CHAPTER - I

INTRODUCTION

At a time when so much is talked about value based politics in India, to cleanse public life of dishonesty, cynicism, expediency and self-centredness, men like Biswanath Das provide a source of inspiration and ray of hope for the future of the Indian politics. Mr. Maguni Das, also opined that Sri Das as a true Gandhian was one of the persons in the country, who believed that means always justify the ends. His life and times spanning almost a century (1889-1984), covered two important and contrasting periods of Indian history and politics, the pre-independence Gandhian phase and the post-independence phase predominated by a power seeking political culture. Despite the enormous transformation that Indian political life and value system underwent after independence, Biswanath Das as one of a few stalwarts of Gandhian era maintained intact the purity and simplicity of his personal life and integrity of his character in his public life and activity. Biswanath Das was an epitome of the 'saintly idiom' in Indian politics. He belonged to a rare brand of political leaders and statesmen in the 20th century, who lived by the Gandhian values of bringing politics closer to ethics and spirituality.

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despite the enormous challenges and changes in the working of Indian polity in the post-independence period. 3

Sri Das was a political activist, a true leader as well a statesman. He was a catalyst of change and development. All these characters, are reflected in different roles during his life time. He joined the Freedom Movement for the independence of the country. He was a constitutionalist, a parliamentarian and a political leader of Orissa. Hence, his role performance needs objective analysis, which has not yet been done by the scholars. This constitutes the core problem of the present study.

**Problem and Scope of the Study :**

The present work tries to analyse the legislative role of Sri Biswanath Das in two different political periods : the pre-independence period and the post-independence period. The role of political leaders, representation and legislation acquired new meaning, when the present constitution came to be operated in India. The present Constitution introduces the Parliamentary system of Government based on the principle of Universal Adult Franchise. The role of political leaders which was confined in pre-independence period to organise Freedom Movement against British Imperialism, and participating in Imperial

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legislative activities, became more decisive in nature with the attainment of freedom and self-rule. The role of legislators in post-independence period has become diversified to various activities like to act as law makers, representatives of the people as well as the agents of socio-economic development of the country. In this context the contributions made by Sri Biswanath Das, one of the most prominent legislators of Orissa both in the pre-independence as well as post independence period constitute the core area of the present study.

The political career of Sri Biswanath Das spreads over nearly six decades (1918-1975) and it was eventful in many ways. He occupied a number of important political office in both pre and post independence period. His public life started in 1918, when he organised the first Peasant Movement of the country. He joined Indian National Congress in 1920, and Non-Co-operation Movement in 1921. From 1921 to 1931 he represented the Ganjam District (the then part of Madras Presidency) in the Madras Legislative Council. It was the first legislative experience of Sri Das, that equipped him to play a higher role in the national political scene. Sri Das came to the forefront of Orissa politics in 1936, when he was nominated to the Orissa Advisory Council. He was elected to Orissa Legislative Assembly in 1937, and became the first elected Congress Prime Minister of Orissa. He continued in this
office till December 1939. During this period, inspite of several limitations on the provincial Governments under the Government of India Act of 1935, He enjoyed full command over the Orissa administration and successfully resisted any attempt by the Imperial Government to dominate the provincial government. Biswanath Das joined as a member of the Constituent Assembly in 1946, to frame a constitution for free India. In the Constituent Assembly, he made a mark in the deliberations and debates leading to the framing of the constitution. He was elected as a Member of Parliament to Rajya Sabha from 1952 to 1958, and displayed extraordinary parliamentary skill. He was again elected to Orissa Legislative Assembly in 1958, but resigned in 1962, when he was made Governor of India's most populous state Uttar Pradesh. He remained in the Governor's Office till 1967. On return from U.P. he setup Veda Bhawan at Puri and became Member of Servant of People's Society under the presidency of Lal Bahadur Shastri. Political uncertainty following the Orissa Assembly Election 1971, brought Biswanath Das again to the centre stage of Orissa politics for sometime. He was asked to head the coalition Government of Swatantra and Utkal Congress Party on 30th April 1971. But, since he was not happy with the functioning of coalition partners, he resigned from office on 9th June 1972. During this brief period, he
tried hard to eliminate corruption and establish moral values in administration. This shows that a greater part of Sri Das's life as a legislator was dedicated to the service of the nation and people. Hence, there is the need of a critical and analytical study of legislative career of Sri Biswanath Das.

Concepts:

The main concepts used in this study are the legislature and the legislator. Here an attempt has been made to give both normative and operational definitions of these two terms. The legislature is the supreme law-making organ of the political system. It represents the people, takes decision and makes law for the people. The Legislature is a "highly institutionlised human group having time honoured traditions and practices, that affect the attitudes and behaviour of its members." 4 According to Jewell and Patterson, a legislature may be defined as "a collection of individuals, who are the elected members of the formal parliamentary bodies prescribed by national and state constitutions." 5

In every democratic country, there is some form of legislative system and legislative process. According to Jewell and Patterson, a

legislature is not an exclusive body of an organisation functioning independently on its own. In fact it is a vital sub-system of society, and is closely and indirectly connected with other organs of the social system. At the political level, there are so many corollary institutions and organs with which the legislature is directly connected. This has been best illustrated by the diagram given by Jewell and Patterson.

Fig : 1

THE NEXUS OF LEGISLATURE

Expert Groups
Legislative Support Groups

Administrative Agencies

Political Party Group

Bureaucracy complex Executive

Constituency Group

Local groups Private Interest Group Complex
The figure broadly exhibits the area of legislative interactions in which legislators individually and in various group combinations perform their functions. The interactions of the legislative actions are called legislative behaviour and the entire network of interactions is called legislative process.⁶ According to the Role theory of Wahlke, the legislative system is conceived as a system of various legislative roles, and the concept of roles is useful for understanding these aspects of the legislative behaviour, that makes legislature an institution.⁷

The function of a legislative system as defined by Jewell and Patterson is 'the management of conflict and the integration of polity'.⁸

Of all democratic political institutions, legislature is the vital to the functioning of the decision making process. Several activities of the legislators reveal the expected pattern of behaviour that helps in understanding the structure and functioning of the legislature in a larger political set up. 'The legislature as an institution exists physically only in the person called legislator.'⁹ What the legislature does and how it functions can only be understood by analysing the legislative role and perception of the legislators. 'The role performance on the part of the

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⁶ Jewell and Patterson, 1977, op.cit, pp-3-4.
⁸ Jewell and Patterson, 1977, op.cit, p - 7.
⁹ K.J. Vijayatilaxman, op.cit, pp-29-30.
legislator in conformity with the norms associated with the position according to his own perception\textsuperscript{10} constitutes the legislative behaviour of the legislator.

As democracy matures, the perceptions of the legislators become more and more clear-cut and pin-pointed. This is an admitted fact everywhere. In case of India also in the light of experience of the last fifty years of parliamentary experiment, the political participation of legislators emerges from the same springboard flow to which the social action of common man originates. Therefore, to understand the perception of a legislator, we have to understand the guiding forces behind this participation. Generally the political environment forms the motivational background of the political behaviour of the legislator. This can be studied by taking into account a number of factors, such as,

1. the ideology of the political party to which a legislator belongs;
2. the commitments made in the manifesto by the political party;
3. the urges and the demands of the people, on whom the legislator makes his demand;
4. individual vision and perspective of the legislator;

5. overall constitutional commitment of the legislator concerned;

6. state and regional demands and problems;

These factors are also influenced by the educational, cultural, professional, political, socio-economic religious, communal and national background of the legislator. These are the variables influencing the structural and functional aspects of the legislature. With all these backgrounds, a legislator has to behave in several dimensions as given below.

(a) **Legislator as Policy Maker**

Role of a legislator is vital to the understanding of a legislative situation of a legislative system in which the legislative behaviour takes place. Politicians are chosen as the leaders of the political parties. They make and adopt policies as well as provide answers to the questions raised in the forum of legislative. They must be vigorously prompted before they satisfy their clients.

From time to time new law have to be legislated and old ones have to be amended according to the needs of the society. Bills are to be properly scrutinized and studied in depth by legislators so that they would be free from constitutional and legal lacunae and would be

capable of fulfilling the objectives for which they are brought.  

(b) **Legislator as Broker**

The legislator plays good role by being competent to serve the interest of his constituents. His business is to make use of his power to voice the desire and anxiety of the masses, whether he belongs to the ruling or the opposition party.

A Legislator is assumed to represent the 'General Will', the common will of the people for the common good. In other words, a legislator's role is not only to visualise what the people need, but also to decide what they ought to need. "The basis of our Constitution is the will of the people. The legislator must know how to express that 'will' on the floor of the House."  

(c) **Legislator As Knowledge Person**

A legislator can actively and effectively participate in the legislative debates and discussions only when he possesses thorough knowledge on the facts and figures of a particular issue.  

'The membership of the legislature is not a small thing for an ordinary political worker. In the galaxy of knowledgeable persons, a
legislator tries to find his own place. He participates in most of the
debates and keeps the government alert by putting questions and
drawing attention of the House to matters of public importance. For
deliberation on any topic in the House, it is essential that, a Member
should be in full command of the facts. With this end in view, he must
gather all relevent information from all possible sources. Most of all
the budget, the explanatory memoranda, the economic survey, the
speech of the Finance Minister, the plan outlays etc deserve close study
by a legislator. He must also keep himself informed of the view point
of his colleagues on the issue raised for discussion. 15

(d) Legislator as Popular Leader

The legislator as a politican must be a popular one. To be an
effective legislator, basically one has to be a social-worker otherwise
he fails to serve the people and to win confidence of his
constituency. 16

A legislator can not afford to have too much attachment on party
politics, if he really wants to serve the people of his constituency. A
legislator should not adopt the method of personal approach in solving
the problems of his constituency. By this only one person will be

15. Mr. Speaker Weatherill, 'Role of a legislator' (typed) in the Third Orientation
Seminar for the legislators held at Octacamund from May - 16 - 23 1969, p-21
served. By adopting democratic approach on the floor of the House, the constituency as a whole has to be served. The Minister will directly or indirectly admit the delay and explain the House what the difficulties are and give an assurance that they are being looked into. 17

(e) **Legislator As An Orator**

The legislator must be a good orator. By being so, he can bring out the facts and present them in a democratic manner, even while he criticizes the government on issues on which the government is actually erring. The capability of a legislator depends on how he takes up a particular demand and proves that it is wrong. 18

Again Bharadwaj writes that a legislator has a duty to bring to the attention of the legislature the hopes and expectations and the grievances and even frustrations of his constituents. On the other hand, he has also to serve as a circuit of information about the various developments, particularly those relating to their betterment and welfare taking place in the Government and the legislature. 19

(f) **Legislator as Parliamentarian**

This is the most vital role played by a legislator. As a parliamentarian he must know the rules and regulations in relation to

17. R.K. Bharadwaj, op.cit, p - 95.
18. Ibid, p - 95.
19. 'Parliamentary Devises available to members for raising matters of public importance' (typed) *Background Paper*, Item No : 14 of the Background Paper file of OLARRW, pp - 1-6
the procedure and conduct of the business of the house. The knowledge will help him to effectively serve the people of his constituency'.

A Legislator should be able to utilise the 'question hour' by properly making a study of the actual scope of the question under discussion. This would enable him to make use of the question hour by asking supplementary questions to the main question. This time provides him enough opportunity to nurse his constituency by putting questions pertaining to his constituency. As a Minister he has to give some favourable answers during the question hour on questions relating to his concerned ministry.20

A Member must be time conscious and use every minute of his time of the House most effectively and purposefully. In this regard, what is needed is self-discipline, tolerance and decorous behaviour that lend grace and strength to parliamentary democracy. Legislators should be the source of inspiration to others.21

A Legislator enjoys immunity from the legal consequences for anything he may speak in the House. This facility enables him to call a spade 'a spade', without any fear or hesitation. However, certain practical restrictions on the freedom of speech of the member are imposed. A legislator has to speak within the purview of his party

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21. Rabi Ray, 'How to be an effective legislator' (typed) Inagural address by the ex-speaker of the Lok Sabha at the orientation programme for Members of the Orissa Legislative Assembly on 13,14,15 Sept 1991 pp - 4-12.
policy. Further, even if he catches the eye of the Chair, there will always be a time-limit within which he has to put forth his case. Another characteristic of legislative eloquence is the strict insistence on relevancy.

In this context, Rabi Roy, the former Speaker of Indian Lok Sabha points out that the legislator should remain present in the House and follow what others speak, so that when his turn comes he avoids repetition of points, already made and where he disagrees with views expressed by Minister or colleagues earlier, he explains his stand with reason therefor. Within these constraints, a successful parliamentary orator has to combine the emotional appeal of a leader with the skill of a lawyer and the capacity for exposition of a lecturer. 22

A legislator should always be vigilant in the House and watch all that is transpiring there. He should not behave in an unruly manner. He should not take part in the debate which would disturb the proceedings of the House. Generally, while discharging their duties, legislators have to observe certain legislative behaviours or etiquette such as, a member should not interrupt another member, while he is speaking, a member is not to leave the chamber when the Speaker is

addressing the House, every member has to resume his seat as soon as the Speaker rises to speak or calls out 'orders', it is not permissable to smoke inside the chamber or to carry overcoats or hats, walking sticks can only be carried on condition of disability with the permission of the Speaker etc. Members are forbidden to raise slogans, wear badges or display flags, arms and ammunitions in the House or emblems on their seats in the House.23

(g) Legislator as a disciplined party worker

The legislator as a party member is bound by certain unwritten rules, such as inter-party discussion, threat of being expelled from the party, and returning nomination for the next election. These are the means to enforce party discipline.

Although a member may normally be expected to express the party view, or where the interest of the country lies, this need not mean the denial of opportunity to a legislator to speak for his constituency. It becomes the duty of a legislator even as a party man to keep in touch with his electorate and report its reactions to the party, so that the party gets timely warning of any likely loss of popular support for a particular policy. Sometimes, a legislator may be put in a dilemma, when there is a disagreement of views of the constituents

and party leaders. The question is whether he will satisfy the members of his constituency or party leaders. When conflicting claims of accountability arise, the person who exercises responsibility has to try to meet as best as he can, the demands of each of the different elements. Ultimately, however, all conflicts of this kind would be resolved, in terms of answers provided by the individual's conscience. 23

(h) Legislator as a Representative of the Constituency

A legislator, if he has to effectively serve the interest of his constituency, has first of all to know his constituency and the kind of people he has to serve, their problem demands and expectations and he should be able to articulate them effectively and take appropriate initiative. 24

The cherished image of a legislator is that of a 'Welfare Officer' on 'Care Taker' to whom the public can speak their problems. And the qualities that are expected of a legislator are approachability and a disposition to listen to the practical difficulties and problems of the commonfolk who may need his help. This aspect of the legislator's role is particularly significant, as the common man, especially if he

23. D.N. Pradhan, 'Legislatures as the mirror of people's Aspirations' - An assessment of the Task, (typed) in the background note No. 46 of the LARRW, pp-1-3.
24. 'The State Legislator' in the Background Paper for participants in the Commonwealth Speakers and Presiding Officers Eighth Conference in New Delhi from 6-8 January, 1986 (typed) pp.45-49. The paper was prepared by the Institute of Constitutional and Parliamentary Studies.
happens to be illiterate or belongs to the weaker sections of the community, feels remote from the seat of authority and is in need of some one to help him in some way or the other most of the time.25

The legislative behaviour as is practised by the Legislators later becomes the legislative experience of the Legislator. The role performance of a legislator largely depends upon the manner in which he discharges his duties and responsibilities. A legislator, in fact discharges his several duties as 'a representative of his constituency,' a member of Legislature sometimes as a Minister, a party man and often spokesman of a particular interest or community. He owes his loyalty to the people of his constituency, who make him a member of the legislature and the party to which he belongs. The primary functions of a legislator is to keep in touch with his constituency, and to know about their problems. It is expected that a legislator should bring the problems and grievances to the legislative forum to take appropriate measure in the interest of his constituency as a whole.26

Arrangement of the Study

For understanding of various legislative roles played by Sri Biswanath Das in different times, we have divided this work into nine different chapters. The first chapter, 'Introduction' deals with the

problem and scope of study and an analysis of the concepts used in the present study. A brief review of literature is also added to this chapter.

In Chapter - II, we have given a brief idea on the historical background and study setting which includes the creation of the State, its geographical and demographic features. The growth of National Consciousness of Oriyas in Orissa under British administration has also been highlighted. The growth of a Legislative system on the State has been discussed in this chapter.

In Chapter - III, we have tried to assess the role of Sri Biswanath Das as a Legislator in the Madras Legislative Council. This was the first legislative experience of Sri Biswanath Das as legislator in the pre-independence period. At that time some parts of Orissa were annexed with Madras and the Oriya people of that area were represented in Madras Legislative Council.

In the Fourth Chapter, titled "Sri Biswanath Das the First Prime Minister of Orissa", an effort has been made to analyse the role of Sri Biswanath Das in the Oriya Movement as well as the Freedom struggle before the creation of Orissa as a separate province. In 1936, when Orissa was created as a separate province, Sri Biswanath Das was elected as the first Congress Prime Minister of the Province. This chapter, highlights the role of Sri Biswanath Das in the Legislative
Assembly of newly created Orissa during the pre-independence period.

Chapter Five titled, "Constitution Making in India; The contributions of Sri Biswanath Das", deals with the role played by Sri Biswanath Das as a member of the Constituent Assembly of India, that had been entrusted with the task of making a constitution for 'Free India'. In this chapter an attempt has been made to analyse the contributions of Sri Biswanath Das through his participation in the debates and discussions in the Constituent Assembly. This would help us to understand the basic attitude of Sri Das to the values and culture of our legislative system.

In the Sixth Chapter, there is a discussion on the role played by Sri Biswanath Das as a Member of Rajya Sabha from 1952 to 1956. This would help us to determine the nature and extent of participation of Sri Das as a legislator in the national legislative forum, that is the Parliament. Even if Sri Das was a Member of the Upper House of Parliament, he successfully represented the state and its people in the national forum. At the same time, he was a nationalist, when he took up the issues of national concern for discussion.

In Chapter Seven, Sri Biswanath Das's role as Governor of Uttar Pradesh has been analysed. He was not only the Head of the Government of Orissa, but also he had played his role as the Head of
the State: the Governor of Uttar Pradesh. As Governor, he was also
guided by his ideology, principles and commitments.

In the Eighth Chapter of our study, there is an attempt to
evaluate the contribution of Sri Das as a legislator in a completely
different situation. He headed a coalition government in Orissa,
even if his party was not a constituent of the coalition government.
This was the last phase of his political career, when he could not
make compromise with his ideologies. As a result, he had to resign
from his post of Chief Ministership.

Chapter Nine is a last one which contains the findings and
conclusion of our study.

Method of Study

The study makes use of the historical, institutional and
analytical methods. This study is mostly a product of library work
at different libraries like the Utkal University Library, the Library
of IPPSR, Assembly Library, Bhubaneswar, Museum Library,
Bhubaneswar and State Archives situated at Bhubaneswar, Orissa.
The Nehru Memorial Museum Library, Indian Institute Public
Administration Library, New Delhi, Parliament Library at New Delhi,
National Archives, New Delhi, have all been referred for collection
of Data. Data sources are both primary and secondary. Primary
data were collected from many unpublished proceedings files,
debates and speeches. Secondary data were collected from published
articles and books. Finally a scientific analysis has been made after collection and categorisation of data.

**Review of Literature**

Paucity of literature on the life and work of Sri Biswanath Das makes the study difficult though not impossible.

For understanding the socio-economic and political conditions as motivational aspects of Sri Biswanath Das’s legislative behaviour, we have utilised the data on the history of Orissa from *Orissa Past and Present* by Gaur Prasad Patnaik, (1996), who deals with the historical background of Orissa, as well as the present geographical setting of Orissa. The beginning of political activities in Orissa, the history of language problem in Orissa, the early political organisations of Orissa, as well as the history of Oriya movements have been described by Sushil Chandra De in the *Trends of Political Events in Orissa from 1882-1936*. The author has also described the formation of a separate Oriya Province as well as the detailed financial consequences of the proposed Orissa Province in this book. *Sidelights of History and Culture of Orissa* (1977) an edited book describes the political developments with the present economic condition of Orissa. In the book *Oriya Nationalism, Quest for a United Orissa 1866-1936* by Nivedita Mohanty, a detail study of the historical background of Orissa,

Role of Madras legislature in the freedom struggle 1861-1947, depicts the formation of the early council of Madras and the role the members there played in the country's freedom movement. The Ganjam district of present Orissa, which was the native place of Sri Biswanath Das was a part of Madras Presidency. Data on the introduction of Provincial Government as per Act of 1919 and the election to the Council in 1920 were obtained from *The Indian Review, Madras, Vol 21, (1920)*. *The Report on the Administration of the Madras Presidency for the year 1925-26, Madras 1927*, also provides data for study.

The assessment of the role of Sri Biswanath Das in Orissa politics both in Pre-Independence as well as post-independence period has been given vividly by Dr. S.C. Das in his article, "Our First Premier" in *Sun Times* K.M. Patra, in *Orissa Legislative and Freedom Struggle*, also gives a detail description of the First Congress Ministry of Orissa, headed by Sri Biswanath Das. Sadashiva Pradhan in *Agranian and Political Movement in the State of Orissa (1986)*, accounts the Congress Ministry for the agrarian measures taken by it in the pre-independent period. Sunit Ghosh in his book, *Orissa in Turmoil*, describes the detail political ups and downs under the Biswanath Das Ministry. J.N. Mohapatra in *Orissa in 1936-37 to 1938 - 39*, gives a detail account on the working of the first Congress Ministry under the leadership of
Sri Biswanath Das and the important legislations carried on during that period. The Orissa Legislative Assembly Proceedings from Vol I to Vol IV, also provide the necessary information in support of the working of the first Congress Ministry in Orissa.

Data on role played by Sri Biswanath Das as a member of Constituent Assembly in making the Constitution for Free India, was found in the book written by K. S. Patra *History and Debates of Constituent Assembly of India*, (1998) where he has recorded the important proceedings of the Constituent Assembly. The Cabinet Mission Plan, Cripps Proposal, with the report of other committees and various Resolutions have been elaborately discussed in *Speeches and Documents on the Indian Constitution*, by M Gawyer and A Appadorai. G. Austin in *The Indian Constitution, Cornerstone of a Nation* has given detail description on making of Indian Constitution with detail reference to the committees that had been enthroned with the task of drafting different provisions on the Indian Constitution. The proceedings of Indian Constituent Assembly from 1946 to 51 also give detail informations on the debates and discussions relating to various issues in which Sri Das took part.

The assessment of the role of Sri Biswanath Das as the Governor of Uttar Pradesh has been made by utilising the books on roles played
by Governors under Indian Constitution from the book *Indian Constitutional Documents from 1973-1915* edited by P. Mukherjee. The book makes an analysis of the provision of Governor under Indian Constitution and the necessary roles that a Governor plays during his term. The book *Governor's role in the Indian Constitution* by Sibaranjan Chatterjee also probes in the historical development of the office of Governor since the enactment of Government of India Act of 1919. In the book *India 1962*, published by Publication Division of the Government of India, we get a picture of political background of the time (1962) when Sri Biswanath Das accepted the office as Governor of Uttar Pradesh. The actual role played by Sri Biswanath Das as Governor is recorded in the book *Uttar Pradesh Rajyapalon Ka Abhibhasan (in Hindi) 1936-86*, Published by Legislative Assembly Secretariat, Uttar Pradesh in 1987. The Records of Governor's Secretariat and Servants of Peoples Society of which Sri Biswanath Das was a member also provide the perception of Sri Biswanath Das on the development of the State.

For understanding the role played by Sri Biswanath Das in the Coalitional Ministry of Orissa in 1971-72, we have utilised the analysis given by Dr. Sukadeva Nanda in his book *Coalitional Politics in Orissa*. K. M. Patra in his book *Orissa Legislature and Freedom Struggle,*
also describes the Coalition Government of 1971-72, which was headed by Sri Biswanath Das in 1972. The book *Smruti O Anubhuti* (in Oriya) 1986 by Shri Neelamani Routray gives data on the functioning of the Coalitional Government of 1971-72. Sunit Ghose in his book *Orissa in Turmoil* also deals with the data on the Ministry and the difficulties that it faced due to non-compatible coalition partners and large scale defection. The book titled *Biswanath Das : A Tribute* edited by Dr. S. N. Rath (1990) contains a number of articles on the life and the various role played by Sri Biswanath Das. A small article titled "Biswanath Das : The Legislator" written by Dr. (Mrs.) Sharada Rath appears in the aforesaid book *Biswanath Das : A Tribute*. This article provides the inquisitiveness of the present researcher to choose this particular topic for research.