR, 1937, Vol. I, p. 188.  
\textsuperscript{30} Ibid.
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Ashram at Angarghat, east of Samastipur, which became an important centre of constructive activities. 31

Rajendra Prasad wanted the mass contact programme of Congress to be taken up by the people. He was also quite eager to spread the message of the Congress constructive programme. Accordingly, a National Educational Conference was organized at the Sadaqat Ashram, at Patna from five to 7 May 1937. He along with others present there decided to start a number of National Schools, both of the Middle and Secondary standards, under the auspices of Bihar Vidyapith. 32

The Government, however, did not allow the stalemate to continue for long. The interim ministries had functioned for three months when His Excellency the Viceroy, Lord Linlithgow, made a statement on 21 June 1937, in which he indirectly mentioned that the Governors would possess the special powers but these, would not be used normally. To quote Linlithgow:

There is no vestige of foundation of the assertion, which I have seen advanced, that the Governor is entitled, under the Act, at his pleasure, is intervene at random in the administration of his province. Those special responsibilities are, as I have said, restricted in scope to the narrowest limits possible. Even so limited as they are, a Governor until at all times be concerned to carry his ministers with him, which in other respects in the field of their ministerial responsibilities, it is mandatory on a

32 Fortnightly Report of the Patna Commissioner.
Governor to be guided by the advice of his ministers, even though, of whatever reason, he may not himself be wholly satisfied that that advice in the circumstances necessarily and decisively the right advice. 33

Viceroy's statement brought an end to the constitutional deadlock which had continued for three months. This assurance on the part of the Government was acceptable to the Congress. The Congress Working Committee, therefore met at Wardha, on 8 July 1937 and decided that "Congressmen be permitted to accept office when they are invited thereto", provided they agreed to work "in accordance with the lines laid down in the Congress election manifesto and to further in every possible way the Congress policy of combating the new Act on the one hand and of prosecuting the constructive programme on the other". 34 Nevertheless a statement was issued by the Congress President, Jawaharlal Nehru on his return from Wardha:

Acceptance of office does not mean by an iota acceptance of the slave constitution. It means fight against the coming of federation by all means in our power, inside as well as outside the legislatures. We have taken a new step involving new responsibilities and some risk. But if we are true to our objectives and are ever vigilant, we shall overcome these risks and gain

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strength and power from this step also. Eternal vigilance is the price of liberty. 35

Gandhiji also explained the meaning of office acceptance in Harijan on 7 August 1937: “These offices have to be held lightly, not tightly. They are or should be crowns of thorns, never of renown. Offices have taken in order to see if they enable us to quicken the pace at which we are moving towards our goal.” 36 Earlier he had also advised Congressmen to use the Act of 1935 “in a manner not expected by them (the British) and by refraining from using it in the way intended by them.” 37

The Problem of Composition of the Ministry

The Congress was able to get its point of view accepted by the Government. Anticipating the development to take place soon, a meeting of the Bihar Provincial Congress Committee was held to consider the question of the personnel of the Congress cabinet. The Governor consequently invited Sri Krishna Sinha, the leader of the Congress legislature to form the Government. Rajendra Prasad learnt this while returning after the meeting of the Bihar Provincial Congress Committee held at Masarak, a place in erstwhile Saran district. Rajendra Prasad took upon again, on himself the task of facilitating a smooth formation of the Congress ministry in Bihar, which was, in his own words, “a knotty problem”. “The problem of selecting ministers presented limitless difficulties”. Rajendra Prasad thought that the number of ministers

36 CWMG, Vol. 66, p.16.
should not be more than the number of the members of the Governor's Executive Council. He had criticized other Provinces where Congress ministries had been formed and the number of ministers was larger than that of the earlier Executive Councils. Considering that the executive Council of the Governor in Bihar had only four members Rajendra Prasad advised to limit the number of ministers to four:

The selection of ministers was a knotty problem. The Governor's executive Council in Bihar had only four members, and I thought that if four men could do the job the, four ministers ought to be sufficient to run the Congress Government now. If we took in more men it might be said that we were trying to create jobs for needy persons.... I somehow felt that the number of ministers in Bihar at least should not exceed four. 38

Rajendra Prasad was also apprehensive lest the larger ministry might pose possible bickering inside the Bihar Congress. In his own words:

But there was another factor which influenced our decision not to have too many ministers. There were certain people in the legislature party who, because of their merits, automatically walked into the Cabinet, but if we looked further ahead, the problem of selecting ministers presented limitless difficulties. So

38 Rajendra Prasad, Autobiography, p. 442.
in order to avoid possible bickering we thought of limiting the cabinet to four. 39

Another contentious issue, he came across, was regarding giving representation to the depressed classes in the Bihar cabinet. Rajendra Prasad held the opinion “that one of the ministers should be a Harijan”. The Bihar Provincial Congress Committee concurred with the idea. 40 However, there were two contenders, Jagjiwan Ram and Jaglal Choudhary for the post. Jagjiwan Ram had risen above the temptation of office and refused Yunus’s offer to him for a ministerial portfolio. He also enjoyed support and backing of the “the depressed classes party”. 41 Jaglal Choudhary, “equally prominent Congressman”, who had responded to the call of the Congress since 1920, given up his studies in the final year of the Calcutta Medical College and “had been devoting himself solely to the Congress constructive work”. 42

Rajendra Prasad conveyed his concurrence and the Bihar Provincial Congress Committee decided to name Jaglal Choudhary as a minister and Jagjiwan Ram as a Parliamentary Secretary. Possible larger rancor and bickering could thus got avoided in the larger interest. Rajendra Prasad had again resolved the issue in his typical manner of consensual approach, which, however, was neither always successful in the long term nor acceptable to every one. For time being, alone it sorted out the problem and

39 Ibid., pp. 442-43.
40 Ibid., p443.
41 From some members of Bihar Legislative Assembly, 19 July 1937, RPCSD, Vol. 1, pp.57-59.
that too superficially. A number of M.L.As of depressed classes later resented the inclusion of Jaglal Choudhary into the ministry, at the cost of Jagjiwan Ram.\textsuperscript{43}

Rajendra Prasad had, indeed, a hard time in managing the formation of ministry and then selecting the ministers. He was again facing with the issue of representation of Chhotanagpur in the Bihar Ministry. Ramnarain Singh, a Congressman and a member of the Central Legislative Assembly, charged him for ignoring Chhotanagpur. He argued that Chhotanagpur was a backward area and that the Congress had not given proper attention to its development. He also brought this issue to Rajendra Prasad, and in order to put forth his argument he said that Rajendra Prasad had not cared to stay for a considerable period in Chhotanagpur. Rajendra Prasad dismissed the matter in lighter vein: “I retorted light heartedly that during the last 20 years or so, at no other place had I lived for as long as in Chhotanagpur, because it was in Hazaribagh Jail that I served my sentences.”\textsuperscript{44}

Rajendra Prasad, nevertheless, felt wretched. Freedom movement, for him, did not allow any liberty for furthering self-interests. The conceding of this demand would have brought Ramnarain Singh himself in the Bihar Cabinet and causing his subsequent resignation from the Central Assembly and then his election to the Bihar Assembly within six months after a sitting member had made way for him. In his opinion, this would have also incurred the displeasure of the Chhotanagpur M.L.As who would have taken it as a slur on themselves. Rajendra Prasad, therefore, did not compromise on the

\textsuperscript{43} RPCSD, Vol. 1, pp.57-59.

\textsuperscript{44} Rajendra Prasad, Autobiography, p. 443.
issue in favour of Ramnarain Singh, and consequently leaving him in bitterness and in quandary. Nevertheless, the agony of Rajendra Prasad was understandable:

A man like me who feels miserable in causing any ill will or bitterness is in a quandary when things like this happen. But one has to do one's duty and I think my decision was fair and correct.45

On 20 July 1937, the Congress ministry in Bihar was sworn in under premiership of Sri Krishna Sinha. The others included in the ministry were Anugrah Narain Sinha, Syed Mahmud and Jaglal Choudhary. Ram Dayalu Singh and Abdul Bari became Speaker and Deputy Speaker respectively. The formation of ministry in Bihar was welcomed in almost all the quarters and celebrations held all over Bihar.46 These were marked by flag hoisting, processions and meetings. In addition, National Flags were hoisted on a large number of school buildings, including Government Zila Schools and on buildings under the control of the local bodies.47

The Congress had been able to form ministries in eight out of the eleven provinces. In five provinces, the Congress had absolute majority and formation of the ministry had posed no difficulty. In Bombay, the Congress with the help of other nationalist groups secured a majority. Similarly, in the Frontier Province and Assam the

46 "The appointment of Congress Ministers has been greatly welcomed." Letter of the District Magistrate of Patna to the Commissioner, Patna Division, 25 July 1937.
Congress parties joined the nationalists groups to form the ministries. However, in the Punjab, Sind and Bengal it remained in minority and could not form the Government.

The Immediate Tasks of the Ministry

Rajendra Prasad after the formation of the ministry in Bihar took upon himself the arduous and difficult responsibility of a philosopher and guide. Accordingly, he “advised all the ministers to live near each other, failing which to meet everyday for mutual consultations”. He felt that “they should regularly apprise each other of the working of their departments so that every minister would know about all the departments and they would be able to work as a team”. This was necessary because, he felt that “when an important decision was taken they could discus the matter jointly to be able to pool the fact and experience”. However, his desire of “pooling the fact and experience” could never materialize:

In fact, I learnt later that no minister knew anything of what was happening in another ministry. In Bombay, on the other hand, B.G. Kher gave effect to the policy of joint consultations and used to hold informal meetings of the cabinet everyday. In the U.P. and Madras, Govind Ballabh Pant and C. Rajagopalachari, two dominant personalities, were able to keep themselves informed of everything happening in every department.\footnote{Rajendra Prasad, \textit{Autobiography}, p. 444.}
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Elsewhere in the provinces, where the Congress had secured absolute majority and was in position to form the government the process of formation of the ministries was not quite smooth. The prospect of power and offices had proved to be quite tempting and the occasion demanded a firm, principled and tactful handling. Orissa was such a province where the situation had snowballed into such an impasse. Pandit Nilkantha Das, a veteran and “foremost Congressman”, had “impressed to some of his friends his desire to be elected leader of the Legislature Party”. “Nilakantha Das, thus, aspired to be Chief Minister as he felt that his position and status in the province fully fitted him for that office”49. However, the members of the Provincial Assembly did not favour this idea on the ground that “when the Governor invited a Congressman to form a ministry it would be a member of the Assembly that he would call and not an outsider”50.

The Congress Parliamentary Board, faced with these problems, entrusted Rajendra Prasad, who was also a member of the Congress Parliamentary Board, to deal with the situation. Consequently, Rajendra Prasad went to Orissa to familiarize himself about the situation. He became quite sympathetic to Nilakantha Das who had, in his own words, “worked tirelessly during the provincial elections and could claim some credit for the Congress success”. But the real problem, in his opinion, was before the new Congress M.L.A.S, who did not want to elect as leader a person who was not a member of the Assembly”. Rajendra Prasad had faced a rather similar problem in Bihar after he had successfully ensured the formation of Sri Krishna Sinha ministry there.

49 Ibid., p.445.
50 Ibid.

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There he had not allowed Ramnarain Singh to join the Bihar cabinet because he was not a member of the Bihar Legislative Assembly and was a member of the Central Assembly. He decided, therefore, to settle the leadership issue of Orissa, along that line only, which favoured a member of the provincial legislature. Accordingly, on his suggestion Congress Parliamentary Board decided that the leader of the legislature party should be a member of the Assembly. In Rajendra Prasad's own words:

So Nilakantha Das was ruled out and Biswanath Das, who hailed from Burhampur district and who, when that district formed part of Madras province, had been a member of the Madras Legislative Assembly, was elected leader of the Assembly Party. 51

Another problem Rajendra Prasad tried to resolve in Orissa was the issue of giving representation to a Muslim in the Orissa ministry. It was a very complicated problem because the number of Muslim members in the Assembly was very small. There was a non-Congress Muslim minister in the erstwhile Interim ministry. But as of now there was no Congress Muslim M.L.A. "Such of those Muslims", in the words of Rajendra Prasad, "as were able and could have been eligible for the post of minister were not elected on the Congress ticket and were unwilling now to join the Congress". Rajendra Prasad could not resolve the problem and left Orissa with a sense of despondency. His predicament was more than obvious when he stated that in spite of

51 Ibid., p.445.
his best efforts he "did not succeed and leaving the vacancy to be filled later in consultation with Maulana Azad," and he left Orissa. 52

Rajendra Prasad's inability in resolving the problem of inclusion of a Muslim member in the Orissa ministry was not an isolated phenomenon, as regards similar developments elsewhere, especially in U.P. The Congress in Uttar Pradesh, where it was in absolute majority, had as well to reckon with this problem. Except for Rafi Ahmed Kidwai, all the other Muslims were there elected as independents. A few of them were sympathizers of the Congress and, therefore, were willing to arrive at some sort of settlement with it. This was, however, not acceptable to some prominent Congressmen there. Finally, Rafi Ahmed Kidwai, and an independent Hafiz Mohammad Ibrahim were included in the Uttar Pradesh Congress ministry. Mohammed Ibrahim subsequently resigned his seat to be re-elected as a Congress candidate.

A larger issue involved here was whether the Congress could have allowed the independent Muslims M.L.A.S, who did not subscribe to the Congress programme and ideology, to join the ministries and work out some sort of a coalition government. It has been argued that this would have resulted in strengthening the Muslim mass base of the Congress. 53 However, in Rajendra Prasad's understanding, the situation did not demand this understanding as the Muslim League had not yet acquired any great prestige and popularity at this stage. He was, therefore, thoroughly against any such

52 Ibid.
move to accommodate non-Congress Muslims who did not sign the Congress pledge.

In his own words:

When the Congress and other parties formed ministries, they looked upon the British cabinet as a model and wanted to follow the same conventions and traditions. Thus, the different parties set up their own candidates and when the ministries were formed it was the majority party that exclusively provided the ministers. Congressmen thought it contrary to the spirit of parliamentary democracy to appoint any outsider in their ministry. Besides, there were Muslims in the Congress and preference to non-Congress Muslims would have been unfair to them. Appointment of Muslim Leaguers as ministers in the provinces where the Congress had been returned in a majority would have been unconstitutional.\(^\text{54}\)

Rajendra Prasad was totally against the idea of the Congress ministries accommodating the Muslim Leaguers. To quote him:

As a matter of fact, the Muslim League had not acquired any great prestige and popularity at that time. It had put only a few candidates here and there and had failed in many places. The Congress, therefore, had no reason to take a Muslim Leaguer as a minister. Further we had fought the elections on the Congress

manifesto and when we came to power it was our duty to implement the pledges embodied in the manifesto.\textsuperscript{55}

He further justified his argument with reference to the resignation of the Congress ministries later on:

Resignation from office was a great weapon with the Congress, which was as constitutional as it was effective in bringing the Governors round in case of differences. Had the Congress included any non-Congressmen in the cabinet without their signing the Congress pledge, it would have found it difficult to wield this weapon of resignation.\textsuperscript{56}

He was opposed to this idea on other grounds as well:

Then there is the principle of joint responsibility. It is considered essential that all ministers should belong to one party, unless it be that the party position is such that a coalition cabinet has to be formed, so that they might carry on the administration jointly and not pursue independent and contradictory policies.\textsuperscript{57}

The entire processes of negotiations and yielding concessions had considerably caused bitterness in the mind of Rajendra Prasad. He regarded the efforts of some

\textsuperscript{55} Ibid.
\textsuperscript{56} Ibid.
\textsuperscript{57} Ibid., p. 447.
groups, especially the Muslim League, tantamount to negating the British system of parliamentary democracy to which the Congress was ‘wedded’ to. “I do not think “, he thought, “the idea that India should have a system of Government other than democratic crossed any one’s mind unless it be that of Muslim Leaguers”. 58 He further expressed his anger that it was the Muslim League “which expressed the view on one or two occasions that India as a whole should not have full democracy”. 59

Rajendra Prasad’s attention was subsequently, drawn towards the developments of North-West Frontier provinces. The Congress has not secured a majority there and a ministry of the No-Party Muslims had been formed. After the Congress had come to power in six provinces, the interim ministry was defeated in Assembly. Rajendra Prasad along with Maulana Azad was given the responsibility by the Congress Parliamentary Board to look in to the affairs. Consequently, he went there to help the Congress group form a government. Soon a Congress led government under the leadership of Dr. Khan Saheb was formed. 60

The formation of the ministries changed the entire psychological atmosphere in the country. 61 An exciting atmosphere prevailed everywhere. People felt as if they were breathing the very air of victory and people’s power. The Congress ministries were aware of the people’s expectations that it was a great achievement. Khadi clad men and women who had been in prison until other day were now ruling in the secretariat and the officials who were used to putting the Congressmen in jail were now taking orders

58 Ibid.
59 Ibid.
60 Ibid., p.447-8
61 Bipan Chandra, et al , India’s Struggle for Independence, p.324
from them. Indeed the Congress ministries had now a dual responsibility to carry out. The struggle for independence had to be continued and they had to use their power in the legislature to improve administration and to carry out socio-economic reforms as promised in the election manifesto.

Though Rajendra Prasad was not personally in the ministry yet the responsibility of assisting them, particularly the Bihar ministry, devolved upon him. They sought his advice on all the important matters of policy. The manner, in which he guided the Bihar ministry in carrying out its land legislation, was typical of his consensual approach and method of working. The Bihar ministry, though constrained by various factors, carried out several measures for the amelioration of the suffering masses. It repatriated the political prisoners from Andaman Nicobar Islands to Hazaribagh central jail observed 30 January 1938 as political prisoners’ day and demanded the release of all political prisoners. Subsequently on the refusal of the governor to release the political prisoners, the Bihar ministry tendered its resignation on 26 February 1938. The Haripura Session of the Congress, held between 19 and 21 February 1938, approved the action of the Bihar ministry. The ministry withdrew its resignation on 26 February only after the governor had yielded to its demand of releasing the political prisoners. The government finally released the political prisoners on 12 March 1938 and this in turn, no doubt, increased the prestige and credibility of the Congress in Bihar.

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64 *The Searchlight*, 2 February 1938.
65 *The Searchlight*, 17 February 1938.
66 *The Searchlight*, 29 February 1938.
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These apart the Bihar ministry undertook other measures like extension of civil liberties, removal of ban from all associations, and lifting restrictions on the Newspapers. Three committees were set up, one to enquire into the causes and extent of corruption in the public service of the province, another to enquire into the administration of the Santhal Parganas, and the third committee to enquire into and report on conditions of life and work of labourers.\(^{67}\) It also started new Wardha Training School at Patna for training of Wardha system of teachers, the mass literacy campaign and additional facilities for the training of woman teachers. It further encouraged the co-operative movement and the co-operative bank was encouraged to expand its activities in villages. Cottage industries were encouraged in rural areas. It also appointed a Labour Enquiry Commission with Rajendra Prasad as chairman and Abdul Bari, Radha Kamal Mukherjee, Jagat Narayan Lal and H.B, Chandra as members and R.K. Saran as Secretary on 17 March 1938.\(^{68}\)

**Agrarian Legislation**

However, one of the most important measures the Bihar ministry undertook was the legislation of Bihar Tenancy (Amendment) Act, which sought to provide relief to the tenants of Bihar from the hardships they had to bear under an iniquitous system of land tenure. Rajendra Prasad played a very crucial role in enactment of this legislation. He was convinced from the very beginning that the tenure of the ministries may not prolong for a long time and hence whatever had to be done should be undertaken on an


urgent basis. He, therefore, laid stress on the necessity of working out an amicable settlement between the representatives of the Zamindars and those of the Kisans:

When the Congress took over the reigns knowing that tenancy reform was bound to come and thinking that it would be better to have the question settled amicably, zamindars representatives, on their own initiative, approached the Ministry and offered their help and cooperation in instituting tenancy laws to ameliorate the lot of the kisans and suggested negotiations. The Ministry welcomed the idea, and I agreed with it, as a settlement between the zamindars and the kisans would facilitate early legislation. With the overwhelming strength of the Congress in the Assembly, it would be no doubt beyond the power of the zamindars to prevent an ameliorative measure but they could certainly resort to dilatory tactics and delay the successful operation of the Act.69

Rajendra Prasad was also aware about the other constraints that might hinder the proposed agrarian legislation. Landlords, being rich and resourceful, were capable of organizing themselves against any legislation by the Congress ministry. On the other hand, the cultivations were incapable of any joint and concerted action on their behalf.70 Further, the Congress had pledged to demonstrate that the new constitution

69 Ibid., p. 454.
70 Rajendra Prasad had expressed his apprehensions in his letter to Jawaharlal Nehru. RPCSD, Vol. 1, p.29.
was unworkable. It was likely that after working for sometime, the ministries might have to leave the offices. He was convinced, therefore, that an amicable solution of the problem had to be found out soon so that the peasants were benefited.

As Rajendra Prasad was not keeping well and without him the talks could have been an exercise in futile the different parties, the leaders of zamindars, the kisans and the government agreed to hold it at Sadaqat ashram only. “I was not quite well and my friends spared me the inconvenience of going elsewhere”.71 However the best course would have been, he thought, that the Kisans and the Zamindars themselves would have settled the matter:

Though we understood the problems of the kisans, who had always supported the Congress and reposed faith in it, and wanted to help in their solution, we would have liked it better if the kisans and zamindars had agreed to meet and decide for themselves.72

Rajendra Prasad was highly sympathetic towards kisans and was very concerned to protect their interests. He also wanted to keep their awakening alive so that Congress was not weakened and they were saved them from any possible repression, which might have been let loose in the eventuality of no settlement being made. He expressed his apprehensions in his letter to Jawaharlal Nehru:

71 Rajendra Prasad, Autobiography, p.455.
72 Ibid.
I do not think the kisan sabha has instigated the tenants to loot but there is no doubt the situation is largely due to the general awakening among the kisans and the anti-zamindar feeling which prevails. I do not think the kisans are organized enough to withstand repression which may follow and they may became demoralized....I am anxious that the awakening among the tenants should not be allowed to die down under the repression which is bound to come and which has commenced. I am equally anxious that the Congress organization should not be allowed to break down as is likely if we do not intervene and bring about a settlement. A settlement is becoming more and more difficult after the intervention of the police and more and more complications are bound to arise. In law the tenants will have no case, and are not resourceful enough even to fight it out in courts.  

The Zamindars, on their part, were also not free from apprehensions regarding the proposed tenancy legislation. They had viewed it with serious doubts and had not much confidence regarding the intentions of the Congress ministry. They were, therefore, in Rajendra Prasad's opinion, determined to protect "their legitimate and just rights". Therefore, to allay their fears and arrive at a consensual settlement the

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73 Rajendra Prasad to Nehru, 10 March 1937, RPCSD, Vol. 1, p. 29.
74 The Searchlight, 30 October 1937.
Congress leaders had started holding meetings of representatives of different classes. In one such meeting at Samiya, which was attended by the representatives of landlords and big kastkars of the locality, Congressmen and kisan Sabhaitees and the local Congress leaders tried to impress upon them that the view points of the Congress ministry was “entirely based upon the policy of general good of the province.” They also declared that the Congress “had no ill will and hatred against zamindars and big kastkars”. They further advised the Zamindars to “win the confidence of the tenants” and take measures to “ameliorate the conditions of the peasantry”.

The Zamindars also, Rajendra Prasad was confident, were “sympathetic” to the tenants’ demands despite their suspicions and reservations against the Congress ministry. Not interested in tussle with the peasantry or the Congress they favoured the idea of a satisfactory reconciliation of the agrarian problem of Bihar. The Central Zamindars Association, in a letter addressed to Rajendra Prasad, wrote that they were “anxious to remove the real grievances of the tenants” if there were any and to do their “best for improving the condition of the agriculturists and the agriculture.” In the same letter they complained also drew his attention towards behavior of “many responsible persons of the Congress Committee” delivering “inflammatory and irresponsible speeches in the kisan meetings and in the meetings organized by the Congress.” They further stated:

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75 Ibid.
76 Ibid.
77 Ibid.
79 Ibid.
In our opinion this class warfare will widen the gulf between the independence and the motherland. Instead of blaming each other it is better if all the well-wishers of the agriculturists sit together and try to improve the condition. If we be informed of the detailed grievances of the tenants we can approach the Zamindars and it would not be impossible to get some formula to settle the matter amicably. This will reduce unnecessary troubles and will be much more useful to tenants. I hope you will agree with me that by cooperation we can do much for the benefit of the children of the soil. 80

To reduce unnecessary troubles and settle the agrarian issue amicably the Zamindars agreed for mediation by Rajendra Prasad in the entire matter. 81 To quote Rajendra Prasad:

Sri Babu (Sri Krishna Sinha) was telling me that if the loot stopped it was possible to arrange with the landlords to settle the lands with the tenants as used to be done before, i.e. without occupancy right and perhaps to some other concessions. 82

80 Ibid.
81 Zamindars’ party, united party, inspired by the Governor of Bihar during 1933-34, itself had shown its concern for the tenants. Rajendra Prasad to Jawaharlal Nehru, 10 March 1937, RPCSD, Vol. 1, p.29.
82 Ibid.
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In the negotiations with the Zamindars and the Kisans, Rajendra Prasad stated very explicitly before the representatives of the zamindars that the Congress was “not negotiating on behalf of the kisans” and that they “would be free to accept whatever concessions we secured for them”. He also emphasized that the kisans were free to agitate later on “for whatever else they considered necessary”. There was no doubt about the fact that Rajendra Prasad had participated in the negotiations as kisan’s representative and all through the discussions he put forth the perspective of the Congress, which was an organization consisting of not only peasants.83

The “Congress-Zamindar agreement” of 1937-38 was no doubt denounced as a compromise with the big landlords by the Kisan Sabha and a betrayal of peasant interests84 yet it appears highly unlikely that this “Congress-Zamindar Pact”85 was reached for purposes other than providing quick legislation and amelioration to the suffering peasantry. From the very beginning of the Congress ministry’s tenure,

83 It does not appear proper to assess the Character of the Congress leadership in Bihar in terms of their social origin alone. Scholars like Rakesh Gupta, Arvind N. Das and Alok Sheel tend to fashion their arguments on this premise when they say that the Bihar Congress leaders perception of the peasant problem was conditioned by the socio-economic milieu to which they belonged. Rajendra Prasad had a “prosperous zamindari” and so his pathological dislike of the socialist doctrine. Dip Narayan Singh, Vice-president of the BPCC in 1934, was a landlord and, according to Sahajanand, an oppressive one at the same time/ S.K. Sinha, another influential provincial level leader was a zamindar and a strong advocate of the zamindari system. See Alok Sheel, ‘Congress and the Raiyats, A study of Three Peasant Movements, p. 149. Anugrah Narayan Sinha was also a zamindars of some substance and according to Sahajanand he experienced difficulties in convincing the Kisans at the time voting to the Central Legislature in 1934that he really represented the interests of the Kisans. See Sahajanand Saraswati, Mera Jeevan Sangharsh, Patna, 1952, p. 412.

Also zamindars or pro-zamindars’ elements were strongly entrenched within the Congress. See Rakesh Gupta, op. cit., p. 256. The Congress leaders who themselves belonged to the Zamindar class cannot possibly think of launching of class war in the province and they crushed the radical and revolutionary kisan sabha movement which was anti-feudal and anti-imperialist. Ibid., p.150.


Rajendra Prasad had made it clear to the representatives of the zamindars that he had been dismayed at the lack of cooperation the landlords had afforded to the Kisan Enquiry Committee, but this would not deter the Congress from seeking cooperation again.\textsuperscript{86} On the contrary, he appears to have been guided by a sense of urgency for reaching a solution, preferably negotiated settlement, which he thought, would be lasting and achievable sooner, because a delay in this would have resulted in not enacting the agrarian legislation at all.\textsuperscript{87} Throughout the negotiations, he was convinced that "both parties would have to climb down to arrive at a settlement and that the Congress should act only as neutral party in the negotiations".\textsuperscript{88} His entire approach to the agrarian issue in Bihar and his idea of a negotiated consensual settlement was quite typical of Rajendra Prasad.

It is important to be not oblivious of the fact that there were other aspects as well to this issue, which for all intents and purposes related to the nature of the contemporary colonial and hegemonic state as well as the objectives of the party in the governance. The state was typically colonial and it lacked concerns for welfare measures for the deprived ones. It had always been willing to align with and to extend support to reactionary and backward looking sections and classes of Indian society. Secondly, the party in the government i.e. the Congress was not a class party, party of

\textsuperscript{86} Rajendra Prasad to Shah Mohammad Masood, Honorary Secretary, Central Zamindars Association, Patna, 20 July 1937, \textit{Rajendra Prasad Papers, XI/37}, Col 1. Again to Khan Bahadur Ismail Rajendra Prasad noted that "If the Congress proposals are unsatisfactory the Zamindars should be prepared to propose a better solution and I am sure the Government will not fail to give it their utmost consideration." 12 October 1937, \textit{ibid.}

\textsuperscript{87} However the Kisan Sabha saw it as a compromise with the big landlords and a betrayal of peasant interests. See Rajendra Prasad’s correspondence with Sree Krishna Sinha, April 1938, \textit{RPCSD}, Vol. 2, pp. 32-36.

\textsuperscript{88} Rajendra Prasad, \textit{Autobiography}, pp. 455-6.
the peasantry alone. It, therefore, could not have afforded to carry out and enforce a radical agrarian reforms programme, which could have satisfied the peasantry fully. Thirdly, the Congress had also one major objective of furthering the freedom-struggle by involving larger and larger sections of society. Rajendra Prasad was never oblivious of these objective realities. He remained fully aware of the fact that the tenure of the ministries in the saddle of the governance was not enduring and that they might have to resign any time to show that the constitutional arrangements under 1935 Act were not workable.

In the negotiations, four major issues had figured out. The first related to the reduction of rent payable by the tenants. The issue was intricate because amounts of rent assessed varied from area to area. In some cases, even the mode of payment had also been changed from kind to cash. Rajendra Prasad’s concern for everyone being fairly treated made him drop “the idea of a uniform rent reduction” and opt for “a formula by which relief was provided to areas where rent had gone up very high and left out areas where relief was not called for”.

The second issue to figure was the kisan’s right to transfer his land. While the kisan’s representatives demanded the full right of transfer, the zamindars opposed it saying that the land actually belonged to them. The zamindars’ representatives contended that the land had actually been given to the kisans only to cultivate and that the kisan could sell or transfer his holding only if the landlords permitted it. But the kisans were “keen on getting the right of transfer” which the zamindars had themselves conceded in the earlier Tenancy Amendment Act on condition of being given “salami”

89 Ibid., p. 456.
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i.e. a share in proceeds of the sale. The zamindars agreed to this and the significant gain for the kisans was that the amount of Salami was reduced. In the words of Rajendra Prasad:

We made the zamindars agree not only to having the transfer of holdings declared lawful but to the reduction and fixation of the “Salami” or rate of commission they received from the tenants at the time of transfer.

The third issue that figured at the negotiations was relating to the arrears of rent. Under the existing law, the zamindars had the power to eject a tenant for non-payment of arrears, through a court decree and to have auctioned the entire of his holdings. The tenants had serious complaints that the landlords had been resorting to this provision to sell the entire holding, even for small arrears. However, the zamindars held that ejectment was “a common remedy” resorted to by them in case of non-payment of rent and asserted that it would be “impossible” to realize dues without that. Rajendra Prasad ensured a workout of this problem as well whereby only a part of a tenant’s holding which was considered by the court sufficient to raise the amount due to the zamindar and not the whole holding should be brought to sale.

The fourth issue to figure between the talks and get successfully resolved was the system of rent in kind. There were two different crop-sharing systems, baoli-batai and dana-bandai, under which the zamindars generally took a fifty per cent share of the

90 The zamindars' representatives cited the example of united province where it was a common practice
produce. The system had become hateful and quite unpopular with the peasantry, leading to lots of resentment because the Zamindars invariably forced them to part with more than what was due to them. In this case, the Zamindars agreed not only to reduce the cash-rent but also the amount of their share crop.

All these issues as discussed above formed the essential and significant features of the Bihar Tenancy (Amendment) Act, which, indeed, go to the credit of the Congress ministry in Bihar. Much of this was, however, due to the able leadership, persuasive skills and ability of Rajendra Prasad during the negotiations. He skillfully prevented the zamindars from resorting to "civil disobedience and passive resistance". That Rajendra Prasad's apprehensions were correct about the possibility of sabotage from the Zamindars is borne out by the fact the Zamindars were watching all these with a sense of onslaught on their rights. In a speech at All India

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92 Ibid., p. 458.
93 The Zamindars had a meeting at Patna on 13 September 1937 where they even thought of civil disobedience and passive resistance. Letter from the Magistrate of Patna to the Commissioner, Patna Division, 26 September 1937.
94 Rajendra Prasad had his experiences with the Zamindars attitudes during his association with the kisan Enquiry Committee which had been set up by the Congress. The committee assured the Zamindars that the purpose of the enquiry was not to annihilate the Zamindars but if they did not pay heed to the grievances of the tenants, they must treat their days numbered. Nevertheless, the Zamindars were not very forthcoming to co-operate with the committee. To quote Rajendra Prasad: "When the Kisan Enquiry Committee was appointed we wrote to the Bihar Landlords Association and other organisations which were known to us and to large number of individual Zamindars to cooperate with the committee and to help in finding a solution of the many problems confronting the kisan and the zamindars. Unfortunately our letters were not even acknowledged, not to speak of co-operation on the part of the zamindars. When the Committee started its work and began touring for collecting evidence we made it a point to inform the zamindars of the locality. I regret that zamindars as a class, barring a few exceptions, did not come and participate in the enquiry. In many places their agents used to attend and watch but didi not assist the Committee in any way." Rajendra Prasad to Shah Mohammad Masod, Honorary Secretary, Central Zamindars' Association, 20 July 1937, RPCSD, Vol. 1, p. 74.
Khan Bahadur Mohammad Ismail's reply to the Committee sums up the attitude of the landlords. He replied that the Congress Enquiry Committee was nothing but a department of the Kisan Sabha and that the Committee was meant to create trouble for landlords and that it did not represent the public. See Bihar Kisan Enquiry Committee Report, 1936, Rajendra Prasad Papers, F. No. VII/1937, Col. 1. The Committee was set up in 1936 by the Congress with Rajendra Prasad, A.N. Sinha, and S.K. Sinha as members but its
Landholders conference in 1938, the Maharajadhiraj of Darbhanga stated, that the Zamindars had been "watching with deep concern the onslaught" being "made on the landlords in every part of the country", they had even plans of strongly opposing "reactionaries" and "revolutionaries".95 He subsequently advocated for strengthening "the hands of the government" and to do their best "to cooperate with those who have made no secret of their disapproval of the violent and revolutionary methods".96

As soon as an agreement between Zamindars and the Kisans had been arrived at, a bill was introduced in the legislative Assembly and it was enacted into a law before the Congress ministries resigned. Rajendra Prasad was however, neither very happy nor satisfied with the settlement or the legislation. He held the opinion that "if the kisan leaders had acted more wisely and in greater concert with the ministry, they might have gained even more".97 In his words, "there was one important matter on which no settlement could be reached and which caused some discontent among the kisans".98 The zamindars did not agree to settle the land for tilling with the tenants, which they had purchased in auctions in execution of court decrees for the realization of rent arrears. The zamindars either cultivated such land themselves or let it lie fallow. They did it because under the law even a temporary settlement would have meant accrual of right of tenancy of which the kisan could not be deprived of.

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96 Ibid.
97 Ibid.
Though Rajendra Prasad was able to sail through the turbulent negotiations between the representatives of the Zamindars and the Kisan and its subsequent enactment into a law he did not remain oblivious of its shortcomings. While the landlords had succeeded in their demands for speedy disposal of rent suits, power to sell the tenants holdings for arrears, etc., tenants gains in respect of rent reduction and Bakhast legislation remained restricted by various conditions. This reduced the effectiveness of the legislation as it resulted in a protracted and expensive legal procedure. As regards the reduction of rent clause, Rajendra Prasad noted in May 1939 that though 200 special officers had been appointed they had not succeeded in disposing of even 15-25 percent of the cases.\textsuperscript{99} In areas like Chhapra, no officers had been appointed to receive application until May 1938. In addition, the details the tenants were required to furnish regarding the number and date of various enhancements could not be furnished without the tenants incurring expenditure.\textsuperscript{100} Despite of these constraints the measure did provide some succor to some sections of the peasantry. In the district of Patna, Gaya, Shahabad, Monghyr, etc., the rent settlement operations during 1937-40 affected 25 percent of the population.\textsuperscript{101} However only the stronger sections of the peasantry could take advantage of the mechanism provided in the Act.\textsuperscript{102} For the weaker tenancy occupants it was an uphill task for him to take advantage of the few measures passed in his favour. Regarding non-occupancy

\textsuperscript{99} Rajendra Prasad to Patel, 22 June 1939, Rajendra Prasad Papers, F. No. IC/39, Col. 1.
tenants and agricultural labourers, the legislation attempted little. All the concessions related only to occupancy tenants. Perhaps a section of the richer peasantry could take advantage of the few legal benefits secured; the majority was still at the mercy of the landlords. Sahajanand noted that the landlords in no way acted as though their prestige and power had been reduced. Even when the Kisans applied for reduction of arrears, the zamindars continued to file rent suits for their arrears and the government did nothing to force the courts to take note of such applications and stay the proceedings.103

He also noted that though the Congress made exactions of abwabs illegal, forced labour was not abolished and no machinery was created that could affect the abolition of feudal dues.104 Even with regard to the Bakhast legislation, the provisions of the legislation failed to meet the pressing demands of the peasants. While the conditions for restoration greatly reduced the amount of land liable to be restored, the inability of the tenants to pay the legal costs and half the auction price further crippled them.105 It was only through direct action and the settlement of disputes through conciliation committees that some land could be restored in Reora, Barahiya Tal, Darbhanga, etc.106

Nonetheless, Rajendra Prasad had the satisfaction that the work had almost “been completed by November 1939 when the Congress Ministry resigned”.107 Everything, after all had been done “on the basis of mutual agreement and

103 Sahajanand Saraswati, Rent Reductions in Bihar, How it works, p.18.
104 Ibid.
107 Rajendra Prasad, Autobiography, p. 459

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compromise” and the tenants had been able to reap the advantage of the new law almost immediately. 108 To quote him:

The land reform, however, I should say, was a solid achievement, which, perhaps, no other province could boast of.

In the United Provinces, no similar agreement could be reached with the zamindars and they opposed the Government’s proposals at every stage. Although by the time the Congress government resigned, the Tenancy Bill had been enacted, it was only later that it received the Governor’s assent. In Orissa, the Bill could not be passed at all, while in Madras, before the Government could take action on an excellent report submitted by an enquiry committee, it was out of office and the report was shelved by the adviser regime. In Bengal, the non-Congress Ministry appointed a special committee which prepared a report but no action was ever taken on it. 109

The measures undertaken by the Bihar ministry, though limited in nature, gave hope and confidence to the people and the entire country appeared excited about it. 110

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108 The effects of legislation were limited and not far reaching enough. The pressure exerted by the landlord at every stage off the legislation and the acceptance by the Congress of their major demands reduced the the credibility as well as usefulness of the legislation in the eyes of the peasantry. Vinita Damodaran, “Office Acceptance and Some aspects of the Congress Ministry in Bihar, 1937-39”, op. cit., p. 182.

109 Ibid., pp.459-60.

110 Scholars like Rakesh Gupta, Alok Seal and Arvind N. Das tend to see a close association between the Bihar Congress and the Zamindars there. They have tried to understand the character of the movement by the social origins of the leadership. See Rakesh Gupta, ‘Bihar Peasantry and the Kisan Sabha’ in Arvind N.
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The people felt the difference between an alien government and the nationalist regime, which was receptive to people's demands.\footnote{Nehru, \textit{Selected works}, Vol. IX, p. 313.}

\textbf{Rajendra Prasad's Role in the Kanpur Labour Situation}

Hardly had Rajendra Prasad resolved the agrarian issue in Bihar when he was required by Govind Ballabh Pant, the Chief Minister of Uttar Pradesh, to look into the conditions of the factory workers at Kanpur. Govind Ballabh Pant requested him to act as Chairman of an Enquiry Committee appointed to investigate into the conditions of the factory workers at Kanpur:

I know that you have to attend to many ticklish questions in your province and I realize that I am acting somewhat selfishly in talking you away at time when Sri Babu would so much desire to have your guidance at close quarters ....I know how busy and embarrassed you are and yet how reluctant you are to say “no’. If I have to adhere to my present scheme, I trust you will very kindly not refuse.\footnote{Govind Ballabh Pant to Rajendra Prasad, 18 August 1937, \textit{RPCSD}, Vol. 2, pp.331-2.}

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\textit{Das, (ed.), Agrarian Movements in India: Studies on 20th Century Bihar, London, 1982.} They argue that the Congress was a party of landlords or pro landlord elements which was reluctant to take up “social issues” or “class issues”. Arvind N. Das, (ed.), \textit{Agrarian Movements in India: Studies on 20th Century Bihar,} London, 1982, p. 76. The Congress unit in Bihar never seriously studied the conditions of the tenant, though at the Congress session in the Lucknow the provincial units had been asked to do the same so that the party could formulate an agrarian programme. Though BPCC instituted two enquiry Committees its reports were never published. Rakesh Gupta, 'Bihar Peasantry and the Kisan Sabha' in Arvind N. Das, p. 246. The Congress zamindars pact was “betrayal” of tenant’s interests to that of Zamindars. \textit{Ibid.} S.K. Sinha was a zamindars and a strong advocate of the zamindari system and always tried to deemphasize the landlord tenant issue. Alok Sheel, 'Congress and the Raiyats, A Study of Three Peasant Movements', \textit{op. cit.}, p. 250.
Rajendra Prasad was undeniably felt embarrassed though for different reasons altogether. He had so far no previous experience with trade unionism or labour organizations. He thought that it was an “important assignment and I was not qualified for it, because not having done much trade union work” he had no special knowledge of the problems of the factory workers.\(^{113}\) These “limitations”, had, however, been considered by Govind Ballabh Pant as an advantage for Rajendra Prasad. Because this would enable him to take a “detached, commonsense view of the problems”. Rajendra Prasad would also have been “acceptable to both mill owners and workers”.\(^{114}\) Pant further added that his appointment would please both the parties. Rajendra Prasad, in spite of his reluctance, accepted the new assignment because of Pant’s insistence.

The labour issue at Kanpur, which Rajendra Prasad had finally agreed to enquire into, was, indeed, complex and intricate. It concerned “the whole question of relations between labour and employees” including matters pertaining to wages, hours of work, etc.\(^{115}\) The workers were, mostly unorganized and they “had a vague feeling that their wages had been cut and that they were not having a straight deal.” A series of strikes had taken place during last eight or nine months and then it had finally culminated in a general strike in early August 1937. In the words of Pant:

> The labourers in cownpere are mostly unorganized and they are not intelligent enough even to form a clear idea of the rates or

\(^{114}\) Ibid. 
terms on which they are employed. They have, however, a vague feeling that their wages have been cut out that they were not having a straight deal.\textsuperscript{116}

The labour trouble in Kanpur had started immediately after the Congress ministry had taken over office there in July 1937.\textsuperscript{117} A number of strikes had taken place in several textile mills, which dotted Kanpur, with a view to securing an increase in wages and general improvement in the conditions of employment. It was stated at a number of meetings of workers that the employees had reduced their wages from time to time during the last few years, either directly by a revision of wage rates, or indirectly by the abolition or curtailment of bonuses and allowances. It was also alleged that the policy of employees of introducing rationalization and other methods of intensification was responsible for increasing unemployment among factory labourers at Kanpur. Allegations were also made that the members and office bearers of the Mazdoor Sabha, the only organization of textile workers in Kanpur, were harassed and victimized by the employers with a view to crush trade union activities.\textsuperscript{118} The crisis had reached a stalemate when the Mazdoor Sabha organized a general strike leading to suspension of some workers, including the general secretary of the Mazdoor Sabha.

Rajendra Prasad visited Kanpur and started holding discussions with the representatives of the workers and the mill owners. The workers told him that they

\textsuperscript{116} Ibid.
wanted reinstatement of the suspended workers and withdrawal of the lock out by the mill owners immediately. They were prepared to accept his suggestion of accepting the suspension of those workers until their case was investigated and decided by the enquiry committee, but demanded that the mill owners meanwhile should pay some subsistence allowance to the suspended workers. They were even willing, subsequently, to resume work and guarantee discipline in the mills if there was no victimization.\textsuperscript{119}

Rajendra Prasad, though despite being sympathetic in this case, to the workers cause, felt that the matters like suspension and reinstatement of workers should be entrusted to a different agency and the enquiry committee should not be bothered with such disputes which might arise from day to day. He expressed his feelings in a letter he addressed to Govind Ballabh Pant:

My feeling has always been that it will not be proper or impossible for the Enquiry Committee which is entrusted with the work of dealing with larger questions to get involved in these disputes which may arise from day to day and it would therefore be better to have a separate agency to deal with these cases.\textsuperscript{120}

Rajendra Prasad put his point of view to the workers who were “agreeable to have a sort of arbitrator, provided before any cases actually went to the arbitrator they would like to be informed so that they might use their influence with the workers and

bring about a an amicable settlement”. Only those cases, they suggested, where the
workers and employers had failed in their attempts should go to the arbitrator.
However, mill owners were opposed to this idea and wanted the committee itself to
deal with these cases. Rajendra Prasad held discussions with Padampat Singhania and
subsequently with the members of the Executive Committee of the Employer’s
Association and suggested for reinstating and ending the lock out for creating a
conducive atmosphere. In his own words:

I suggested to them that to allow the Enquiry Committee to have
proper atmosphere for the enquiry it was best that the trouble
which has arisen should be ended and that it would be difficult to
carry on the investigation while a strike or lockout was on.\textsuperscript{121}

The mill owners agreed with Rajendra Prasad’s viewpoint. They on their behalf
also “agreed to call off the lockout if they could be assured that the workers start
working in the ordinary way.” Nevertheless, they were not prepared under any
circumstances to reinstate the “dismissed” workers. Their point of view was that they
could not agree to any arbitration as to who to they should employ and whom they
should not employ. Rajendra Prasad suggested to them that it was not intended to take
away this right from them and they should agree, “to abide by the decisions of the
Enquiry Committee and reinstate the dismissed men” in view of the “abnormal
conditions”. He also pointed out that the Mazdoor Sabha had agreed to abide by the
decision of the Enquiry Committee that in case the workers were found guilty they

\textsuperscript{121} \textit{Ibid.}
would be dismissed. Subsequently he even suggested that they should treat the workers as suspended and not dismissed until the decision of the Enquiry Committee came. The representatives of the mill owners refused a compromise along the lines suggested by Rajendra Prasad and the stalemate continued.

Rajendra Prasad’s experience with workers issues made him fairly acquainted with their plight and the report, he prepared, became a brilliant document suggesting ameliorative measures for the betterment of the workers. It had virtually conceded all the major demands of the workers. He himself drafted the report though Committee's members, Professor S. K. Rudra and B. Shiva Rao, who had experience of labour organizations, rendered him valuable assistance. The Committee recommended an increase in the workers' wages with minimum monthly wage being fixed, the recruitment of labour for all mills by a labour exchange instead of a by recruiting agents, the formation of an arbitration board to decide whether dismissals were justified or not, the grant of certain social benefits such as housing and sick leave and the employers' recognition of the Mazdoor Sabha. Nevertheless, his recommendations did not please many, especially the mill owners of Kanpur. This report was again a typical instance of his consensual approach and desire to further the national movement, which was approaching fast towards a far more serious phase of struggle.

122 Ibid.
124 Ibid.
125 The Pioneer, 14 May 1938.
Rajendra Prasad’s association with the formation of the Congress Ministry in Bihar and its subsequent functioning, and his associations with the ministries elsewhere, bring to the fore his concern for retaining and strengthening the mass base of the Congress. Throughout he remained convinced that the tenure of the ministries was short-lived, as the struggle with the British had to be furthered, and at any point of time, the ministries might have to resign. This was the perspective with which he had taken upon himself the role of philosopher and guide to the ministry of Bihar in 1937. Though the agrarian legislation fell far short of the expectations, it did bring immediate relief to the tenants.\(^{126}\)

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\(^{126}\) According to Tomlinson: “ever since 1920 the issue of tenancy legislation had divided Bihari Congressmen. The Bihar Congress Ministers faced the same problem as their colleagues in the U.P. But as they were committed to introducing some agrarian legislation and were under pressure from the ‘left-wing’ within the Congress, but they also needed the support of the Congress zamindars in the P.L.A. and of rural magnates, who were not Congress supporters, in the Provincial Legislative Council. The Bihar ministry tried to deal with this dilemma by concentrating more on bringing immediate relief to the tenants than by attempting any radical changes”. B.R. Tomlinson, *The Indian National Congress and the Raj, 1929-1942: The Penultimate Phase*, London 1976, p. 98.