CHAPTER - IV

SRI BISWANATH DAS AS
PRIME MINISTER OF ORISSA DURING THE
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Orissa was created as a separate province on 1st April 1936, and its provincial legislature was formed according to the Government of India Act, 1935. The first election to the provincial Assembly was held in 1937. Besides Congress, two other political groups were also active in the province. They were the Orissa Nationalist Party and the United Party. But the final election verdict went in favour of Congress, which secured about 80 percent of the total vote. The total number of seats in the Orissa Legislative Assembly was 60 out of which 56 members were directly elected by the people. The Congress Party, which had set up 37 candidates won 36 seats. The political groups led by Rajas and Zamindars in Orissa were severely defeated in the election. They won only 10 seats whereas the Independents secured 10 seats. The interest of labour, Christians, and Merchants, was also represented each by one candidate. Besides the Governor nominated four members to the Legislative Assembly.¹

The Congress electoral success and the jubilant scenario under

¹ The Samaj, 30th January, 1937, 1st February, 1937.
which the party accepted the office in 1937 as a process of semi-transfer of power form a major intresting area of study of the anti-colonial movement in India in general, and Orissa in particular. The major task before the Congress was to chalk out its strategy in a manner so as to consolidate its strength and remain as the leader of a popular mass movement. With this objective in view, the Utkal Provincial Congress Committee met at Cuttack and a new Executive was elected. Harekrishna Mahatab was elected as the President of Utkal Pradesh Congress Committee, by defeating Pandit Nilakantha Das. The former President Nabakrishuna Choudhury, the leader of the Socialist group became the General Secretary and six other members were elected to the Executive Committee.¹

In the first week of March, the newly elected Congress Members of the Orissa Legislative Assembly met at Cuttack to elect the Leader of the party. Thirtytwo Congress M.L.As. attended the meeting and they unanimously elected Sri Biswanath Das as their leader. Naba Krishna Choudhury was elected as the Deputy Leader and Nityananda Kanungo and Jagannath Mishra became Joint Secretaries of the legislative party. Jadumani Mangaraj was elected as the Whip of the Party and Sarala Devi became the Deputy Whip.³

As the Indian National Congress had launched the movement of Non-co operation and Civil Disobedience, the party was in a dilemma: whether it should accept the responsibility of administrating the provinces, where it had won a majority, or to refuse office and thus to create a constitutional deadlock. The matter was hotly debated under the Congress Party curtain. The All India Congress Committee met at Delhi, during 17-18 March 1937 to take a final decision in this issue. After a prolonged debate of two days, a resolution was adopted by the Party. The Resolution declared:

"The electorate has in overwhelming measure, set its seal on this policy and programme and the 'New Act' therefore stands cordoned and watery, rejected by the people through the self-same democratic process which had been evoked by the Government, and the people have further declared that they desire to frame their own constitution, based on national independence, through the medium of a Constituent Assembly elected by the adult franchise." 4

However, as per the later decision of AICC in March, 1937, Congress had accepted the legislative programme and endorsed the principle of working outside the legislature. So as the leader of Congress Party in Orissa, Sri Biswanath Das started to negotiate

with the Governor Austin Hubback regarding the formation of the Ministry, but in line with the Congress policy. Sri Das insisted on the condition that the Governor should give an assurance not to use his special power of interference,\(^5\) or set aside the advice of the Ministers in regard to constitutional activities. The Governor instead assured him of all possible sympathy, co-operation and support, but declined to give an assurance of a nature as specified by the Congress on grounds of constitutional impracticability. Finally, Biswanath Das issued a press statement from Cuttack on March 28, 1937, clarifying his stand and the party decision that as the Governor was not prepared to give him the required assurance he finally rejected the offer to form the ministry.\(^6\)

Consequent upon the breakdown of talks with the Congress over the formation of the Ministry, the Governor of Orissa, S\m{\textit{in}} Austin Hubback invited Krishna Chandra Gajapati, the Leader of the Nationalist Party to explore the possibilities of forming a Government.\(^7\) Ultimately the Governor appointed Krishna Chandra Gajapati Narayan Deo, the 'Raja' of Parlakhemundi to head the three-men Ministry as the Premier. The other two Ministers were Mandhata

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5. *Indian Annual Register*, 1937, Vol - I-P - 238.
Gorachand Pattnaik and Maulavi Mahammad Latifur Rahman. This action of the Governor was heavily protested throughout the province. Biswanath Das, the leader of the Congress party issued a rejoinder regarding the formation of Ministry in Orissa. He alleged,

"This is the most illegal and flagrant of constitutional impropriety, which has been brought about by the very people who held the Government of India Act 1935 sacred to themselves.... I only regret that a respectable gentleman like the Maharaja of Parlakhemundi should have come forward to undertake to do a most unconstitutional act to deserve the condemnation of the people of Orissa, wiping off the good name he had all along..."  

Besides the statement issued by the leader of the Congress Assembly Party, there were widespread resentment in the province against the Nationalist Party for accepting the office. In mass meetings people criticised the inauguration of Provincial Autonomy in an unconstitutional way. Thus the new Ministry faced a strong public criticism from the day of its acceptance of the Office.

On 5th April 1937, Biswanath Das, the Leader of Congress Legislative Party in Orissa, wrote a letter to the Governor asking him to summon the Orissa Legislative Assembly. Hereby the intention of the Congress was to pass 'No-confidence' motion against

8. Govt. of India, Home Department, (Reforms Branch) April, Nos #1-2, File No : R - 9.36, Part - II.
the Ministry in order to dislodge it from power. Finally the Governor agreed to summon the Assembly during the last week of July.  

In the meanwhile, the Governor-General made the announcement promising the maximum degree as far as practicable of harmonious cooperation between the Government and the people "to avoid in every way the breakdown of the Ministry". With this formal assurance from the Governor-General in the first week of July 1937, the Congress Working Committee allowed the Congress to form ministries in the provinces, where they gained absolute majoriy.

According to that decision, the Interim Ministry of Orissa handed over its resignation to the Governor on 13 July 1937. The Governor immediately sent the message to Sri Biswanath Das, the Leader of Congress Legislative Party to form the Government. By the advice of the National Congress leader Dr. Rajendra Prasad, Biswanath Das was appointed as the Prime Minister of Orissa, with his three membered Ministry. The Ministry took oath of office and secrecy on 19th July 1937.

At this point, it is worthwhile to mention the election of Sri Biswanath Das as the Leader of Congress Party. Orissa was the only province, where the leader of the Congress was elected to head the majority. In the other five provinces, where Congress secured majority of seats in the Assemblies the leaders were brought from the Central Legislative Assembly. They were Dr. Shreekrishna Singh in Bihar, Pandit Gobind Ballav Pant of U.P., Dr. N.B. Khare of Central Province and Berar, B.G. Khor of Bombay and Chakravarty Rajgopalacharia of Madras. The North-West Frontier Province had the Congress as the single largest party and after sometime, a Congress government was formed there with Dr. Khan Sahib, the older brother of Khan Abdul Ghaffar Khan, as the Premier. He was also a Member of Central Legislative Assembly.

Pandit Nilakantha Das was in the Central Assembly from Orissa and he had led the Congress in the election and secured a majority for the party. As in other Provinces, he also wanted to be the Congress Premier of Orissa, but Jawaharlal Nehru had announced that he would not allow the Congress Party to form government. So Pandit Das did not seek election to Orissa Assembly, and waited till Nehru permitted him to form Government. However, it was planned that Biswanath Das being the non-controversial figure and
practically an unknown Congress leader of the newly formed Province should be elected leader for the time being. Once the Congress accepts the office, the elected member of Legislative Assembly from Nimapara constituency would resign his seat and Nilakantha Das would be elected to the Assembly, from that seat. Then, he would be the leader of Congress Legislative Party in place of Biswanath Das. But this plan fizzled out and Sri Biswanath Das was elected as undisputed leader of the Legislative Party till the resignation of the Ministry as a collective role in November 1939, when India was dragged into the Second World War, without the consent of representative bodies and popular governments in the country and Congress decided to tender resignation from the Ministry throughout the country on the issue.\textsuperscript{15}

As the Prime Minister of the newly created Orissa province, Sri Biswanath Das developed many new conventions that acted as guidelines for other provinces which were created successively. He had seriously endeavoured to tackle a number of problems facing the new province, specially the agrarian and economic problems. Orissa was then one of the poorest provinces with its annual budget of hardly two crores of rupees. But within the limited period of his administration (of about two years and four months) and with limited

resources, the Ministry headed by Sri Biswanath Das tried its best to keep up the promises of the party and its ideal. In this context, the noteworthy achievements undertaken by the then Ministry under Sri Biswanath Das's dynamic leadership may be discussed.

The Resolution against the Act of 1935:

In the first session of the Legislative Assembly, Sri Biswanath Das, the Prime Minister, brought a resolution to review the Act of 1935. The Resolution that was moved in the House was as follows,

"This Assembly is of the opinion that the Government of India Act of 1935, in no way represents the will of the nation and is wholly unsatisfactory, as it has been designed to perpetuate the subjection of the people of India. The Assembly demands that this should be repealed and replaced by a Constitution for a free India framed by a Constituent Assembly elected on the basis of adult franchise which allows the people full scope for development according to their needs and desires." 17

- This resolution was moved in the Orissa Legislative Assembly on 30th August 1937 by the Premier, Sri Biswanath Das.

While introducing the Resolution in the House, Biswanath Das, pointed out that no outside authority possessed any right to

frame a constitution for another nation. Because "... no constitution that was framed by an outside authority ever represented the will of the people for whom it was forged and framed. Moreover, the 1935 (Constitution) Act was highly retrograde and unsatisfactory. It divided India breadthwise into different compartments, i.e Hindu India, Muslim India, Christian India and so on. It also divided India lengthwise, i.e. men and women. Therefore, the Prime Minister of Orissa emphasized that ... "It is designed not to unite, not to give the people of India an opportunity to come together and put up united demands, joint actions and joint operations on a common base, but to divide India and Indian people by religions by occupations, by sects and sex."* He also pointed out another grave defect of the Act of 1935. That was in respect of the economic problems faced by the people of the country; the Congress was striving at that time more for economic regenerations than for political, more for the food and clothing of the masses than for political privileges. But unfortunately Sri Das pointed out that the Government of India Act of 1935 did not make provision to prevent the basic problems of the masses. For all these reasons, the withdrawal of the Government of India Act was demanded, since it was the desire of the people to frame a new Constitution in a

Constituent Assembly elected on the basis of universal adult
suffrage.\textsuperscript{18}

Several amendments were brought forward by the Members of the Opposition with suggestions. But the Prime Minister only accepted the amendment moved by Maulavi Latifar Rahman, who wanted that at the end of the above resolution the following provision should be added, namely "provided that the rights and privileges of the minorities should be settled by mutual consent and agreement in the said assembly".\textsuperscript{19}

The final Resolution thus moved by the Premier was;

"We the representatives of Hindus, Muslims, Christans, the landed anisocracy and ryots and businessmen combine together, join together and speak in no uncertain terms that this Act should go and be replaced by an Act, a constitution to be made by the people of India themselves, on the basis of adult suffrage and through a constituent Assembly."\textsuperscript{20}

The original resolution with the amendment regarding safeguards for minorities was adopted by the Orissa Legislative Assembly without any division on 22nd September 1937.

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\textsuperscript{20} O.L.A. Proceedings, Ibid, p-64.
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Thus under the Leadership of Sri Biswanath Das, the Congress achieved its foremost goal of condemning the Government of India Act, 1935 and demanding a Constituent Assembly to frame a new Constitution for the governance of the country.

Resolution against the Scheme of Federation:

In the first All India Congress Committee, after the formation of the Congress Ministeries, a Resolution was moved by Maulana Abul Kalam Azad, opposing the scheme of federation proposed in the Government of India Act, 1935. The Resolution was intended to reiterate the determination of the Congress of fight against the scheme of federation. In the 51st annual session of the Indian National Congress, held at Haripura during 19th to 21st February, 1938, a Resolution was again adopted to condemn the scheme of federation. It firmly declared that if an attempt would be made to impose federation despite the declared will of the people, it must be combated in every way, and the provincial governments and Ministers must refuse to co-operate with it. In Orissa, on 28th March, 1938, the Resolution was also moved by Nityananda Kanungo, a Congress Minister in the second session of the Assembly. The

Resolution, which was on the lines of those adopted by the other legislatures was as follows:

"This Assembly recommends to the Orissa Government that the opinion of this House be communicated to His Majesty's Government of Great Britain that it is politically and morally impossible for the people and government of the Province to tolerate the imposition of the scheme of the Federation as laid down by the Government of India Act of 1935." 22

Opposition leaders spoke against the resolution mainly on the ground that the Congress Government had accepted one portion of the Government of India Act and wanted to reject the other portion. Speaking against this allegation, Sri Biswanath Das, the Prime Minister said that the main purpose of the Congress for getting into the Ministry was to end the Act of 1935. Finally, the Resolution was adopted without any division on 29th March, 1938.

Crisis on the Appointment of Governor in Orissa:

A serious ministerial crisis occured in Orissa, and grave constitutional issues were raised in May 1938, over the question of appointment of a temporary Governor. Sir John Austin Hubback wanted to go on leave to England for a few months. He was permitted

to do so and J. R. Dain, the Revenue Commissioner of Orissa, was appointed as the Governor in his absence. The arrangement was notified on 1st March 1938, but the Ministers were not consulted in this matter. The Premier received the information only three days before publication of the Notification. He lodged a protest against the appointment of the officiating Governor on the grounds that an officer serving in the machinery of the administration of provincial government had been elevated to the position of a Governor without the knowledge of the Ministry and secondly, that the office of the Governor, which was one of prestige and authority, had fallen on one who was an officer serving under the Ministry.23

The event assured the magnitude of a serious constitutional crisis arising out of the appointment of Governor during leave vacancy. The Congress Government emphatically demanded that such a step should not be taken. It also warned that in the event of such an occasion the Ministry was prepared to resign. At the same time, the District Congress Committees and Primary Congress Committees were asked to explain to the people the position alongwith its constitutional complications.24

24. AICC Papers, Fileno, 21, Resolution of Pradesh Congress Committee, dt.3/5/38.
The subject also dragged the attention of central leadership. On 4th April 1938, Subash Ch. Bose moved a resolution in the Working Committee of AICC asking "the Governor-General or the Secretary of State, as the case may be, to revise the appointment." The Resolution suggested the adoption of the recognised convention of appointing the Chief Justice as the acting Governor.25 This was also accepted by Sardar Ballav Bhai Patel and Jawaharlal Nehru. On the day of Dain's appointment, Gandhiji, also declared that a move to appoint a subordinate official as Governor was "unbecoming and reducing autonomy to farce."26

Accordingly, on May 5, 1938 Sri Biswanath Das the Prime Minister of Orissa indicated the possible resignation of Ministry. However, the crisis was over at the last minute, when the Central Government withdrew the aforesaid decision. This symbolised a certain success of the Ministry, which had threatened to create a constitutional deadlock on the issue.27

The whole country congratulated Sri Biswanath Das and his colleagues for the strength and determination in resisting the pressure of British authorities, in order to safeguard the constitutional proprieties. Even, Rabindra Nath Tagore sent a message congratulating the Prime Minister on his constitutional victory. In

fact, this incident facilitated Sri Das to earn recognition throughout India. The whole episode clearly revealed what a popular Ministry could do even with restrictions imposed by the Government of India Act 1935. Its worth and importance were enhanced as it influenced the Indian constitutional system as a whole by setting an example of resistance against unjustified authority.

Controversy regarding the Implementation of the Princes Protection Act:

There was another ideological conflict between Prime Minister Sri Biswanath Das and the Governor, Hubback in 1938, when there was serious internal disturbances in the native states of Dhenkanal and Talcher (Princely State) of Orissa. The people of these areas were in miserable conditions enjoying no rights and privileges neither political or social. They were oppressed by the feudal authority enjoying autonomous powers in those areas. So mass agitation by these oppressed people were organised against the Rulers of the States and their authority. In order to suppress the Praja Mandal Movement, the Rulers sought the help of the police, and the Governor was willing to extend that help. But the Ministry, under the leadership of Sri Biswananath Das pointed that unless the Rulers of the states were prepared to introduce reform in their respective
administration by handing over some power to the people, and doing reasonable justice to their subjects, they would not be offered any help which would encourage maladministration in the state. This issue raised another fundamental constitutional issue that 'under the 1935 Act, responsibility of maintaining law and order in the state rested with the Ministry and not with the Governor'. The implementation of the said Act was vested with the Government. Therefore, the root question was, who was the Government? The Ministry asserted that they were, while the Governor claimed that he was the Government.28

Further, Sri Biswanath Das pointed out that though Lord Linlithgow held the office of both Viceroy and Governor General the two offices were separated by the Government of India Act of 1935, due to the introduction of Provincial Autonomy. As Viceroy, he had no authorities to direct the Government of an autonomous province to depute police to the native state. It could only been done by Governor General. So he would not abide by the wishes of the Viceroy to depute Orissa Police to the native states.

The crisis was averted as the Viceroy withdrew his order to send police to the native states. This marked another constitutional

victory by the first Congress Ministry in Orissa, under Sri Biswanath Das as the Prime Minister of the State.

**Tenancy Legislation:**

The main objective of the first Congress Ministry of Orissa was to respond to the predominant agrarian tensions of the rural Orissa by initiating a district agrarian programme which was quite popular at that time. Moreover, Sri Biswanath Das, prominently being a peasant leader took up the cause with full vigour to tune up with the agrarian programme which Nehru had envisaged around 1937, as the most important problem of the country. So the Ministry under Sri Biswanath Das's leadership launched a New Order Economy on Priority basis to meet the needs of the rural mass. 29

In the first Budget speech in the Assembly, on 30th August 1937, Sri Biswanath Das, who was also in charge of Finance, specified the distressing agrarian problems of the Province, stated that while recurrence of flood and famine stopped the vitality of the masses, absentee landlordism and increasing rates of interests imposed on the peasants of the province aggravated the situation. To remove

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the appaling poverty of the masses and their utter helplessness was an uphill task of the Government. So the Ministry decided to remove these difficulties by legislation and by reconstruction. The firm determination of Sri Biswanath Das and his Ministry was further emphasised, when the Prime Minister declared that "Congress has accepted office, neither for emolument nor for power. Its only desire is to work its constructive programme to uplift the economic condition of the masses. The well-being of the masses is our immediate objective. Council entry and office acceptance are only additional means to win the fight for freedom."  

This understanding was reflected in various Tenancy Legislation, which Sri Biswanath Das and his Ministry had initiated with the objective of meeting the challenges offered by the Act of 1935 by undertaking popular and ameliorative agrarian legislations. The strategy was to undermine the hegemony of colonial state by redressing rural mass level grievances. This could held the Ministry acquiring the status of popular representative.

Attending a mass 'Kisan Rally' of twelve thousand cultivators from different parts of the province, on 1st September, 1937, Prime Minister Sri Biswanath Das assured the cultivators that necessary

tenancy reforms would be initiated to safeguard the rights and privileges of the cultivator. True to his words, two important tenancy legislations were introduced in the first session of the Orissa Legislative Assembly. These are the Madras Estates Land Bill, 1937 and The Orissa Tenency Bill, 1937.

The Madras Estates Land (Orissa Amendment Act) Bill 1937:

The Bill was published in the Orissa Gazettee (Extraordinary) on 13 September 1937 and was introduced in the Assembly on 23 September 1937 by the Prime Minister, Sri Biswanath Das. It was the first Tenancy Legislation of the Congress Ministry in Orissa, applicable for those areas of Orissa which had come from Madras Province in 1936. In those areas, the Zamindars charged high rents from the tenants as per the provisions of Madras Estates Land Act, 1908. The Zamindari rent was generally calculated on the basis of half of the gross produce of land. Naturally, it was very high in comparison to the rents of the rayatari areas of the province. The Bill wanted to iron out the glaring disadventages faced by a part of people of the same province. With this purpose it was introduced in the Assembly on 23rd September, 1937.

32. Indian Annual Register, Vol.-1, 1937, p-261.
The Bill proposed to lower the rent existing in these areas to that of the nearest Ryotwari areas for similar lands with similar advantages. The Bill also suggested a margin of two anna excess only in a rupee for zamindari rent over that of the ryotwari ones.\textsuperscript{33}

The Opposition led by Raja of Khallikote dubbed the Bill as "revolutionary in measure and expropriatory in character. He also argued that to introduce such an "expropriatory" Bill was ultra vires and beyond the power of the Assembly under the Government of India Act, 1935. \textsuperscript{34}

But Prime Minister Sri Biswanath Das justified the introduction of the Bill in a very forcefull language. He said that, the proposed measure was neither revolutionary, nor expropriatory in character. It merely wanted to substitute "half the net in place of half the gross amount, that the Zamindars in the South Orissa had been collecting from their rayats." He was convinced that for the improvement of the condition of the poor peasants, protection was necessary and "if protection anywhere is required, it is required more in zamindaris of South Orissa, than in any other part of the province. I do not minimise the importance of the reforms in tenancy

\textsuperscript{33}. Indian Annual Register, Vol-I, 1937, p-261.
legislation in other parts of Orissa, but I do say that nowhere in Orissa the ryots are so very helpless, so very miserable, as in the zamindari areas of South Orissa."35 Sri Das also suggested to send the Bill to the Select Committee.

The Bill was brought before the House in the Winter Session on 26th January 1938, and finally passed on 5th February 1938. In the final stage of passing the Bill the Opposition accused the Prime Minister and his party of putting the landlords in terrible sufferings where as the actual benefit would not go to the real cultivators. They also demanded an enquiry into the matter, so that if a wrong was being done to any section of the people, then that must be corrected.36

The Prime Minister Sri Biswanath Das promptly agreed to this point, and gave an assurance about instituting 'Rates and Rent Enquiry Committee' which would examine these questions.37

After much controversy, the Bill was finally passed on 5th February 1938. But the Governor Sir John Hubback did not give his assent to the Bill, and preferred to reserve the Bill for the assent

37. Ibid, p-262.
of the Governor General. The Governor wanted the Viceroy should influence the Prime Minister to agree for a compromise with the landlords of South Orissa.

In a letter to Governor General, Prime Minister, Sri Biswanath Das pointed out the decision of the Governor to reserve the Bill was particularly a refusal of his assent to such an important matter which was reasonably moderate in its scope. And he clearly explained his difficulties in getting back the Bill. However, the matter could not be settled till the resignation of the Congress Ministry in November 1939. Finally, the Governor-General vetoed the Bill in February 1941, nearly 3 years after the Assembly had adopted it. Thus, the high hopes of Sri Biswanath Das and his Ministry to give relief to a large number of tenants in South Orissa were dashed to the ground after a prolonged controversy. The Bill was also an indicator of the fact that the progressive measure which the first Ministry undertook was to combine agrarian reform with its struggle against colonialism.

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

Another important piece of tenancy legislation which Sri Biswanath Das Ministry brought forward was the Orissa Tenancy
(Amendment) Bill 1937. The Bill aimed at:

(i) abolition of the mutation fee i.e. free transfer occupancy holdings;
(ii) giving tenants the right to cut trees standing on their holdings;
(iii) reducing interests from twelve & half percent to 6 percent on arrear rents and;
(iv) restraining all illegal levies on tenants.

The Government wanted the Bill to be referred to a Select Committee. But the Opposition immediately moved that the Bill should be circulated for eliciting public opinion.\(^{39}\)

The Zamindars of Northern Orissa, who were going to be affected by the Bill, tried to persuade the Congress Ministry to bring about a compromise between them and the tenants. When their effort became fruitless, the matter was brought to the notice of Mahatma Gandhi. Gandhiji suggested that the Zamindars of Orissa should put forward their grievances before the Prime Minister of Orissa. Sri Biswanath Das was able to persuade the Zamindars to reduce the mutation fee on the transfer of land and as regards their rights on free transfer of holdings.\(^{40}\) And this was the only change the Congress Ministry was prepared to incorporate in the Bill.

Sri Biswanath Das explained the objectives of the Bill as 'to

\(^{40}\) The Samaj, 31st Jan, 1938.
make the raiyats, the agriculturist full owner of the holding, which he used to cultivate. Resenting strongly, the Opposition's hue and cry over such fundamental legislation as revolutionary, he held, that the Bill might touch landlord's income only by about 5%."41

On the hotly debated mutation fee, Sri Biswanath Das mentioned that the fee was made at a time, when legislature did not have popular representation. Now they have the right to demand the rights, those had been unjustly snatched away, to be restored. Pointing to some land holders of the Congress Party, he had said, "if they are piloting the bill, because they are able to see the vision of life they see the danger ahead, they see that unless these small things are done, by themselves, they as a class will be scarapped." 'How long' he asked "could you go on enjoying advantages that were conferred by the Government which have nothing to do with popular feeling and sentiment, and much less with economic life and existence." 42 Thus Sri Biswanath Das in his strong conviction and forceful arguments could be successful to brush aside all allegations of the Opposition and under his leadership, some socialistic measures were carried out. While the Governor refused to give assent to the Madras Estate Land (Orissa Amendment) Bill,

42. O.L.A. Proceedings, op.cit. p-901.
he readily gave assent to the Orissa Tenancy (Amendment) Bill. The Bill was actually enforced by the Government on 1st November 1938. Apart from these two Bills certain other important Bills were also introduced during this period.

The Orissa Co-operative Land Mortagage Bank Bill, 1938:

Sri Biswanath Das also intended to revive the co-operative movement in the province to help the ryots in their distress. On September 1937, Sri Biswanath Das announced in the House, his intention to set up a Committee for enquiring into the existing condition of the co-operative movement and the working of Co-operative Banks in the province. For that purpose, he appointed a very reputed man in this field Diwan Bahadur Devalikhamani Mudeler, a retired Registrar of Co-operative Societies, Madras, to take up the enquiry. The Enquiry Committee carefully went into the provisions of Orissa Co-operative Land Mortagage Bank Bill 1938, and provisions were made for the raiyats, who could borrow money from the Mortagage Banks with low intrests for the development of their land and other agricultural purposes. The Opposition member Mr. Latifur Rahman, made a valuable suggestion, whereby he desired for proper scrutiny of the applications for granting such loans, and necessary supervisions of their

utilisation. This suggestion was readily accepted by the Prime Minister, and after two days of discussion, the Orissa Co-operative Land Mortagage Bank Bill was passed by the House, with minor changes to the original resolution.44

The Orissa Money Lender's Bill, 1938:

In order to provide relief to the poor debtors and to regulate money lending transactions in the province, Sri Biswanath Das introduced the Orissa Money Lenders Bill 1938 in the Third Session of the Assembly on 31st August 1938. The Bill proposed the scaling down of rates of interest to 9% and 12% on secured and unsecured loans respectively from 1st April 1936.45

Moving the Bill, the Prime Minister, Sri Das outlined the context and objective of the legislation. He remarked that, If India were free, the people, the class of debtors would have to do by way of legislation as America or any other country did to meet the needs of depression. Unfortunately, nothing of the kind had yet been done here and condition of people had gone down and down. With the depressed conditions, it was found impossible for the debtors and specifically the agricultural debtors to meet the demands that had to

be made by the creditors on the basis of pre-depression condition. So, the Government had thought it desirable that some sort of protection should be given to the debtors so as to ensure payment to the creditors and also save the debtors as far as possible from the unfortunate position in which they were placed.

Sri Das also had explained the existing pattern of credit system, that had caused serious agrarian troubles. Deploring the prevailing contractual practice followed in the credit system, he held that, neither the debtors borrowed money keeping in view his capacity to pay nor the creditors advanced money looking to and estimating the paying capacity of the debtors. Consequently, the property of the debtors was held as a security absolutely forgetting the fact that money advanced had to be paid. Further he said that heavy rates of interest were stipulated from time to time and mostly so during harvesting seasons and transplantation. The question of compound interest was also awfully distressing.

Pointing out the provision on Registration of money lenders, the Prime Minister, Sri Das held that "it is an important provision as money lending has not been declared a registered business, Government and Courts are failing in that effort to control such

business." Referring to the Opposition demand for dropping the proposal for registration of money lenders, he lashed out maintaining that 'we are not accustomed to go backdoor methods. If we at all choose to attack it, it is a frontal attack, we do straightforward approach and try to find a remedy.

Thus Sri Das justified the Bill saying that the bill sought to provide certain amount of protection to the class of people who needed "protection more at this hour of day." The Bill intended to provide protection to the debtors so as to ensure payment to the creditors and to save the debtors from the unfortunate position in which they were placed. The Bill got the assent of the Governor General and the Corresponding Act was published in the Orissa Gazette on 30th June, 1939.

It was nevertheless, the first attempt to regulate money lending business in the province for safeguarding the interest of large number of debtors. The endeavour of the Congress Ministry under the leadership of Sri Das to tackle large number of problems of rural Orissa and to make provision for the general welfare of the people was praiseworthy.
Welfare Measures:

While dealing with the welfare programmes for the improvement of the conditions of the Province, Sri Biswanath Das was very well aware of the problem of natural calamities like flood, which was recurring in almost every rainy season. This caused untold suffering to Orissa which was destroying seasonal crops on which Orissa was totally dependent. It was one of the causes of economic backwardness of the Province and the appalling poverty of the masses. The British authorities could not solve the problem, though the matter had been brought before to the notice of the British Government very often. In Bihar and Orissa Legislative Councils the Oriya members narrated horrible accounts of sufferings of the people and were able to convince the Government for making an enquiry. For this purpose an Expert Committee was appointed in 1927, and the Committee published its report in 1928. But the Government of Bihar and Orissa could not provide funds for undertaking specific project to control floods in Orissa.47

Sri Biswanath Das, understanding the gravity of the matter tried to solve this problem and to bring some relief to the people, with the support of his Ministry. While presenting the Budget for

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the year 1938-39 on 1st March, 1938, the Prime Minister said:

"Orissa never hopes to have a satisfactory budget unless the flood problem is solved. Floods come during the rainy seasons, long after the budget is framed. It is not left therefore to human imagination to gauge the possibility of flood which if it recurs is enough to upset the budget and sap away the vitality not to speak of the taxable capacity of the people."\(^48\)

On October 29, 1934, Prime Minister also had sought the advise of Mahatma Gandhi who was also very much anxious to solve this problem. Gandhiji advised the Ministry to obtain the help of Sir Viswaswaraya, one of the ablest engineers of India, through his expert advise on this matter.\(^49\) Accordingly, the Government of Orissa secured the services of Sir Viswaswaraya, and on his recommendations, Government of India appointed an Expert Committee. The Committee was composed of three Director of Central Irrigation & Hydro Dynamic Research Station, Poona. M.Rangayya, retired Chief Engineer of Mysore and the then Chief Engineer of Orissa. The Committee started its work during 1939, after collecting all informations on the project.\(^50\) Lord Linlithgow, the then Governor General during his visit to Orissa at the end of

\(^{49}\) *The Samaj*, 29th October 1937.
July 1939, also offered necessary assistance to the Committee in this matter.51

During his tenure, Sri Biswanath Das with the support of his Ministry, had made sincere efforts to find out solution to the flood problem in Orissa. But the unfortunate outbreak of Second World War and the consequent economic difficulties kept the problem unsolved, and the people of Orissa were left again at the mercy of nature.

**Development of Khadi & Cottage Industries :**

During his time, Sri Biswanath Das tried to revive the *Khadi and Cottage Industries* in Orissa. He was anxious to prepare a scheme of financial assistance to the small entrepreneurs in Orissa, who were engaged in indigenous industries. For this purpose, he had sought the advice of J. Kumarrapa, Chairman of All India Khadi Board and appointed a marketing officer in order to ensure the sale of product of these industries.52

On 1st of May 1938, while presenting budget speech in the House, Sri Biswanath Das revealed that the Government had decided to start a Village Industry Institute at Cuttack to train forty workers

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every years in various crafts. It was also decided to explore the possibilities of developing the forest resources in Orissa. Attempts were made to improve and develop horn industry and filigree works in Orissa along with tanning industry. Thus the Government had pledged to improve village industry and develop handicrafts by all possible means. In an important resolution Sri Biswanath Das encouraged the use of khadi in all spheres of public life. On September 3, 1937, he told in the Assembly that the Government will encourage the use of 'Khaddar' as uniform for all public servants.

The efforts of Sri Das Ministry to revive village industry, in order to help the people of Orissa to fight their appalling poverty were praised by the top Congress leaders like Sardar Vallabhbhai Patel, Rajendra Prasad, Acharya Kripalini, Mahatma Gandhi as well as by the people from all quarters. 53

**Revival of Salt Industry :**

An important aspect of British policy with which the economic prosperity of Orissa was closely connected was the salt policy.54 The British authorities knew that the finest salt in India was manufactured in the long sea coast of Orissa, and therefore, the East India Company established salt monopoly in Orissa soon after their

conquest of the province. The effect of this monopoly proved most
disaster to the people of the province. It deprived the people of
having a great industry and thus a great source of income and
livelihood for people depending on it.

The Prime Minister Sri Biswanath Das soon after his
assumption of office, decided to take some step in respect of revival
of this industry in the province. For the realisation of this goal Sri
Das, in his first Budget Speech in the Assembly promised that full
effect would be given to Gandhi-Irwin Pact, so that the private
manufacture of salt could be made for household consumption. But
as 'salt' under the Government of India Act of 1935, was not a
provincial subject, all his efforts in this respect suffered from
unnecessary delay as they had to wait for permission from the
Central Government.

Social Reform Programmes:

As an able legislator, Sri Biswanath Das endeavoured to achieve
all round development of the province during his tenure. He could
visualise the social stigma that were attached to the backward classes
of the province at that time, and made effort for removal of those
and initiated developmental programmes for these people through legislation. This is evident from his first Budget Speech that he delivered in the Legislative Assembly on 30th August 1937; "It is our earnest desire that these classes kept backward and depressed should have their due place in the society, and make their best contribution to the highest wellbeing of the country"55 He also declared various stipends, scholarship and grants to be made to these people, for their educational and economic uplift.

Another social evil, that was crippling the province was the making of illicit liquor; In the same budget speech, Sri Biswanath Das introduced the practice of 'prohibition' programme to check this evil practice. For this purpose Government had introduced excise duty on liquor in order to check manufacture or control of illicit liquor, Further, in order to raise a good amount of revenue from this source, the Government also proposed to send two persons, namely; Sri Rajkrushna Bose the parliamentary secretary and an officer of the Excise Department to study the steps taken by Government of Assam, where bold legislative measures were introduced to check this evil practice of manufacturing illicit liquor.

On 12 October 1938, the Government introduced a comprehensive programme to enforce total prohibition in the

province. Majority of existing liquor and opium producing and selling shops were closed from 15th October 1938. Registration of existing shops were made compulsory and supply of opium from or to outside the districts were made illegal. As Prime Minister of the province, Sri Biswanath Das appealed to the people to cooperate the Government in this programme aiming at eradication of a social evil from the province.

Two important Bills were passed in the Assembly during the tenure of the First Congress Ministry to carry out the programme of prohibition. The first was "Opium (Orissa Amendment) Bill 1939", passed on 25th February 1939, with the object to empower the Excise Officers to investigate the offences coming under the cognisance of the Opium Act 1938. The Second Prohibition Bill was introduced on 8th September 1939, with the intention to bring out complete 'Prohibition' in the province. The Bill was adopted by the House on 12 September 1939. But before the Bill could become a law, the Ministry was out of office and subsequently, the Bill was lost. This shows that the attempt taken by the First Congress Ministry under the leadership of Sri Biswanath Das in respect of 'Prohibition'.

56. Revenue Records, File No. 600, 642 (Govt. of Orissa), January, 1947- Correspondence Regarding Opium Prohibition in Balasore.
57. The Samaj, 10th Oct. - 1938.
Socio Religious Reforms & Welfare Measures:

Sri Biswanath was not only a political leader, but also a social reformer. In 1938, he proved this when he had introduced a bill known as Orissa Hindu Religious Endowments Bill. This was a comprehensive legislation initiated to control and manage religious endowments in the province. It had few important provisions. Firstly, it provided for the appointment of a single Commissioner chosen by the Government for the management of endowments with very wide range of powers. Secondly, it wanted to divert the extra funds of endowments for secular purposes. Again Sri Biswanath Das as the Prime Minister of Orissa, realised the utmost necessity for initiating educational reforms in the province not only for the national needs but also for awakening popular consciousness. In his first Budget Speech on 30th August 1937, he outlined the educational programmes of the Ministry. Education was one of the most difficult problems, which the Government had to face, because of the divergent conditions prevailing in different parts of the province. First of all, his concern was to recognise the system of education that prevailed in two different parts of the province. He said that the influence of Andhra University on one side and Patna University on the other had to be coordinated and there was the
need for a separate University for Orissa. On 13th January 1938, the Prime Minister summoned a conference of educationists of Orissa in order to discuss the problem of establishing a separate University for the province. For this purpose, he also appointed a committee under the chairmanship of Pandit Nilakantha Das and entrusted to it the task of preparing a detail report regarding the framework of proposed university. On the basis of the Report of the Committee, the war time Coalition Ministry enacted the Utkal University Act, which led to the establishment of the Utkal University on November 27, 1943.

As a measure to promote education, Prime Minister Sri Biswanath Das emphasised the importance on the development of the Primary, Middle and Secondary Education in the province. It was announced that a Committee would be appointed to advise the Government on the question of reorganisation of the whole Secondary Education in order to put it on a sound and satisfactory basis. The primary desire of his Ministry was to encourage education among Harijan, Tribal and Hilly backward communities by giving additional scholarships and stipends to the deserving students of these categories. Another proposal of Das Ministry was to provide one school per each village with a population of 500 and more.
During Sri Biswanath Das Ministry, a new system of primary education was introduced on experimental basis. It aimed to encourage the spirit of self help in schools and to develop in young children a positive attitude to remove dislike for manual labour and to recognise its dignity and worth in the field of economic prosperity and nation-building. This was also the recommendation of the Zakir Hussain Committee of Education and Central Advisory Board of Education. This step taken by Sri Das ministry can truly be said as the foundation of a true system of education in the province.

Limitations of the Ministry under Sri Biswanath Das as Premier:

Thus, the first Congress Ministry of the province, under the leadership of Sri Biswanath Das tried to solve as many problems in the province as possible during its short tenure. In his effort, to realise his goal of securing an all round development of the province, Sri Das had to face many challenges from the intra-party rivalary as well as from the inter-party rivalary. The conflict within the Congress Party in Orissa began from the day of selection of the leader. Pandit Nilakantha Das, who was the Chairman of Pradesh Congress Committee was interested to head the ministry in the
province. But he was not successful in his move and very soon lost even the Presidentship of the Congress Party. This defeat was a result of party rivalry. The anti-ministerial group under his influence tried to discredit the Ministry and brought allegations against it before the All India Congress High Command. The inquiry into such allegations was conducted on March 1938, when the Congress leaders came to attend the annual conference of Gandhi Seva Sangha at Puri. Congress Parliamentary Board Members, namely Sardar Vallabhbhai Patel, Rajendra Prasad and Abul Kalam Azad went through the enquiry and found the charges baseless. They tried to bring a reconciliation between the two groups by asking Dr. H.K. Mahatab to resign from Congress Presidentship and entrusted the post on Sri Gopabandhu Choudhary as the next President of Pradesh Congress Committee. However, despite all the efforts on the parts of the Congress Parliamentary Board Members, the issue of intra-party conflict could not be solved and it persisted till the Ministry had to resign on November 1939, as a protest against the British Government's decision that India would join the Second World War.

60. AICC Papers, File No. PJ-7, Report of Enquiry Committee made against Prime Minister Sri Biswanath Das.
Summary:

In the present chapter, an effort has been made to analyse the legislative behaviour of Sri Biswanath Das during the period 1936 to 1939. He was elected to Orissa Legislative Assembly in 1937, and took over as the Prime Minister of Orissa on 5th July 1937. The above analysis points out the leadership quality of Sri Biswanath Das as the first Premier of Orissa. It can be undoubtedly inferred that Sri Das was a man of integrity, courage and strong convictions. So he became successful to make and implement a number of public policies in Orissa and he could resist the unnecessary interference of the Governor in the administration of the State. He was able to understand the problems of the people and gauge his capability to solve those problems.

If we summarize all the legislations enacted during the period Sri Biswanath Das as the Prime Minister of Orissa (1936-39), we find these legislations were made not only to improve the economy of Orissa but for the amelioration of the tenants, peasants and landless labourers. The legislations were also made for the developments of education, irrigation, handicrafts and cottage industries in the state. Sri Das was very much concerned to take steps and measures during
natural calamities like flood and famine, which Orissa was facing every year. Sri Das was a social reformer and so he wanted to stop the use of liquor in the state. During his short tenure of leadership in the Pre-independence Assembly of Orissa, his contributions as a legislator at a time when the province was a new-born baby cannot be overestimated.