CHAPTER-5

MADHUSUDAN DAS AS THE LEGISLATOR
Chaptet 5
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1896-1912

It may be noted that Madhusudan Das was then the only Oriya leader to be elected to the Bengal Council. The other members were the Bengalis. Notwithstanding this limitation, he excelled and surpassed them in giving vent to the grievances, presenting, analyzing, discussing and highlighting the issues that affected the people. Quite successful in adverting the attention of the authorities to several burning problems, he forcefully tried to put them on the table and did his best to solve them to the greater interests of the people. This was clearly evident from the records showing his active participation in the Council on issues concerning the people.

5.1 Resolutions on Matters of General Public Interest: Justice for the People

Madhusudan Das always pleaded that the revenues collected for the purpose should be spent for that purpose only. The public has the right to know that the fees they were giving to the Government in the sphere of court matters were harnessed for meting out justice to them. He fully endorsed the remarks made by the Hon’ble Mr. Gourlay that the Government is the sole and best judge as to when the improvement of any particular service as regards its pay and status should be taken up, and he fully endorsed the remarks of the Hon’ble Maharajadhiraja Bahadur of Burdwan. So far as the words of that Resolution go, when a person comes to Court he says: ‘I contribute so much for having justice. Certainly in a matter like this the public have a right to say whether the service is such as is likely to give them that justice which they are entitled to. Madhusudan opined that the public have a right to say that the revenues derived from the court-fees should be earmarked and spent in the improvement of the Judicial Service, should that service, at any time, fall below the mark of
efficiency. When public confidence is not secured, then certainly, the public has a right to press before Your Honour that the claims of that service be taken into consideration.¹

5.2 The Orissa Tenancy Bill, 1911

Madhusudan Das moved that the Bill to amend and consolidate certain enactments relating to the Law of Landlord and Tenant in the districts of Cuttack, Puri and Balasore in the Orissa Division, and the Report of the Select Committee thereon, be not considered in this Council. He argued strongly against the resolution applying the Bengal Tenancy Act to Orissa. In the fiscal and agrarian history of Bengal, Orissa occupies a unique place, having features essentially different from those, which distinguish the rest of the province. His purpose was just to show that the Bill as it stood raised questions, which defeated the very object for which the bill was introduced. He adduced that if the Government wished to make any concessions by passing the Bill as it stood, they would just do the reverse of what they intended to do, therefore his contention was that this Bill - there being no time at the command of this Council-should not be further considered in this Council.”² In his opinion that the proprietor and tenure-holder were unlawfully deprived of their nij-jote lands. The Hon’ble Mr. McPherson called this a generous concession to the landowners of Orissa. All that was proposed to be done was to change the word nij-chas to nij-jote. He brought to notice how large classes of people had been divested of their lawful rights by the erroneous procedure of the Settlement Departments, how what was meant to be record-of- rights had become in many cases record-of-wrongs. He further argued that the Bill tried to rectify mistakes done under a wrong Act. Where the original Act did not apply, it was an illegality; where it was applied by mistake, it was an irregularity. In some cases the errors arose from other causes. Sweeping denunciation of the whole work was not desirable or practicable. The work before council was to preserve the general result of the settlement, to make amends where injustice had been done, and to frame a self-contained Code for future guidance with the aid of experience in the past. He strongly vouchsafed for the interests of those, which
were seriously affected. In his opinion one of the principal objects of this Bill was to restore to certain people whose interests had been affected by the Settlement Department. If it was the intention of the Government to restore to them what they had lost by the mistake of their officers, he advised the Government not to proceed any further with this Bill. If, on the other hand, it was the latent wish of Government to deprive permanently these men of their rights and give legislative sanction to what was done through ignorance and mistake, passing the Bill as it stood would prove that it was the intention of Government to give the zamindars and bajiaftidars some concession which the law courts would subsequently pronounce as delusive. He did not forget to criticize that the Government had done enough injustice to Orissa. He also pleaded that some compensation should be made to those whose interests had been affected by the mistakes of the Settlement Department.

Madhusudan Das moved that the following be substituted for clause 3 (2), namely:

“Bajiafti lands mean lands, the title to hold which on special terms of revenue assessment having been declared invalid by the Cuttack Land Regulation of 1805, the Bengal Land-Revenue Assessment (Resumed land) Regulation, 1819, or the Bengal Revenue Free Lands Regulation, 1825; the said lands were assessed in the course of a settlement of land-revenue at a jama fixed for the term of that settlement.

“Bajiaftidar means a holder of bajiafti land, who was recorded in the record-of-rights published under Chapter X of Act VIII of 1885 between the years 1891 and 1900, or between the year 1906 and the commencement of this Act, as a bajiafti tenure-holder or bajiafti raiyat according as he cultivated the lands through tenants or cultivated them himself.”

Now, it is admitted that the bajiaftidars were people who held land revenue free; they claimed to hold it revenue free at the first settlement of Orissa, when their title to hold revenue free was questioned and adjudged, and afterwards it was found that they were not entitled to hold it revenue free or on a
particular percentage of revenue, and then they were assessed. What was assessed on them was the revenue, i.e. there was a contract between the Government and these people, and they had a proprietary right in the land. Since the bill would affect not a few people but a majority in Orissa, Madhusudan Das fought for these people who held lands equal to one-sixth of the total cultivated area and they paid 7 or 8 lakhs of revenue. They formed an important class. What was done during the last revenue settlement was that their status was altered under the Bengal Tenancy Act. The result was that these *bajiaftidars* had been made to fit in with the definitions in the Bengal Tenancy Act. In his words it was something like putting a round man into a square hole. 6

Madhusudan Das was opposed to the very principle underlying the doctrine of merger in this clause. This clause really meant that, as soon as an actual cultivator attained a prosperous condition and became an owner of such land, he must be removed from the position and condition of a raiyat. Directly he was presumed to be a tenure-holder, those cultivating under him would have occupancy rights; consequently his position would be exalted in social status, though he might not have enough to feed his stomach, or clothe his back, with. But it was highly desirable on economic grounds that we should not have only raiyats with an average holding of an acre or -80 of an acre, and that those men, who began life as cultivators with a holding of one acre should be given every facility and encouragement to become prosperous cultivators so long as they were cultivators and actually cultivated the soil. Without this class of people it was not at all possible to have anything in the shape of agricultural improvement. Of course, if a man does not cultivate himself, let him be a tenure-holder. Why create a presumption in the matter? Why have difficulties thrown in the way of a man bettering himself? He may have a number of men serving under him, or he may go into partnership with another man, and the partner will then find that a presumption exists against the cultivator, and, taking advantage of this, will try to raise the position of his partner to that of a tenure-holder with a view to getting the right of occupancy.
His contention was that a certain class of raiyats was being driven to poverty, while those who were thrifty and could manage their own affairs better were attaining a prosperous condition. Consequently, it was necessary on economic grounds to leave room for prosperity and growth of a certain class of raiyat and do nothing here, which would encroach upon the tendency in that direction.\textsuperscript{7}

It is well known that the Bengal Tenancy Act had stood the test in creating infringements on other people's rights and creating a revolution in Orissa during the last revisional settlement, and that it aroused Mr. Maddox's anxiety to remedy evils that had been created by this settlement. He was opposed to implementing Bengal Tenancy Act in Orissa as it had a past record of committing mischief in Orissa.\textsuperscript{8}

Madhusudan Das made a comparative analysis of both Bengal and Orissa settlements. But then there were peculiar circumstances. First of all the circumstance that up to the time that the Bengal Tenancy Act was introduced for the purpose of revenue settlement, the zamindars did buy rights of occupancy wholesale and did enjoy them. Then what must be taken into account was the fact that the zamindars of Orissa were not the zamindars of Bengal. The Hon'ble Member in charge of the Bill mentioned that there were zamindars who were the masters and proprietors of a few bighas of land. This was perhaps worse than misfortune itself. What must be taken into consideration was that Orissa was a place, which was often exposed to floods. The floods came in and deposited sands on lands and very often the \textit{nij-jote} lands of the zamindar were covered with sand. He suggested to the Hon'ble Member in charge to allow the zamindar, in case where his private land was covered with sand, to buy up land in execution of a decree against the tenant, and actually to take, as his private land, as much of the tenant's land as he (the landlord) had lost out of his original private land, so that actually the zamindar might feel that Government had given him so much private land. When a man found nobody else would buy the land, he had to buy the holding himself. He had no motive to do so if anybody else was willing to but it. At a bad time he had to cultivate the land himself; he
employed labourers, and, when a good time came in, the raiyat came in and expressed his intention to cultivate and as soon as he came in, he acquired the right of occupancy.  

Secondly, in his view that the tenant should understand that he could be evicted unless he paid up his dues, and that he must raise the necessary money. The question really assumed this form. Money had to be got: the zamindar was in an impoverished condition; and it was known from statistics that he had to incur debts. The raiyat owed the zamindar money, and the question was whether the zamindar should incur debts or the raiyat should incur debts. If the raiyat found he was in danger of eviction he raised the money and paid up. This was no hardship to the raiyat; in practice the system worked satisfactorily; while, on the contrary, the Government would not give the zamindar decree-holder any right over the land which he bought in execution of his rent decrees, so he was naturally anxious that these holdings should not pass into other hands, and the very fact that the zamindar did not want this to happen, but wanted to secure another remedy in the shape of ejectment, showed that he found difficulty in getting satisfactory tenants. Therefore, while he was anxious to have the raiyat, he was also anxious to have what had hitherto proved a very successful warning or threat. While it was necessary that the interests of the raiyat should be protected, it was also necessary that facilities should be given to the zamindar to collect his dues. After all, the zamindar was certainly the best judge; he knew the difficulties better than a Government official.

Perceiving the peculiar conditions of Orissa, some allowance had been made in the provisions of the Bill with regard to commutation. Commutation worked hardship in some cases, and it was in the interests of the raiyat also that in some cases he should give produce. If an exception ought to be made, the exception ought to be made in favour of institutions, charitable or religious, provided they were of a public nature. Everybody has a god, and charitable institutions and religious institutions ought to include family religious institutions. It would be very difficult to prove whether the produce was really used for religious or charitable purposes or not. In his opinion the intention of
the legislature in introducing this provision to safeguard the interests of the raiyats would be defeated by leaving open a trapdoor for escaping from it. These were his reasons to amend so as to read ‘public religious ‘or ‘public charitable endowment’. 10

As far as Government lands were concerned, a few years back, the lands owned by local authorities were let out to tenants without any restriction as regards the accrual of occupancy rights. Before a provision of that nature, which actually took away the rights of other people, or might take away vested rights of other people, was enacted, it was but fair that stricter inquiry should be made as to whether these lands, which were held by these people under such circumstances, were lands in which no right of occupancy had accrued. The clause was of an important nature, because the public would certainly expose the position of Government to severe criticism. Government had given lands, and the people who cultivated the lands would think that Government, who talked so much of protecting the interests of the raiyat, had deprived them of rights, which they could acquire under the zamindars. Now to legislate and take away such vested rights would be, in his words, extremely unfair”. 11

On the question of transferability Madhusudan Das pleaded on behalf of the poor raiyat. The most unfortunate circumstance in connection with this question was that it was not possible for us to place ourselves in the poor raiyat’s position when he was on the verge of starvation and wanted to sell a plot of his holding. The floods came, starvation stared him and his family in the face, his house had been washed away, and then he wanted to sell a portion of his holding in order to leave his family there in his village and to go to some place to work as a coolie, and he wanted his railway fare; that was the time when he wanted to sell his holding. He asked the question whether by inserting all these clauses in the bill the zamindar was enabled to say that the raiyat was a bad man and to raise all these objections? The transferee bought, and the zamindar bargained with him; if the zamindar bargained for a thief, let him have a thief; but let the poor raiyat who wanted to have a little cash have facilities. This clause only put stumbling block in his way. 12 He wanted to remove all
these restrictions to give the raiyat real facility of transfer. But at the same time he did not want to disturb the right of the zamindar. It was settled that he should have 25 per cent of the consideration money. The remedy was not sought for all cases. In case of only a few grabbing zamindars what needed was special legislation to punish them.

5.3 Panchayat System and Decentralization of Power

Madhusudan Pas was in favour of decentralization of power and village people's participation in local self-government. He moved that the following be substituted for clause 103A, namely: “When in the sarbasadharan portion of a record-of-right of a village, prepared and finally published Encroachment of under Chapter XI, or under any other law communal lands, for the time being in force any entry has been made setting apart land with the consent of the proprietor for the common use of the community or for the exercise of certain defined rights by the community or land which the proprietor has in the course of a settlement of land revenue engaged by the terms of the kabuliyyat executed by him to preserve as grazing grounds, cremation grounds and reserved tanks, such land shall be placed under the control of a panchayat appointed by the Collector for the purposes of this chapter, and it shall be the duty of such panchayat to see that the said land is not used for any purpose which interferes with the purpose for which it was set apart". He further stated that the Royal Commission on Decentralization recommended that the panchayat system should be introduced. Of course, it was true that we have had no such men of public spirit here, as the Hon’ble Mr. Maddox and the Hon’ble Mr. McPherson said. In the absence of such spirit or interest, as opined by Madhusudan Das it should be the duty of Government to encourage and stimulate the development of the spirit by giving the people a chance. Panchayats have got great powers, and it was in the contemplation of Government to give them more powers and a much more responsible position. In every village there was a hut called bhagabatghar. It belonged to everybody. Everybody met there in the evening, and it was a sort of village club. But what did the amin generally do when he came? He wanted to record it as sarbasadharan. But it was really a small hut
built by the zamindar or some respectable person of the village, and all enjoyed the privilege of meeting there in the evening. It was not to be called that communal. As regards the infringement of the right, who could be the best judges? In the opinion of Madhusudan Das the panchayat or the people who lived in the village. The appointment of the panchayat should be left in the hands of the Collector. At any rate, even if they were at all likely to neglect their duty, they would not sleep for 30 years during which at least ten Collectors would have come and gone. In a much shorter time they would find out that there had been an infringement of the rights of the people. The difficulty was that competent people could not be found to undertake this duty, but the fact also was that the people did not understand what rights they have had. But directly the panchayat was appointed the matter would be discussed in the village and people would begin to understand such rights. Everybody would understand, 'I have got a right to these lands. I have a right to take water from that place', and so on, and this would develop the right idea of the easement of the community over lands and other places. At present they used to say: 'I have been grazing cattle on this land simply because the zamindar permits it'. But if this panchayat system were introduced the raiyat would understand that he had got a right to do so. As found from the reports and letters which the settlement officers placed before the Council that with the revisional settlement the raiyat came to understand his rights.14

So according to Madhusudan Das, the initiative be not left to the Collector, because the Collector would not be at the place for 30 years but the panchayats would. For this reason the initiative should be left in the hands of the panchayat, and nobody would be better able to judge of these matters than the panchayat. He quoted an extract (paragraph 20, page 669 of the Decentralization Commission's report); ‘It is most desirable to constitute and develop village panchayats for the administration of certain local affairs within the villages. This system must, however, be gradually and carefully worked. The headman of the village, where one is recognized, should be ex officio chairman of the panchayat, and other members should be obtained by a system of informal
election by the villagers'. So it is really the idea of Government, I suppose, to develop a spirit of local self-government; and not only that, but to develop a sense of responsibility in the people, and this is certainly a thing which any civilized Government should be proud of. I think, for these reasons, that the rights of people should be entrusted to some people in the village who would be the best persons in whose hands these rights may be safely left.\textsuperscript{15}

He further clarified that his proposal would not take away the rights of the zamindars. The right, which belonged to the public, whatever be the nature of that easement, should - left and entrusted to the panchayat; and what was entrusted to the panchayat would be nothing more or nothing less than what the Collector would be entrusted with under this clause. He did not mean to say that the zamindars should be deprived of the proprietary rights.\textsuperscript{16}

5.4 Separate High Court for Bihar and Orissa

Madhusudan Das argued for separate High Court for Orissa so that the people of Orissa would get the opportunity of being attended to by judiciary.

"Whether it is necessary to have a separate High Court for Bihar and Orissa or for the new province, that is one question, and it is quite a different question as to whether it is necessary to have a separate High Court for Bihar and Orissa at Patna. Therefore I should suggest that, of course, as regards the question of a High Court for the province there couldn't be two opinions. Whether it is convenient to the people of Orissa or whether it is convenient or inconvenient to the people who live at the further end of this province or of Bihar itself, that is a different question, that is a question of convenience, and perhaps it has also a financial aspect as regards litigants."

In his opinion it was not possible to develop the province without having its highest tribunal located not in any particular place without having its highest tribunal particularly interested in its large affairs. By affairs he meant the legal incidents of the lands, of property and rights arising out of property. The instance of Orissa itself was peculiar. The people of Orissa were, of course, under a High Court which was away from them and which could not devote that attention it ought to have. The absence of attention might be due to paucity of
cases that went of Orissa. Whatever might be the cause of it, it was a fact that it did not receive that attention which it ought to have received. The result was the anomalies of the Orissa Tenancy Bill lying before the Council. Then, in his opinion there was a peculiar connection between the legislature or the legislative council and the High Court. The legislative councils were compared very aptly to the anvil. Here a certain piece of legislation was given a shape, thinking that it was likely to form a useful tool for carrying out a particular work in view. The highest tribunal would try it and pronounce whether it suited the purpose or not- then it became the duty of the legislature again to give it another form or shape it anew or afresh. So there was actually the relation between the legislative council and the highest tribunal which existed, which was akin to the relations that exist between certain organs of the body which purify the blood eliminating from it all poisonous matters and impurities and then send it bad to the heart, so that it may do its actions again.\textsuperscript{18}

5.5 Madhusudan on Local Self Government

The question before the council was whether the Local Self Government act should be extended or not. This council did not sit to judge if the Local Self-Government Act was a failure. The whole thing might have been a shadow, but this council was not competent to judge that. The mover of the resolution simply asked for the introduction of the act to the Santal Parganas in the circumstances mentioned by him. The Santal Parganas was subjected to the case and as a legitimate legal conclusion of the state of things he asked that this act should be extended. The Local Self-Government Act was an act, which attained its present state by a gradual process of advancement and this, was very well shown in the speech. It might be that there actually existed such a state of things in the Santal Parganas to which the Local Self-Government Act did not apply, but then from the speech it appeared that when the Act was amended in 1908 it was the intention of the legislature that it should be extended to the Santal Parganas. A very difficult question was raised as to what should really be the substratum of Local Self-Government. It was very difficult to decide this question in this council at such a short notice.
In the opinion of Madhusudan Das whether the Local Self-Government Act, as it was, ought to be extended to the Santal Parganas and if it was not to be extended, what were the reasons for which it should not be? Local Self-Government does not necessarily mean, as I understand a state of things in which the official influence is greater, but on the contrary, such a state of things conflicts with the very idea of self Government. If there is actually self Government in the Santal areas or in some villages, there is a nucleus of which a Local Self-Governing body could be constituted, certainly it would be necessary to modify the Local Self-Government Act in such a way as would suit the needs of the community, but that is no reason why the resolution now before the council should be opposed in the way in which it has been opposed. If it is the intention of the Government to introduce a modified form of the Local Self-Government Act so as to suit the peculiar conditions of the Santal Parganas this is not the proper time for the consideration of that question. What I object to is the expression that the provisions of the Local Self-Government Act should be called a shadow. We have not before us the so-called substance, nothing to show us its elements and form.”

5.6 Madhusudan on protection of interests of Raiyats

When the permanent settlement was conferred on the people it was understood that the zamindar would take up the position of a father to the raiyat, that he would be actually the guardian of his raiyats, the custodian of his interests and in case he did not fulfill his duty, in case he did not discharge the obligations which the Regulations had laid on him, the Government reserved to itself the power of legislating whenever necessary, to protect the interest of the raiyats. That was a reservation, which seemed to have been lost sight of in this discussion. He opined that the raiyat has a right of occupancy whatever that right may mean. It is a part and parcel of a slice, taken out of the sum total of the rights, which make up the proprietary right. Then the occupancy right; it has been said is a personal right, again it has been admitted in some of these speeches that it is a right which is heritable. He questioned how can it be personal and at the same time heritable-? The father and son may according to
Hindu ideas be one and the same. The Hindu calls 'Pita Baijayate Putra'. Take the case of property going to a distant relative. If we look at the position it is this that, on the land which can pass to another person, who might be a very distant relative whom the zamindar might never have met, and the zamindar cannot arrest the passing of this land to this distant relative, and passes it without any salami. It has been said that the right, which he has been divested of, is the right of veto. Is it a right or is it an obligation? What is it in juristical language? The right of veto is this: 'If you come to me I may say I won't allow you to sell'. That is hardly a right; properly put, it is really a refusal to exercise a right. During the discussion I have heard very frequent use of the expression, which I have noted down, 'free right of transfer'. I think I have heard this expression in many of the speeches; I do not know what that means. I can certainly understand the expression 'a right of free transfer' but 'free right of transfer' is something, which shows that there is some confusion of ideas at the bottom of the strong arguments, which have been brought forward against clause 29. There is no such tiling. If my Hon'ble friend would change that expression and use the right expression 'a right of free transfer' you will at once see the absurdity of the argument. It is the real transposition of the word 'free', which makes all the difference. We are not giving the raiyat a free transfer, we are giving him a transfer in whom the right of the landlord for withholding his consent has been assessed and the value is one, which he has put on his consent himself. A good deal has been said about the word 'custom' and in connection with the arguments that have been advanced in connection with custom, a reference has been made to a compromise which it is said some gentlemen in the Bengal Council made with some of the officers. The basis of this compromise so far as I can understand is that the Hon'ble members undertook to retain custom.

This is a fact urged by those. Sir, who stand up for the deletion of the clause. It is admitted by all that the practice of transfer of occupancy-holdings in Orissa has come into existence since the last Revenue settlement. That would not cover a longer period than 14 or 15 years. Neither the Hon'ble Mr.
McPherson nor anybody else, nor the greatest lawyer on earth would develop custom out of a practice of 15 or 20 years. There has been no custom, and to talk of a compromise with regard to custom, to talk of custom because it is found to exist in other parts of India, is really to introduce most irrelevant matters into the discussion.20

"The fact is that a certain practice has grown up and the fact is also shown that both the parties to the transaction, the raiyats and the zamindars, are willing parties to this practice, and out of this transaction certain evils have sprung up, and the question is whether it is or not the duty of the legislature to set in when it becomes cognizant of certain evils. That is really the question. But apart from that my Hon’ble friend has said it on my right that hitherto the zamindar was not required to give reason for his consent. Well I should say, if he were an unreasonable being till now, we want to make him a reasonable being so that he may be able to give a reason for his conduct. Then reference has also been made to certain decisions of the law courts, and these decisions talk of vested rights but in making all these references we are unfortunately losing sight of the fact that whatever might be the state of things in other parts of India, there is no custom in Orissa: there might be a local state of things, which would justify the existence of custom in Bihar and Bengal. But the state of things, which this legislation is meant to meet, is one, which has come into existence within the last 14 or 15 years, and consequently all that argument does not apply at all. It seems surprising to some of my Hon’ble colleagues that Orissa should take the lead in these matters. Unfortunately Orissa has taken the lead. Perhaps my Hon’ble colleagues do not know the fact (but it is a fact), which they will not deny, if they refer to the census report, that the literate population of Orissa is higher than in any part of India. Some one on behalf of the raiyats and in the interest of the raiyats has expressed a pious wish. If we do not like this clause 29, if the zamindar is going to realize his position, if he realizes the obligation that is due to the raiyat, if he has got a sympathetic heart, certainly then there need not be any dispute whatever and they may sit in their village, raiyat and zamindar and repeal this clause and never allow the collector.
(or this council) to do anything. If this pious wish is really realized and if there is any truth in it we need not fear this clause."

5.7 Resolution to Express Loyalty to the British Government and Agreement with Great Britain in the European War

On the question of supporting the British Government in its war Madhusudan Das supported the move in line with the decision taken by Indian National Congress. He had all praises for the British empire.

"Your Honour knows that this is a time when actions, rather than words, are necessary and we admire the action of those gallant soldiers who are in the theatre of war. But though we cannot bear arms we have bare arms which can work to show sympathy with the soldiers who are dying for their king emperor. It has been said and Your Honour was pleased to say so also in the speech you delivered - that Germany thought that the Indians were seditious and that they would take the earliest opportunity to throw off their allegiance to their sovereign. This hope, if anything, raises a surprise in the mind of any person who has studied Indian literature and Indian history as well as Indian nature, and Indian traditions and the ambitions of educated Indians of the present day. To such a person nothing could come as a greater surprise, because it has always been the highest ambition and aspirations of India, India represented by her educated sons, that India should form a part and parcel of the British empire, that she should be allowed to share the privileges and gladly share the responsibilities of the Empire."

It is our duty to do now all we can to support England's position at these critical times. It is a surprise to me that anybody in Europe should have expected that India could cooperate in any other way than in support of the British Government. A critical study of the history of India would show that it has been the endeavour of leading Indians throughout to establish supremacy of moral and intellectual force over brute power. That has been the aim of mankind from the earliest days of the world's history, and what is the present attitude of Germany? It is merely an attempt to wrest, to snatch away from humanity the ground, which ages of effort have enabled it to gain and recover from the
domains of brute force. Every inch of ground that is now occupied by science, literature and morality was taken away from the domains of brute force and the present war shows that it has been the steadied effort of Germany to wipe away from the face of the earth, wipe away from the pages of the world’s history. Any person who, and any nation, which aspires to rise to the high position, which God has reserved for man whom he created in his own image, cannot but resist with all the power that his body and heart can afford to oppose such a measure as this. In his words “this war has very well illustrated what has been the ambition of India. India looks upon the different parts of the British empire as so many rivers which discharge their water into the sea and as the sea gets all the water from the different parts of the Empire, it grows strong and becomes very powerful, able to overcome any power to deluge the world itself. That is the real ambition of India. India is willing to contribute all she has towards the war and thereby increase Britain’s power so that no power on earth can resist her at any time in fulfilling and carrying out the noble mission which England has accomplished in the past and which I believe God has entrusted England to accomplish in the future. As regards what should be England’s reward for the attitude of India at the present day, this I would leave to the mighty ocean, because the ocean sends up waters to the clouds, then the clouds shower down beneficence on the earth. For the present it is our duty to do all we can to help the Government to help the people who are in need, by our own hand and with all out heart to help those who are our own kith and kin and who risk their lives for the safety of the Empire. With these words I cordially support the Resolution.”

5.8 Bihar and Orissa Decentralization Bill, 1915

Madhusudan Das was strongly opposed to this bill as there was no representative from Orissa to serve on the select committee. He pleaded it was desirable that the select committee should also include a non-official representative of Orissa and I would move, therefore, that the select committee should be added to or altered as to provide for his inclusion.”
“Section 15 of the Bill shows that Government will not require to find funds for working the Act. Government aid is sought for introducing into the bill the element of compulsion, which requires legislative sanction. There was a reference to the coercive element in the Bill, which was today introduced in the Council. There are penal laws to punish parents who do not provide food for their children. It is reasonable that parents should be expected to feed the intellect of their children so that society and the state may both have the advantage of a fully developed man. The whole country loudly demands responsible Government and if they do not find funds for primary education, which is essential for responsible Government, we should be exposing ourselves to serve censure. Some speakers have dwelt on sanitation and medical relief and they seem to think that these should have priority over primary education. But without some education it is impossible to make the people understand what sanitation is: therefore primary education should have priority. Everybody is at liberty to educate his children. In Orissa villages many raise funds by subscription and engage a teacher to teach the children. They do not require Government sanction. It is only the compulsory element in the Bill, which needs Government sanction and the motion now is for leave to introduce the Bill. The detailed provisions of the Bill need not be discussed now.”

“This is a resolution in which the mover has introduced several thousand feet of most controversial legal questions between what he calls the Lord Chancellor’s feet and the settlement officer’s feet. This is practically a Bill to amend the Tenancy Act. In my experience I never came across a resolution, which amounted to a Bill as this one does to introduce amendments to an existing Act. In his speech the mover has referred to many points of law, which one could not follow without a copy of his speech. I therefore think that the discussion of this resolution should be postponed to a future sitting of the council.”

5.9 Non Applicability of Bengal Land Act to Orissa

Madhusudan Das always fought for the cause of Orissa. He vehemently opposed the move of British administration to apply the Bengal land Act to
agrarian condition of Orissa. Since Orissa has different conditions the settlement should be not on Bengal lines. In his words:

"Orissa was given away to Bengal as its partner; she found in Bengal a partner who demanded the whole absorbing attention of the paternal Government, leaving Orissa in an almost solitary confinement in the dark and cold regions of the zenana; Bengal waxed strong and fat. The endowment of a permanent settlement made Bengal rich. A similar endowment was promised to Orissa. Some promises have been compared to a pie crust. The crust was of no value when people came to know the nature of the contents within. This discovery led to the breaking of the crust. Orissa was completely lost sight of by the paternal Government. How dark the ignorance of Government was with regard to the affairs of Orissa a reference to the devastating results of the great famine of Orissa will show. Over a million of its population died of starvation while the Government at its headquarters in Calcutta remained in blissful ignorance of this dreadful state of things. I could give a long list of the injustice to Orissa under the Bengal Government, but I shall conclude this mournful part of Orissa's past history by remarking that it was only in 1911 that the Bengal Government discovered that the Bengal land-law did not suit the peculiar agrarian conditions of Orissa, and that Orissa should have a special agrarian law to suit its peculiar local condition."27.

He tried hard to remove the prejudice the British government had against Oriyas. In his words:

"Ignorance on the part of Government extending over nearly a century has crystallized into a strong prejudice. This is unfortunate and embarrassing to me being the first Oriya who found his way to this Chamber. I noticed a remarkable instance of this prejudice born of sheer ignorance in the remarks made the other day by the Hon'ble Mr. Clark. The Hon'ble Member said there are rogues probably in the Arcadian groves of Orissa. Had the Hon'ble Member acquainted himself with, facts showing to what extent and with what result the Indian Company's Act has been worked in Orissa, he would have come to a different conclusion. No doubt there are rogue elephants in the jungles of
5.10 Resolution Regarding Separation of Judicial and Executive Functions

It has been before the public for over a century and, wherever one likes to go, he hears the cry for the separation of the judicial and executive functions surging round him. The Hon’ble Mr. Banerjea in his speech has given several extracts from the opinions of Official Members of this Council and from gentlemen of great judicial experience who had been in positions such as Judges of the High Court - who had been in positions to form valuable opinion as to whether the combination of these two functions has worked satisfactorily or unsatisfactorily. There has been enough material before the Government to come to a decision. If those opinions are not sufficient to induce the Government to accept the desirability of the popular desire for having a separation, it would be far better for Government to say ‘No we do not consider this sufficient’. If this mass of evidence is not sufficient to enable Government to come to a definite conclusion, Government would be justified to take such measures, with the knowledge of the public, as they consider necessary to come to a definite conclusion on the subject. But from the answer that has been given by the Hon’ble Home Member, I am perfectly unable to understand the present position of Government. First of all his reply was that he wanted to meet the question from a technical point of view as simply a financial question; that there was no scheme, cut and dry, before him, that there was nothing to show how much money was to be allotted, consequently he was not in a position to accept the Resolution. An answer of that character would lead one to think that what Government was waiting for was a definite scheme; that the principle had been accepted by Government and it was only for want of definite figures and a definitely formulated scheme, that Government could not accept this resolution. But when the Hon’ble Home Member replied to the question put by the Hon’ble Mr. Vijiaragavachariar he said the question of principle and the question of the
details to be carried out were so mixed up that it was impossible to give a reply. That means the principle has not been accepted yet. It may perhaps be due to a particular lack of intelligence in me, but I cannot understand, Sir, how it is difficult to dissociate the principle from the scheme. The only possible way in which the difficulty could arise would be from the fact that the scheme having been accepted there are not funds enough at the disposal of Government to carry out that scheme. Then the question assumes this form. If a principle has been accepted by Government, Government is bound to find funds for carrying out the scheme; or if the funds necessary for carrying out the scheme are so exorbitantly high that it is beyond the power of the Government of India to carry out that scheme, then the public ought to be satisfied by a definite answer to that effect: 'that here is the sum required for carrying out the scheme and, it is beyond the power of the Government of India to carry it out.' Then, if necessary, fresh taxation might be made. There has been such a cry for this throughout the country that I should not be surprised if the Government of India were in need of fresh taxation; the people would be willing to pay a new tax for carrying this out."

"But the position of the Government of India has not been definitely explained. Certainly, Sir, after these clear enunciations and announcements of the opinions of men and officials in very high and responsible positions, and this continuous cry of the people for this separation extending over such a long period, the public have at least a right to know the exact position of the Government with regard to this question. I have been very much disappointed, and I am sure my disappointment has been shared by most of the non-official members, that the reply from the Hon'ble Home Member, considering the gravity of this important question and the period for which it has been before the public, has not been as definite and as satisfactory as it ought to be. If the Government of India really are not prepared to accept the principle, the people should be informed that they are not so prepared, and allow the people to take such action as they may be best advised to take under the circumstances."
Madhusudan Das said the resolution moved by the Hon’ble Mr. Banerjee referred to Lord Morley’s despatch, which he said should be considered as the charter of the reformed and enlarged Councils. That despatch was a unique document, because it contained reference to a policy, which was enunciated in 1882 by the Government Resolution of that year. It also refers to the fact that though the policy was enunciated in 1882 it was not acted up to till the date of the dispatch of Lord Morley. It then went on to discuss the causes why the policy was not given effect to, and formulated instructions for the guidance of this Government in giving effect to that policy in future. Then he beg permission to refer to a certain portion of the dispatch, which contained reference to the Resolution of Government of 1882.

'It is not primarily ', they say, ' with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. ' There appears to be great force in the argument that so long as the chief executive officers are as a matter of course chairmen of the municipal and district committees, there is little chance of these committees affording any effective training to their members in the management of local affairs or of non-official members taking any real interest in local business.”

It was a continuation of the discussion on the Resolution moved by Surendra Nath Banerjee on 18 March, 1914. It went on to discuss why this policy had been a failure. ' If local self-government had so far been no marked success as a training ground, it was mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be ' the true principle' - that ' the control should be exercised from without rather than from within '. It went on to show the reason why it had not proved a success, and then it proceeded to say that ' it would be hopeless to expect any real development of self-government if local bodies were subject to check and interference in matters of detail, and that ' the respective powers of Government
and of the various local bodies should be clearly and distinctly defined by statutes so that there would be as little risk of friction and misunderstanding as possible within the limits to be laid down in each case.

He referred to a Resolution of the Government of India which was reiterated and re-affirmed in the memorable dispatch of Lord Morley', and it contained directions for the future guidance of this Government. One of these directions was that there should be a statute, which should clearly lay down the limits of power of interference, and prescribe the duties of the executive officers and of local bodies. This is the place where one felt inclined to ask this question as to whether, since the date of the dispatch, any statute had been enacted to carry out this policy. Then, referring, in an earlier part to the Imperial and Provincial Legislative Councils, Lord Morley said, with reference to Lord Minto's suggestion, 'I gather, however, from your dispatch of 21st March 1907, that you would at that time have preferred, as Lord Lansdowne had done in 1892, to build up the higher fabric on the foundation of the Provincial Council'. So it was clear to any one who read this dispatch through that the idea was to make a whole connected system having at its base these local bodies and at the top of the edifice the Imperial Legislative Council, the Provincial Legislative Council occupying an intermediate position.

He further suggested that if this Council was really meant to be useful in the way of being a body that would co-operate, or at least so that the non-official members of this Council would co-operate and their co-operation would be helpful and useful to Government, it was absolutely necessary that the foundations should be looked to. Very often non-officials made suggestions that did not find favour with Government, owing to lack of administrative experience. It might that when suggestions were made to bring any change on account of our want of experience we were not able to take into account the difficulties, which a particular theory when applied in practice would create. No doubt non-officials were at a disadvantage so far as experience was concerned. But if it was intended to make their co-operation effective and useful, every attention should be paid to the foundations; and these foundations were in the
local bodies, the municipalities and district boards. Lord Morley says in this dispatch ‘The encouragement of local self-government being an object of the highest importance in the better organization of the Indian system, it remained to be considered how far in each of the provinces it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them and correcting abuses in form analogous to the operations of the Local Government Board in this country. That however was a detail, though a weighty one, in a question on which as a whole he confidently expected that your Excellency would find much light in the forthcoming Report of the Royal Commission on Decentralization’. So this dispatch contained a reference to the Report of the Decentralization Commission. Since the date of this dispatch the Report of that Commission had been published; the report was dated the 25th February 1909, and one of the Members of the Royal Commission and the Secretary were Members of this Council. The recommendations of the Royal Commission ought to be considered as having very great authority, or, in his words, double authority; first they were the recommendations of a Royal Commission and then they were referred to in a dispatch, which might be considered as the charter to this enlarged Council. When speaking on the Resolution before this Council yesterday, the Hon’ble Mr. Cobb pointed out that want of time and want of experience were the reasons why these municipalities could not command non-official chairmen. He asked, as regards that part of his argument based on want of experience, was it not really making the gravamen of a charge against the people what really is neglect of duty on the part of Government? The dispatch clearly showed, and the Resolution of 1888 clearly showed, that these local bodies should be considered as training ground, that they should first of all be maintained as instruments for political and popular education and that they were not instituted with a view to the improvement of the administration; and the argument went on to show that because there was no efficient administration to be had of the non-official public, therefore they should not have the position of chairmen of these institutions. In his opinion, it was really making out of the neglect on the part of
Government the gravamen of a charge against the people. What was really meant to be a training ground was now considered as the battlefield itself, where it was proposed to test the bravery and efficiency of the soldier. Then the Hon’ble Mr. Cobb also referred to paragraph 869 of the Commission’s Report, and there read out that the Bombay Government, while keeping the executive power in the hands of an experienced official, provided a dignified post as a reward or incentive to public spirit and interest in municipal affairs. This was one of several paragraphs which came under the heading ‘Presidency Municipalities’. This did not refer to municipalities generally, while the Resolution dealt with municipalities generally it was very easy to distinguish between what was required of a chairman in a presidency municipality like that of Bombay or Calcutta, and a chairman who presided over a municipality with a smaller income in a small town with a much smaller population. 

Asking for more time he continued: “Referring to the figures which were given to the Hon’ble Mr. Banerjee showing the number of nominated chairmen, and said that the number of elected chairmen was smallest in Bihar and Orissa. With reference to that the Hon’ble gentleman on his left had given an explanation. He asked whether the spirit which underlined the dispatch to induce the people to take an active part in the administration of local bodies, was exercised? The Hon’ble Mr. Walsh said that the Government was asked, and they complied with the request. The Report said that Municipal Councils should be able to delegate any of their administrative functions to individuals who might include persons not in the Council. If the District Magistrate was so minded, he could remain outside the Council and advise the chairman, if he was wanting in administrative experience, what to do; that would have been really following the spirit of the despatches and the recommendations of the Decentralization Commission.”

5.12 Resolution Regarding Election of Presidents of Rural Boards, etc

Madhusudan Das said that the discussion on the advisory Council which was a part of the Resolution moved by the Hon’ble Mr. Banerjee had brought into prominent relief a long and elaborate category of the duties of the
Collector. It was not to be denied, nor had anything been said amounting to a denial of the fact, that the duties of the Collector had increased immensely within the last half century.

He asked if any one here of his Hon'ble colleagues did remember what a Collector used to be half a century ago, how much he was in touch with the people, all would agree that Collector had disappeared like the Phoenix without leaving even his ashes behind. It is a matter of fact that the ever-increasing demands of an ever-increasing administration upon the time and attention of the Collector had practically driven him to take shelter against public intrusion, against visitors, behind a barricade of red tape, files and papers. The number of vernacular languages had increased. It was considered a libel upon the Civil Service, and expression was given to that feeling by the Hon'ble Mr. Arthur, because it had been remarked in certain quarters that the Collector of the present day did not know the vernacular languages sufficiently well to mix with the people and to know the feelings of the people. There was a time he said when it was proposed to abolish a certain language- the Uriya language- and actually to substitute the Bengali language in its place. Mr. S. N. Banerjee had moved:

"This Council recommends to the Governor General in Council the adoption of the following recommendation made by Mr. Raines Chandra Dutt, a member of the Decentralization Commission:

(a) that the Presidents of the Districts and Subdivision Boards be elected,
(b) that Advisory Councils be formed to help the Magistrate Collector in the discharge of his executive duties,
(c) that a Local Government Board be formed in, each province for exercising control over rural boards and Municipalities.

Mr. John Beanies took up the case. Madhusudan desired any Collector of the present day to see all that he wrote on the subject, and tell him how many Collectors there were then who could handle a subject like that - a linguistic question - in the same masterly way that he did. Not only that but he knew of grammars of vernaculars written by Collectors. Where was that Collector?"
He again opined that: “Advisory Councils were not necessary. This fact was very emphatically remarked by all the official Hon’ble Members who spoke on the subject. If the duties of the Collector had increased, and if the Collector felt it necessary that under the altered state of circumstances he should seek information from a certain body, and the Decentralization Commission said that he could have such information and such advice from the District Boards, in the opinion of Madhusudan that would be one reason why he should not be President of the District Board. Unfortunately, for some reason or another, the very presence of the Collector seemed to have a paralyzing effect upon the tongue or some other effect upon the cerebral regions of the members so that they could not give free expression to their opinions. But the Collector was at liberty to consult that Board without being its Chairman. It had also been brought to the notice of this Council during the discussion that the Presidents of the Local Boards were elected. On the other hand, these District Boards sent their elected representatives to the Council. And yet the District Boards standing midway between the Provincial Councils and the Local Boards, had not the power of electing their own Chairman. As a matter of fact the Vice-Chairman very often performed the duty of the Chairman and, while he actually shouldered the burden of the work, and the Chairman, the Magistrate, got the credit for it, it was not likely that non-official gentlemen would find sufficient inducement to take up the work. Also in this connection one witnessed the very reverse of the natural order of things or what one would expect to be the natural order of things. As found in the Central Provinces too they had the same privilege. Considering that the Central Provinces and the United Provinces were always considered behind Bengal, Madhusudan expected that coming from a still less advanced Province, we should have had the advantage of electing our Chairman. But it did not seem that a Province, which was less advanced, always had the advantage of electing its Chairmen. It seemed as if the privilege of electing the Chairman—a privilege of local self-government had been extended to the people in an inverse ratio to their advancement in other respects. The simple reason seemed to be, as was mentioned by the Hon’ble Sir Gangadhar
Chitnavis that this was introduced by the Hon’ble Home Member when he was the Chief Commissioner of the Province, and according to Madhusudan Hon’ble Sir Reginald Craddock had not left the reputation of being a very unsympathetic man behind him in the Central Provinces. “With these remarks I support the first part of the Resolution that the District Boards should have the privilege of electing their Chairmen.”

5.13 Resolution: Election of Members of Local and District Boards

Madhusudan expressed his willingness to support the resolution. He was glad to note that this resolution was moved and that the Council was in this way given an opportunity of expressing their approval of the policy of Government. The development of local self-government on an elective and representative basis was an essential part of the Reforms Scheme, and it would clearly be most inconsistent if this Legislative Council which was responsible for the government of the Province were elected, while district and local boards which were responsible for the administration of smaller areas continued to be nominated and appointed. If the elective system was widely extended, it was to be hoped that the electors would take an intelligent interesting in the work of the local bodies and thereby would come to take also an intelligent interest in the work of the Council.”

5.14 Resolution: Measures against Non-Co-operationists

Maulavi Hafiz Nazrul Haqq moved that “this Council recommend to the Governor-in-Council to issue instructions to the District Officers to refrain from the policy of adopting repressive measures against non-co-operationists.”

Madhusudan opined and reminded the Council that a few days ago a long discussion with regard to what was called the ‘Rainy Circular’ took place. It began with the name of ‘Rainy’ and was expected to cool an atmosphere outside, which had become hot, but the debate made it a stormy circular. A reference to what was called the ‘Hallett Circular’ was made. By just a reference to the wording of the circular, it would be seen that calling it the ‘Hallett Circular’ was not fair either to the circular itself or to the author of it. He therefore requested the Council, to read out that circular which would show
the exact nature of the circular, the purpose it was intended to serve and whether there was any possibility of its being misunderstood or whether any attempt whatever was made to exercise any sort of coercion over the wishes, intelligence and understanding of the people to whom this circular was addressed. The circular was addressed to the chairmen of the district boards and municipalities. Municipalities and district boards were an integral part of the general administration of the Province. It was the duty of the office-bearers and members of these institutions to refrain from committing any act, which might be construed as supporting the non-co-operation movement, which denounced co-operation in any form with the existing system of administration.

The mere presence of persons who had a share, however small, in the administration of municipalities and district boards at meetings meant to advance the cause of non-co-operation, was likely to be construed into sympathy with the object of the movement as these meetings were attended by the ignorant masses. Much stress was laid on the avowed non-violent character of the movement by the politicians' propaganda, but it must be remembered that the work of propagation was carried on by volunteers over whom the author of the political movement had no control. As people carried on the work of propagation without having direct instructions from the author of it, it was most likely that the occasion would be used by a class of men who were to be found in the population of every country for indulging in habitual lawless propensities. Political teachings underwent transformation, and during propagation this transformation was beyond the control of the author of these teachings. An instance of this would be found in Mahatma Gandhi’s Satyagraha movement. He admitted that his teachings were misunderstood by the people and had produced a result entirely different from what he had desired.

The Government at the present moment were trying to make the people realize their responsibility of self-government and to take an active interest in it. It is absolutely necessary that those responsible for the administration of district boards and municipalities should avoid even appearing at any place, which might be construed into being in sympathy with the non-
cooperation movement. The Local Government in the Ministry of Local Self-Government invited the attention of all district boards and municipalities to circular number so and so, that referred to 'Rainy’s circular', an extract from which was annexed. This circular was rendered necessary because in some districts, Government officers attended meetings held in support of non-co-operation, and their presence at these meetings was interpreted as showing sympathy with the movement. In inviting the attention of district boards and municipalities, the Local Government in the Ministry of Local Self-Government desired that these institutions should take such measures as they considered suitable to prevent their office-bearers, members and employees from attending non-co-operation meetings or doing any other act which might be construed as being in support of, or in sympathy with, or acquiescence in the non-co-operation movement. Leave it to them to decide. The chairmen of district boards and municipalities were requested to report through the proper channel what measures they have adopted in order to give effect to the suggestions of the Government. The Government left it entirely to them as to what measures they were going to adopt and they had been asked to report.

Whatever was the difference between elected and nominated members, or between officials and non-officials, there was one point on which all agreed. Before participation in the deliberations of this Council, every one had to swear allegiance to the King. There was no difference between nominated and elected members here, and by taking that oath of allegiance to the King we were bound ourselves to work out swaraj in line with His Gracious Majesty’s latest message to India. We had decided that we must work out swaraj within this Council Chamber within certain restrictions. Our journey to our destination was bound to move on a road, which had two boundary lines - the Union Jack - defining the limits of the road. Outside these limits existed a class of men who continued telling us, ‘Where are you going?’ They tell us ‘we are going to have destruction.

That is a place where you will meet Satan - a place where you will find your country ruined and destroyed - there you will find the wrecks and ruins of
your country'. And is this the state of description, which we should allow to go unchallenged? Is not the Council Chamber the place where the first and greatest politician in India, Dadabhoy Naoroji, said that the battle of India should be fought? Is not the Council Chamber the place where men like Gokhale, of revered memory, said that we must play our part and make every effort to obtain the freedom of India? Is that not the place where we should fight out the battle for this country? Am I, after having been associated with this Council work for over 30 years, to stand still and be the silent target of all these assaults and be accused of working out the destruction of my own country in this Chamber? Of course it is open to everybody who says ‘I denounce that oath of mine and would go out and join and sympathize with the non-co-operation movement. But what have the non-co-operation done? What definition have they put upon us? What designation have they assigned to us? What is our position in this Council? Is it not the place where we are to work out the salvation of India? What is our position in the words, in the language and in the phraseology of the non-co-operators? And if we are to take that into consideration, I am sure everybody will agree with me here, not only in this Council Chamber but outside as well, that these are millions of people whose custodians see no distinction between the duty of the Government to maintain law and order and the policy of repression”. 38 Madhusudan was critical of Government’s policy of repression.

5.15 Madhusudan on responsibility of Local self Government

Madhusudan was of the view that whenever latitude or any amount of discretion was given to the representatives, it must be seen that this was not inconsistent with the representative character of these institutions or maintenance of law and order situation. He further pointed that he had come across a number of cases where things were not moving in right direction not alone on account of any unworthy motives, but on account of a want of proper appreciation of the real position of these local bodies, a want of their responsibility and the true appreciation of the exact connotation of the expression “representative”. In his words:
"When a man is a representative, he represents not his wishes, but the wishes of those, the wants of those, the rights of those who elected him as their representative. Very often people when they get a representation in local bodies or even in a Council Chamber seem to lose sight of the fact that as soon as they accept the representative position, their self is annihilated. They must fight for the rights of others. That is the beginning of self-government. When a man is elected as a representative, first of all he had to govern himself. He must say to himself: "my wish is nothing, my wants are nothing, my demands are nothing, first of all, all that is mine must be postponed to what belongs to my electors, my rights must yield to what is within the rights of those whom I represent"39.

According to him, due to lack of proper understanding of the role of the representatives, the representatives were wont to imposing their will upon the will of the people whom they were representing. It was on account of the powerful position they had been accorded with in the society or the influence they had in the society that they had enforced their will upon others and started to think what they considered right that must be the right thing to do. Like Abraham Lincoln he could think then that the basis of governance was the will of the people. What were the corrective measures to him? He was of the view that these institutions would progress as time advanced and people begun to appreciate the real meaning of these terms. There would be a complete cessation of this self-assertion and the wishes and demands of the people would assert themselves in a most conspicuous and most prominent manner.

He regretted that people did not properly realize the meaning of the term "Local Self-Government" saying that the success of the Local Self-Government depended on a right appreciation of this simple term. Self-Government meant to him governing oneself. It should not be forgotten that these members of municipal bodies, member of these district and local boards were creatures of Statutes. All these local bodies owed their existence to the Statutes. They took their birth from a statute and so did a member of the District Board. Now being a child of the Statute, his duty, his obligation and his rights were defined in that Statute. What his rights are, how these rights he can
exercise - all these are detailed in the Statute. If he violated these, he committed suicide. He had taken a suicidal position. His concept of freedom is Hobbesian or so to say Hegelian when he opined that there could be no true freedom except by obeying the law. As a Minister of Local Self-Government he was not prepared to give them any latitude of discretion where they did infringe the law. Disobedience of law is not freedom. Such a definition reminds him of the line of Milton:

"License they mean when they cry for liberty."

It is only by obeying the law that you can freely move. Take the law of gravitation. The law of gravitation governs us all and yet if we do not obey the law and jump about, or if you were to suspend the law for a few minutes, what will be the result? Hon'ble members will not be in their seats; this House will not be a building standing as it is; everything will be flying about; each one of us will be knocking his head against the other. Because there is the law of gravitation to keep each one in his place, we have the freedom of moving as we wish.40

Madhusudan cried for the rights of the farmers or cart drivers on the occasion of their being prosecuted. In his words: he is the man who produces the wealth of the country; he is the man who pays the zamindar; he is the man who pays everybody. And surely it would be a very inhuman country, which fails to recognize the rights of the producer of the wealth of that country. His heart always bled for the plight of the poor and down trodden. He assured the Council that nothing would be spared to remove the grievances not only of the poor bullock driver but of the bullocks too.41

5.16 Resolution: Amalgamation of the Oriya-Speaking Tracts

There was a little misconception with regard to the desire of the Oriya people. The resolution did not admit of any such misconception. The resolution says "that the Oriya-speaking tracts existing under the four different provincial governments, namely Bihar and Orissa, Madras, Bengal and Central Provinces, be united under one Government."

The prayer was that all these parts where a portion of the population is Oriya should be placed under one Government.

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Madhusudan invited the Council's attention to the fact that the resolution did not say "under a separate government". No doubt the mover of the resolution had in view the contingency that it might not be possible to have all these parts now under separate governments to be separated from their respective governments and attached to the present Government. Therefore what the resolution meant was that such portions of the Oriya-speaking tracts, which could be separated and wished to be separated from any of these governments. The very fact that the members from Orissa were asking for the help, cooperation and goodwill of the members representing other parts of this Province showed a desire to be attached to this Province. He was willing to amend it so that "that the Oriya speaking tracts existing under the four different Governments may be conveniently separated from their respective Governments".

Madhusudan pointed to the technical nature of the resolution, which was not to be answered by the mover of the resolution or by the members representing the areas which were attached to Bihar and Orissa, because it was a question of self-determination and each portion of the Oriya-speaking tracts under the separate governments would have the right to determine for themselves, as to whether they wanted to be attached or as it were, mixed with the present Orissa which was a part of Bihar and Orissa. He was of the view that the members from Orissa were not to answer this question, as they did not represent the Madras Oriyas, the Central Provinces Oriyas or the Bengal Oriyas. This resolution meant that there was an intense desire on the part of the Oriyas now represented in this Council to have the other parts of the country, which were Oriya-speaking tracts, joined to them, and form a part of this Province. This question had to be answered not for them by this Council. All that the hon'ble members here could do was to say that they were anxious to have certain other parts of the Oriya-speaking tracts joined to Orissa proper. The hon'ble members of this Council would please understand that they were required to decide this question whether Orissa proper as represented by members in this Council here would have the sanction and sympathy of the
hon’ble members of the Council representing the rest of the Province in their desire. That was the main point. It was not for the members of the Council to decide whether the Oriyas in Madras, in the Central Provinces or in Bengal wished to be united or not, because if the demand self-determination was made, the other Oriya-speaking tracts had also the right of self-determination.

He asked the question whether the respective Governments of Bengal, Madras and the Central Provinces had decided this question without consulting the Oriya-speaking people in those parts as to whether they wanted to be joined with Orissa proper or not? What the hon’ble members here had to decide was whether they had sympathy with the aspirations of the members who represent Orissa proper to be united to certain parts of the Oriya-speaking tracts lying in other parts of India. That was the question before the Council. The real fact was that it was not within the competence of this Council to decide as to whether the Madras people wanted amalgamation or not. The hon’ble members had before them a supplication from the people of Orissa proper to sympathize with their desire. This Council might adopt this resolution and then the matter would go to the Government of India and as the Hon’ble Leader of the House had said the other Governments concerned would have to be consulted and then the question would either be decided by the Government of India or the matter might have to go to the Secretary of State for decision. He removed the impression that the Council was not deciding the question here as to whether the Oriya-speaking people of Madras, Bengal and the Central Provinces should be united.43

5.17 Representation of Depressed Class

On 31 January 1922 Ganes Datta Singh moved: “The Council recommends that in all Boards and Municipalities the Government be pleased to nominate a member to represent the depressed classes.”44 In support of this resolution Madhusudan Das reminded the Council of the importance of Mahatma Gandhi’s creed of abolition of untouchability. Mahatma Gandhi made it an important part of his creed that the untouchable classes should be merged in the higher classes. Untouchability as a boundary line
between man and man should be removed. Very little attention was paid to that part of Mahatma's creed and almost nothing had been done in that direction. But he felt with pride, that in this Council Chamber where attempts were made to attain His Majesty's _swaraj_, the members were carrying out the creed of the non-co-operator with enthusiasm and unanimity. He did not find any reason whatever why, because a man follows a certain occupation, he should be robbed of those advantages and those privileges which God conferred on humanity and which law had conferred upon every citizen. Madhusudan was of the view that this idea had its origin in human pride. He was averse to calling it caste system or this system or that system—all those ideas, which distinguished between man and man on some flimsy ground, were really derived from human pride. Man has always divided class from class by conferring upon himself, if he is in a superior position, some mark of superiority, whether it is a sacred thread or whether it points to the colour of the skin, or whether it is a particular position in life or it is the possession of learning or education. All throughout the history of the world it was found that there was an attempt by man to efface from humanity the stamp of divinity which it received when man was created first, when the babe child was born. In his lofty words:

"Does society, does the state not derive any service from the depressed classes? Do they contribute at all to the upkeep of the state and to the upkeep of man's position and society? If they do contribute in any way, then it is the bounden duty of this Government to recognize them as good citizens as anybody present in this Chamber. I should be the last person to hate a man because he has a certain origin. But such is human prejudice against certain classes that you cannot possibly ignore the fact that it is not the depressed classes or oppressed classes who have gone down, but it is those classes who consider themselves of having the proud privilege of being a superior class and who have kept them down in the scale of society, it is they who have gone down in the scale of humanity. That is my sincere conviction, and I am very glad indeed that a resolution like this has come from an orthodox Hindu gentleman and that it has been so ably, so earnestly and so enthusiastically supported. And
I can assure the hon’ble members of this Council that nothing will be wanting on my part, if I can in any way contribute by my humble service to the uplifting of these classes.

5.18 Economic Ideas

An astute nationalist like Madhusudan never stopped at anything but the complete, integrated development of his motherland and his brethren. His profession brought about steady flow of money and the exposures to the outside world, the inflow of ideas and the heart full of love for the people filled his mind with novel of ideas to ameliorate the general condition of people. Apart from political concern, he was visibly distressed by economic plight of people and his deep insight could ably focus the area where correction was needed for benefit of people. Madhusudan was the first and foremost promoter of Swadeshi in Orissa. History is the witness on to his exclusive imitative in promoting commercial interest of his people through his own singular effort i.e. exhibiting art wares of Orissa in England, holding craft fairs within his residential campus. His interest in economic affairs hence extraordinary, he was not only a visionary, but also chartered those ideas in to reality in many ways. His depth in analyzing the economic exploitation of his people was brilliant. (Often we find there is the resolution he moved in the Governor general Council.) He realized that Indians were not only exploited by British hands, but the inflow of goods from Germany and Austria, who were blood suckers affected Indian economy greatly. Since England also depended in there two countries for supply of industrial products, he appealed to British Government to consider his proposed of joint effort of both England and India to manufacture industrial products to help the economy of their people.

Like the India moderate he believed in the Divine dispensation in British rule and wanted to make full use of the contact for benefit of both. He presented the resolution. Then “Sir, this resolution has, I believe, been moved at what I consider a psychological, moment. He war has opened the eyes of both England and India to the fact that foreign goods (German and Austrian) find their ways in inverse qualities to India, England and India has been brought
together by a benevolent dispensation of providence. The two countries have not been brought together so that one of the countries should be benefited by contact to the prejudice of the interests of the other country. At psychological moment like this, if we realize the importance, the far reaching significance, of this resolution and imagine to ourselves that outside this chamber there are millions and millions of people, of whom it has been said, and sympathetically said and very often said that they do not have a full meal twice a day, that their hands are paralyzed and fettered, and that they are the children and grand children of those very men who were architects of all the beautiful edifices that we see in India. It is a great pity that we do not like to see one another weakness. We have common interest and common enemy to kill. The questions before the council are to what can be done to get the greatest benefit out of the present situation." 46

5.19 Resolution regarding the growth and development of industries in India

Mr. Das's concern for economic development of his people was expressed in a number of ways, and he becomes the self-appointed Messiah of his people. He selflessly pour out his hard earned money, valuable time, with a strong determination to help this heroic clan raise its head in pride before the congregation of nations. He left no stone unturned in starting the new economic project, seeking governmental assistance in economic regeneration, left no occasion pass where he could harp at the indifference and selfishness of British rulers in economic matter.

While moving a resolution to establish a sugar factory in South Bihar he spoke "I have always held the opinion, and I am not at all afraid to give a most emphatic expression to that opinion, that the British Government has not done its duty to India is the matter of industrial development. The fact is that when India came in contact with, or the rather under the rule of a nation far advanced in industrial development. She had to go to the wall for the reason that her previous old methods of producing industrial products could not compete with the improved methods and with the machinery of the west. Here we had
the individual on the unit of every industrial enterprise is in this west people understood the value of division of labour, and it won by introducing that principle of division of labour that they were able to give finish and secure cheapness for their industrial products”. 47

5.20 Improvement in Veterinary

Along with the industrial development, Mr. Das had in mind the improvement of agriculture and animal husbandry. Orissa, like the rest of India, bountifully rewarded by nature and agriculture is the natural profession; and animal husbandry, a natural corollary to it. Years of political confusion, led to negligence in this field leaving the poor farmers hold on to age old process of cultivation and cattle rearing. Madhusudan Das clearly cherished the fond dream of having these sectors reshaped by scientific methods. Before the council of the Lieutenant Governor of Bengal in 1896, he pleaded though a resolution that “There can not be any general objection to the introduction, in to Municipal Act, of a provision relating to veterinary matters. Much has been already said on the subject, but it strike me that now that certain agricultural means are included within municipal limits, it becomes the legitimate duty of the Municipality, when funds can be spared for the purpose, to do something towards improving the breed of cattle in the country, and we can not do a greater Service to the agricultural population then to improve the breed of cattle.” 48 He also took initiative to establish veterinary dispensaries at different places to take preventive measures against cattle diseases and the municipalities had to dispense its fund for the purpose.

5.21 Improvement of Railways in Orissa

The discerning eyes of Madhusudan Das saw far ahead of the years. Economic improvement of Oriya people without proper communication was impossible and he made his forceful appeal before the council for the proper steps to be taken to provide Railway communication. He urged that the government should bear in mind the question of feeder roads in Orissa while completing the East Coast Railways and provide Orissa its rightful share in extension of railways. In his customary witty style he urged the government in

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the following words. "Sir, the introduction of the railway in to Orissa is associated with your Honour’s rule, may I be permitted to express the hope that it will be the privilege of my race to associate with that rule also the completion of a system of feeder roads, which will bring to the door of the villagers, in the most backward province, the benefits of what is most potent civilizing against of the glorious Victorian era". 49

5.22 Introduction of division of labour and promotion of interest of artisans

The benign heart of Madhusudan Das throbbed with love for the neglected artisans. In the olden days they enjoyed patronage of refined rules, Kings, hailed for their artistic brilliance, but with changing times they lost both their earning as well as honour for the callous and crude attitude of the rulers. The once adored artifacts more losing their existence and it was the untiring effort of Madhusudan Das that many art forms revived their proper value. On the one hand he urged the need our faster industrialization, on the other to revive the fading tribe of artisans, he uphold the need to adopt a flexible attitude in tune with changing need of the age.

Mr. Das emphasized the need for division of labour for industries as well as artisan to thrive in competitive market. He strongly felt that division of labour is the key factor of the industrial success of Europe; and Indians have to adopt the same principle, to succeed in economic arena. The caste system had its origin in division of labour, but it suited a past stage of society, lacked proper requisite application. The same man saws the timber in to planks, cut there in to necessary sizes for the work in hand, turnout a piece of furniture, polishes it and sells it. The caste system assigns the work in carpenter. Madhusudan realized that no man who puts his hand into so many kinds of work, each requiring the use of a different set of muscles, can possibly attain excellence and perfection in any the branches of labour; it naturally lacks proper finish. He strongly felt the need for adoption of division of labour, specialized labour for our economic enterprise to be able to complete with products of Europe. He congratulated the Government on the Provision for the employment of skilled artisans in district jails to improve the industrial training of prisoners as well. Under the guidance
of skilled supervisor, specialized labour was to be promoted with discipline to bring about perfect work, a sense of self-fulfillment as well.

Madhusudan addressed to a rather delicate aspect of economic life, i.e. the necessity to raise the social position of artisan class. In the days of the Hindu Kings art flourished in India because the kings patronized the artisan. They were rewarded with jagirs and titles. Madhu babu felt the deplorable conditions of artists during the British period. Their workmanship was neither recognized nor patronized, and artists and their children preferred to be Clerks. In a resolution before the council of the Lieutenant Governor of Bengal in 1896, he lamented."

"At present time our rules occupy position of kings of ancient India. When the receptacle of an address to the ruler of a province, a work of art is admired, the ruler received it from the magistrate or the chairman of the municipality and the magistrate of the chairman of the municipality receives the thanks. But the artisan who made the casket is not allowed admittance into the place where the function is held. Is it any wonder than that the son of artisan prefers to become a clerk and become a municipal commissioner and to be introduced to the Lieutenant Governor, but as an artisan he will be kept away by the constable on Rs.6/-pay. I do not see why the hand, which eats the bread, should be ashamed to earn it. But the remedy for this state of things lies in hands of the rulers. Sir John Woodburn received an address from some artisans; he shook heads with them, talked to them. I know Lord Curzon intended to do the same and he would have done it but for some unforeseen circumstance. I feel for the artisan classes and therefore I have spoken out of my honest of conviction. 50

5.23 Resolution Regarding Custom Duty on Sugar imported from foreign countries

Madhusudan Das was one of the foremost promoters of Swadeshi in India. His sincere effort to utilize national bounty of the state with scientific know how to boost the economic condition of its people is praiseworthy. Be it salt making, handloom, handicraft or starting a sugar factory his effort was to
elevate the economic status of his people. While the British Government was 
keen on importing sugar with additional custom duty as well as the rejected by­
product of sugar, in the form of what is called Chitty gur, used for making the 
hooka tobacco, he vehemently opposed it and suggested the promotion of 
sugarcane cultivation and establishment of sugarcane factory. Madhubabu in 
rejecting the resolution expressed his views.

“Then I am sorry that I cannot support the Resolution, because when we 
cannot to look at the question from point of view of practical politics, it will do 
us no good to have protection without knowing for how long that protection is 
wanted for developing the indigenous industry. Of course if sugar is subjected 
to a custom duty like the one proposed, we will not have sugar coated pills from 
doctors, as they will have to be taxed.”

Madhusudan Das, appreciated many aspects of British Liberalism like 
Dada Bhai Naroji, the grand old man of Indian Politics; and he was extremely 
critical of its fiscal policy, which ruined Indian economy. He vehemently 
opposed to import of foreign goods particularly from Austria and Germany and 
vocal about the attitude of indifference of the British government regarding 
industrial development. A strong proponent of development of industries by the 
use of locally available raw materials, using local manpower and up-to-date 
scientific techniques, he wanted Orissa to be on the world map. He established 
the Orissa Artwave in 1897 and Utkal Tannery in 1905 at Cuttack with the 
primary objective of providing employment to Orissa’s traditional craftsmen 
and popularizing their products abroad. These craftsmen were given training to 
 improve the quality of their work. Undertaking this great venture, he served 
another noble purpose i.e. appointment of scheduled caste peoples in this project 
to bring them closer to social mainstream. Mahatma Gandhi was very much 
impressed by the single handed effort, the revolutionary creativity, and the 
tense nationalism of Madhusudan and visited Utkal Tannery in 1925. “In his 
conversation and subsequent correspondence with Madhusudan, Gandhiji tried 
 to learn from him the art of spinning and the skill of leather tanning as he was 
intended to set up a similar tannery at Sabarmati.”
Mr. Das stood firm on principles, on quality, on nobility of the purpose. In this process he lost the industries and every pie invested there, because he never compromised on quality. He raised his voice against increase in salt tax; transfer of salt department from Calcutta to Madras, opposed the Orissa Tenancs Bill, which imposed difficult restrictions on the transfer of his occupancy rights by poor. Doubtless to say that Madhusudan was one of the earliest promoter of Swadeshi economy and economic nationalism. In the opinion of Acharya P. C. Roy in his writing “A brief note on Madhusudan wrote” Mr. Das die a martyr to the cause of industry and to the uplift of his countrymen.  

5.24 Social Ideas

5.25 Resolution regarding amelioration of the depressed classes

The tender heart of Madhusudan always bled for the poor depressed classes of Hindu society, for whom he used the term -oppressed classes. He hardly felt that neither the Hindu society, nor the British Government wanted to take their responsibility for improvement. The society is chained to its age old dead, dogmatic dreadful customs and tradition, tied to the chain of irrationality and the alien government has taken the stand of calculative indifference under the guise that development would take the root through evolution. He keenly felt their age-old humiliation and how his alienation from social mainstream after pushed them to the dark arena of crime. In one of his resolution before the Council he painfully expressed his views “Thus stand the man of the Depressed Class. What is his position? He is away from Hindu society in the midst of a desert. Why he is there? Because at some one time or other he was cast away as the sweepings of society and he does not receive the same treatment, which even sweepings in the thriving cities, do, because the sweepings are looked after so that they may not ferment and breed germs of the disease. Here these people live on the outskirts of village, they are deprived of every opportunity of seeing the example of good moral healthy life; they are deprived of what is a very powerful deterrent in the human nature, and that is the approval of respectable
society. I believe, sir, that the censure of society is a more powerful deterrent than the sentence of a judge.”

He strongly reacted to the prevailing ruthless stand of Hindu society that castigate a section of people not for their own doing but the creation of society, which before a child is born with the impression of innocence on his face, while he is actually drawing his mothers blood is his womb, the brand of criminal is put upon him. They are termed as criminal tribes. He also made reference to the so called benevolent efforts of the missionaries, who took advantage of the complexities of Hindu social system, added another Depressed Class, i.e. the Depressed class of Indian Christian community. The Britishers he lamented wears the brightest jewel on the crown for abolition of slavery, coronation of liberty, remained purposely callous and did not stretch its helping hand to uplift these men from their pit of degradation.

The prevailing unfortunate situation of society was made more hostile for a healthy life. He cited the situation of petty criminals in jails trained in a particular trade, which could enable him to earn living outside the jail, as well as to make the best use of his physical mental ability. Since they were not given any incentive, or reward, they associate the labour with his imprisoned status only; it actually lacked the positive benefit for him to settle respectfully in the society being out of the jail. His sympathetic approval goes “I think, sir, because of the rules under which he works do not present to his mind any reward, he does not associate labour with the reward of labour; he considers the grub he gets is due to his imprisoned conditions. Can this government do nothing to improve this state of things? Cannot the jail rules be relaxed in such a way that the man would associate his right to earn an honest livelihood with his labour, and thus have an inducement to engage in the industry which he has learnt in the jail? I suggest this because these jailbirds are the people who are entirely under the control of government. I do not like to go further because I know Government rules are cast-iron, but it is certainly in the power of government to recast them in order to suit the present circumstances.”
The sincerity of his wishes for uplifting the Depressed Classes bore the nobility of purpose. Like Swami Vivekananda, he wanted to help them without hurting their individuality and dignity. He spoke in the same vein “I will die before that minute expires! I hope all will join together and stretch for their hands of sympathy and help with a sincere desire to uplift those classes in such a way that the class will feel that the hands are held out to uplift them and not to strike them”. 56

5.26 Provision for spread of universal education with an integrated curriculum

Madhusudan Das’s sympathy with the public cause and his pragmatic approach to many of the problems endeared him to the Oriyas. His own experience in life because of lack of educational facilities in his village, the discrimination he faced at school, college in Calcutta strengthened his determination to promote universal education. Bengal, Bihar and Orissa were together governed for all practical purposes and he realized the advantage of Bengal, for its closer association with British government, took advantage or priority in every field and Orissa remained neglected. His appeal before the council has a witty note”. I notice that there is an Imperial grant of 10 lakhs for Education. Your Honour’s government has three hungry children –Bengal, Bihar and Orissa each of which casts a wistful look at this Imperial grant. I am sure your honour will not deprive any one of them of his due share. I know the eldest of there is Bengal. The claims of the firstborn should no doubt be preferred in matters of inheritance to those of the younger children. I congratulate Bengal on its invaluable heritage of a Permanent Settlement and on its possession of a wealthy landed aristocracy.

But in matter of Education, sir when the first born is able to appreciate education and to look after himself, the paternal attention should be withdrawn from him, or rather it should be directed to the younger children who may stand in greater need of such attention on account of their youth and helpless condition.” 57
Madhusudan put forth before the council the demand for better educational facilities for people of Orissa. Ravenshaw College was the only existing institution for higher learning, ill equipped in many ways and he presented the representation on behalf of the students to Mr. McPherson. He urged the government to establish a hostel for Mohammedan students, The Medical School and general Hospital he claimed lacked the sufficient supply of surgical and midwifery instruments and appliances for which enough grant must be given.

5.27 Concern for Agriculture on Scientific lines

Health and education though the prime concern, improvement of agriculture on scientific lines equally occupied his mind. He presented the novel plan of establishment of Agricultural schools and to attach garden and farms to the schools where students, as well as illiterate cultivators meet together in disseminating the theoretical and practical knowledge. In the enthusiastic manner the presented his plans before the council. It is possible for government to organize a system by which every body can be taught his ancestral handicraft, but at the same time the system of education might be so modified, sir, that a boy might have training of the head at schools and training of hand at home; instead of having a whole education at school, he might have a training in the ancestral occupation at home, combined with book education at school, or a boy might attend the school certain days of the week and attend to the ancestral craft on the other days of the week. This would I think, attract more boys, because with the very poorest artisan whole time education does not find favour, for during the whole time the boy is at school; the father is deprived of his services and to be deprived of the boys services, means a loss of income. If education of these boys are better regulated, we would not have these deplorable result – this aversion to being engaged in the ancestral craft; but on the contrary, the hand and the head would be trained together and the education thus gained, instead of being a deterrent to his carrying on his ancestral occupation, would be the means of improving it in every respect. If we cannot do anything for the artisan, let’s not undo what he has; if we cannot make a better artisan of him, let’s not
make a non-descript of him; if we cannot feed him, let’s not prepare him for a life of starvation.  

The contention of the above resolution clearly establishes Madhusudan among the pioneer of integrated, practical education. No doubt, he deeply felt for the upliftment of the lot of the deprived people and genuinely craved for their welfare.

5.28 Promotion of elementary education

In another resolution before the council Madhusudan expressed his discontentment regarding the system of education that was calculated to degenerate the young villagers – the artisan sons – who have the ideas that manual labour is something which should be avoided, after he received some elementary education. In his words “The education elementary education has produced that effect, sir, and with the industrial awakening there is a great demand for skilled labour, and we cannot have skilled labour unless it is fed from a literate labouring class which can only be supplied by these village schools, and skilled labour is as good as clerk’s work at the desk.” Through this resolution he was highlighting the lacuna of Indian mentality regarding dignity of labour and that perhaps one pertinent reason of our economic insufficiency. Till today we are yet to get over this attitude. Madhusudan realized the importance of education of that mass of people who constitute the rural population and that specific mode of education would enable them to grow and prosper without being cut off from their roots.

5.29 Sanitation Vrs Education during Discussion on Budget, 1914-15

Madhusudan eagerly participated in the debate regarding allocation of resources to education, and sanitation as well and there was a debate regarding priority. As a private member he had little opportunity to vent his ideas and his views were highly estimated by the government. Primary education holds the key to the rural development and the surest way to provide a strong foundation of a healthy society. He was not against either education or sanitation, but while spending money caution has to be taken regarding priority. He spelt not his views thus,” he must not lose sight of this fact that in asking for sanitation we
are asking for the introduction of a method which is foreign to oriental
civilization. The contact of England with India really means the meeting of two
opposite civilizations. What was known on the cause of the disease in old days
is not the cause of disease in public opinion now. We have amongst us the most
powerful democratic microbe that makes no difference between the peasants
and Prince and which uses its own victim as its carrier. So this being the state of
things, the real question that comes up for serious consideration is which is to
have precedence. Education or Sanitation? My Lord, I am not referring to high
education, but to that type of education, which would be of value furthering the
cause of sanitation amongst the masses. In the old days some philosophers were
troubled with the question whether the seed came first or the tree. Sanitation for
the sake of causing relief in times of epidemic, stand on a different footing from
sanitation by which is meant a system that will secure longevity of life and
protect life from destruction by disease. Of course, sanitary relief measures are
always welcome and should not be postponed for a single day if that can be
helped, but the introducing of sanitary reform in the country, I submit, should
not be undertaken unless the people are, as it were, inoculated under the
principle, which underlies the modern system of sanitation. The above issue
of discussion reveals the depth and wealth of understanding of the problem.

Resolution Regarding State Technical Scholarship: Persons Getting Training In

5.30 Foreign countries should serve the home country after return

Technical education and industrial development were dearer to his heart
and Madhu babu in his personal capacity undertook many ventures to make it
effective. Selflessly he parted with the huge sum of money and his own land,
ventured into unknown areas of trade through self-training, but at the same time
he remained cautious about the practical utility of sending persons for training
outside the country on the state fund. He realized the huge gap existing in the
socio-economic system of the two countries and to implement the knowledge
and experiment of laboratory in a foreign country may be bound to meet failure,
for lack of supporting infrastructure and financial satisfaction. The government
in its apparent zeal to impart industrial education initiated state technical
scholarship for the purpose. In order to do justice to his keen analysis and wit in participating in the discussion, it is worthwhile to go through his comments.

“The subject matter of this Resolution no doubt is a very important one. Even the Honorable finance member, who always comes forward with a sledgehammer of arguments and figures intermixed with humour to shatter to pieces any argument which support a resolution, will be forced to admit that in a country like India, where more than 70% of population find occupation in agriculture, he will have to look to the mercy of the heavens in order to bring out prosperous budgets unless this pressure on land is relieved by development of industry. But we are in a dangerous position just now. While advocating the advance of industrial development, we should not lose sight of the fact that we have to compete in these things with European countries”. 61

The loose ends of such resolution were pinpointed by his sharp intellect. He left no opportunity to express his independent view regarding any matter. The economic gap between India and England, one technically starved, and the other technically savvy, the one is the dependent and the other being ruler, remains unattended as there is less chance of genuine endeavour from the side of British administration. The Britishers used all the colonies, not only India as a dump yard of their voluminous industrial products cheaply available and good in quality- it had a lucrative market in India and it is very difficult to wean away the Indian people from the foreign products. Madhusudan very lucidly expressed his views on this- “We have acquired tastes which make the industrial products of foreign countries acceptable to us, and it is in this state of things that we are awakening to the responsibility of developing the industries of our own country. Another thing is that our difficulties are great as we have to fight against great odds and therefore we should exercise envy possible circumspection and be very careful how we proceed in this unequal combat.

For India has been as it were lying under sleeping sickness for a long time, who rises up and is told that she is to carry on a combat with another person who has been exercising his muscles everyday. That is really the state of things and we must use every great care as to how we proceed about this.” 62
In this matter of providing technical training to Indian students to come and start their own industry were misfired on many instances. A careful study of any branch of industry in Europe shored painful perseverance of persons extending many generations before they tested success. Such knowledge or expertise planted in a foreign land with little external support won bound to meet failure. Madhusudan cited the instance of a person who returned to India with glittering testimonials and medals in industrial training, already left for England again to study low and because a barrister. More ever, there were many retired on pension on assisted judges or Deputy Magistrates, giving their whole time to sending men to gain or handing them for murder. To face the competition with an already developed economy, it is absolutely necessary to know the conditions of that country. And Madhubabu’s discerning eyes could five the focal point of discussion in the following lines.

“There must be enterprising capital. There must be actual union of intellect, money and skilled labour; the young men who go and acquire technical education may learn the secrets of same industry. But how are thy to get the amount of capital and from where? I know a person who went to Japan and learned the sugar industry. He is now serving in a native state in an office, which is something similar to that of a Deputy collector. If you went to educate the country in industry, you should not expect quick return, and those people who are the pioneers of these industrial developments especially get quick returns. But has the country capitalists who are willing to launch their capital in such enterprises? Very often you will find that when a person is sent to learn technical education, nothing is said as to where he will find employment when he returns to this country. Only short time ago the Bihar and Orissa government wrote to me to select a person to be sent to any foreign country for learning an industry, but at the same time they annexed a condition that I must undertake to find occupation for him when he returns” 63

Madhusudan in the similar vein contended that it is very good to talk of Swadeshi articles, but important thing is to examine its commercial viability before venturing in to any economic enterprise. Far from rejecting such
5.31 Resolution regarding Indian vernacular in secondary schools

Mr. Das realized the value of mother tongue as the connecting factor, a thread that holds the grass land of flowers, and it is impossible to do any with it and it cannot done with a weak or broken thread. Year of negligence in the field, left oriya People with little literacy improvement continuous and careless attempt were made by the rulers to wipe out a civilization, its deceased will be by substituting its use by Hindustani or English. He wrote a no. of emotionally changed poem and essays trying to emphasize the need of vernacular education and through this to create a sense of imprisoned nationalism. His writings had a strong flavor of Patriotism, and they were meant simply to touch the heart of the people to awaken them to the reality of annihilation of their existence through abolition of Oriya in many places. Therefore he saw a big danger when in Sambalpur, when Oriya was replaced by Hindi as an Official language on 25th January 1895. He was quick to initiate the people of Sambalpur to launch an agitation against this to a result of its agitation; the govt. was forced to reintroduce Oriya as the official Language in that region in 1902.

Opposing to such a resolution against vernacular education; Madhusudan presented the argument in the following words in 16th March 1916 before the Council- “The honorable move of the resolution admits that everything is deficient, there is deficiency in nomenclature of proper textbooks and compact teacher. That being so, we are driven back to the days when Lord McCauley tried to solve the problem; the British government had to face the problem; the British government has to face the problem then; they had to teach a foreign civilization; these people had not a vernacular rich enough to serve a medium of instruction and therefore they decided that English should be the language through which this civilization should be taught. Now, are we any better off then we were on that day?
If the mother tongue is sufficient to give expression to the ideas that the child is required to learn, if the mother stammer does not speak distinctly enough, it is no use trying to supplement the defects of the mother language by a gramophone and call it mother-tongue.”  

Education is to the key to progress of the nation, and the genuine interest of the rulers are evident from the resources allotted to the benevolent projects on education. The administrative amalgamation of the states-Bihar, Bengal and Orissa very often, he felt, left Orissa dry on funds, which were absorbed mostly by Bengal.

5.32 Resolution regarding increase of allotment for non-recurring grants for education, sanitation, etc, For Bihar And Orissa.

The plight of Oriya people, the negligence and indifference it suffered in the hands of administrative authority, had not been understood better by any other person than Mr. Das. He was the self appointed saviour of this people; and appealed, complained, and protested to draw attention to the rightful claims of Oriyas. In such an occasion he put forth the claims of his people in a masterly manner as excerpted below:

“Sir, to proceed to the resolution, when there are several children whose comforts have to be provided for, and the Pater familas has a sum of money which he wants to distribute among his children in order to provide for their comforts, of course all the children plead for their share. Very often the grownup sisters plead with eloquence with power, but if there is a baby in the family it casts a look at the father and grown up sisters. It looks at the father and this look means “I am not responsible if I was born late; I do not know what my needs are; you ought to know what it cost you to educate my sisters and you ought to provide for me.” Looking at the sister, it says, “I understand all your eloquent pleading, that is due to the education for which you ought to be thankful to the father, will you please let me have my chance, let me have the same care and attention which you had in your education and bringing up.”

In similar vein he also urged before the council for establishment of Oriya School in Calcutta. For he felt that there were about lakhs of Oriya people...
in Calcutta and its vicinity. If Oriya primary schools be opened they would allow those people to bring their family to the place of earning. That would provide them security, and education, and quality of their service would certainly improve. His appeal bore fruit with the establishment of such schools subsequently in Calcutta.

5.33 Demand for Law Classes

His strong resentment over indifference of the government to spread of education in Orissa. He reacted to this in a resolution. "As regards education it was thought proper to enforce the Zenana rules and the light of foreign education was shut out from Orissa. The First Oriya young man (I can hardly believe I was ever young) who cherished the idea of a University education had to go to Calcutta, a journey of nearly three weeks.

Long after Bengal had made a gigantic progress in western education, the chance of high education on a very limited scale was given to Orissa. The college was ill equipped. Cheap Management was the main objective in view. For a few years Oriya students were given an opportunity to study law. There was no law college but a cheap arrangement was made by which one of the Oriya pleaders to undertake all classes.

"Government would not pay a farthing. The lecturer was paid from the fees realized. But nevertheless the result was very creditable. But subsequently the privilege was taken away from them." 66

Madhu Babu in the same resolution projected the fact and figure that in spite of the negligence, Orissa made proper use of some educational advantages given to her. He established before the council the percentage of literate population in several provinces. The census figure of 1901 showed that Orissa had the highest percentage of literate population in India. The figure showed the number per 10,000 persons (of both sexes) over 15 years. 67

<table>
<thead>
<tr>
<th>Province</th>
<th>Literate Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengal Province</td>
<td>938</td>
</tr>
<tr>
<td>Bihar</td>
<td>503</td>
</tr>
<tr>
<td>Limited Province</td>
<td>426</td>
</tr>
<tr>
<td>Punjab</td>
<td>526</td>
</tr>
</tbody>
</table>
5.34 Resolution on Female Education

Madhusudan was truly a pioneer in the field of female education in Orissa and pathfinder in establishing gender equality and justice. His liberal and broad outlook helped him to fight against discrimination and injustice; so also to undertake concrete steps to liberate the Oriya women from purda by initiating female education. His name will go down to history for his single handed effort in sending his adopted daughter Shailabala to England to learn the method of effective teaching, for the spread of female education. In a letter to her on 20th of October 1906 he wrote to her- “As regards your education, I should like you to learn the methods of teaching. It will be an immense gain if, you can also add to your store of knowledge. If all the women of our country knew what you know we would have been a very different nation. Our educated ladies do not know to teach others of their sex what they know. Unless one knows the method of teaching, she doesn’t take an interest in the dissemination of her knowledge”.68

Madhubabu was childless and his wife passed away at an early age, but he did not re-marry, being needed to the welfare of his people. He adopted his friend’s (Sri Ambika Charan Hazar) daughter Shailabala, fashioned her career; personality is such a way to become the inspiration of the other girls. In the year of 1906’ he sent her to England at his own expenses, to acquire wide knowledge, wide range of experiences and the most cardinal thing to learn the method of teaching, so that she would be the most pertinent agent of female education. From the core of her heart Shailabala was keen to repay the selfless love of her father by whole heartedly supporting the cause of female education in the state. The first girls’ school was started by her in 1908, which subsequently know as Ravenshaw Girls’ School. It was made over to government in a flourishing condition in 1913 and highly estimated by then DPI
of the government. In 1914, though her effort at the female education conference convened by the Government at Ranchi. She initiated the scholarships for female students, opening of a training school for Hindu widows and I.A Classes were attached to the Girls’ High School, which become nucleus of higher learning for women education. Madhusudan had the great ambition of his life that his daughter would devote her life for service of women of his province and she fulfilled his dream by establishing the first women’s’ college of the state at his own residence.

In the council he participated in the discussion regarding female education such as “Under the head of Female Education & find provision for training schools for female teachers at Bankipori and Calcutta, but no provision for Orissa. Female Education has a good prospect in Orissa as it has my part of the country, under your Honour’s government. The absence of early marriage among the higher classes is not an insignificant factor in judging of the factor of female education. It is true the time that female education in Orissa has not made the same progress as it had done in Bengal, but no attempt has been made at proper lines. Female education is a delicate subject and a most difficult matter to deal with. There is no subject, which imposes on government official’s greater obligation of consulting the feelings of the people.

The power of magistrate who never visit – girls’ school, never give a moment’s thought for the subject of female education, to interfere with its management merely for the love of interference ought to be curtailed. 69

The government in the field of Female Education in Orissa lacked interest and vision. His dissatisfaction was revealed through letters, discussion as well as resolution. In the same vein, he expressed “I do not know what rule the Government goes by in providing for training female teachers in Bihar and Bengal and disregard the claims of Orissa. My hope of public liberality in this matter are based on liberal support which have girls’ school received at the hands of the Orissa public- the public having subscribed about a nine thousand rupees trends the funds towards the funds of the school in one year.
I am not in favor of mendicancy and I shall be the last person to teach it to my people. I believe in old sayings "Heaven helps those who help themselves" and I hope government merit appreciates the principle underlying this old saying.  

5.3 Franchise for Women

The life, the career graph of Madhusudan exhibited rare courage, indomitable will and determination to fight adversity and never being cowed down by it. There was not little trace of inferiority complex about him, but rather a touch of real aristocrat, an instinctive leader of man and consciousness of dignity of his own position, by which he chartered many new paths. He was a great feminist and fought for equal socio-economic and political rights for women. His adoration, unalloyed devotion for his mother, the dignified love for his wife reveals his deep interest in women's upliftment to restore them to their rightful place. While liberal democracies of the west hesitated to provide right to familiarise to women, he unequivocally claimed their justified rights.

While speaking of the special resolution on franchise for women in Bihar and Orissa legislative council on 23rd November 1921, Madhusudan said, "It is not a question of conferring certain rights or of denying a rights to a particular class of person, but making the sex itself a disqualification and making this disqualification for a sex which has always been called a gentler sex – a sex which is repository of whatever is loving, tender, affectionate and divine in human native. Man has only the sterner virtues of humanity, a masculine sternness. Woman is the embodiment of all that is divine, of all that is godly, of all that is loving and these constitute humanity."  

Analyzing the cultural history of India he emphasized that religious element predominates the Indian nature and it suffered a great deal to maintain the sanctity of its religion. Sacrifice, he believed to be the reigning principle of our culture and that neatly made Mohandas Karamchand Gandhi – a mahatma – the epitome of self-sacrifice. He again favorable pleaded in the same vein "Whatever you may say, with whatever voice and strength you may oppose this resolution, there is this fact – that your body, your voice, your tongue with
which you speak a word against women — these were a gift of a woman — your mother. She made your body with her blood in her womb. She made the greatest sacrifice that she could make, and therefore you have the possession of this body.

Every movement of your life, your aspiration, your ambitions, your joys, your sorrows, everything you experience and the history of you life which begins in your mother’s womb. That is the only living temple, the living temple where god communes with men.”

Comparing the Indian women with the women of the west, he was contended that in with due respect for English Civilization, in the early days of Anglo-Saxon law, women were treated like slaves. There was a great deal of law about witchcraft and women were punished in courts. It was painful for him to digest that though ancient Indian society portrayed her as a deity, the materialistic education and a mixture of other factories responsible for such degradation and he considered it, an absolutely wrong to deny them the right to franchise.

In the same vein he spoke before the council in the most convincing manner that “India had a glorious past, but the Sun that shone in the firmament has gone down. Still I see the luster of my nation’s past glory and I was proud of my nation’s past history. Shall I say that women behaved themselves so badly that on account of their sex they ought to be disqualified? Burn and destroy The Mahabharata and The Ramayana, if you are going to say that women of India are disqualified. Destroy Mahabharata and destroy Ramayana because without Sita there would be no Ramayana and without Draupadi there would have been no Mahabharata.

Man has been as I have said influenced by foreign materialistic civilization but the Indian women have not been influenced by outside influences. She is the Zanana. A Zanana means a treasure room. She is there and she still retains the pristine glory of the Indian women. It is for her to decide whether she will take any part in the Politics or not. The Indian women stand on a high platform-on a high pedestal - with the magnificence of a dignified deity.”
I consider this as a stigma on my nation, on my country, that this sex itself should be disqualified.”

5.36 Amendment of Legal Practitioner Act of 1879

The indomitable spirit of Madhusudan, could not remain contented only with female education, franchise, he went ahead to break many more barriers that fettered her existence. He wanted her to have full freedom to realize her full potentiality. During these days women were not permitted under law to practice as lawyers in the court and this fetter was removed from her feet by the able pleading of Madhusudan. Sudhansubala Hazara, the daughter of his friend Ambika Charan Hazara and the younger sister of Shailbala who was also brought up by Madhu Babu at Cuttack, served as the inspectors of Schools in Bihar and Orissa, Principal of Ravenshaw Girl’s School, had passed the Law. Madhusudan encouraged her wholeheartedly to go ahead with Legal practice, so and to open a new avenue for women’s development but her request was turned down by Patna High court as there was no such precedence at once. He considered the Legal Practitioner’s act of 1879 an urgent and asked Sudhansubala to challenge it and she sent an appeal to the Privy Council and a representation to the then Viceroy. Through a joint effort the government introduce an amendment of the said Bill in the Central Assembly, which without any dissenting voice from the members passed into an Act in 1923. She was then enrolled in the High court in 1923 and practiced as a lawyer in the Patna High court. She had great love and admiration for Madhusudan and during his insolvency; she was of great help to him. Madhusudan’s life can be studied as a sage of a selfless action, broad vision and that made him set-up many new milestones in life in spite of numerous ordeals.

Secularism of Madhusudan Das.

5.37 The Protection of Muhammadan Pilgrim Bill

Madhusudan was out and out secular in his approach and outlook. Though Hindu by birth, heredity and temperament. He adopted Christianity by the inner conviction. He considered religion as something personal, which must
be lived, not talked about or exhibit. A man of scientific temper and humanistic-approach, he was opposed to religious orthodoxies and social prejudices. Though a devoted Christian he had tremendous respect for both Hinduism and Islamism. When the government proceeded to deprive Mukunda Dev, the minor raja of Puri, of the power to manage Jagannath Temple, Madhusudan fought case in the Calcutta High court and won it. It was considered to be a landmark event. Madhusudan was equally keen on protection of the importance of the Islamic class. The activities of Christian Missionaries in India who tried to exercise their influence over the living of man, which he considered as totally unchristian. The cardinal principle of Christianity that is service, humanity and readiness to forgive, his life was lived for the sake of others. Madhusudan was equally concerned for pilgrims to Puri insisting the administration to take adequate steps to provide grand sanitation, health care, facilitation and communication. In the similar vein, the pleaded for the protection and conviction of Haz Pilgrim. A bill known as protection of Mohammedan pilgrim act was introduced in the house. It sought to provide certain facilities to the Mohammedan pilgrim, protected them from on unscrupulous swindlers provided safe steamers and rail journey for them. He argued that unless they were protected in their pilgrimage it would create dissatisfaction among various social and religious groups and ultimately disturb the inter religious relations and jeopardize the social, cultural harmony among the people.

Pilgrims to Puri: Provisions for Sanitation and Health

The supreme deity Lord Jagannath forms the central theme of lives of people of Orissa. The holy land attracts pilgrims from all over India and abroad during the Car Festival and he pleaded to the Government to undertake precautionary measure regarding water, sanitation for prevention of cholera. Reacting for an exaggerated of report of complaint in Bengali papers like Bengali, Amrita Bazar, Basumati, Anada Bazar etc. he tried to ascertain from the govt. the truth regarding the allegations.

On 27th July 1909 he asked a number of questions to the Govt. regarding the number of special train meant for the Car Festival, whether these special
trains were made up of goods wagon; whether dead bodies were found inside
the train? Whether it was a fact that Cholera patient traveled in the train without
any facilities or preventive measures, etc. In fact the whole intention was an
urge before the government to respect the sentiment of people and provide full
proof measure for safe pilgrimage.

A genuine spiritual person strongly believed in religious harmony and
duty of the government to support this idea.

Introduction of the budget, Head medical and Public health

Years of negligence, administrative indifference, and illiteracy left the
land of Orissa. Sick, Physically and mentally as well as intellectually and no
serious effort was made by the government to provide the basic facilities to the
people.

Madhusudan had a clear picture of better negligence of medical facilities
in rural area to handle epidemics. The expansion and development of medical
relief being divided into two parts - one the construction of hospitals,
dispensaries, the other i.e. provision of staff, medical appliance. He felt that the
local bodies in fact lacked the necessary fund and the government must provide
the necessary financial assistance without any delay through additional
provision i.e. the budget.

Pragmatic and farsighted as he was, mooted the idea of a traveling
dispensary with a sub-assistant Surgeon, traveling with sufficient equipment to
meet medical and surgical needs for rural population giving simple advice
regarding Sanitation, investigating local outbreaks of epidemics and endemics
diseases. He suggested them to stay in the village, advice these suffering from
cataract or diseases needing special surgical interference to go to the nearest
sadar hospital.

To quote his suggestion, to make traveling dispensary a success, you
must in the first place have a young and keen Sub-Assistant Surgeon. Secondly
he must be well done in the way of medical and surgical equipment, treatment
etc. that is enough for the work you will have to do, and his personal comfort
must also be studied.”
He also suggested subsidizing the medical practices either by grants of small salary or by free supply of medicines with a view to encourage them to settle in the villages. Such a kind of system was operating successfully in Bengal and he wanted their adoption in Orissa without delay.

5.38 Resolution recommending trained Dais for rural dispensaries

The unique quality of Madhubabu was his penchant for details, very much practical in his approach. The rural women, illiterate would remain indifferent to opportunities because of inhibitions. He felt the necessity of training class of women to undertake the kind of that he was supposed to do in the villages. He realized the unsuitability lower class of people for their lawns in intelligence, responsibility and the next problem was their proper training. The Medical School at Cuttack had the facility of providing training for women to work on the Dais. Since the women avoided the hospitals out of fear, lack of facilities in many avian- a practical effective method he usage the government to consider the proposal seriously. In his word “I think this is a want which ought to be removed and it can only be removed if the honorable member’s take some trouble in the matters and induce poor viridians of a moderately respectable class to go through this, I call it with a view to serve society.”

5.39 Co-existence of medical department and ancient system of medicine

Before the advent of modern medical practice, the old Kaviraji system or Ayurvedic medicine existed to a considerable degree. Madhusudan wanted to affiliate the ancient system to existing Medical Department where arrangements could be made to provide teaching and provide diplomas. The two systems would be standing together side by side. As the Kaviraji system is cheap, command the natural faith of people, there must be the development of Botanical Gardens required for the purpose. He realized that Kaviraji on account of not having received the patronage of the Government had dwindled and suffered as a system of science and knowledge, where as the Allopathic system flourished on the inspiration and stimulus of love of service. The indigenous system had become stagnant and a great deal of trouble should be
taken to being it abreast of time. Madhusudan spelt out his suggestion in the following words:

"The two systems must be appreciated. I remember a saying of the Bible "Try all things, find out what is good in each system, follow the principle of election".

What is good in Kaviraji, let it supercede the Allopathic system. If there is anything in the Allopathic system let it supercede the Kaviraji and Unani system that is the national view. We have to provide means to save suffering humanity being carried away by epidemics and we must try all methods." 75

He also suggested that Kaviraji from all the villages would learn new things, such as disinfecting drinking water etc to spread their knowledge, and in addition to their profession of attending to the ordinary ailments, they would be of great help during the time of epidemics.

The humanitarian and scientific approach to life is keenly felt in the life and activities of Madhusudan. He was no superficial legislator exhibiting brilliant oratory style, but went deep into the matter and delved out practical suggestions suitable for the land and its peoples.
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