CHAPTER 3
THE MINISTRIES AS STRATEGY

In this chapter we examine aspects of the functioning of three ministries (Madras, U.P., Bihar). Our analysis does not attempt a detailed survey of legislative and administrative policies; we discuss these features to the extent that they give us an idea of the function of these procedures within the Congress objective of consolidating its power in relation to the colonial regime.

We also try to develop a picture of the significant dissonances in political agency which arose under the Ministries. Here the relation between the ministry and extra-parliamentary institutions and movements (Congress Committees, kisan organisations) is examined. As far as popular initiatives are concerned, we focus on the agrarian movement. Our aim here is to discern what the implications of these different political forms and their relationship with each other were for Congress politics.

The threads are drawn together to gain such an overview in the last section. This handles the evolution of the Gandhian leadership's all-India perspective and interrogates the deeper historical rationale of the ministerial experience and its implications for the development of nationalist hegemony in political life.

3.1 Constitutionalism in Practice: The Rajagopalachari Ministry

... we are all so sensitive and unable to
3.1.1 Controlling the state apparatus

It is easy to make a virulent denunciation of Rajagopalachari's policies as a reversal of Congress policy. S. Gopal has drawn our attention to his authoritarianism and repressiveness, his reliance on the most colonial of British codes (the granting of titles for example), his mistrust of Indian administrative capabilities and cultivation of the colonial bureaucracy. Indeed, the Madras Premier was guilty of all these misdemeanours. However, for our purposes, what is more pertinent than mere denunciation is an explanation of these policies as political strategy.

In the previous chapter we had suggested that the constitutionalist argument comprised two key elements: a reorientation of Congress politics to a gradually developed control over the institutions of the state; and, relatedly, a de-emphasis on extra-parliamentary methods, for such methods could undermine the control the Congress could exercise over the state apparatus, and could therefore jeopardise the Congress programme. In September 1937, at a political conference in Madras, Rajagopalachari (CR) reiterated this governing rationale: now that the Congress had taken office, talk about doing away with Government should be minimised and Government officers should not be criti-

1 CR to Patel, 25 May 1939, C. Rajagopalachari Ms. (hereafter CR Ms.) Roll 2.

cised because they were cooperating with the Congress ministry. He concluded that these changes would take place at the expense of the Congress Committees: there should be a restriction of what could be agitated on and of what was demanded of the ministry. Certain Congress programmes should now be postponed.3

This desired reorganisation of politics in the Congress is best illustrated by CR's handling of the case of S.S. Batliwala, a Communist in the Congress Socialist Party. In September Batliwala had made a speech in Andhra attacking landlordism. The attack, cast in a nationalist idiom, identified the landlords with the colonial regime by using the metaphor of a family (the Indian nation) being betrayed by a treacherous member (the zamindar) into letting an outsider dominate them. The Congress would avenge this treachery, and Batliwala urged the people to join the party en masse. Further, he urged them to suppress their traditional fears of the Government machinery as Congress had taken office and so controlled the services. The symbols of this liberation were Gandhi and Nehru at the national level, Rajagopalachari at the provincial and T. Prakasam at the local. However, a running theme of the speech was the rebellious example set by Alluri Sitaramaraju, leader of the 1921 Rampa rebellion, an emphasis which suggested that in the last resort the people would look to themselves and use force against the landlords and the Raj.4


4 AICC P.L. 18/1937.
It seems to have been this last emphasis, on popular action which could take an extra-legal form, which caused C.R. to single this case out for exemplary punishment, and to launch prosecution for sedition under section 124A IPC. As the moderate nationalist paper, *The Hindu*, pointed out, there had been nothing seditious about the speech.\(^5\) And even Patel, though he was equally anxious to maintain discipline in the Congress, was clearly puzzled by the use of this section.\(^6\)

Rutherford, Secretary to Erskine, analysed the significance of CR's action suggestively. He pointed out that the Premier had wanted to stress that Batliwala's speech was an attack on constituted government and thus sought to focus attention away from the real thrust of the attack, against British rule.\(^7\) The significance of "constituted government" may be extended further: under such rule, the machinery of the state was inviolate as it would now function in accord with the dictates of popular government. By stressing methods of action which negated such a conception of government (even if extra-legal action was only posed as an ultimate threat) Batliwala had transgressed the imperatives CR had chalked out. Nationalist hegemony over the services was the objective here as CR indicated when he noted that:

\(^5\) Cutting from issue of 13 November 1937, ibid.

\(^6\) "... I understand from the supporters of Mr Batliwala that although his speech may be unjustified from the point of view of non-violence it does not fall under Section 124-A." To Rajaji 4 November 1937, CR Ms. Roll 3.

I cannot gather full power in the field of law and order such as I believe I have done in greater measure than in other provinces, unless I am able to draw (the line between liberty and licence).8

To underline this priority, the Batliwala prosecution was worked up into a symbolic gesture, confabulated by CR in consultation with the Governor, Erskine:

... we ... came to the conclusion that some action had better be taken at once to show that the Government was not prepared to degenerate into licence, and to give clear warning that strong action would be taken against those seditionists if they continue to stir up class hatred...9

To underline that the case was one in which the forces of the state were ranged against those of lawlessness, the symbolic features were extended into sending down Ithiraj, the Public Prosecutor, to handle the case.10

CR was not unaware that he would be subject to strong criticism in the AICC, and to cover himself against the charge of repression, he asked Erskine that two prisoners from the Andamans be released. The reasons he gave elaborate his attempt to reorient politics:

I must insist immediate action... I have taken action against Batliwala without minding general reaction or consulting colleagues other provinces or anyone else

---

8 CR to Ratel, 12 October 1937, CR Ms. Roll 3.
10 From Nehru's private notes on the case in AICC PL 18/1937; cutting from Indian Express, 11 October 1937, ibid.
in order to establish sound policy. Your Excellency should support me in same manner and strengthen my position in order to oppose all forces being organised against me in regard to recent action and prevent crisis. The reactions in other provinces over proposed releases will be more than counteracted by sound far-reaching reaction in regard to my action Batliwala which will then have entire support of masses.

The logic of his appeal to Erskine is revealing of his vision of how politics would be re-oriented: the confidence of the “masses” would be won not by a gauging of their needs as expressed through their self-activity but by the example set by firm government. Further, the demonstration of Congress’ capacity to rule would also reassure those who were not Congress supporters. Referring to the forthcoming Calcutta AICC, which he was unable to attend due to ill health, CR noted to Nehru that:

I hope that nothing will be done to impair the confidence and strength commanded by provincial governments both inside and outside Congress.

The criticism the Madras Premier anticipated did occur, inspite of the release of the Andaman prisoners, and it occurred both in the CWC and in the AICC. The debate in the CWC was also revealing of the basic issues at stake in CR’s political reorientation. In his notes on the controversy Nehru had come down to the basic problem of whether such serious action could

11 CR to Erskine, telegram, 17 October 1937, Erskine Ms. BUR. D 596/2. Emphasis added. The order of release was issued on 24 October. Brackenbury to CR 24 October 1937; CR Ms. Roll 2.


13 For the AICC see Section 3.4.
be taken without previously consulting the relevant PCC, the CWC or the Parliamentary sub-Committee (PSC). He reiterated this at the Calcutta CWC meeting, proposing that in future before making any arrests or instituting prosecution the ministers must consult the CWC. The proposal was defeated, with Gandhi reportedly siding with CR.

The issue at stake here was the source of authority in Congress politics at the provincial level. There was no doubt that for CR the extra-parliamentary wing of the party should no longer occupy a decisive place in the scheme of things as he saw them. At first sight, this would appear to be because in CR's view the PCC, and local Congress Committees at large, were not responsible for or in control of the belligerence of certain radical sections. But in fact there was a strong desire here to ensure that there was no diminution of the Ministry's authority. The Congress organisation should be functional to the Ministry, not an alternative base of power. The desirable function of the PCC was illustrated by the Tamilnadu unit which criticised "certain... Congressmen who by their propaganda and in other ways, are creating a difficult atmosphere and embarrassment to the Congress Ministry" and placed "on record its complete confidence in and appreciation of the work of the Madras

14 AICC PL 18/1937.
15 From the account given by the Madras Ministers attending the CWC to Erskine. Erskine to Linlithgow, 16 November 1937, Erskine Ms. EUR. D 596/2.
16 CR to Nehru, 1 November 1937. CR Ms. Roll 2.
Ministry..."17

So a two pronged strategy, underlining the Ministry's authority and subordinating extra-parliamentary institutions and tendencies to its control, was being developed here. In the pursuit of this reorganisation of politics CR was unabashed about using procedures which had previously been reviled by the Congress. The case of using a sedition charge has already been noted; in addition, to monitor and curb left-wing tendencies, evidently seen by him to be the major threat to his plans, he used CID surveillance, 18 confiscated literature, 19 demanded

Resolution of TNCC WC, 8 November 1937 in C.N. Muthuranga Mudaliar, President to FM, Madras and to President, AICC, 10 November 1937, CR Ms. Roll 2. The Madras Congress Legislature Party, after recording its approval of the action taken to preserve law and order, sought to emphasise the authority of the Ministry even further through the following resolution which was moved and discussed, but finally dropped, "though the principle involved in it was agreed to":

The Madras Legislature Congress Party is of opinion that it would be difficult if not impossible to carry on administration of the Province under the Parliamentary programme of the Congress if the Executive actions of Provincial Governments formed for that purpose are to be discussed at the AICC meetings.

Note by J. Subrahmanyan, Assistant Secretary, MCLP, 14 November 1937, ibid.

E.M.S. Namboodiripad complained of such surveillance of a peasant delegation on its march from Kerala to the Provincial Assembly. Namboodiripad to Nehru, 22 October 1937, AICC P.L. 18/1937, Jayaprakash said he had been followed while in Andhra. To Nehru, 26 October 1937, ibid. See also Secretary, N. Malabar DCC to Secretary AICC, 11 August 1938. AICC P.L. 3/1937. See also KPCC resolution of 26 June 1938 complaining about shadowing, opening of letters and house searches in AICC P.121/1938-39.

Namboodiripad's village house had been raided for a copy of John Strachey's The Coming Struggle. Namboodiripad to Nehru, 22 October 1937, op.cit.
security from newspapers, and in Malabar he threatened the imposition of a punitive police force. It is interesting to note that in regard to these actions even Patel was somewhat uncomfortable.

From CR's viewpoint, these forces had to be undermined because their functioning was antagonistic to his plan of politically neutralizing the state apparatus. He constantly came into conflict with the Kerala PCC because their mobilization of the peasantry and workers brought them into conflict with the police and revenue administration, a trend which he feared would drive the officials into the arms of the Muslim League.

20 Security had been demanded from B. Srinivas Rao, Secretary Madras CSP, for the Tamil periodical, The Socialist, K.B. Menon, Secretary, Civil Liberties Union to CR 23 October 1937, AICC P.L. 18/1937.

21 The evidence is unclear whether this was actually resorted to. It was charged that punitive police were used in the wake of peasant delegations from Kasaragode, S. Canara marching to the administration to put forward their grievances. A.K. Gopalan, In the Cause of the People, Madras 1937 ed., pp. 96-97; All India Kisan Bulletin, 13 January 1939, Yajnik Ms. P. 8(1); according to Gopalan this led to peasants being arrested in large numbers, on charges of rape, stealing timber from the forest, assault and decoy. 151 people were implicated in 17 places in Chirakkal taluka alone.

22 Regarding CID surveillance, Patel noted "you seem to have a superfluous staff in this Department. Why don't you employ them in the prohibition they would be usefully employed." To CR 4 November 1937. CR Ms. Roll 3; and regarding Namboodiripad’s charges about the deployment of punitive police, Patel noted "I do not think you will accept any proposal for posting punitive police whatever may be the situation". To CR 21 December 1938, CR Ms. Roll 2.

23 CR to Kripalani, 7 December 1938, AICC P 3/1938. The Madras Premier was also particularly sensitive about the Mappila area of Malabar. On learning that Jayaprakash was due to tour the area he urged Nehru to persuade Socialists not to go there as "... there is a superstition that once in a number of years there is an uprising amongst the Moplahs". Nehru informed Jayaprakash about CR’s anxieties
A politicisation of the services would in CR's view impair their amenability to carrying out Congress policy. Thus, in September 1937, when Linlithgow was due to tour Madras Presidency and the Congress threatened to boycott the tour, CR protested to Nehru, explaining that such an action might alienate the services whose aid (the implementation of the prohibition policy was specified) would be needed for implementation of the Congress programme. Later, differences arose again between the Madras Premier and Nehru on the issue of enrolment of Government officers as members of the Congress. CR had the legislature party issue a directive forbidding enrolment of Congress members "by or among government servants and local body emplo-

but advised him to do as he wished. Earlier he had told Rajagopalachari that, if anything, Jayaprakash's visit would soothe affairs as "... in this respect he is unlike Patinwala and others..." CR to Nehru, 12 September 1937, CR Ms. Roll 2; Nehru to CR, 25 September 1937, ibid.; Nehru to Jayaprakash, 23 September 1937, AICC P3/1937. It is also worth noting that CR agreed with Erskine that, while the Moplah Outrages Act had been repealed, "the necessity of maintaining good communications and means of quick transport facilities is obvious especially when we have to justify our policy of trust without relaxing efficiency of Government in the preservation of public security." To Yakub Hassan, Minister of Public Works, 25 September 1937. The context was Hassan's saying that the roads in the Moppila area would no longer have a strategic importance, a statement which had worried Erskine. FS Governor of Madras to CR, 25 September 1937, Yakub Hassan to CR, 26 September, CR to Erskine, 27 November, CR Ms. F.8/23.

CR explained to Nehru that the services would be demoralised if they were mobilised while the Congress was in power.  

For Nehru, the controversy again raised the issue of the source of authority. He considered that CR’s action had infringed the authority of the PCC by giving directives in an area traditionally under its jurisdiction. He noted that "... not only the PCC should continue to function independently but should also take the initiative in Congress matters... Congressmen should feel that the Provincial Congress Committee is a more vital organ of theirs than the Provincial Government."

Nehru had accurately pinpointed the changes CR was trying for. As we have pointed out in the context of Munshi’s conceptions, there was a slippage from the pragmatic imperatives of relating to the services (to enable the Congress programme to be implemented) to a view of how state power had to be wielded. This ideal conception— in which the services would be lifted out of politics — did however inhabit a strategic realm. 

---


27 Nehru to CR, 1 October 1937. He also noted to Sitaramayya that it was not the function of the Legislature Party to issue instructions to Congress Committees. 1 October 1937. AICC PL. 3/1938.
cracy would be inveigled into nationalist hegemony not by political appeals but through the inculcation of the belief that the Congress had accepted their inviolability. Political appeals were risky; they could alienate the services, preventing them from developing what the constitutionalists desired to inculcate in them — a sense of professional neutrality. In terms of Congress authority this would necessitate a shift away from the PCC — an extra-parliamentary formation, habituated to extra constitutional modes of action, and therefore liable to diffuse the emphasis desired to be placed by the ministerialists on constituted authority — to the ministry. In theoretical terms the line of transformation may be posed in the following way: previously the Congress had the characteristics of a movement opposed to the state, and, as a result, it tended to perform certain counter-state functions through institutions such as thanas, panchayats etc. Now these functions had to be separated from the party, and to be placed firmly in the domain of the state. In the process the functionaries of the state would be stripped of their politics, their allegiance to the Raj, and their anti-nationalist feeling, for nationalism would no longer pose as a rival to their functions. In CR's scheme the Congress must now appear to them as one of a host of parties trying for legitimate governmental authority, but no longer a party threatening to overturn the basic procedures and institutions on which that authority was founded. In fact the Congress, in CR's view, had to be seen as distinct on exactly these grounds:

What objections can be raised to a justice
Ministry enrolling members that way apply to Congress enrolment also, so long as the Congress is engaged in elections.\(^\text{28 (sic)}\).

On occasion, this separation of government and state was ambiguously posed. In an argument relating to how the changes a Congress government would make—especially at the level of the state structure—would be transient as these could be reversed in the wake of Congress leaving office, the possible reasons for such an eventuality included deadlock, imperialist forces and also

if the electorate displaces us in the normal course ex hypothesi, another Government will be in power which will be more popular than ourselves.\(^\text{29}\)

This should be seen not as a distinct political possibility, conforming to the strategy of the 1935 Act, but rather as demarcating the transience of governments in relation to the state. Evidently, it was not expected that there could be such a development, only that in the ideal polity of CR's imagination, such an inviolability of the state would be characteristic.

However, this did not mean that the state as it existed satisfied the new political conditions in their entirety. The requirements of parliamentary rule required modifications in the legal terms of reference. This is illustrated by the controversy over the Madras Premier's use of the Criminal Law Amendment Act against anti-Hindi picketers. In response to Patel's advice that he adopt other means to handle the situation in the

\(^{28}\) Statement by J. Subrahmanyam, Assistant Secretary Madras Congress Legislature Party, on behalf of CR, op.cit.

\(^{29}\) CR to Nehru, 28 September 1937, CR Ms. Roll 2.
face of mounting criticism inside and outside the Congress, CR noted the impracticality of using the penal code against the picketers, as also the sections pertaining to sedition or class hatred. While the last option would be "quite justified on the basis of the shouts and demonstrations, ... it would be impracticable for government to sanction a prosecution every day specifically for each case, as this would be necessary for action under 153(a)". Practical issues apart, what he then made was a distinction between "government by bureaucracy" and "government by ministers under parliamentary institutions". The clause in the Penal Code which came closest to being applicable to the current case, that concerning obstruction and annoyance to public servants, could be used under former conditions, but not under parliamentary institutions. For the protection of these, which CR noted was the object of the whole exercise, there could be an amendment of the Penal Code and the Criminal Procedure Code "to protect parliamentary institutions against vulgar attacks," but this would immediately be called a repressive measure. Thus his decision to selectively use the Criminal Law Amendment Act.

However, if a selective reorientation of the state was required to suit new political conditions, there were other institutions which would be carried over if, theoretically at least, for a different purpose. So, of his continued use of the C.I.D., CR was reported to have said that it was indispen-

30 Patel to CR, 14 August 1938, CR Ms. Roll 2.
31 CR to Rajendra Prasad, 28 August 1938, ibid.
sable for any government and what mattered was how it was used. In this context, perhaps CR was just being more forthright about his priorities vis-à-vis dissidence and anti-state tendencies such as represented by the communists and socialists than other Right-Wing Congressmen were as yet prepared to be. Perhaps in fact he was bringing the Congress to an awareness of the procedures of most modern states, irrespective of their ideological proclivities. However, on one issue, CR displayed an authoritarian viewpoint in his argument for continuities in the organisation of the state that was singular amongst Right-Wing Congressmen.

In the discussion of the Congress objective of the separation of judicial and executive functions of government, the crucial parts of CR’s opposition shifted between a tactical and an ideological rationale. From a tactical viewpoint he noted that sessions judges and British elements in the High Court had vast powers. At present the District Magistrates were under the Ministry, but with a separation of judicial and executive functions those officers would come under the sessions judge and the

32 Namboodiripad to Nehru, 22 October 1937 quoting a statement by CR reported in The Hindu of 22 September 1937, AICC P.L. 18/1937. Regarding reporting of charges that CR was using the CID to shadow Congressmen and had unjustifiably used section 124A IPC (Patel to CR 4 November 1937), CR replied "... the complaints are quite wrong, to the extent they are true no ground for complaint. A great deal is untrue" To Patel, 6 November 1937, CR Ms. Roll 3, Emphasis added. This would tend to corroborate the attitude reported by The Hindu.

33 See Patel’s concern about the use of the C.I.D., f.n. 22 above.
Chief Justice and "all the power we have secured for democracy in regard to the policy and the administration of justice will be lost and we shall find that we are powerless to help the people or to carry out our policies whenever the criminal law comes in." 34 "The Judiciary will become the stronghold just as the Executive was before of foreign domination." 35

However, this was only one moment in the discussion. The argument shifted gear to present an ideal vision in which the judiciary and the executive would fuse with each other and exchange characteristics:

The Magistracy must have the power to control the police otherwise than by passing judgements in cases. The power to decide cases if divested from the power to control investigation and prosecution will result only in two separate watertight compartments. The policemen will take orders from a different set of people and there will be conflict at the top and no coordination below. There will be no wholesome fear in the mind of the police. The present prejudices are due to the fact that the executive has hitherto been all along against the popular will. With the identification of the people's interest with the executive it will be an advantage to have the magistracy in continual touch with the people. I.e. with the Government R.V. 36 No control is possible unless the magistrate is in touch with police and is also able to decide the case... the police will become more judicial in their investigation. In the old order the magistrates were executive in their judgement. I expect there will be a reversal now.

34 CR to Nehru, 28 September 1937, CR Ms. Roll 2.
35 CR to all Congress Premiers, 3 September 1937, CR Ms. Roll 3.
In other words "it is not the police administration which will dominate over the magistracy hereafter, it will be the other way about and the magistracy will purify and liberalise the police." This would be possible because the magistracy, hitherto arbitrary and repressive in its unaccountable actions, would now be defined by a greater sense of social interest, as it would now be governed by a ministry founded on a popular mandate, and reflecting popular needs. With striking clarity, CR summed up his position in the following benevolent-dictatorial images:

I am firmly convinced that the state is one and indivisible and the policy of the state must also be one and indivisible. The old idea that the judiciary is an arbitrator between the state and the people who are ever on opposite sides cannot be permitted any longer to shape administrative policy.

This essentially authoritarian perception nevertheless points out the case of CR's politics as a strategy for power. The provincial government for him was to be the fortress from the nationalist struggle would now be waged. If the state was to

37 CR to Patel, 12 October 1937, CR Ms. Roll 3.

38 CR to Nehru, 28 September, op. cit. Emphasis added. The other minor reasons CR preferred for not separating judicial and executive functions included the argument that changes of this order would be reversed after Congress left offices and that the policy would prove too expensive to undertake. Ibid. See also CR to Patel for the emphasis on control, 12 October 1937. CR Ms. Roll 3. Patel claimed to see CR's point, but was worried as to whether he would be able to convince "our people in the AICC or even in the WC about the soundness of your policy, which is so violently contrary to our consistent and continuous agitation in the matter". Patel to CR, 16 October 1937, ibid.
be unchallenged from without, it was to be increasingly controlled from within. The crux of CR's objective was to bend the state to the dictates of popular government. As a result much of his energies were spent in ensuring that the apparatus of government could not function outside his ken. And his plan also entailed that those institutions which were not constitutionally bound to acknowledge the ministry's primacy should be made to toe the line.

It can in fact be observed that the moments at which Linlithgow or Erskine were worried about CR's stability as premier were over issues of control pertaining to the relations between the services and the ministry. Salary reduction, part of general Congress policy, was a recurrent point of tension in this context. CR had been persuaded by Erskine that pay-cuts should not effect those currently in service i.e. those in service before 1 April 1937 (the date of the inauguration of the 1935 Act) and those promoted to service before 1 October 1937 (the budget speech having been made in September). The achievement of this agreement had not been free of conflict however. The ministers initially proposed a pay reduction to the new level for incumbents as well, a proposal which contained a (subsequently dropped) threat of resignation if the demand was not accepted. The European members of the service were also covered by this demand, though CR had at first exempted them from the cut. But, probably understanding that the colonial government would be adamant on this issue, the ministers with-
drew the demand and did not send the letter. 39

However, conflict over this issue re-emerged in 1939, when CR sent a memorandum concerning pay-out of members of the All-India Services, whose position was protected by the 1935 Act. Simultaneously a cut in the pay of provincial and subordinate services was also proposed. 40 To underline the significance of ministerial control, CR also insisted that only those officers showing "special energy and efficiency" be eligible for special additional pensions. 41 When the proposal was turned down, CR's sense of outrage indicates the priority he had given to extending the space of ministerial control into the domain protected by the Secretary of State. He considered the latter's attitude to be an "outrageous form of protection" 42 and as showing that the phrase "Secretary of State's officers" was not merely a technical financial phrase, but "one denoting the very direct management that is claimed by the Secretary of State in provincial matters." 43

This emphasis on curtailing extra-ministerial authority is illustrated again by CR's opposition to the functioning of

41 CR to Erskine, 10 February 1939, ibid.
42 CR to Erskine, ibid.
43 CR to Erskine, 23 February 1939, ibid.
agencies such as the Central Intelligence Bureau and in his attempt to ensure that the High Court Judges, to whose independence we have already noted his antagonism, would be effectively nominated by him.

That for CR Congress provincial governments were now the critical centres of nationalist power is best illustrated by the way CR related to various aspects of procedural relations between levels of the power structure under the 1935 Act. Regarding the issue of matters relating to the all-India Services, the constitutional procedure was for the Provincial Government/Secretary to the Governor-General, from where it would pass on to the Secretary of State. As, at an intermediary stage, this correspondence was inevitably referred to relevant departments in the Government of India, CR had allowed a short-circuiting of this procedure on one occasion and the correspondence relat-

44 "The provincial governments are completely responsible for law and order in their jurisdiction. The Central Intelligence Bureau is incompatible in principle as well as practice with the position of the provincial government under the constitution. No police agency of any kind should work in this province except under the control and direction of the I.G. and the Government of the province. The Central Bureau staff is as unnecessary in practice as objectionable in principle." Note on Central Intelligence Bureau by C.R., n.d., ibid.

45 "I do not think it is too great a claim for the provincial government to desire that in such appointments I should have a say through your Excellency and in the most confidential form. There is a growing antipathy between the High Courts and the Provincial governments in all the provinces which, I hope, should be prevented before it becomes too pronounced." CR to Erskine, 25 September 1938, ibid. See also CR to Erskine, 25 July 1939, ibid., for CR's dissatisfaction with the functioning of Chief Justice Lakshman Rao, in his lenient handling of labour cases and what CR believed was an infringement of the domain of the Executive" who alone, I believe, have the materials to judge and extend clemency."
ing to individual officers' cases had been addressed directly to the departments of the Government of India for practical convenience. However, CR had objected to a proposal to amend the procedure, and his reasons are illuminating. His objection to the Government of India interceding was not in relation to the present circumstances, but in terms of the future structure, under Federation. He noted that for a Government composed of Ministers in the Government of India to deal with such provincial cases was an undesirable centralisation of discipline and control and it could lead to difficulties in resisting the Government view on any matter. He felt that ministers functioning in the Government of India under the Act might be inclined to encroach on the domain of the provinces.

This position gives us insight into the basic reformulation of nationalist strategy that CR envisaged. He, like the Gandhian Right, hoped for a democratisation of States' representation with a view to securing a Congress majority in the projected Federal Government and thus subverting the colonial government's hopes of installing a substantial conservative bloc in the Federal Legislature. In his arguments against amending procedural relations between the provincial government and the Government of India, however, there is suggested a different attitude, which may be interpreted in one of two ways. Firstly,

46 Erskine to CR, 21 June 1939, ibid.
47 CR to Erskine, 1 July 1939, ibid.
48 For the problems of the Federal scheme and the Congress attitude, see below, Chapter 4.
he was prepared to conceive of a Federal Government in which such a Congress presence was not possible, and within which framework the autonomy of the provincial Government, continuing bastion of nationalist power in constitutionalist strategy, would have to be defended. Secondly, even if a Congress majority regime could come into being, it is possible that the argument for preservation of autonomy would persist, given the financial and political restrictions that the 1935 Act enshrined.

Either way, the assumption was that the Federation scheme could come into being. This was a singular position. Erskine had noted that over the question of amending the procedural relationship between the Provincial Government and the Government of India, the other provinces had been amenable.49 We may interpret this to mean that while CR's opposition was related to the long-run significance of the ministries, even in new, politically inimical circumstances, for others these institutions, and the 1935 Act itself, did not have such significance.

This analysis has attempted to show the inner consistency of CR's strategy, a pattern through which all the charges levelled against his attitudes and policies can be explained integrally. The acceptance that the Federation scheme could be implemented was one further moment in this strategy. For the strategy was premised on the conviction that the constitutional framework, if operated with political acumen, would allow for a growth in the hegemony of nationalism. The centres of power, the ministries, would consolidate influence over the state appa-

49 Erskine to CR, 21 June 1939, op.cit.
ratus by firm control, opposition to extra provincial authority (in the form of the all-India Services and the Judiciary), and, in political terms the most original feature, by curtailing extra parliamentary authority and therefore undercutting conventional nationalist rivalry with the functions of the state. What was sought here was a depoliticisation of the state apparatus. The authority of its functions was guaranteed in order that it accepted a non-political space unrelated not only to political parties, but to the Raj - over which only the Government currently in power, be it Congress or any other party, could exercise sway. However, once attention was refocused on to parliamentary power, what would the mechanism of change be, whereby nationalist authority could be extended beyond the domain of provincial rule? While this is nowhere specifically stated, it would appear that the elections would fulfil this function. In CR's perception the constitution would remain, and so it would seem that nationalist power, built on the new foundations of adjustment with a neutralised state form, a curbing of destabilizing extra-legal forms, and a constructive legislature, would emphasize its authority through renewed mandates. And we may speculate that with such an expression of popular influence and discipline, CR would hope for a revision - perhaps by convention initially, later by constitutional change - of the constitutional position. All this would remain within the field of constitutionality, as is indicated by his countenancing of even an inimical Federal Government. In such an eventuality, nationalist strength in the provincial governments would press down on such unrepresentative political structures.
However, while a unity of perspective and strategy may be established in this way, its effectiveness is open to question. For, as far as CR's bid to control extra-ministerial influences (of the all-India Services and the Judiciary) was concerned, he was not successful. In both instances, the authority of the Secretary of State was cited and the Madras Premier was helpless. As for his strategy vis-à-vis the services, while cushioning them against criticism and attacks might indeed have reduced antagonism, it need not have affected the political balance in favour of the Congress.

This is underlined by the fact that the third element of CR's strategy, to which a reassurance of the services was integrally related, that of curbing extra-parliamentary authority, could not be successfully carried through. This was in spite of CR's best efforts to suppress all such initiatives. In the next section, we shall examine aspects of the dynamics of such action, and see what implications these had in the political situation.

3.1.2 Popular Movements

Rajagopalachari's model for the Congress Ministries was of course an ideal construct. His desire to neutralise extra-constitutional tendencies, though whole-heartedly pursued, was not a complete success. If anything, unrest in Malabar and coastal

---

50 On the question of High Court appointments, see Erskine to CR, 23 October 1938, CR Ms. F. 8/23; for the Central Information Bureau, Erskine to CR, 16 September 1938, ibid.; for the Secretary of State over-riding recommendations by CR against special additional pension being granted for the services in all cases, CR to Erskine, 10 February 1939, ibid.
Andhra was of a more sustained and powerful nature than anything that had taken place between 1934 and 1937.

On the other hand, Tamilnadu itself was largely quiescent on the agrarian front. The dominant unrest of the time arose in reaction against the Madras Ministry's attempt to introduce Hindi into the Schools. In turn the overall mildness in this province was expressed in the amenability of the Congress organisation itself to the dictates of the Ministry. That the relationship between the provincial organisation and the Ministry was very important in the development of popular unrest will be demonstrated in the different experiences of the Andhra and Malabar cases.

(1) **Andhra**

In a summary of the agrarian struggles of this period, N.G. Ranga draws our attention to the significant detail that in the Munagala Satyagraha in Krishna District, leadership was undertaken by the DCC and that in the Kalipatnam Satyagraha of West Godavari District, the Taluka Congress Committee President, Ramany, took up the peasant cause.

---

51 A Provincial Tamilnadu Kisan Organising Committee was only set up in late 1938 and the first provincial conference was only held on 30 December 1938. All India Kisan Bulletin (hereafter AIKB), 11 November 1938 and 13 January 1939. Yajnik MS. F. No. 8(1). However labour unrest, which we are not dealing with, did take place under the Congress Ministry.

52 See above, Section 1.1., in the context of CR's use of the Criminal Law Amendment Act.

53 See above, Section 3.1.1.

54 Andhra Kisan Struggles. Yajnik MSS. F. No. 1. For the
Like other post-depression struggles waged on zamindari territory, these two cases revolved around the retrieval of land that tenants had been evicted from. Tenant direct action in occupation and cultivation of the contested land led to severe repression by the police and administration: section 144, preventing access to communal lands, grazing fields, tanks, wells and the contested private plots, was imposed, leading to a large number of prosecutions.

West Kistna DCC leadership of the Munagala Struggles also see AIKB, 28 October 1938, National Front, I, 37, 30 October 1938, p. 11.

Both movements had long histories. Unrest on the Munagala estate had taken place over the previous two decades and had secured the attention of T. Prakasam and Biswanath Das who were to become Ministers under the Congress Ministries of Madras and Orissa. The West Kistna DCC had been central in carrying on propaganda and had published a report on the tenants' grievances. The intensity of the recent struggle was attributed to the involvement of the Socialists and the Ryots Association. The Hindu, 10 June 1939, p. 8. The first reports of unrest on the estate related to Zamindar atrocities against tenants for organising themselves. AIKB, 2 September 1938, Yajnik MS F. 8(1). Thereafter the unrest was directed against attempts at eviction by court decree. AIKB, 28 October 1938, ibid.

In the Kalipatnam Zamindari, Narasapur Taluka of West Godavari District, in 1925, the zamindar had agreed to give tenant rights in exchange for the peasants giving up their customary fishing rights and clearing the forest. The condition was that the raiyats should petition the Government for irrigation facilities for the land. However, once these facilities came through the Zamindar infringed the agreement and started selling up the land to outsiders. He then proceeded to file suits against the peasants for forcible cultivation of lands he claimed to be his own. P. Sundarayya's account, AIKB, 14 October 1938 in National Front, I, 35, 16 October 1938, p. 11; and K.S. Murthy, "Heroic Fight Against Ejection", National Front, II, 7, 26 March 1939, p. 114.

For Kalipatnam AIKB, 2 September 1938, Yajnik MS F. 8(1) and Sundarayya's account, op.cit., K.S. Murthy, op.cit. The Hindu, 9 March, p. 13, 11 March, p. 17. For Munagala,
In spite of repression both estates witnessed a significant duration of struggle, lasting for about a year from mid-1938 to mid-1939. The persistence of peasant initiatives and the involvement of local Congressmen made mediation by the provincial committee inevitable. In the Munagala case G. Brahmeya, General Secretary of the AFCC, arbitrated in the matter in December 1938. This procedure was decided on by an informal conference of local administrators, police officials, Congressmen, District Ryot Association leaders and the landlord's son and vakil. A settlement was arrived at\(^57\) whereby it was agreed that "beti" (forced labour) be stopped, that illegally confiscated houses and other properties be returned, that right of way to tanks and wells and also to the neighbouring villages be reinstated and that promissory notes forcibly taken from Kisan for sums not paid be cancelled. In return the peasants were to pay reduced rent.\(^58\)

However, conflict recurred with the tenants claiming that the landlord has not fulfilled his side of the agreement.\(^59\) They refused to pay rent, in spite of Brahmeya's insistence that this

\(^{55}\) Cont'd., f.n. 56

[AIKB, 11 November 1938; National Front I, 39, 13 November 1938; AIKB, 9 June 1939 and 23 June 1939, Yajnik MS F. 15; Ranga's note n.d. (probable May-June 1939) Yajnik MS F. 14; The Hindu, 6 June, p. 10, 7 June p. 11, 9 June, p. 2; 10 June, p. 8. In the second phase of the Munagala satyagraha, stiff sentences such as 6 months R.I. and Rs. 100 fine were meted out to the Satyagrahis. The Hindu, 16 June 1939, p.10.

57 The Ministry had a representative in A. Kaleswara Rao, Chief Parliamentary Secretary. The local Congressmen were the President and the Secretary of the West Kista DCC, P. Bapayya and K. Venkataraman. The Hindu, 10 June 1939, p. 8.

58 Note by Ranga, n.d. (probable May-June 1939). Yajnik MS F. 14; Madras FR (1) June 1939.

59 Ibid., AIKB, 9 June 1939, Yajnik MS. F. 14; Madras FR(1)
was necessary for the agreement to be implemented. As a result, the General Secretary of the RCC declared that arbitration had failed.  

Tension mounted over land occupied by one Papayya in 1930 which was now in the landlord's possession.  

Satyagraha was offered systematically with volunteers being sent every day and within less than a week some 140 ryots had been arrested. The police action which involved brutal lathi charges was publicly reviled in meetings throughout the province on 11 June, as were reported acts of brutality in the jails in which the satyagrahis had been consigned and the large-scale confiscation of cattle that took place for arrears of rent.  

Cont'd.  fn. 59  
May 1939.  

In the subsequent Government review of the issue, it was charged that it was the socialists who had stirred up unrest, resulting in non-payment of rent and social boycott of estate officials. Local officials assisted by the RCC General Secretary tried to get the peasants to negotiate on the basis of the earlier settlement, but they said that they did not mind if the agreement was ended, and so Brahmayya made his declaration that arbitration had failed.  

Madras FR (1), June 1939.  

AIKB, 23 June 1939, Yajnik MSS. F. 15; Ranga's note, ibid.  

Hindu, 6 June, p. 10, 7 June, p. 11, 9 June, p. 2 and 10 June, p. 8. These were the number of satyagrahis. The number of tenants present was estimated at 1000. AIKB, 23 June 1939. Yajnik MSS. F. 15.  

AIKB, 23 June, ibid.; Hindu, 6 January, p. 10. According to the officials, the lathi charge took place when the police tried to remove implements and the crowd rushed them. Madras FR (1), June 1939.  

AIKB, 23 June 1939, ibid.  

Ibid.  

Ibid.
By mid-year both the Kalipatnam and Munagala satyagrahas were withdrawn on the basis of assurances that the Ministry and the PCC would mediate and resolve the tenants' grievances. Sitarayamayya urged the stopping of the Kalipatnam struggle in March, promising intervention after his return from the Tripuri Congress and Prakasam made similar promises shortly after. The Government ordered the collector and one representative each of the Zamindars and villagers to hold an enquiry. As no further disturbances were expected the government released those convicted and withdrew any pending prosecutions. However, the conflict was revived, with the Zamindar claiming that the tenants were continuing to invade his property.

In the Munagala case the Ministry urged the District Magistrate to take firm action with the satyagrahis, though it was noted that as far as possible forceful dispersal of the crowds should be avoided. Prakasam had the impounded cattle released, advised the peasants not to be carried away by ill-considered

68 Ibid., 11 March 1939, p. 17.
70 Sitarayamayya to CR, 20 July 1939, ibid.
71 Madras FR (1), June 1939.
advice but to abide by the law", and reassured them that the Zamindari bill he was drafting would solve their problems. 72 Ranga on the other hand had the objective of attaining certain concrete goals, such as having the Munagala estate taken under the Court of Wards for mismanagement and threatened further militancy in the face of government obduracy. 73 He noted that the Government was bent upon a fight and that the ryots would accept the challenge 74 but then unexpectedly backed down, accepted the Government's terms, and even seemed to register that no swift solution could be arrived at. This is indicated by the statement made by him on behalf of the Provincial Ryots' Association suspending Satyagraha:

The present suspension of satyagraha .... is specially intended to enable the Government to review the special circumstances of the people of Munagala, the conduct of the local authorities during the last three weeks and the utter incapacity of most of the ryots to pay any more rent arrears. It is also intended to help the Government to get into touch with the local authorities and look into the relevant records in the collectorate and District Police Station and ascertain through such records whether under the administration of the present zamindar .... there is any real likelihood of the re-establishment of peace and tranquility in the estate. I do seriously hope that the Ministry will genuinely respond to this gesture of the Ryots Association. 75

72 Hindu, 19 June 1939, p. 10.
73 Ranga to Yajnik, 15 June 1939. Yajnik MS. F. 14. Ranga's statement in Hindu, 15 June 1939, p. 11; the suggestion was rejected by CM who urged that normal conditions be restored and that the tenants depend on the courts or on the award already given to resolve the conflict. Hindu, 16 June 1939.
74 In fact he expected to be arrested and asked Yajnik to come down to Munagala in that eventuality. To Yajnik, 15 June 1936. Yajnik MS. F. 14.
75 Hindu, 19 June 1939, p. 10.
In addition the Ryots Association told the peasants who were capable of paying rent to do so; however it also advised that those who could not pay should insist on remission till the following year and should strive for such remission. 76

Clearly, a passive phase had been inaugurated under the duress of repression and lack of success. While Ranga had waxed eloquent in his militancy over the previous days, it seems that his colleagues in the district were not so sanguine about the possibilities of continued militancy. 77

However, the Mumagala dispute in fact continued after the Congress ministry resigned, inspite of an intermediary settlement which officials declared very generous. 78 So both of the major land struggles of the period exhibited similar patterns, suggesting that the conflicts at their core were not likely to be resolved by short term adjustments.

If Rajagopalachari's ideal of the State functioning to peacefully redress disputes was not realised because of the intransigent nature of the conflicts that developed there were other mechanisms at hand which could be used to neutralise extr­constitutional action. At the Delhi AICC of September 1938 a resolution criticising Congressmen who employed violent methods

---

76 Ibid.

77 So while Ranga had noted to Yajnik that he had exhausted all means of getting conciliation from the Government and that the Provincial Kisan Committee would decide to take up the fight, his comrades asked him to "carry on work, develop strength", till the Government was forced to arrest him. To Yajnik, 16 June, Yajnik MS. F. 14.

78 Madras FR(1), November 1939, FR(2), December 1939.
was proposed by Gandhi and passed\(^79\) and significantly one of Gandhi's references in this context was to a DCC urging peasants to take zamindar's land in Andhra.\(^80\) As a result of this, the APCC served notice on 15 members of the West Godaveri DCC for taking part in the Kalipatnam satyagraha.\(^81\)

This development was merely one moment in a continuing attempt to bring radicals in the party to heel. Both the West Godaveri\(^82\) and West Kistna DCC's radical leadership had been

\(^79\) See below, Section 3.4.

\(^80\) "Accumulating Evidence", 17 September 1938, CWMG, Vol. LXVII, pp. 352-53. This was countered by P. Sundarayya in his article on the Kalipatnam Satyagraha "Zamindar Agression in Andhra", National Front, I, 35, 16 October 1938, p. 11. Sundarayya noted that if the history of the dispute was looked at it was the landlord and not the tenant who was the usurper.

\(^81\) The Hindu, 17 June 1939, p. 13; letter of G. Brahmayya (perhaps to the General Secretary, AICC to ask for clarification about the rules) 24 June, 1939. AICC P. 3/1939-40. See also Ranga's statement of 7 June 1939, noting that as long as FCCs did not call a truce between the local landlords or the Government on the one hand and the Kisan satyagrahis on the other in order to amicably settle the disputes, they had absolutely no right to ban any Congressmen from becoming a Kisan satyagrahi. Indulal Yajnik Ms. F. 14. Uddaraju Suraparaju, President Narsapore Taluka Congress Committee, claimed that those persons served a show-cause notice - Thankiella Venkata Chalapathi, Chekuri Achutaramaraju, A. Satyanarayana and Pekketi Venkataraman and himself - had been singled out because they were socialists and ryot workers. To General Secretary, APCC n.d. AICC P.3/1939-40. However, there were ten more charge sheeted and perhaps the criterion for singling out certain individuals was their holding a post in the party. Rajendra Prasad to Deshpande, 17 June 1939. Ibid.

\(^82\) A. Satyanarayana Ex-President, W. Godaveri DCC, Garapati Satyanarayana, Ex-General Secretary West Godaveri DCC, Settipalli Venkataratnam, Ex-General Secretary Gudivada Taluka CC, and Kamur Balaramayya, were disciplined by the APCC leadership. Narupilla Ramaswamy, Kistna DCC and Narayanamurthi, member Bezwada CC to President, INC, 27 May 1938. However, it should be noted that these radicals
subject to disciplinary action, and the latter committee was in fact dissolved in 1939. APCC President Sitaramayya was engaged in a constant battle with the left wing element, and even went to the extent of debarring Sundarayya from the Tripuri Congress delegates' elections on the grounds that he was a self-avowed communist and was using the Congress office to conceal and distribute communist literature - "considered a particularly

Cont'd. f.n. 82

were charged with using doubtful means to entrench themselves through DCC elections. See Sitaramayya, President APCC to General Secretary AICC, 24 June 1938. AICC P. 3 (i)/1938-39. But Sitaramayya was involved in an equally dubious battle against the radicals. See f.n. 84.

83 The context was again DCC elections. It seems that two rival groups, one headed by the West Kistā DCC President P. Bapaiyya, and the other supported by the APCC, had filed separate membership lists, and the subscription money was also separately deposited, the opponents to Bapaiyya turning over the money to the PCC directly. Bapaiyya's insistence on the membership books being deposited with the PCC in order that they be checked because of certain discrepancies was rejected by the PCC. He in turn refused to deposit the membership money with the PCC. As a result he and his General Secretary K. Venkataratnam, were disqualified from contesting any elections in the Congress or in the elections to local bodies, and the DCC enrolment of 35,379 members was cancelled for non-compliance with PCC directions. See P. Bapaiyya WK DCC, 25 December 1938, to Bose; R.V. Raghavaiah to, 6 January 1939, in which he claimed Bapaiyya was not given time to explain his actions; members of WGDCC to Kripalani, 8 January 1939, in which it was noted that as a result of the disciplinary action, 49 out of the 91 members of the PCC and 16 out of 29 FCC members had resigned in protest. That there was an undisciplined aspect to the radicals' behaviour cannot be denied and is especially indicated by Raghavaiah's remarks that as the PCC was party to the dispute it could not sit in judgement on the PCC. But given the large numbers of Congressmen involved in this case, to view the problem simply as one of discipline, rather than of power, seems inadequate. That Bapaiyya had strong links with the Ryots association, which was proving so troublesome from the PCC's viewpoint, is significant.
unworthy and improper course for the head of a party (the Andhra C.S.P.) in respect of literature which had been declared illegal, and to whose cult he belonged" - and because in his appeal he openly declared violence to be inevitable. Sitaramayya focussed on the last point in particular, connecting it with a general trend in the province of promoting class hatred, an atmosphere in which Congress village workers found it impossible to function.\footnote{84}

Cont'd., f.n. 83

See the complaint of P.C. Rangarao, Joint Secretary, Nuzvad Taluka CC, Kistna, to President APCC, n.d. All references from AICC P. 3(11)/1938-39.

\footnote{84} Sitaramayya to Kripalani, 5 January 1939. Kripalani on receipt of Sundarayya's complaint (to President INC, 1 January 1939) had cautioned Sitaramayya that a Congressmen could not be debarred for his communist views. To Sitaramayya, 4 January 1939. Presumably Sundarayya was finally debarred for his espousal of violence. The Andhra Communist's defence was as follows: (1) that if there had been a complaint about him, disciplinary action should have been taken, not a refusal to nominate him; (2) he also noted that "The communist Party is now under ban; and that I am not a member needs no saying. Every follower of Engels and Lenin cannot but be a communist. Communists are not violent. But it is their faith, that in the process of the establishment of the new order of society, when the final struggle for power is launched, that the exponents of the new order cannot help meeting the violence of those in power with violence. Meanwhile the communists do everything in their power to develop consciousness in the people by all peaceful and legitimate means. That is why all the communists adopt the Congress goal.... 31 December 1938. All references from ibid.

Sundarayya's was a common enough left-wing position. It may be compared with Nehru's formulation that he believed that it was possible to establish socialism through the democratic process but that

In practice, however.... the opponents of socialism will reject the democratic method when they see their power threatened. The rejection of democracy does not or should not come from the
If Rajagopalachari's focus on the authority of the state was complemented in this instance by the extra-constitutional authority of the PCC in striving to contain radical action, the situation was reversed in Kerala, where the Kerala PCC led and sustained such action in the face of repressive state policy.

(ii) Malabar

Malabar socialists dated the start of their movement to 1933-34, when they managed to get leftist demands for agrarian mobilisation accepted in the PCC. They described a period of preparation during the years 1935-36 and noted that the election campaign of 1936-37 gave them a great opportunity for propagandising agrarian grievances. It also provided an opportunity for establishing that the socialists had a greater commitment to the nationalist agrarian programme, for the Right Wing elements, who were in the leadership of the KPCC at that time, did not publish the Congress agrarian programme in their election manifesto. The left then became increasingly identified with...

---

85 The following is from AIKB, 28 October 1938, in National Front, I, 37, 30 October 1938, p. 10.
86 Ibid.
the agrarian issue. With the formation of the Congress Ministry, and with the new sense of freedom of action available, the movement spread under their auspices into the localities and into areas which had not been active since 1921.

The agrarian movement's demands included the following:

abolition of illegal exactions and forced labour; reduction of land revenue; use of certified instruments of weight and measure for the estimation of the crop; fixity of tenure; compensation for the improvements effected by tenants. Demonstrations were the primary method used to achieve these ends, whether to the administration or directly to the concerned jenmi (landlord). On some occasions this met with success. But on at least one occasion when this pressure did not work, the tenants decided not to pay rent. While this was not part of the programme of the Malabar Karshaka Sangam, officials reported that a campaign had developed along these lines under the aegis of village sangams towards the end of 1938, and had led to non-payment of rent in North Malabar and South Kanara district. Anti-police and

---

88 AIKB, 28 October 1938, op. cit.
89 Such as Ernad. A.K. Gopalan, In the Cause of the People, Madras 1973, p. 89.
90 From AIKB, 11 November 1938, 25 November 1938, 30 December 1938, 25 August 1939. In Yajnik MS. F. 8(1) and 15. See also Madras FR(1), December 1938.
91 Ibid.
92 As with a demonstration to the landlord of Kudali, North Malabar. AIKB, 11 November 1938, Yajnik MS. F. 8(1).
93 At Kavimathur, North Malabar, ibid.
anti-jenmi propaganda, and the boycott of landlords by barbers, washermen etc., were characteristic features of the movement.\textsuperscript{94}

To combat this development, there was an extension in the number of police stations in the area,\textsuperscript{95} and a large number of arrests were made, without substantial evidence of illegal activity.\textsuperscript{96}

\begin{itemize}
\item Madras FR(1), November 1938; FR(2), November 1938, FR(1), December 1938. There is also an unsigned note in the CR papers, dated 11 November 1938, which commented on the increasing incidence of non-payment of rent in North Malabar. It was also stated in this that while efforts were being made by the police to check this, this was likely to be ineffectual, as long as the organisers of the agitation, "largely communist", were left untouched. "It is evident that there are organised plans for destroying the influence and rights of the jenmis, giving tenants a practically free title to their land and undermining the authority of the law and its officers". CR MS Roll 4; CR also complained about how the KPCC was making administration very difficult in the police and revenue departments. To Kripalani, 7 December 1938, CR MS. Roll 5. Namboodiripad seemed to acknowledge the campaign against the police. He noted that they were brutal and in connivance with landlords and money lenders. Further, while he knew that it was CR's view that the police should not be agitated against because this would mean agitation against the Ministry and that complaints should be directed to the Ministry he said that the latter had done nothing to improve the situation. To President, INC, 1 November 1938, ibid.

\item AIKB, 13 January 1939, Yajnik MS. F.8(1). Note on tenants Agitation in Malabar (unsigned), 11 November 1938, CR MS Roll 4. According to Namboodiripad, the Collector had proposed to post punitive police in the area. He noted that the KPCC would not be able to cope with the situation if the peasants decided to resist punitive tax and also that Congressmen who had close relations with the movement, might have to participate in it. To President INC, 10 December 1938, CR MS Roll 2. Patel was shocked to hear the suggestion and noted to CR that "I do not think you will accept any proposal for posting punitive police whatever may be the situation". To CR, 21 December 1938, ibid. It seems that this measure was finally not used, as there is no further mention of it in contemporary records. Gopalan makes a fleeting but unelaborated reference to it however. \textit{Op.cit.}, p. 96.

\item Madras FR(1), December 1938 and FR(2), January merely remark on charges against "certain people" and that prosecu-
Prakasam visited the troubled areas in January 1939 and denounced mass non-payment of rent, after which there was some improvement in the situation according to officials. While no-rent propaganda carried on through January and February, it was remarked that propaganda for wholesale refusal to pay rent was dying down. The campaign was more precisely directed now; "rents were only to be paid to those whom the Karshaka sangams think proper". And Jennis were also restricting cultivation to those whom they trusted and were requiring the settlement of rents in advance rather than after the crop had grown. Inspite of conflict continuing in this manner, over the next 3 months unrest petered out, and by May the District Magistrate decided to withdraw proceedings in the pending cases, and in others also if apologies were given.

The role of the PCC in this activity was significant. Though the party, led by the Socialists from January 1938,

---

Cont'd., f.n. 96

Gopalan noted that false charges - including rape, stealing timber from the forest, assault and dacoity had been concocted and that in Chirakkal taluka about 151 people were arrested. Gopalan, op.cit., p. 97, Ranga estimated that 145 peasants were involved in criminal cases. To Subhas Bose, 15 January 1939. Yajnik Ms. F.15.

97 Madras FR(1), January 1939.
98 Madras FR(1), February 1939.
99 Madras FR(2), May 1939.
had threatened agitation in response to the police repression, it denied that a no-rent campaign was being carried on. While this was clearly not the case, it seems the party leadership was alert to the need for avoiding the precipitation of such activity. The general method employed was to constantly pressurise the Madras Ministry into curbing repressive acts, while sometimes threatening to undertake agitation but never in fact doing so. This policy was followed consistently and is perhaps most revealingly illustrated by the KPC's response to the AICC resolutions of June 1939 which had, amongst other proposals, debarred Congressmen from undertaking satyagraha without the concerned PCC's permission, and also made the Ministries effectively accountable only to the High Command, and not to the PCC. While this had caused strenuous opposition by the left-wing, the KPCC ignored the satyagraha question and applauded the second resolution, emphasising that part of the

101 Namboodiripad to President, INC, 10 December 1938, CR MS Roll 2.
102 Ibid.
103 As in the North Malabar case, see f.n. 101. Again, in the case of the Hitchcock memorial (in honour of the officer who was involved in repression of the non-cooperation and Mappila unrest), it was urged that the demand for its removal be conceded "without in any way paying the way for the starting of satyagraha". KPC resolutions, 26 November 1938, AICC, P 12 (1)/1938-39.
104 Resolutions and letters about police atrocities and the Ministry's not doing anything about it were frequent, and addressed both the Ministry and the Congress High Command. See KPC resolutions of 26 June, 1938, and 26 November 1938, P 12(1)/1938-39. Namboodiripad to President INC, 1 November 1938, 10 December 1938, CR MS Roll 2.
105 See Chapter 5 below.
resolution which urged that the Ministers should work in cooperation with the PCC. This was then used to urge that the Ministry be directed by the President of the INC to take up the question of police atrocities, to which it was noted the Prime Minister had been indifferent. This constant waging of propaganda warfare against landlords, police and the Ministry's indifference, but always within constitutional terms, exasperated CR, who came to see the Kerala unit as a threat to his plans of integrating the state to Congress needs, and of achieving social consolidation.

Interestingly, in neither the case of the Andhra nor the Malabar peasant movement was the latter threat founded at the level of attacking agrarian legislation. The Andhra Ryots Association in fact organised marches to taluka and revenue offices to support, with certain amendments, the Madras Ministry's Debt Relief Bill, and this was also the case with the

106 Namboodiripad to President, INC, 29 June 1939, CR MS. Roll 2.

107 Thus he did not want Namboodiripad to stand for a by-election because he will be a thorn in the flesh. Party work will be impossible if we continue and a man like that comes at this juncture." To Patel, 1 February 1939, CR MS Roll 2. But Patel said that he would have to abide by the KPCC's selection of candidate. To CR, 30 January 1939, ibid.

108 AIKB, 24 December 1937, Yajnik MS. F. 8(1). The bill discharged all interest due on 1 October 1937, and allowed only principle to be paid. There was a palliative in the bill to the landlords in the form of a clause excluding from the benefit of the act those tenants who had not paid rent for the current and last faslis. Further, the bill did not make any difference between income levels and made all ryotwari holdings eligible for its benefits irrespective of the size of holdings. Recommendations of select committee; Erskine to Linlithgow, 4 February 1938. Linlithgow, MSS Eur. F. 125/65.
Madras Estate Land Act Committee Report under T. Prakasam, whose proposals would have substantively benefited the tenant.\(^{109}\) In fact, unlike the Bihar and U.P. legislation, it was the Revenue Minister's commitment to the Act which made it difficult to realise reform.\(^{110}\) The Governor's anxiety at the Act's terms,\(^{111}\) and the petitioning of the Congress by the major landlords,\(^{112}\) caused Rajagopalachari to seek adjustments with Patel's help.\(^{113}\) But the pressure from Prakasam and from the part-

\(^{109}\) Amongst the important proposals was that land review rates would be reduced to the level existing in 1802, i.e. before the permanent settlement. Erskine noted this would mean a very large fall in rental levels. Another important change mooted was that peasants would have undisputed rights over forests. Erskine to Linlithgow, 10 November 1938. Linlithgow MS Eur. F. 125/66. For the Ryots Association's approval of the proposals with some exceptions, see AIKB, 9 December 1938. Yajnik MS. F. 8(1).

\(^{110}\) For example Patel informed a delegation of landlords that he could not do anything in the matter without the Madras Government's cooperation "and particularly the Revenue Minister who has devoted so much labour and thought over the question". To CR, 19 July 1939, CR MS. Roll 2. To evade suspicion that Prakasam's work was to be revised as a result of negotiations, CR suggested that the venue for discussions should be Bombay instead of Madras. To Patel, 25 July 1939, ibid.

\(^{111}\) Erskine to Linlithgow, 10 November 1938. Linlithgow MSS. Eur. F. 125/66.


\(^{113}\) Ibid.
cumscribed such possibilities, although compromise was being attempted until the time the Ministry resigned. The result of these counter-vailing compulsions was that the Act was not finally passed. However, it would perhaps be inadequate to look at this issue simply in terms of legislative achievement. The very impasse reached on this issue signified that commitment to agrarian reform was irreducible. And further, the committee's proposals provided a platform for peasant mobilisation.

It was this which also defined the point of tension in the relations between the Ministry and the peasant movement. CR's legislative policy may have been acceptable, but his belief that this could be implemented by the mechanisms of the state was constantly taxed by the realities of conflict on the ground. And inspite of his belief that such actions should be discouraged, he could not in practice avoid a mediatory relationship to direct action, as we have observed in the cases of Kalipatnam and Munagala. Further, he was bewildered when confronted

114 Patel explained to the landlords that as the general principles of the report had been accepted by the Madras Legislative Assembly, it would be difficult to do anything. To CR, 16 July 1939, ibid.

115 Patel was preparing to come to Madras for negotiations on 28 October 1939 when the Congress decision to resign from the Ministries took place. Patel to CR, telegrams of 17 and 18 October 1939, ibid. Patel's via media for the Act was not to reduce rental levels drastically but to have a rent court and to settle the rent on ryotwari principles. Erskine to Linlithgow, 9 September 1939, Erskine MSS Eur. D. 596/4. Thus was related to the fact that the proposals as they stood would have led to rent in zamindari tracts falling below ryotwari rents. Erskine to Linlithgow, 10 November 1938. Linlithgow MSS Eur. F. 125/66.

116 It was reported that publication of the report had led to a non-payment of rent in the zamindari tracts. Erskine to Linlithgow, 10 Nov. 1938, ibid.
with the cunningly conceived and controlled Malabar movement, in which constant pressure and propaganda was brought to bear on repressive agrarian relations and on the institutions of the State, but largely on the basis of methods which did not transgress legality.

Thus, under the Madras Ministry, the desired focus had been on making the state the prime mover of change, with a view, simultaneously, of winning the state apparatus over to the nationalist cause. But in practice the focus was dispersed by the pressures constantly exercised under extra-constitutional Congress auspices on the state structures. As we will see recurrently in our examination of the Ministries, extra-constitutional power retained a vivid existence despite whatever strategic or tactical adjustments were sought to be made by the leadership in their handling of the 1935 Act.

3.2 Bihar: Class adjustment and Class Conflict

3.2.1 The logic of compromise

In keeping with his views on the functions of office acceptance as outlined in the previous chapter, Rajendra Prasad was determined to enact legislation as swiftly as possible. This priority had a set of concomitants which led to acrimony and conflict within the party, or more pertinently, between orthodox or Gandhian Congressmen and legislators on the one hand and Congress Kisan Sabhaites on the other.

At the centre of the controversy was the Congress-Zamindar agreement of 1937-38. This was denounced by the Kisan Sabha as
a compromise with the big landlords and a betrayal of peasant interests.\textsuperscript{117} However, the process of this rapprochement was more complex, and can be understood in terms of the priority given to quick amelioration rather than to straightforward class questions. From the beginning of the Congress Ministry's tenure, Rajendra Prasad had made it clear to zamindar correspondents that he had been dismayed at the lack of cooperation the landlords had afforded to the Kisan Enquiry Committee, but that this would not deter the Congress from seeking cooperation again.\textsuperscript{118} This allowance, however, has to be seen in terms of the priority of swift legislation. Towards the end of September 1937 the Congress had rushed through an amending bill to the Tenancy Act giving little time for discussion. Further, and perhaps in the absence of any positive attempts at rapprochement on the part of the zamindars at this stage, the Bill was referred not to a Joint Select Committee of the two Houses, but to the Select Committee of the Assembly.\textsuperscript{119} One of the landlord MLCs made it clear that as a result of this indifference on the part of the Congress, the landlords would have no option but to

\textsuperscript{117} "Congress-Zamindar Agreement Condemned", statement of Bihar Provincial Kisan Council, 1 August 1938. Yajnik Ms. F. 4(1), Newspaper clipping.

\textsuperscript{118} To Shah Mohammad Masood, Hon. Secretary, Central Zamindars' Association, Patna, 20 July 1937, Rajendra Prasad Ms. XI/37/coll.1; and to Khan Bahadur Mohammad Ismail he noted that "If the Congress proposals are unsatisfactory the Zamindars should be prepared to propose a better solution and I am sure the Government will not fail to give it their utmost consideration." 12 October 1937, ibid.

\textsuperscript{119} Khan Bahadur Mohammad Ismail, MLC, to Rajendra Prasad, 17 October 1937, ibid.
reject the bill or to make an amendment to it in the Council.\textsuperscript{120} This threat was followed up by a group of zamindar representatives meeting Rajendra Prasad in Calcutta after the AICC meeting of October 1937, urging him that a settlement be brought about on the agrarian question. Discussions then took place in Patna between Rajendra Prasad, Azad, "Congress workers who are interested in the Kisan Sabha" and representative zamindars. The result was a set of proposals which Rajendra Prasad considered reasonable, though not in accord with Kisan Sabha demands, and which he hoped the zamindars would find acceptable and pass through the Upper House.\textsuperscript{121} The rationale of their rapprochement derived for Rajendra Prasad from the constitutional and legal limits presented to the Congress by their having to function under the Act. As he noted to Patel

\begin{quote}
In these negotiations we have two things prominently before us viz. quick passage of legislation in the two chambers and consequent speedy relief; secondly, some solution of the problem of bakhast and arrears by consent. We are told that there may be some legal difficulties which may be regarded as expropriatory\textsuperscript{122} (sic.)
\end{quote}

\textsuperscript{120} Ibid.

\textsuperscript{121} To Nehru, 23 November 1937, Rajendra Prasad Ms. I-RP/PSF-1-37.

\textsuperscript{122} To Patel, 28 November 1937, Valmiki Chaudhary (ed.), Dr Rajendra Prasad: Correspondence and Select Documents (hereafter RPCSD), New Delhi, 1984, I, p. 128. Patel considered the general proposals "quite good and if you can get through the Bill by consent it would be a great gain. It is no use trying to improve it if it has to be forced down the throats of unwilling landlords. We shall have to resist the excessive demands of the tenants who have been worked up and expect too much from Congress Ministers..." Patel to Rajendra Prasad, 4 December 1937, ibid., p. 136.
Rajendra Prasad also noted that if the zamindars did not find even this minimum programme acceptable, then many of the concessions made to them would be rescinded and legislation would proceed irrespective of negotiations.\(^{123}\)

In practice, however, this did not work out. In the first Congress-Zamindar agreement of December 1937, the following adjustments in the original bill were accepted in order to carry the landlord vote in the upper house: the 7 year clause, whereby at the option of the tenant the court could make over the entire holding for a period not exceeding 7 years in lieu of arrears, after which restoration would take place, i.e. a choice between losing part holding for ever and the whole for a period, was dropped due to landlord objections.\(^{124}\) Similarly, salami, (emphasis added to indicate the sense of limitations imposed on the Ministry that both Right-Wing leaders felt).

\(^{123}\) Rajendra Prasad to Sri Krishna Sinha, 5 December 1937, \textit{ibid.}, p. 137.

\(^{124}\) Patel to Rajendra Prasad, 16 December 1937, \textit{ibid.}, p. 143. Rajendra Prasad, "The Agrarian Problem in Bihar", n.d., Rajendra Prasad Ms. 1-a/1938, coll.2. Prasad also noted in this survey that other reasons for dropping the clause included the fact that the tenant would be rendered completely landless by the clause, and that in the interim period neither the landlord nor the tenant would have any interest in maintaining the fertility of the soil. But in a letter to S.K. Sinha he noted that in the event of landlords withdrawing from the agreement, the 7 year clause should be reinstated as they had been persuaded to give it up only to purchase the zamindars' consent. To S.K. Sinha, 2 December 1937, Rajendra Prasad Ms. XV/37/coll.3. And Kisan Sabha representatives in the Assembly, Jamuna Karji and others, considered this one of the most serious deletions from the original bill. "Dissatisfaction with provisions of Tenancy Bill", 22 December 1937, Indulal Yajnik Ms. P.4(1), newspaper clippings.
the transfer fee to be paid to the landlord at the time of land transfer, originally scheduled to be abolished, was retained at a reduced rate;\textsuperscript{125} and finally, the nature of the punishment to be given for levying of abwabs (illegal exactions) was changed by the landlord body in the upper house,\textsuperscript{126} an act subsequently ratified by the Congress, but held out as an example of landlord inconsistency by Rajendra Prasad.\textsuperscript{127}

If legislative feasibility was the major motive behind these concessions, as significant was the question of practical implementation of the various reforms achieved - rent reduction, commutation, a more equitable division of crop in \textit{betal} (share-cropping) lands, the exemption of tenants from various penalties for not paying rent arrears (immunity from attachment of moveable property, house, and from arrest; and only part-sale of holding in execution of a decree for rent arrears, as opposed to the earlier total sale, irrespective of however small the amount of the decree, or great the value of the holding).\textsuperscript{128} Practicability was also at issue here, as it was feared that questions such as remission of rental arrears, and the later

\textsuperscript{125} Rajendra Prasad, "The Agrarian Problem", ibid.

\textsuperscript{126} Originally the Bill made it a cognisable offence but it was made non-cognisable for fear that it would give the police a handle to oppress the landlords. Rajendra Prasad, ibid. Sahajanand pointed out that the change was effected by landlord "treachery" in the upper house. "Congress-Zamindar Agreement in Bihar", C. August 1938, Indulal Yajnik Ms. F 4(1).

\textsuperscript{127} He cited the transgression as something to be eschewed if cooperation between landlords and the ministry was to succeed. To Darbhanga, 20 April 1938, Rajendra Prasad, Ms. 1-a/38/coll.1.

\textsuperscript{128} For details, Rajendra Prasad, "The Agrarian Problem", op.cit.
plan to restore bakasht lands, would present legal difficulties. But with such an agreement, whatever the nature of the concessions, these problems would be circumvented because

we... have obtained promises from them (the landlords) to give effect to the terms of the settlement even if no legislation on these points is found possible under the law. There may be some recalcitrant landlords but others have promised to join us in these measures and devise means to give relief to the tenants. 129

But this compulsion, once accepted, turned out to be difficult to limit in terms of landlord demands for protection of their rights from a recalcitrant tenantry and what was seen as antagonistic ministerial positions regarding efficient rent realisation. 130

As a result of this impediment to legislation a second agreement was entered into. The landlords gave up the right to use certificate procedure to realise rents 131 but were conciliated with much more stringent procedures for rent realisation.

129 Rajendra Prasad to Nehru, 18 December 1937. Rajendra Prasad Ms. I-RP/FSF(1)/1937.

130 Thus Shyammandan Sahay of the Bihar Landholders' Association noted that in regard to speedy rent realisation and automatic remission of cess consequent upon remission of rent "Government holds views which are neither in keeping with the letter nor the spirit of the compromise". This was with reference to S.K. Sinha's statement in the Assembly that speedy rent realisation procedure could only be arranged after equitable adjustment of rent had been undertaken. To Rajendra Prasad, 13 April 1938. Rajendra Prasad Ms. 1-a/38/coll.1.

131 Hallett to Linlithgow, 5 March 1938. Linlithgow Ms. Eur. F 125/44. In the certificate procedure, instead of obtaining a decree and executing it in a Civil Court, the landlord after fulfilling conditions of maintaining correct accounts etc., could be issued a certificate by the Revenue
The crucial features of the agreement were: instead of partial sale of a holding to make up rent arrears, if a tenant had not paid rent for four consecutive years, he could be declared a habitual defaulter and the entire plot could be sold. Further, in order that the tenant be discouraged from trying to evade this clause by making delayed rent payment, such payment would be appropriated to making up arrears. Finally, and most controversially, was the addition of the facility of a distraint order on crops to realise rent arrears; pending decision of a suit, the crop could be cut and sold and the money would lie in court until the suit was decided. To facilitate swifter proceedings, while such an order would come from the civil court, the execution would be undertaken by the revenue official.

Both the total sale clause and the distraint/attachment order effectively reversed the position to that preceding the 1937 Tenancy Act. To underline the seriousness of this re-

Cont'd... f.n. 131

Officer which would enable immediate retrieval of rent arrears. In practice this tended to give the landlord special power over the tenant. See Rajendra Prasad, "The Agrarian Problem," op. cit.


133 Note by Rajendra Prasad, Congress Zamindar agreement, n.d. Rajendra Prasad Ms. 1-a/38/coll.2.

134 In the discussion between Government and zamindars on the distraint clause it was pointed out that attachment of crops had been made almost impossible under the first Amendment Act of 1937, ibid.; as for the question of total sale, while in this case it related to the problem of habitual defaulter, it had been another practice ended by
versal, it should also be noted that this, and the whole series of changes in legislative approach signalled by the first agreement of December 1937, were undertaken in the face of significant disapproval in the party. In September, well before the agreement took place, some 61 Congress MLAs, i.e. about 2/3 of the Legislature Party, submitted a representation to the Premier asking for introduction of measures in accord with the Faizpur agrarian programme (including the wiping out of rent arrears, 50 per cent reduction in rent and canal rates) and uncompromising legislation on matters specifically pertaining to Bihar (e.g. regarding bakasht, there was a demand that all peasant lands auctioned for rent arrears be returned). Later, when the second agreement came up in the Select Committee, it was reported that rank and file Congressmen almost revolted against it, as they had not been consulted. While the Working Committee of the PCC supported the agreement, the meeting which passed

the 1937 Act. The pre-1937 stricture had, however, been more severe than the clause envisaged by the Agreement. The entire holding had been liable to be sold however small the amount of the decree and however great the value of the holding. Rajendra Prasad, "The Agrarian Problem..." op.cit.


Stewart to Linlithgow, 13 June 1938. Linlithgow Ms. Eur. F. 125/44.

But at the meeting it was noted that it would be difficult to get the rest of the party to support the agreement. Stewart to Brabourne, 28 July 1938. Ibid.
the proposals witnessed airing of considerable criticism, and not only from the leftists.\textsuperscript{138} In its final form, the agreement was questioned in parts even by those who the party had designated to mediate with landlords, Jamuna Prasad Singh, MLA\textsuperscript{139} and Narainji, Secretary of the Provincial Kisan Department of the Congress.\textsuperscript{140}

Rajendra Prasad was well aware of the criticism that he was likely to receive for pursuing such a compromise, not only from the Kisan Sabha, but from Congressmen and perhaps even from the High Command.\textsuperscript{141} In fact he had brought Maulana Azad into the negotiations so as to give greater authority to the Ministry in the legislation it was undertaking and which he realized fell below the Faizpur programme of the Congress.\textsuperscript{142} He was willing and prepared to run these risks because he was seized with the urgency of pushing the legislation through as

\begin{flushleft}
\textsuperscript{138} Stewart to Brabourne, 9 August 1938, ibid.
\end{flushleft}

\begin{flushleft}
\textsuperscript{139} Jamuna Prasad Singh questioned the landlord assumption that Section 55 of the Act would be amended to enable appropriation of any rental payment towards arrears. Indian Nation, 9 July 1938 in Rajendra Prasad, Ms. I-a/38/coll.1. But Rajendra Prasad confirmed that such an amendment was indeed envisaged. Note on the agreement in ibid., collection 2.
\end{flushleft}

\begin{flushleft}
\textsuperscript{140} Narainji had wanted the whole chapter on distraint abolished as he believed that it was very oppressive. Rajendra Prasad to S.K. Sinha, 27 July 1938. Ibid., coll.2. When the distraint clause was included in the Agreement Narainji emphasized that the landlord belief that previous Government orders prohibiting this would be cancelled was wrong. The only change was that there would be a transfer of the order from the civil court to the Revenue Court for execution. Indian Nation, 9 July 1938 in ibid., coll.1.
\end{flushleft}

\begin{flushleft}
\textsuperscript{141} Rajendra Prasad to Darbhanga, 20 April 1938, ibid.
\end{flushleft}

\begin{flushleft}
\textsuperscript{142} Rajendra Prasad to Ramdayalu Sinha, 7 December 1937, Rajendra Prasad Ms. III/37/coll.1.
\end{flushleft}
swiftly as possible. This sense of urgency was heightened by the Ministerial crisis of February 1938, when the Bihar Ministry temporarily resigned over the issue of the dilatory way in which their orders for release of political prisoners was being responded to by the Governor. As he noted to S.K. Sinha:

I do not know when the next constitutional crisis will arise. It may come as suddenly and unexpectedly as the last one. I am, therefore, anxious that the Ministry should get through as many legislative and administrative measures as possible within the shortest possible time so that when the next crisis comes the country may have before it a record of good work done by the Congress Ministry. I can visualise a conflict between the Ministry and the British Government in connection with the introduction of the Federal Constitution. It is possible that an attempt will be made to introduce it some time towards the end of the current year and when that comes I do not know what form the conflict may take. It may be a constitutional deadlock or direct action. In either case normal work of reform and reconstruction will have to be given up, so whatever the Ministry can do between now and September next must be done and I feel that unless you are all very expeditious in planning and executing the reforms which you may want to introduce you will have failed in your attempt and the Congress will stand discredited at the time of conflict, when it will need all the support of the people at large.\[143\]

It is clear from the subsequent developments around the issue of tenancy legislation that Rajendra Prasad saw the agreement with the zamindars as central to ensuring this goal. And this was not only to be with a view to short-circuiting the legislative process, which could be interminably delayed by

143 Rajendra Prasad to S.K. Sinha, 4 March 1938, Rajendra Prasad Ms. 38/1938. (Emphasis added to underline the limited sense of duration Prasad had for the legislation to take place).
landlord opposition in the upper house, but in a more active sense, through their participation in the implementation of the law. He emphasised the importance of administering the law "so that people can feel that they have got something out of this understanding". To this end he urged the Maharaja of Darbhanga that prominent zamindars issue a statement to the following effect:

(a) all evictions and illegal exaction should cease (absolutely indulged in should be specifically cited);
(b) tenants should not be compelled to sell any articles at less than market price;
(c) no payment should be accepted without grant of a receipt in the prescribed form;
(d) no forced or underpaid labour.

He also urged that any complaints against amlas (landlords' agents) would be promptly enquired into by the zamindars concerned and followed up in terms of relief and action wherever found valid. If the amelioration provided by the Acts was ensured in this way, he in turn was willing that the Ministry issue a statement urging that rent be paid.145 And accordingly, to palliate landlord fears, it was ensured in the Agreement that if within six months rent was not being realised, legislative and other forms of action would be taken; further that as the agreement had PCC sanction, all subordinate DCCs would support

144 Rajendra Prasad to Darbhanga, 20 April 1938. Rajendra Prasad, Ms. 1-a/38/coll.1.
145 Rajendra Prasad to Darbhanga, 25 June 1938, ibid.
it, or otherwise face disciplinary action; and that Azad would issue a statement that as the zamindars had agreed to the terms, it would be up to the Congress to ensure that an atmosphere of peace was maintained and rents paid.  

Rajendra Prasad's strategy here was then oriented not only to facilitate legislation but to ensure its implementation. The orientation of these compromises in our estimation was towards ameliorating the condition of the tenantry, and the Agreements were tactical devices to ensure that Congress achievement in this area, constrained by legislative limits and the fear of a short tenure, would not be jeopardised by landlord opposition.

However, if compromise with the landlords as a class on questions of rent realization could achieve, theoretically at least, certain benefits for the tenantry, the other critical legislation undertaken during this period, the Restoration of Bakasht Lands Act of 1938 could not even claim these theoretical virtues. This Act, which aimed at securing restoration of lands sold in execution of rent decrees, exempted petty landlords with an agricultural income below Rs. 5,000/- and also overlooked cases of land settled with a third party. Restoration would otherwise take place on payment of half the sale cost within a period of five years.

---

146 Congress Zamindar Agreement, ibid.

147 Hallett to Linlithgow, 5 March 1938, Linlithgow Ms. Eur. F. 125/44. For further details of the Act, see Bihar Government's Performance, AICC 81/1938.
As Governor Hallett pointed out, this meant that restoration would only take place on the larger estates. Rajendra Prasad was aware of this and noted that the exemption in favour of 'petty landlords' nullified to a large extent the effect of the restoration provision as in some places only petty landlords dominated and so no restoration would take place in these areas. He also noted that in some cases petty and large landlords could be co-sharers, so that, according to the terms of the Act, while one tenant might get his land back, the neighbouring one might not, and this could be to the cost of the more deserving tenant. To resolve this Rajendra Prasad suggested a limiting of the definition of the small landlord. Hitherto the term referred to one who did not pay agricultural income-tax, but now Prasad suggested that it only relate to one who paid less than Rs. 125/- road cess annually. But the earlier definition held.

If there was discomfort about the implications of support to the small landlord over the bekasht issue, there was equal uncertainty as to whether the Agricultural Income Tax Bill was doing adequate justice to this category. This provided for exemption for income below Rs. 5,000/- but there would be a flat level of taxation for all incomes above one lakh. Rajendra

148 Hallett to Linlithgow, ibid.
149 Rajendra Prasad to CPN Singh. Rajendra Prasad Ms. 1-a/38/coll.1.
150 Bihar Government's Performance, op.cit.
Prasad said that this signified a concession to the big landlord at the expense of the smaller one and suggested that the rates should be altered so as to raise the upper limit and to reduce the rates for lower incomes, subject to the condition that the total yield would not be reduced. However no gradations of this order took place in the final act.

If we try to interpret a class orientation, or rather result, from Rajendra Prasad's legislative strategy, it would seem that overall it was the small landlord's interests which were protected, though in some cases within a framework of conciliation of the larger landlords. On the other hand a space for reform was also chalked out for the peasantry, circumscribed however it might have been by the conciliation of the landlords.

Even in terms of these advances, however, there were inevitable problems. The ability of the peasantry to utilize the legal procedures provided for the amelioration of their grievances, founded as they were on documentary requirements to establish occupancy and rent levels, and the costs of litigation would tend to be restrictive for the smaller peasants. It must have been an awareness of these problems – e.g. of lack of rent receipts, manipulation of evidence by landlords agents and

151 To CPN Singh, 25 April 1938, Rajendra Prasad Ms. 1-a/38/coll.1.

152 Bihar Government's Performance, op.cit. In addition it should be noted that the Premier said that no interest would be charged for non-payment of the tax. G.P. Sharma, "The Congress, Peasant Movement and Agrarian Legislation in Bihar, 1937-39", M.Phil., Centre for Historical Studies, Jawaharlal Nehru University, New Delhi, 1979.
their use of force to settle conflicts with the tenantry—which led to Rajendra Prasad's demand that these means be curbed by the landlords. 153

In a sense, to alleviate the problems posed by a constitutional-administrative resolution, Rajendra Prasad was seeking to circumvent these institutions. The notion of a Congress compromise with, or support to, the landlord class fails to encompass this aspect of his strategy. The landlords, who had been at the receiving end of the 1937 elections, were being invited by Prasad to acquire citizenship under the nationalist regime, in return for a certain legal protection of their rights as landlords, and on condition that they in turn adopt a legal approach on the many issues affecting their tenantry. 154

This objective was, however, severely curtailed by the "uncivility" of the society Rajendra Prasad was handling. In response to his plea that the landlords be brought into line to implement the agreement, Darbhanga noted that they would try their best to ensure this, but he also cautioned Rajendra Prasad that his group formed one of the component parts of a Party in the Council that consisted of minority groups and individuals, and so could not be held responsible for those who did not identify with the Bihār Landholders' Association. 155 And this problem did not only surface inside the legislature. Outside

153 See above, footnote 144.
154 This may be contrasted with the constitutionalist approach of Rajagopalachari, which tended to restrict its gaze to the realm of the state; command over all other relationships would flow from the primary task of controlling the state.
155 Darbhanga to Rajendra Prasad, 21 April 1938, Rajendra
the legislature it was reported that in anticipation of the legislation, landlords were arriving at favourable tenurial settlements in Gaya, Patna and Shahabad districts. Further, certain sections of the landlords such as the Patna and Bhagalpur Landholders' Associations had repudiated the agreement.156

In fact, while the Kisan Sabha criticism was levelled most of all against the concessions to the landlords, a major part of their attack was concentrated on the inefficacy of legislation, the acts of commission in its implementation and so raised the question of power on the ground to realize relief. As Sahajanand put it:

It is not the mere absence of the legal provisions helping the kisans which has caused their miseries, degradation and ruin in the end. In fact a lot of such provisions are already there to save them to a considerable extent from the clutches of, and the troubles from, the zamindars and yet the lot of the kisans has ever remained unaltered, because there has been no vigilant and prompt machinery to enforce them strictly with its eyes towards the maximum benefits accruing thereby to the kisans157

Cont'd., f.n. 155
Prasad Ms. 1-a/38/coll.1.


157 Sahajanand, "Tenancy Measures in Bihar", after 15 August 1938, ibid. The measures he mentioned in this context included Section 58 of the earlier Bihar Tenancy Amendment Act which penalised the landlord for non-grant of receipt, or statement of accounts; sections 74 and 75, against abuses; section 136, which made a criminal offence of any undue and illegal interference with the produce of the kisan's holding.
Thus Sahajanand noted that certain gains of legislation, however inadequate they might have been in his estimation, were simply not implemented. Even more significantly, Sahajanand showed that there had been a more active intervention by the government to neutralize or substantially dilute legislation regarding rent reduction.

In a pamphlet published on the eve of the resignation of the Congress Ministry in Bihar Sahajanand drew attention to a series of problems in the implementation of Section 112A(I) of the Tenancy Act. He showed that in a number of instances Government instructions and circulars had been issued with a view to lessen the impact of the rent reduction law on the landlords.

He noted that kisans had hoped that clause c(ii) of the section, whose chief aim was to reduce rent if the landlord had neglected irrigation, would facilitate reduction retrospectively. This hope appeared to be borne out by the Government's earlier directives in which the rent reduction officer was instructed to remit rent for 10 years if the landlord's omissions:

158 Amongst the failures cited: the non-implementation of the formula for grain division between landlord and tenant in the batai system; that the "meagre" 2 lakh reduction of canal rates had not been put into practice; and that rent reduction was not being implemented because of the nature of the machinery, presumably referring here to the difficulties faced by the tenant in providing evidence of rent payment and of establishing rental levels. "Congress-Zamindar Agreement Condemned", Bombay Sentinel, 1 August 1938 and Sahajanand, "Tenancy Measures in Bihar", op.cit., both in Indulal Yajnik Ms. F. 4(1).

159 Sahajanand, Rent Reduction in Bihar: How It Works An Exposure of the Government Claim, 1 September 1939 in Indulal Yajnik, Ms. F.5.
sion was judged to be habitual. However, in the Government's later circular (No. 43), it was directed that before such action was taken the landlord should be given time to make good his obligations, and if within that time satisfactory changes were not made remission of rent would be made final, but would take effect only "from such date after the filing of the tenant's application as the officer considers to be reasonable, but should not be given retrospective effect for period prior to filing of appeal." Further, circular 48 gave landlords opportunity for revision of such a settlement by empowering rent reduction officers to revise any such order if they were satisfied with the landlord's efforts.160

The Government's good intentions towards the landlords were further established by circulars 38 and 46. The first insisted that in all instances the evidence of the landlords must be considered and in the order passed reasons for rejection or acceptance of these must be stated. As Sahajanand noted, this provided the landlords with the possibility of pressurising the officers and also gave them an opportunity to introduce fabricated evidence.161 Circular 46 indicated special consideration for landlords in the rent reduction operations; notices had to be issued to landlords and tenants that applications for rent reduction would be considered on a certain date. If landlords failed to attend them a further individual notice would be issued to them before any order was passed; further the land-

160 Ibid., pp. 11-16.
161 Ibid., pp. 20-21.
lords would also be given a copy of the application for rent reduction made by the tenant. The absence of similar allowances and facilities to tenants was pointed out, and it was only then that the Government issued circular No. 52 in which they noted that such procedures were applicable to both classes.

Sahajanand also pointed out two other problems presented by these circulars. The first was the tendency of the Government to rely on the judgment of the administration, a dependence Sahajanand did not find reasonable. For example, in the application of clause c(i) of the section, pertaining to relief given in the case of deteriorating holdings, he noted that determination of eligibility of a holding would be left to the rent reduction officers. And in one instance he pointed out that while some officers wanted to use their discretion to apply the clause in the case of lands whose productivity was affected by shade, the rent officer, R.A.E. Williams, declared that the clause was not applicable.

The question of partiality to the landlord and the dubiousness of relying solely on administrative judgement were two of the major issues revealed by Sahajanand's analysis of Government circulars. The third one was an effective abrogation of rights given by the Rent Reduction section of the Act. Sahajanand pointed out that in paragraph 48 of the instructions.

162 Ibid., pp. 21–22.
163 Ibid.
164 Ibid., pp. 8–10.
it was provided that rent reduction officers could use clause (d) if the rent remained exhorbitantly high after the application of clauses (a) and (b). If even after this rent was deemed too high after cancellation of enhancement, then clause (e) could be applied. But in March 1939 circular 39 was issued prohibiting application of clause (d) in such cases. The use of clause (e) never arose at all. 165

Evidently what had operated here was the government's desire to palliate landlord interests in a context in which rents were still not being remitted. 166 But the result of these problems, reversals and inefficacy of legislation was to give the landlord a sense of power, a situation inimical therefore to the redressal of peasant grievances. Sahajanand noted that the zamindars felt "happy and victorious" 167 because of Government concessions, while on the other hand the tenantry felt no diminishing of their situation of powerlessness:

165 Ibid., pp. 5-6.
166 Ibid., pp. 24-25.
167 Sahajanand, "Tenancy Measures in Bihar," after 15 August 1938, op. cit. He quoted K.B. Ismail, an anti-Congress Zamindar who had refused to cooperate with the Congress Kisan Enquiry Committee and who continued to ally with anti-Congress elements, as having said in the Council that "By entering into agreement with the Congress the Zamindars have not surrendered their rights. The agreement is in the interest of the zamindar community." Later he also noted the opinions of landlords at the All-India Landlords' Conference held at Lucknow in April 1939. C.P.N. Singh, a major Bihar Landlord noted that "The Government in Bihar ... were very reasonable and some concessions were secured by the zamindars in Bihar which no other Government would have allowed". Sahajanand, note on Congress and Zamindars, 1 September 1939, Indulal Yajnik, Ms. F.5.
The government, while providing for the machinery (legislation R.V.) did not take into account... the over-agitated and terror-stricken conditions the Kisans were continuously in ... and considered them, for all practical purposes of the law, equals of the zamindars. This has been the greatest handicap for the kisans in getting their grievances redressed through the legal machinery... In the circumstances mere repeated enumeration of these reforms would not cut much ice, it will enrage the kisans instead. First curb mercilessly the lawless, tyrannical and most objectionable activities of the zamindars and promptly teach them a terrible lesson for these and make them realise that they are under the regime of the popular ministry installed by the kisans inspite of them, and see clearly that the times have changed, then and then alone any value of these measures may be assessed by the kisans.168

In our view, Sahajapanand's argument demarcates the critical area of tension within the ministerial experiment. The question was not so much of compromise but that identification with peasant interests within this compromise be established. A political agency outside the realm of the state to realise legislative achievements on behalf of the tenantry was required. Otherwise, legislation "will enrage the kisans instead". In our next section, we will examine how the compulsions of ministerial action as seen by the Right Wing, and a certain inefficacy of legislation to ameliorate the agrarian problem, led to a significant, if temporary, parting of ways in the party.

3.2.2 Divergent Patterns of Action and Power

The compulsions we have observed in Rajendra Prasad's stra-

tegy for social consolidation contrast with the approach of Kisan Sabha activists in Bihar. The limits to legislation posed by the structure of the state and of law and by a sense of the limited political duration of the Congress experiment, were of negligible significance to this group. We shall show that in their perspective, the terrain of action always rested outside the structures of government. At first pressure and later direct action were considered the motive force of all change. Such action might be oriented to wresting gains from the administration, to bringing pressure to bear on the Government with a view to radicalizing legislation; it might even have been pursued with a knowledge of legal opportunities and how these could be used to benefit the tenantry. But all such elements of Kisan Sabha politics must be seen not as ends in themselves but as moments in the consolidation of peasant power, a power whose aim was the abolition of the Zamindari system. In the Kisan Sabha leaders' view, nationalism had to be radicalised to the point where the abolition of feudal property could be achieved. In 1939, after the British entry into the war, and on the eve of Congress resignation from office, Yajnik noted that

I think that we should make a bold bid for carrying things to a decisive conclusion even in the Kisan Movement. All of us agreed that this was an opportune moment for making

169 For example, while the Comilla meeting of the AIKC roundly denounced Congress ministerial policy regarding indebtedness, it made elaborate suggestions for how tenants could benefit from the existing laws. Comilla Conference, 14 and 15 May 1938, Yajnik, Ms. F.B.
a bold attempt for eliminating Zamindari system. (sic)170

In Sahajanand too there was a linkage between the radicalisation of the peasant and national movement and is illustrated by his observation that

Every possible effort has been made by us to keep our Bakasht struggle alive and at the same time make preparations for readiness to rise to a man when the call for the supreme sacrifice comes.171

It is apparent that for Sahajanand the supreme sacrifice the complete commitment to abolishing the Raj - would be facilitated by the unprecedented presence of a conscious, anti-feudal peasant movement.

But there is in the last pronouncement the aspect of a voluntarism struggling to realise that which is becoming steadily illusory. Before the Congress Ministries had resigned, the Bakasht struggle had dwindled into weakness and increasingly sporadic activity.172 Further, this perspective only assumed a definite shape after a certain period of the Ministry's life. While peasant action was always seen as the motor of change, the belief that it could and in fact should move into a more radical, expropriatory phase, was a later development. In this section we shall examine the character of Kisan Sabha politics, and how it underwent these changes.

170 Yajnik to Sahajanand, 13 September 1939, Yajnik Ms. F.11.
171 To Yajnik, 18 September 1939, ibid.
172 See below, section (ii).
The AIKS' skeptical attitude to the Congress decision to form Ministries was reiterated at its Niyamatpur (Gaya) session in mid-July,\(^{173}\) and shortly after the inauguration of the Ministry, in August, the BPKS organised a demonstration to the Assembly to issue a statement of tenant grievances to the Premier. In September it was proposed that there be a Kisan March to the Assembly on the introduction of the Tenancy Amendment Bill on 23 September. However, it was pointed out that such a demonstration would be premature, since the proposals for tenancy reform were not as yet known, and so the march was abandoned.\(^{174}\)

Clearly, this scepticism expressed a distrust of the Ministry and a determination to exercise constant pressure on it to ensure that it did not succumb to moderation. However, to put this in perspective, it should be noted that there had been a build-up of landlord organisation and pressure during these first few months, and there was a constant stream of complaints from landlords about tenant unrest and non-payment of rent.\(^{175}\)

The development of class-conflict placed the Kisan Sabha "between two horns of a dilemma" as Sahajanand put it, a situation...
tion in which, if the Congress pledge to the peasantry remained unrealised, the Kisan Sabha might be blamed, especially as "because of our United Front and intimate connection with the Congress they believe that our voices are bound to be heard". While understanding the difficulties of the Ministers, the Kisan Sabha needed an assurance that would neutralise this awkward position, "a solemn assurance and public declaration about the future programme of the Ministry in unequivocal terms, so that we may be able to judge and ascertain the position in order to decide our future course of action which may not embarrass the Ministers as far as possible." He also noted that as far as the current Tenancy Bill was concerned, this would be acceptable provided a more comprehensive bill was put forward subsequently.176

In fact in October and November there was a discernible moderation in Kisan Sabha appeals. This might have been in response to Rajendra Prasad's private cautioning of the Swāmi before the Calcutta AICC of October 1937 177 and also perhaps to outbreaks of violence which had taken place in Southern Bihar, in which a zamindar's agent had been killed.178 Towards the end of

---

176 Sahajanand's statement on the Bihar Tenancy Amendment proposals. Before 17 October 1937, Yajnik Ms. F. (4)ii), newspaper clippings.

177 On 16 October Rajendra Prasad made a "vague complaint against some workers" to Sahajanand and on 18th gave Sahajanand written complaints. From Sahajanand's resignation letter to the Bihar PCC, 2 January 1938, ibid.

178 The Government reported that in South Bihar anti-landlord sentiment was being whipped up to fever pitch. Tenants had assaulted Zamindar agents, leading to one death. A large number of telegrams had been sent from the villages expressing landlord fears. Bihar PR(2), October 1937.
October Sahajanand presided over a meeting which passed a resolution reposing confidence in the Ministry. And in November the BPKS passed a resolution which, while reiterating the right of the peasantry to undertake demonstrations to bring the Ministry to an awareness of the inadequacy of their proposals and the intensity of present demands, also warned that Kisans and Kisan workers should be careful that the agitation in no case assumes a form that may weaken the Congress as a whole or lower its prestige. Criticism must be well-informed, courteous and constructive. The Council also wishes to warn the Kisan Sabha workers against falling a prey to the provocation of the Zamindars who clearly stand to gain in the event of open clashes and outbreak of violence. Zamindars have been using violence in many shapes. It is natural that the peasant rebels against these indignities. It is the duty of the Kisan workers that this is done in a peaceful and legitimate manner.

Inspite of this conscious toning down of appeals, matters were precipitated by 3 DCCs, 2 of which (Saran and Champaran) asked the Swami not to address meetings in their districts for fear that it would cause unrest, and a third, Monghyr, also asked their members to disassociate themselves from the Kisan Sabha's activities. On 13 December, the FCC also passed a resolution ordering Congressmen not to associate themselves with violent activity and any Kisan Sabha activities which encouraged this. The Monghyr DCC's resolution almost certainly resulted

179 Ibid.
180 2 November 1937. AICC G-98/1937.
181 Rajendra Prasad Ms. XII/37/coll.4.
from the recrudescence of trouble over bakeshet lands. Zamindars of this area, who had been staunch Congress supporters during the civil disobedience movement, had complained about unrest at the time of the Calcutta AICC. Inspite of the fact that it was they who infringed the award given by Rajendra Prasad and S.K. Sinha earlier in the year, it is likely that their influence in the area would have led to the DCC's anti-Kisan Sabha position. Of Saran, it may be noted that kisan mobilisation had been substantial and this might have led to orthodox Congress fears; and Champaran was of course an old Gandhian stronghold.

Sahajanand complained that inspite of his having written to Rajendra Prasad about the Saran DCC's move, resulting in reassurances from Prasad that no action would be taken without warning him, the BPCC resolution confirming support to the subordinate committees' action was undertaken without his being given


183 Jagdish Narain Singh, et. al., representatives of Zamindars of Barahiya and tens, thanas Lakhisarai and Sekhpura, Monghyr to General Secretary AICC, Calcutta, 28 December 1937. Rajendra Prasad Ms. XII/37/coll.1. They noted that they were Congressmen who had been to jail, that the earlier troubles, instigated by the Kisan Sabha had been resolved by Rajendra Prasad and S.K. Sinha, and that the Kisan Sabha were again urging tenants to forcibly occupy the lands. For the earlier conflict see Ch. 2.3.2, section (1).

184 Bihar FR(1), November 1937.

185 The Kisan rally to the Assembly on 26 November 1937 numbered about 10,000 mobilised from the Kisan Sabha strongholds of Gaya and Patna, and also from Saran. Bihar FR(2), November 1937.
a chance to defend himself, and in his absence (he was a WC member). 186

While the Bihar PCC's treatment of the Swami was clearly unjust, for our purposes, what is significant is the rationale put forward by Rajendra Prasad for the action. This comprised two charges, of indiscipline and encouraging violence. Firstly there was anxiety at the pressure being exercised by the Kisan Sabha through its rallies and its mobilisation of MLAs against Congress legislative policy, 187 and annoyance at its subordination of the national to the red flag; 188 and secondly there was criticism of the Swami's cult of the danda, 189 - his urging that the peasantry defend their rights and not succumb to landlord terror. 190

186 Sahajanand's resignation letter of 2 January 1938, op. cit. He had resigned earlier, in protest over candidate selection in the 1937 elections (see above Ch. 1.2) but had withdrawn the resolution due to loyalty to the Congress. Ibid.

187 Rajendra Prasad's notes on the conflict, Rajendra Prasad Ms. XII/37/coll.4. He was also annoyed at what he believed were coercive methods being adopted by the Kisan Sabha in its mobilisation of opinion; he noted that the statement of 61 MLAs (see above, 3.2.1) was believed by some of the signatories to be only for party discussion, not for publication. It had been reported to him that those who refused to sign had had meetings held against them in their constituencies. He was also irritated that Sahajanand had, without consulting the Ministers about what they were doing, condemned them for inaction. However of this speech he had no press report, and we have shown that Sahajanand tended to express dilemma rather than outright hostility.

188 It was reported to Rajendra Prasad that on the second day of the Niyamatpur Conference of the AIKS red flags replaced the national flag. Rajendra Prasad to Nehru, 18 December 1937, Rajendra Prasad Ms. I. RP/PSF(1)/1937.

189 Ibid.

190 Sahajanand admitted using this appeal in his resignation letter, op. cit. However, he denied that its usage had started only under the Congress Ministry. He said he had been using it for the previous 3 or 4 years.
While the issue of the flag did represent an unnecessary exercise in confrontation and reflected a sectarian attitude, we have shown that the Sabha leaders had modulated their approach to the Ministry since October. On the other hand a less negotiable difference was represented by the issue of the danda cult. Rajendra Prasad had noted to Nehru that the danda cult would rebound on the peasants and he was reiterating here an earlier observation that direct action to redress grievances could lead to demoralizing repression and a loss of legitimacy with the courts. On the other hand, while the Kisan Sabha had moderated its approach with the understanding that unrest had given rise to dangerous types of action, and because of a sense of united front, they nevertheless saw the issues of peasant action - to protect and consolidate peasant power, and to hold an uncompromising attitude to legislation - as intractable. This inevitably pitted them against the Congress Right Wing's priorities. Rajendra Prasad expressed his criticism of the danda cult and of direct action in terms of how these methods would hurt the peasantry. His resolution was to bring these interests into the framework of legality (however halting and concessional this was to the landlords) that the Ministry's legislation would provide. Further, such an integration was politically imperative. If the Ministry experiment was to succeed in Right Wing terms, the Congress social base had to be consolidated by demonstrable gains. Kisan Sabha propaganda threatened this plan by

191 Rajendra Prasad to Nehru, 18 December 1937, op.cit.
engendering conflict in the countryside, for this would jeopardize the consensual tactics whereby legislation could be swiftly pushed through.

Thus, simultaneously with the autonomous action undertaken by the DCCs, the Congress Right Wing had, at an all India scale, decided to rally their forces at the coming Haripura delegates' elections in order to consolidate their position and undercut what they perceived to be a left-wing presence which threatened the imperatives of Ministerial strategy.193

While this Right-Wing plan was conceived of by leaders like Patel and Rajendra Prasad not to use the existing power they exercised to suppress the left, in Bihar this was not uniformly so. The Kisan Sabha charged that the Rightists had used unfair methods such as partisan election officers to disrupt elections and they were also charged with forcibly preventing voters in the Congress elections from exercising their franchise.194 The Violence Enquiry Committee that was set up in the wake of these conflicts195 corroborated that in Darbhanga, in a number of instances, left-wing charges were borne out.196 However, the

193 See below, 3.4.
194 Dhanraj Sharma to Jawaharlal Nehru, 4 January 1938. AICC P. 6/1937.
196 In Central Tajpur, the Committee's findings suggested that the Right Wing candidate had the ballot boxes of one polling station he was losing in removed. Similar disruptions with the connivance of partisan presiding officers were found to have occurred in Rosera No. 1, South West Sadr and Sadr No. 2 (in which the polling officers stopped voting
Report of the Committee also indicates that in certain cases it was not only the anti-Kisan Sabha candidates who were responsible for the melee. A free-for-all took place, in which district Kisan Sabha leaders seemed to be helpless. In Central Sadr constituency the Right Wing candidate, Triloknath Chaudhuri, charged his opponent, Ramachandra Mishra, with mob violence. The latter's evidence suggests that while he was not directly responsible, his followers certainly seemed to have been the aggressors, though their action (smashing the doors, windows, ballot boxes and destroying papers) was precipitated by fears of the poll being rigged. In Jale constituency, a running battle between the opponents' supporters preceded the poll, and a riot, precipitated by the partisanship of the presiding officer, broke out, and the Kisan Sabha candidate, Yamuna Karjee, again seemed to have no control over the situation. And in the Bhaktiar-

cont'd... f.n. 196

on some pretext and declared the Right Wing opponents of Dhanraj Sharma and Yamuna Karjee elected). Cases were also cooked up against Kisan Sabhaites (in Warisnagar West, Madumand Thakur and 22 others were charged with disrupting the poll, but the case was dismissed; Dhanraj Sharma and others were charged with violent disruption of the Baurhar election, but the case was dismissed in the sessions court over a year later, AICC P 6/1939–40). And the use of landlord intimidation was displayed in the central Warisnagar constituency. The Right Wing candidate, Rajeshwar Prasad Narayan Singh, brother of Legislative Assembly opposition leader, C.P.N. Singh, was charged with using his influence to stop Kisans from voting. Amlas were threateningly present at the polling booth, and some tenants were stopped by the landlords' men while on the way to the election venue. Violence Enquiry Committee Report, AICC P-6/1939–40.

197 Ibid.
198 Ibid.
pur Constituency of Patna, the men of Ramlakhan Singh Vaidya, opponent of Kisan Sabha MLA, Sheelbhadra Yajee, were severely injured. 199

The point being made here is that while local Right-Wing Congressmen, sometimes in concert with local landed power, were often the cause of the violence that broke out in the Haripura elections, the Kisan Sabha leadership were not always in control of their followers. Socio-political circumstances in Bihar were giving rise to a series of violent local feuds, and it is likely that the top leadership of both groups in the Bihar Congress were not always able to control the situation.

Though the Sabha registered serious reverses in the elections – the Bihar left had only 5 out of 36 representatives to the AICC 200 – it would be doubtful to suggest that it was their failure to dominate the Congress elections which led to their subsequent, direct action oriented methods. 201 In fact, what seemed to have characterised the perception of the leadership of Right Wing and Kisan Sabha groups after the crisis of 1937 was of the order of a holding game. Rajendra Prasad's interpretation of the BPCC resolution against the Kisan Sabha was that "all we have done is to ask Congress workers to disassociate themselves from activities which we consider to be objectionable". He noted that the thrust of the Congress action was not

199 Patna Cases, ibid.
200 Bihar FR(2), January 1938.
against the Kisan Sabha but against objectionable propaganda.²⁰²

It is notable also that the Haripura Congress resolution on
Congress-Kisan Sabha relations, though critical of propaganda
and activities which would weaken the Congress and negate Cong-
gress principles, reiterated the right of peasants to set up
unions.²⁰³ But it was clear that Rajendra Prasad expected the
conflict to acquire a graver form when he noted that

"Much misunderstanding is ... created in the
mass mind which regards the Kisan Sabha as
identical with the Congress in many places.
It had therefore become necessary to distin-
guish the two from one another."²⁰⁴

The Kisan Sabha too made protestations to the effect that
it abjured violence. But its notion of support to the Congress
was riven with contradictions in terms of Right Wing priorities.
Thus Rammanad Mishra, defending the Kisan rallies to the Assem-
bly in August and November noted to Rajendra Prasad that

"It was against the propaganda of the Zamin-
dars' Association and to strengthen the hands
of the Congress Ministry .... the Zamindars
would never have agreed even to those compro-
mise terms if there had not been such mass
agitation.... What was in the rally except
presentation of demands?²⁰⁵"

Rammanad may of course have been right about the pressure
the rally exercised on the Zamindars to accede to the Ministry's
formula for tenancy legislation. But it was naive to assert that
the rally was merely a presentation of demands. The very presen-

²⁰² To Nehru, 18 December 1937, op.cit.
²⁰⁴ To Nehru, 18 December 1937, op.cit.
tation of demands showed a large gap between ministerial and Kisan Sabha objectives. As there was to be no alteration of Right Wing policies in this matter, the differences could only become more substantial.

If this represented one area of unbridgable conflict, so too did the question of peasant mobilisation. After the passing of the BPCC Resolution against the Kisan Sabha, the BFKS noted that the Monghyr Kisan Sabha could not be dismantled given the continued repression the Kisans were facing there, especially in the Barahiya Tal region.206 This insistence on organisational autonomy signified a quite legitimate skepticism about the influences operating on the local Congress in this area. The priority given to the defence of peasant rights in this scheme was also taken to the extent of refusing to acknowledge legal procedures as a necessary preliminary to altering peasants' economic conditions, when they were not in turn carried out by the landlords as well. Thus Sahajanand objected when Narayanji, in charge of the Kisan department of the BPCC, insisted that Kisans pay rent even if not granted a receipt:

We can't tolerate this encouragement of not granting legal receipts to the Kisans... the Kisan Sabha is duty bound to ask the Kisans to withhold the payment until and unless such receipts are granted.207

While this was pitched at the level of an incomplete or unimplemented legality, the argument tended to move away from that of

206 Resolution of BFKs, 17 December 1937. Yajnik Ms. F.4(1) newspaper clippings.

207 Statement of Gaya, 27 June 1938, ibid.
legality to one of peasant right, and, as the situation de- 
volved, of power.

The gap between Kisan Sabha and Congress strategies for 
tenant amelioration become concretized with the second tenancy 
act and the Bakasht Restoration Bill of Mid-1938. The re-assu- 
rance of landlords by a stiffening of rent realisation proce- 
dures, and the ineffective nature of the Bakasht bill 
were guaranteed to precipitate the brewing discontent Kisan Sabha 
activities felt with Congress policy.

It was not as if the Congress was unaware of the serious- 
ness of the bakasht issue, or of the inadequacy of the legisla- 
tion they had passed. Soon after the formation of the Minis- 
try, the Prime Minister and the Finance Minister visited the 
troubled areas of Gaya with a view to achieving a peaceful 
solution. The party had set up a special cell to deal with 
Kisan problems, headed by a Gandhian, Narayanji, and he along 
with another Congressman and Gandhi Seva Sangh Member, Bipin 
Bihari Varma, tried to compromise bakasht disputes in Gaya dis- 

The problem with Congress attempts of this order was two- 
fold. Firstly, those was the problems of effectiveness of media- 
tion. How could they ensure that a reasonable verdict was arri- 
vied at? As the BPCC pointed out, they had attempted to compro-

208 See above, 3.2.1.
209 Rajendra Prasad to C.P.N. Singh. Rajendra Prasad Ms. 1-a/ 
38/coll.1.
210 Bihar FR(1), August 1937.
211 Bihar FR(2), June 1938.
mise the conflict in Reora, Gaya district, but "good intentions did not materialise". However, the party's emphasis on legality meant that it could not accept the use of extra-legal mass action to bear on the decision of the issue. It vetoed law-breaking, especially as suits were still pending before courts. All it could do was to urge the Government to act swiftly to resolve the issue.

Apart from the fact that such legal redress through the courts would tend to be more difficult for the tenants to use because of financial problems and the difficulties of providing documentary proof, the alternative route taken by the Congress, of mediation, tended to adopt a concessional form which could then be used by the landlords to effectively neutralise tenant gains. For example, in the case of the Barahiya Tal settlement, while the Rajendra Prasad award secured a return of as much land to the tenants as they had occupied before the struggle launched in 1936, it allowed the landlord to shift the land given to each tenant so as to prevent the accrual of occupancy rights.

The Right Wing Congress approach to the problem then tended to exhibit glaring weaknesses in its various initiatives. That these problems related in turn to the class base of the

212 Searchlight, 10 January 1939, p. 6.
213 Ibid.
215 Rakesh Gupta, Bihar Peasantry and the Kisan Sabha (1936-47), New Delhi, 1982, p. 194.
party is likely. Rajendra Prasad has noted that the bakasht bill would tend to be limited in its effects given the protection it allowed the petty zamindar, and in the case of Barahiya Tal, he explained the awkwardness the Congress faced as the "middle-class" zamindars of the area had been staunch supporters of the nationalist party.

Thus the logic of ministerialism and of class support posed problems for the way that the Congress Right Wing in the province approached the bakasht issue. And from this perspective, the way the agitation developed in some areas the issue became completely unnegotiable. This emerged at the point when the bakasht movement sought not merely to retrieve lost rights, but to expand them. As Henningham has noted for Darbhanga district, the "distinction between protest over control of newly sold up bakasht lands and that over long established bakast land was not clearly defined. To strengthen their claim peasants, no matter what the facts were, tended to claim that they had only recently lost their occupancy rights in the land under dispute.

216 See above, f.n. 149.
218 This was how the information officer of the Government described the continued militancy of the Ghosrawan (Patna district) agitators. He explained that the dispute related to 200 bighas belonging to the landlord which had been purchased against execution of a decree some 15-20 years earlier. There had been an agitation in 1938 which had been 'amicably' settled, with the landlord giving up all but 70 bighas of land, receiving in return 70/- per bigha as salami. Some tenants paid, but others wanted the land free and the demand now was that the remaining 70 bighas should also be given to the tenants. Searchlight, 10 June 1939.
and conversely landlords tended to claim that they had held the disputed land as bakasht over a long period... When the disputes entered this kind of grey legal area, and Satyagrahis refused to accept even substantial restoration, the Government could only ascribe it to the stubbornness of "kisans and outsiders".

This incomprehension was understandable in terms of the imperatives of Right Wing ministerial policy. But the actions can be comprehended, not in terms of pressure for redressal of grievances, but rather as lying along a different trajectory of power, in which all the limits posed by functioning within the terms of the Act, and of mediating to ensure reform, become increasingly of secondary importance.

This is indicated by the BFKS response to the strictures passed against the Kisan Sabha in December 1937. The Executive Council noted that the atmosphere of conflict that had developed was related to a feeling of liberation and expectation. "The peasants felt that they had their own government now and so they look the world straight in the face, and they become bolder and move resistant to oppression".

In fact, the bakasht struggle was largely related to this awakening, and Rajendra Prasad noted that the Kisan Sabha had not instigated it. The conflict had developed, off and on,...

220 Information Officer's statement, 30 June 1939, op.cit.
221 All India Kisan Bulletin, 24 December 1937.
222 To Nehru, March 1937, op.cit.
since 1937, and was persistent in the districts of Monghyr, Gaya and Patna. As far as Kisan Sabha relations with this unrest is concerned, Government reports suggest that it was not organised, and agitators tended to exercise influence more through the medium of militant speeches, urging the taking over of lands and cutting of crops. There is little doubt that Kisan Sabha militants would have been active in this manner, consistent as it was with Sahajanand's notion of self-defence. The Comilla conference of the AIKS suggested a more organised solution to these developments, when it advocated the setting up of Kisan volunteer corps "to fit peasants to peacefully yet lawfully protect their hearth and home and the honour of their women folk and maintain their legal rights". This defensive idiom was elaborated into an objective of agrarian revolution, a raising of the Kisan Movement from its present preliminary stage to such higher and more intensive forms of struggles which would not only secure immediate relief but would also, gathering volume and momentum, culminate in a nation-wide peaceful peasant struggle that would end in ... agrarian revolution. However, it was noted that this objective could not be achieved within the framework of imperialism, and so these would have to

---

2.23 In December 1937, it was reported that the bakasht disputes had emerged in a large number in Gaya and Patna and that in 2 places of Barh subdivision of Patna attempts were made to cut crops by force soon after meetings had been addressed by "outside agitators" advocating forcible entry into bakasht lands. Bihar FR(1), December 1937.
be alliance with other sections through the Congress. 224

In Bihar it was clear from early 1938 that direct action was envisaged. Activity of the Sabha was at first concentrated in Monghyr, and it was believed that there would be an attempt to revive the struggle in the Bahariya Tal area. 225 But by March activity had spread to Darbhanga where, at a Kisan Sabha meeting, it was noted that it might be necessary to undertake non-violent direct action to redress grievances. 226 However, the actual advice offered for this kind of action by the provincial leadership was of a contradictory nature. Jadunandan Sharma for example encouraged Gaya tenants to undertake a mammoth demonstration and court arrest. Regarding rent realisation procedure, he advised tenants to take out black flags on its introduction. But as far as eviction was concerned, he told them not to fight but to go to the sub-divisional officer. 227 On the other hand, Sahajanand urged villagers in Gaya district to form village defence parties and to arrange for alarm signals between villages. 228

The developing picture then seemed to be one of a diffused leadership: activity was encouraged at a local level, and at the provincial the emphasis appeared to be on preparation, though

---

224 Comilla Conference Resolutions, 14 and 15 November 1938. Yajnik Ms. F.8.
225 Bihar FR(1) and (2), February 1938.
226 Bihar FR(1), March 1938.
227 Bihar FR(2), May 1938.
228 Ibid.
its means were not unified into a definite procedure. Perhaps this reflects also the diffused nature of the struggles as they were shaping.

But a definite shape was leant to Kisan Sabha initiatives by the Congress Zaminiar agreement of July 1938 and the subsequent legislation. The Kisan Sabha called for an anti-compromise week in July, to be followed by province-wide meetings and a mammoth rally before the assembly on 15 August. Barahiya Tal led the way to a major offensive in October, sprung by the refusal of the zamindars to abide by the terms of the Rajendra Prasad settlement of March 1937. Gaya followed in November with the launching of satyagraha by Jadunandan Sharma to resist eviction by landlords from about 1000 bighas in Sambay village. On December 4, the BPKS declared that as legislation was ineffective and mediation had not been successful, there was no alternative but to resort to satyagraha. Over the next 10 months Shahabad (villages Muriar, Bargaon, Betari, Khanon, Sikaria, Durigaon), Saran (villages Amwari, Jujori, Chittauli, Parsadi), Darbhanga (villages Dekuli, Raghopur, Pandal, Sakri, Bithan, Parri, Narpatsagar, Kanakpur, Sagarpur), Gaya (apart from Reora).

229 All India Kisan Bulletin, 19 August 1938.
230 All India Kisan Bulletin, 28 October 1938. The official view however was that both sides had evaded the terms of the agreement. Bihar FR(1), November 1938.
232 Waini Conference, Darbhanga, 3 and 4 December 1938. All India Kisan Bulletin, 9 December 1938; Bihar FR(1) December 1938.
villages Masuda, Tikari, Hassua, Manjhiawa, Bhalua, Aganda, Man-
Jhwe and thanas Dumaria, Pakribarawain, Warisaliganj), Monghyr
(apart from Barahiya Tal, Mokomeh Tal, Surajgarha, Sikandra,
Legar - S.K. Sinha's village), Patna (villages Goerawan, Paijna
and thanas Asthawan, Bihar, Paliganj, Masaurhi, Bikram, Chandi,
Islampur) and less substantially, Chapra, Munaffarpur, Bhagal-
pur, Purnea, Chatanagar, Champaran, were affected by the bakasht
movement. 233

Certain patterns are discernable: Congress Committees
tried to pre-empt the struggles through negotiated settlement
but proved initially unsuccessful. 234 The Kisan Sabha leaders
were not averse to such mediation, but arbitration committees
tended to be paralysed by the intransigence of the contesting
parties. 235 And negotiation at a provincial level, to the end
of a combined effort by the Congress and the Kisan Sabha, never
materialised. It seems that Sahajanand was advised to discuss
the issue with Rajendra Prasad, but he was opposed to negotia-

233 Compiled from All India Kisan Bulletins, December 1938-
October 1939 and Bihar FR, December 1938 - October 1939.

234 Bihar FR(1), September 1938.

235 In many cases this was because of lack of landlord coope-
ration, e.g. in Darbhanga, Bihar FR(1), March 1939; Purnea,
Bihar FR(2), March 1939; Patna, ibid.; Sahabad, Bihar FR
(1), July 1939, Gaya, Bihar FR(2), July (and FR (1), August
1939 for instances either of refusal to accept arbitration,
or a tendency to back out of the settlements that had been
agreed upon. As for tenant intransigence, the officials
cited numerous instances of their transgressing established
landlord rights, of going against court verdicts and of
refusing the terms of an out of court settlement.
tions with the Congress High Command.236

In fact there was a tendency to invite repression, possibly with a view to developing the image of a powerful movement pitted against a repressive government.237 In accordance with this, while mediatory initiatives were not spurned, there was an inclination to give significance to militancy, even if this jeopardized a settlement.238 However, the question was not always one of mere militancy: intransigence could arise because, in the perception of the peasantry mobilized, the terms were inadequate.239

236 Yajnik made enquiries about the talks Sahajanand was to have with Rajendra Prasad. Yajnik to Sahajanand, 4 February 1939. Sahajanand said that there had been none. To Yajnik, 7 February 1939. Yajnik, MS. F. 11(ii). Earlier Sahajanand had objected to Ranga having talks with Gandhi about the repression of the kisan movement. Ranga to Yajnik, after 1 January 1939. Yajnik Ms. F. 14.

237 During the Recora struggle, when only Jadunandan Sharma and a few others had been arrested, Sahajanand noted:

The Government is not arresting the Kisans, perhaps to show to the outside world that the Kisans are not with us. However, we have succeeded. But I think to do something to compel the government to come in its naked form either arresting our men or in accepting its defeat so far as Recora is concerned. But the struggle must go on in any case whether the Government arrest us or not...." To Yajnik, 1 January 1939. Yajnik, Ms. F. 11(ii).

238 For example, in Majhiawan (Gaya), the District Magistrate asked that the satyagraha be suspended for 4 days so that he could try for a settlement. The remaining men of the village (others had been arrested) agreed, but the women satyagrahis refused, proclaiming that there would be no suspension until this was ordered by Jadunandan or the Kisan Sabha. Sahajanand enthusiastically approved this defiance. All India Kisan Bulletin, 8 September 1939; Sahajanand to Yajnik, 23 August 1939, Yajnik MS. F. 11.

239 e.g. in Bharahiya Tal where, in the administrator's phrase, the settlement was short-lived because it did not satisfy
So, while an arbitrated resolution was often finally accepted - whether because of repression or achievement - this was inevitably preceded by a period of militant action. This may be related to the underlying pattern of Kisan Sabha politics: while short-run economic gains were certainly one objective, there also operated here the aims of bringing politics to the peasants in terms of a sense of their own power. In certain phases of the movement peasant action and defiance of the authorities became a virtue in itself. And this emphasis can be discerned in the debate over the status of arrested satyagrahis.

Rahul Sankrityayan, Jadunandan Sharma, the communist student leader Anil Mitra and a number of others arrested for participation in the baisakhi satyagraha undertook fasts in prison in order to get the government to recognise them as political prisoners. These fasts were enormous enterprises in personal commitment, ranging in some instances from 40-75 days, during which period the strikers had to be force-fed. Sankrityayan in particular exhibited an obsessive mind, engineering his re-arrest so that he could carry on his protest.240 The Government refused to accept the hunger strikers' demand, for it infringed their notion of the political, as in their view the question of land satyagraha was motivated not by principle but by self-interest.

Cont'd... f.n. 239

the "extravagant promises" held out by the Kisan Sabha. Bihar FR(2), June 1939.

240 All India Kisan Bulletins, May 1939 and 11 August 1939; Sahajaram to Yajnik, 2 July 1939, Yajnik Ms. F. 11.
The Congress Government's refusal was grounded in their belief that the issue was a legal one relating to property right. For the Kisan Sabha however, there was an alternative framework of perception operating. The world of peasant needs was central, and definitions of the political had to be expanded to come to terms with this fact. Inevitably this meant a constant transgression of what was construed as an unjust legality. From the Congress viewpoint this inevitably meant allowing the due process of law to take its course, resulting in a large number of arrests.

At moments, what this entailed was not merely law breaking but an antagonistic counterposition between the state and the peasantry. This was perhaps most strikingly illustrated by the trial of Jadunandan Sharma in Gaya city. An estimated 30,000 peasants proceeded to the city on the day of the trial, thousands flooding the railway stations, where they waited "though the authorities had notified beforehand the cancellation

241 "... The Government ... made a distinction between a person who resorted to Satyagraha for a principle and for political convictions and a person who joined it for personal monetary gain. They were prepared to treat the former class as political but they were not prepared to treat a person who was convicted for disobeying any law for getting possession of land about which there was dispute between himself and another party, as a political prisoner. Their viewpoint was that such a person did not court imprisonment for a principle or for political conviction, but to get possession of land to which he might or might not be entitled and that he adopted this course to avoid the decision of the dispute on its merits and had no right to treatment which was intended for persons who courted suffering for a higher cause than personal gain to themselves..." Rajendra Prasad to Nehru, 8 July 1939.

242 All India Kisan Bulletin, 27 January 1939; Bihar FR (2), January 1939.
of the morning train and in fact that train reached Kashichak at 2 p.m. instead of 10 a.m.

and even then the Kisan stood on the line and would not allow the train to pass. They were persuaded anyhow to withdraw. The trains proceeding to Gaya that day had policemen in all the compartments who won't allow anyone to enter it without tickets".243

Here we are presented a situation that was not willed by the Kisan Sabha - in fact Sahajanand was instrumental in diffusing the explosive situation244 - but rather indicates a sullen counterposition of the peasantry against the State.

It was perhaps a registering of this inarticulate source of motivation that had impressed itself on Sahajanand when he conceived of the peasant movement being further radicalised. However, what happened, by September-October 1939, was instead a diminishing of the struggle. The reasons for this were multiple. Settlements had taken place, sometimes with resounding success,245 in a number of the disputed areas.246

-----------
243 Sahajanand to Yajnik, 26 June 1939, Yajnik Ms. F.11(ii).

244 In the administration's report Sahajanand was meant to have been embarrassed by this confrontation, as he knew it would "alienate public feeling" and he was reported to have publicly spoken out against ticketless travelling. Bihar FR(2), January 1939.

245 In Reora the tenants got 80 per cent of the land, and this was divided fairly equitably, with landless labourers also getting a certain amount of land. Sahajanand to Yajnik, 26 May 1939, Yajnik Ms. F. 11(ii); this was resented by Bhumihar tenants. Bihar FR(1), May 1939.

246 The Raghopur dispute (Darbhanga) was settled on "terms favourable to tenants in June, Bihar FR(2), June 1939. Other Darbhanga disputes were settled in July and October, after the movement" had practically collapsed", Bihar FR (2), July and FR(1), October. The Ghosravan conflict was first settled in July, Bihar FR(1), July 1939, though
reduction procedures seem to have taken effect in some measure. And it seems likely that an upward trend in prices after a period of prolonged depression would also have abated the economic difficulties faced by the peasantry.

In fact, towards the end of their rule, the Congress Right-Wing would seem to have ridden the storm and to have gained their objectives. In some areas, such as rent reduction, they might not have gone as far as the Kisan Sabha had wanted, nor in fact as far as their own legislation provided for. In others, such as the bakasht struggle, they had to go beyond the terms of their limited legislation. A settlement of this problem on the ground had to be pursued, a method initially undercut by peasant initiatives and landlord intransigence. That in the ultimate analysis mediation worked, at least temporarily, may be seen as resulting in no small way from the peasant movement.

Cont'd., f.n. 246

obviously not satisfactorily, as agitation continued, Bihar FR(2), July 1939, FR(1), August 1939, Sahajanand to Yajnik, 5 September 1939, Yajnik MS. F. 11. The dispute was ultimately settled in December, Bihar FR(2), December. The Dargaon dispute (Gahababad) was settled in July, Bihar FR(1), July 1939. Other Shahabad disputes were settled by August, Bihar FR(1), August 1939. In Gaya disputes were resolved in a number of places by the Congress bakasht panchayats, (Bihar FR(1), August 1939) and also in the major centres of Majhiawan and Dumuria (in which the landlord undertook to make efforts to settle privately most of the 129 disputes outstanding between him and his tenants). Bihar FR(1), October 1939.

247 Bihar FR(1), April 1939.
248 Henningham, op.cit., p. 165.
249 See above, 3.2.1.
As the officials put it, "the atmosphere for this line of approach (compromise) is much more favourable.... as the intensification of the Kisan agitation has impressed upon many of the zamindars the necessity of getting on terms with the tenants."\(^{250}\)

If in some cases this movement had resulted in a consolidation of peasant right, in others the terms of settlement remained unsatisfactory, and struggle to revise those was to be renewed in the future.\(^{251}\)

Thus, ironically, at the very point at which Sahajjanand envisaged a linking up of the peasant and national movements, the peasant movement had in fact declined. In the absence of detailed work on this problem, it is difficult to hazard explanations in terms of how this was related to a shifting social base. But it seems likely that the Ministry's initiatives had consolidated the small landlords and won over the upper tenantry. In fact the tension between the Congress and Kisan Sabha can partially be ascribed to the fact that the bakaasht struggle comprised a class-struggle between tenants and not only big but small landlords as well.\(^{252}\) Within the bakaasht movement itself,

\(^{250}\) Bihar FR (2), December 1938. Emphasis added.

\(^{251}\) As with the Barahiya Tal agitation, which was renewed in 1946. Rakesh Gupta, \textit{op. cit.}, pp. 229-30.

\(^{252}\) The officials remarked ironically that Sahajanand's appeal to small zamindars was hardly consistent with the Muriar agitation in Shahabad, which was carried on against this class. Bihar FR (2), April 1939. Of the struggle launched in Masaurhi thana of Patna district, Sahajanand noted that the tenants' opponents were petty zamindars who were "typical tyrants". To Yajnik, 19 August 1939. Yajnik MS. F.11. That there was a problem here that threatened ad the broad Kisan Sabha policy of unity with the small zamindars was also indicated by Sahajanand's response to \textit{The Search-}
there was a drawing in of tenants down the agrarian hierarchy and of lower caste status, but the movement incorporated all sections of the peasantry. This was noted with mixed feelings by Sahajanand later when he said that the upper tenantry had been brought into the movement with a view to strengthen it and therefore to strengthen the position of the lower sections of the peasantry, but in practice this had redounded to the benefit of the former.

The Bihar ministerial experience then represents a complex pattern. Starting out with the objective of redressing peasant needs within as short a period as possible, and therefore circumscribed in these terms by the needs of conciliating the landlords of the Upper House, the Right Wing tended to struc-

Cont’d... f.n. 252

light charge that the Sabha’s policies were directed at the petty Zamindar (23 April 1939, Yajnik MS. F. 11(ii); he reiterated unity, but went on to note that the Sabha would not tolerate the tyranny of petty zamindars “due to their false notion of prestige as Zamindars or under the influence and guidance of enemies of the Kisan Sabha.” Statement of 25 April 1939. Yajnik MS. F. 11(ii).

253 The Swami made the following analysis of the Baksht satyagrahis in Jagdishpur, Darbhanga. The village comprised 300 families in all; of these 80 were Mullahs (boatmen), 30-40 Koeris, 30 Gowals, 30 Muslims, 25-30 Busadhs, 15 Chamars, 20 Khatawe, 5 barbers, 8 tellis, 8 Vaishyas, 4 dhobis, 25 carpenters, some malis and Kayasthas. The victims of the zamindari assault included 2 Dusadhs, 2 Koeris, 2 Mullahs, 1 Mali and 1 Khatawe. To Yajnik, 20 April 1939, ibid.; in the Masauni struggle too, launched against petty zamindars, the peasants were mostly of low caste status. To Yajnik, 19 August 1939, ibid. Rakesh Gupta also has shown how in the Barahiya Tal agitation of Monghyr there was substantial participation by lower-caste tenants. Gupta, op. cit. The affected tenants in the Parri and Panaul satyagrahas of Darbhanga consisted of Koeris and Gowelas. Henningham, op. cit., pp. 156-58.

254 Henningham, ibid., pp. 167-68.
ture a set of power relations in the countryside. Legislation tended to favour the small landlord and the upper sections of the tenantry benefited from the tenurial reform. This occurred not only because these sections were the best suited to utilise such reform, but because implementation of the measures tended to be partial, and to limit the extent of relief.

On the other hand, the Kisan Sabha started out with a skeptical attitude towards the capabilities of ministerial reform, both in terms of their understanding of the State, but also in terms of what they feared to be the susceptibility of the ministries to landed pressure. As a result they gave considerable importance to peasant action in pressurising against such compromise. In this emphasis, and in their differences over the nature of legislation, they inevitably came into conflict with ministerial policy and the Right Wing strategy. This conflict materialised in attempts to isolate the Kisan Sabha from the party (through party resolutions aimed at distinguishing the party from the peasant union) and in their marginalisation in the party through electoral mobilisation against them (and sometimes by outright use of power in the party). This developing conflict was given its final push by the Congress-Zamindar compromise of July 1938 and the attendant legislation on tenancy and baksahst restoration.

Direct action was undertaken by the Kisan Sabha which locked in with an already serious situation in the disputed lands. Kisan Sabha objectives are difficult to pinpoint. In one sense the struggle was an attempt to enforce decisions on
the ground against the grain of legislation. But it is observable that peasant militancy was often supported in the face of the possibilities of mediation. It appears that by 1939, a number of Kisan Sabha leaders had come to the position that agrarian radicalism could develop further, and could be used to radicalise the national movement. However, it was in this very period that a resolution of conflict in the countryside was taking place, and this left the leadership with a radical rhetoric but no base on which to develop it.

3.3 Unifying political forms through the extra-constitutional; the case of U.P.

In Madras the Ministry dominated by design (though not as fully as its architect would have wished). In Bihar the heightened nature of class-conflict brought politics into the domain of the extra-constitutional. Legislation and the observation of legal codes was desired, for tactical and perhaps increasingly for ideological reasons, but this could not be held to in practice. In U.P. on the other hand there was an unsteady coexistence of these levels for most of the Ministry's life. The Ministry was not a forceful institution, in any of its accustomed domains, whether of legislation or of law enforcement. As a result the extra-constitutional activity of Congressmen (vividly conducted in an uncoordinated fashion in the localities) retained a considerable space, and this led to a state of almost constant tension for the administration.

The extra-constitutional in fact functioned as a force
field in which all other elements had to find their bearings. 
But, ineluctably, the situation had to be controlled and the 
space for such action curtailed to suit the more limited needs 
of constitutional tactics. The compulsions of legislative 
achievement, and therefore the need for a situation of equili-
brum for the state to function in, gradually made their impress 
felt on the volatile political atmosphere. In the unravelling 
of this process, the provincial unit of the party came to play 
a decisive role. The U.P. PCC had been unusual in voting 
against Ministry formation, and it had also been the solitary 
provincial committee to accept the idea of a collectiveaffilia-
tion of working-class and peasant unions to the Congress. 
The weight of this political tradition was brought to bear on 
the Ministry, and it is this relationship which explains to a 
large extent the administrative impasse the Ministry was placed 
in.

Nevertheless, if on certain critical issues the PCC exe-
cised a powerful radicalising force, it was also the mechanism 
whereby, gradually, the extra-constitutional was brought into 
line with the needs of the ministerial experiment. This process 
was not achieved without acrimony in the party, and its eventual 
success must be related to the powerful influence exercised by 
Nehru in the province and in the support given to him by a sec-
tion of the CSP.

255 See above, Ch. 2.2.1.
256 See above, Ch. 1.2.
However, a superficial analysis of the Ministry would not suggest the significance of these tendencies. In the legislative arena the Ministers managed to pursue policies which did not always meet with the approval of the Congress party. Before going on to examine the deeper currents of power that were at work in the period, we will briefly detail the various points at which moderation was espoused inspite of PCC pressure, and what the rationale for this was.

3.3.1 Ministerial Compulsions

While PCC pressure was constantly active, it was largely contained on certain issues relating to changes desired by Congressmen in the state structure, issues which were not always negotiable in terms of the limits set by the 1935 Act. The Ministers managed to side-step the serious pursuit of commitments which might have brought them into conflict with the Secretary of State. These included proposals to form district committees to check corruption, the recommendations that the post of provincial commissioner be abolished and the plan that village panchayats, with the power to control chowkiders and to enlist civic guards, as well as judicial panchayats, be set up.

257 This was not seriously pursued in the Assembly. Haig to Linlithgow, 23 October 1938, Haig MSS. Eur. F. 125/2A; Haig to Linlithgow, 19 December 1938, Linlithgow MSS Eur. F. 125/107.

258 Haig saw these proposals as calculated to enhance control over the rural areas. Haig to Linlithgow, 19 December 1938, ibid. The final proposals were inoffensive from the Governor's point of view. The panchayat was now conceived of as a cooperative society, Heads of Households were represented in it and it was authorised to fix its own election methods.
All of these proposals constituted the nationalist ideal of giving the people a greater sense of power and control over their lives and so there tended to be considerable resentment over the shelving of these programmes.\textsuperscript{259} This antagonism is best illustrated by the controversy over the rural development scheme.

The Governor had taken issue with the Ministries in regard to the appointment of the lower staff of the Rural Development Board. It was suspected that the Board was being used politically and that political instructions were being disseminated to the staff at their training camp.\textsuperscript{260} Though the Ministers did not initially respond to Haig's criticism, they subsequently agreed to the issue of instructions emphasising that the rural development staff must conform strictly to the government servant's conduct rules and must not take part in politics.

Further, while earlier the Ministers had wanted to keep the District officer out of the implementation of the scheme, it was now agreed that his cooperation was necessary, and that the

\begin{enumerate}
\item \textsuperscript{258} Cont'd. f.n. 258
\item \textsuperscript{259} There was objection to the emasculation of the village panchayat in the Ministry itself, with Mrs Pandit wanting to abide by the original report. She however later accepted the Katju proposals. Haig to Linlithgow, 25 February 1939, ibid. Perhaps as she was identified with Nehru, she was expected to abide by the party's more radical aspirations, for apparently her retraction was unpopular in the party. Haig to Linlithgow, 8 August 1939, ibid.
\item \textsuperscript{260} Haig to Linlithgow, 9 February 1938. Haig MS8 Eur. F. 125/17 b.
\end{enumerate}
Ministry also wanted the cooperation of landlords in the scheme. As a result of this compromise they were severely criticised in the PCC. In the meeting of 16 October 1938 the scheme was denounced as bureaucratic and infringing of the PCC's resolution that the no ICS officer should be involved. Umbrage was also taken at the instruction that the rural development organisers should not carry the Congress flag. However the Ministry won the day.

There was a convergence here with CR's emphasis on politically neutralizing the state machinery. But it was not a conscious design, arising from definite notions of how the party should relate to the state. Rather was it the result of the pressures upon the Ministry that made them conform to existing practices in order that they could achieve their basic objectives. These compulsions were in evidence in the evolution of the controversy raised by the Congress Ministry's Employment Tax Bill.

As Haig told Pant, this was a covert attempt to cut service salaries, as it focused on Government servants and excluded pro-

---

261 Haig to Linlithgow, 9 March 1938, ibid. Perhaps the shift in the Ministers' attitude was related to their temporary resignation in February over the issue of political prisoners. They must have come back into the Ministries with a sense of the fragility of their tenure, and of the need therefore to minimise conflict with the Governor in order that their tenure lasted until their legislative tasks had been completed.

262 Pioneer, 17 October 1938, pp. 1, 16.
fessions, trades and callings from its purview. The bill led to violent confrontation between its opponents and Congressmen at the end of March 1939. Pant however remained adamant and it was reported that he had undertaken negotiations with the landlord lobby in the Council, the arrangement being that if they passed the bill he would not push for an early introduction of the Agricultural Income Tax Bill and that they would get a better deal on the Tenancy Bill. He also wooed the moneylenders, promising concessions regarding the introduction of the Debt Bill. As a result the Bill secured passage through the Council. Quite uncharacteristically, Katju displayed considerable bravado on this issue; he claimed that the Ministry would be able to effect salary cuts without having to supplicate the Secretary of State.

Unlike the problem of changing the structures of the state raised by the other controversies discussed here, the Employment Tax Bill represented two sets of compulsions. In keeping with Congress criticism of the Raj, there was an attempt here to curtail the status of the services; and secondly, there


265 He was reported to have said "I refuse to go to the Secretary of State in supplication and ask him to consider a salary cut when I can act on our own authority. I am looking forward to the day when all the public servants will owe allegiance to us and not to a Mi-bap Secretary of State..." Haig to Linlithgow, 25 March 1939, Linlithgow MSS. Eur. F.125/102.
was the simpler fact of the financial benefits that would accrue to the Government if such a measure was passed. The rhetoric which accompanied the Bill can be ascribed to a conjunctural issue. Katju's appeals were designed to mitigate the situation created by the Tripuri crisis of March 1939. U.P. had voted against the Gandhian candidate, and anti-leadership and anti-Ministry attitudes were pronounced at that time. This rhetoric swiftly dissolved when the Governor determined to reserve the Bill in August. The situation had altered by them; instability in the Congress organisation had mounted after the Bose-led July demonstrations against constitutional changes in the Congress, so the Ministers might have wanted to avoid a confrontation with the Governor, one which in the circumstances could easily develop into a crisis. And this would go against the ministerial imperative of ensuring that the Tenancy Bill was passed.

While on issues of structural change in the state the Ministry had evaded serious confrontation with the PCC, the question of tenancy reform acquired much more significant proportions of disagreement. The imperative here was to ensure that the small landlord, who was being wooed by the large landlords of the province, was not alienated by Congress.

266 Sec below, Ch. 5.
267 Ibid.
policy. While this strategy was agreed upon in the party, there were differences about the categories of landlord who could have their land exempted from the proposals for securing occupancy rights for the tenants. The initial proposal was that landlords with *sir* (self-cultivated) holdings below 100 acres should be exempted, but under pressure in the Congress Legislature Party, the amount was brought down to 50 acres. The PCC wanted to go further. Certain left-wing members such as B.D. Tripathi, Z.A. Ahmed, M.L. Gautam and Jagadamba Narain Saxena rebuffed pleas that the issue not be discussed as it would embarrass the ministry. They noted that PCC decisions would be binding on the Ministry. Tripathi then went on to criticise some Congress Legislature Party members for consorting with zamindars, and it was moved that *sir* be altogether disallowed for landlords who paid a revenue assessment of above Rs. 1000/- per annum. After heated discussion, the resolution was carried by a vote of 88-70 (However it was not included in the Tenancy proposals). Further acrimony developed over

270 Mohanlal Saxena, Right Wing President of the UPCC in 1938, noted that the Congress represented the small landlord as well as the peasant, and he attacked the Kisan Sangh for encouraging class conflict which he claimed would aid the foreign bureaucracy's policy of divide and rule. U.P. Political Conference Lucknow, 30 December 1937. *Indian Annual Register*, July-December 1937, p. 385.

271 Congress Legislature Party Meeting, *Pioneer*, 28 June 1938, p. 3. This was how the *sir* clause was finally formulated; Hallett to Brabourne, 24 September 1938, Linlithgow MSS. Eur. F. 125/45.

272 As presented in ibid.
the amount by which rent was to be reduced. A resolution was passed asking for a 50 per cent reduction until rent based on the surplus produce of the land could be calculated. Pant pleaded that this was financially impossible and suggested instead a 7 crore reduction, which would have amounted to about 28-30 per cent reduction. The different political viewpoints at work were expressed in ex-terrorist Bhupendra Nath Sanyal's ascerbic remark that the Ministry's business was not to balance the budget but to wreck the act. The Ministry's viewpoint was finally carried by a vote of 70-68, with the adjustment that 8 rather than 7 crores would be reduced.273

The criticisms of the bill followed the characteristic left-wing programmatic trajectory, that it did not include zamindari abolition. This was expressed at a mass meeting which, ironically enough, was arranged by Mohanlal Saxena to welcome the bill. The zamindari abolition proposal came up inspite of the plans of the organiserers. The resolution noted that the Congress must realise that the position of the tenant could not improve without this change. It also regretted that the Congress had not been able to contain police repression in the countryside inspite of its having been in power for so long.274

273 60 members staged a walk-out on the grounds that a 50 per cent reduction had been carried the previous day and they objected to the re-introduction of the issue. Pioneer, 10 July 1938.

274 Pioneer, 25 June 1938, pp. 1, 16. This was elsewhere reported as a straightforward response to Saxena's call e.g. Bombay Chronicle, 25 June 1938, p. 8.
However, the real problem arose because of zamindar opposition to the bill. The Ministers realised that the bill could be seriously delayed with the opposition of the landlords in the Legislative Council. Thus negotiations were arranged throughout late 1938 and early 1939 in which featured prominently the Nawab of Chhatari, the former Interim Ministry Premier and Patel, Chairman of the Congress Parliamentary Sub-Committee. Patel, while anxious to arrive at an agreement whereby the passage of the bill could be hastened, nevertheless stipulated that his verdict would have to be accepted as binding by the landlords. Once the authority of the Congress was accepted, Patel was willing to discuss even more favourable terms of concession to conciliate landlord grievances in regard to right to trees, 

As a result there was postponement of the consideration of the bill. Patel to Chhatari, 15 October 1938, 10 November 1938, Chhatari MS.

Patel to Rajendra Prasad, 21 October 1938, Rajendra Prasad Ms 4-A/38/coll.5. Patel to Chhatari, 21 October 1938, 2 November 1938. Chhatari MS.

Patel to Chhatari, 11 November 1938; see also Patel to Chhatari, 28 September 1938 and Chhatari to Patel, 18 October 1938. Chhatari MS.

Patel to Rajendra Prasad, 2 November 1938, RPCSD, 2, p. 129.
was in the Council and the zamindars were offered a concession in the rent realisation procedure. However they remained hesitant and were finally divided in the Council vote which passed the bill. To ensure that the Tenancy Bill would have a safe passage in the Council debt legislation was consciously delayed to prevent the alienation of the moneylenders bloc in the Upper House. This attempted compromise was not looked on with equanimity by either the Kisan Sangh or the PCC. The Bill's delay was criticised by the CSP and the peasant organisation as they noted that this would give the landlords time to eject their tenants before it came into force. Significantly, it was also during this period that the ideological radicalisation of the Kisan Sangh took place. Earlier, this organisation had remained independent from the all-India body on the grounds that it did not accept the AIKS's objective of zamindars abolition without compensation. It now accepted this objective and affiliation took place in December 1938.

---

280 Haig to Linlithgow, 12 June, 24 June, 9 August, 6 September 1939. Linlithgow MSS Eur. F. 125/102. The concession offered was that ejection would be from the whole holding if the tenant did not pay the arrears of rent within two years following the due date, in addition to payment of current rent. *Pioneer*, 28 July 1939, p. 1.


282 *Congress Socialist*, 2, 43, 23 October 1938, p. 2.

gular move, questioned the authority of the Parliamentary Sub-Committee in undertaking negotiations over tenancy legislation in the province.  

These moves were not of course decisive in preventing the moderation of the bill, that had been accomplished by the landlords themselves. It might be argued in fact that the ministers, or at least ministerial compulsions, had triumphed over the intransigence of the extra-parliamentary motivations of the party. They had evaded the implementation of the radical democratic objectives of the party whenever these threatened to come into conflict with their objectives of realising a successful legislative programme. And in regard to the latter, in the shape of the tenancy bill, they had remained impervious to attempts to have it changed, and had only been prevented from further moderation because of lack of landlord unity.

However, to look at the legislative side of the U.P. experience is to tell only half the story. Power was focussed not only in the legislative assembly. In the next section we shall examine the deeper undercurrents of authority, and its shaping, that developed under the Congress Ministry in U.P.

3.3.2 Extra-constitutional authority and its curtailment

Contradictions of political form pressed down at many points on the Ministry's functioning. There is a constant sense

---

284 The CWC reprimanded the UP PCC for their resolution and reaffirmed the overriding authority of the Parliamentary Sub-Committee, Bombay Chronicle, 1 October 1938, p. 9.
of the ministers straining to reconcile the democratic pressures present in the Congress political tradition with the objectives and inevitable adjustments signified by ministerial strategy.

Perhaps this conflict can best be illustrated by the Ministry's hesitant relationship to the powerful labour movement that had developed in the Kanpur textile mills. Kanpur businessmen and district officials expressed doubts about the Ministry's capacity to rule in the light of its treatment of this issue.285 The Governor, Haig, recognised that Pant exhibited different features from his colleagues elsewhere, but believed that the sources of this difference lay in irresolution rather than an alternate set of convictions.286 The implication was that it was the situation rather than ministerial attitudes which was decisive. The pressure exercised by the Congress Committee was critical here. The Kanpur City Congress Committee (CCC) had developed an intimate relation with the workers' movement in the textile industry and in 1938 was to extend active support to the striking workers. Its President, Balakrishna Sharma, was to chair the Textile Workers' Conference

285 Ewart of the Intelligence Bureau was similarly worried, and contrasted the Ministry's attitude unfavourably with that of their Bombay counterparts. But both he and the Governor, Haig, hoped that Governor's rule would be prevented at all costs. Ewart on the situation in U.P., 28 November 1937, Linlithgow MSS, Eur. F. 125.

286 Haig to Linlithgow, 10 January 1938. Linlithgow MSS, Eur. F. 125/100.
of December 1938. Among the actions the Committee proposed to aid the strikers was that the UP PCC consider instituting a boycott of the goods of such factories which did not accept the recommendations of the inquiry committee set up to go into questions relating to wage-levels and union recognition. And at the height of the 1938 strike, the Kanpur CCC suspended Ramarattan Gupta, its Vice-President and also Managing Director of the Laxmiratan Mills, from its Executive Committee for his refusal to support the CCC’s activities in the strike. The significance of this context for ministerial attitudes was admitted by Katju when he noted to Haig that the real problem in Kanpur was Balakrishna Sharma, who the Ministry was not willing to challenge because of the powerful influence he wielded.

This is not to argue that the Ministers were simply buckling under such pressures. Individuals like Pant were evidently eager to avoid repressive actions. Shortly after the Ministry took office the Premier explained to Haig that he believed that communism should be dealt with by argument rather than by force. Later, when the Kanpur District Magistrate used sec-

287 2nd All India Textile Workers' Conference, 24 December 1938. AITUC F. No. 61.
288 The Pioneer, 24 May 1938, p. 4.
tion 144 Cr. P.C. to prohibit mill gate meetings and slogan-shouting, Pant declared that he would not interfere with the order but at the same time he would not give the District Magistrate a free hand in prosecuting speakers.292

His own commitment to non-repressive means, and his awareness of the pressures working outside the ministry to prevent recourse to such action, caused him to constantly procrastinate over such measures. In one instance, Haig had wanted action taken against Parmanand, a Kakari prisoner who had been released when Congress took office, for making seditious speeches against the British and the army. This happened shortly after the heated CWC meeting at Calcutta, in which Nehru had argued that repressive action related to the question of sedition should not be taken without prior consultation with the concerned PCC, the WC or the Parliamentary Sub-Committee. While Nehru had been defeated on this issue,293 Pant told Haig that he would be consulting "others to whom according to our constitution a reference will have to be made on occasions like this."294 Apparently opinion in the Congress High Command was that the speech was indeed very bad but that action should be taken only in case of repetition.295 In the face of Haig's adamant stance, Pant


293 See above, 3.1.1.

294 Haig to Linlithgow, 29 November 1937, Haig MSS. F. 115/15.

295 Haig to Linlithgow, 16 December 1937, ibid. Rajendra Prasad had cited Pant's anxiety at the demonstrations taken out on the release of the Kakari prisoners when complaining about the growing indiscipline in the Congress ranks. To Patel, 28 September 1937. Rajendra Prasad MS. II/37/ coll. 4.
compromised by noting that he would accept responsibility for Parmarand's prosecution but as he had in the meanwhile been arrested in Delhi on another count, proceedings for sedition should be suspended. He made it clear that "serious developments are likely to ensue if no way out of the difficulty is found". If Haig decided to by-pass the Ministers, Pant would have to disassociate himself from the action, a course he would not like to adopt because of the repercussions it would have on the administration and on the public. He explained that in terms of public opinion, "there was a large body of fluid opinion between the right and left wings that could be influenced against him by this prosecution and that his position for the future would become decidedly weaker." The immediate background to his apprehension lay in his support to the Kanpur District Magistrate's use of Section 144. He felt that while Congressmen might be able to accept one such action, he doubted whether they could accept another. Haig realised the precariousness of the situation and accepted Pant's suggestions on condition that he issue a public warning to the effect that these speeches would not be tolerated and that the Government would be free to institute proceedings without further warning. Pant accepted this and the potential crisis was diffused.

296 Haig to Linlithgow, ibid.
297 Pant to Haig, 11 December 1937, ibid.
298 Haig to Linlithgow, 13 December 1937, ibid.
299 Haig to Linlithgow, 23 December 1937, ibid.
Pant's own uneasiness in employing repressive methods emerges from the welter of pragmatic explanations he preferred to Haig. But more significantly the discussion also highlights the two points of pressure working on the Ministers. The first, emerging from Nehru and the High Command, indicates that Rajagopalachari's undercutting of nationalist imagery in his prosecuting Batliwala for sedition had left its mark. Secondly, and more significantly, it confirms the status given to extra-constitutional opinion in the province in determining ministerial attitudes.

The nature of this extra-constitutional authority was diffused and uncoordinated in the agrarian sphere. It was expressed in the development of parallel government formations in the immediate wake of the setting up of the Congress Ministry. At first officials suspected that this was a deliberate method employed by the Congress party to destabilize the administration. Haig however understood that there was no organisation behind these developments and he suggested to Linlithgow that what was required was a patient approach.

The sustained if sporadic and uncoordinated nature of this process soon led to the first of a series of initiatives

---

300 These formations tended to encourage submission of reports directly to Congress officials and to denigrate government servants. Complaints had been received from almost all districts. UP PR (1) and (2), August 1937. See also Haig MSS. Eur. F. 115/12, passim.

301 Haig to Linlithgow, 17 November 1937, ibid. In his private notes on the issue he analysed that while Congress was popular in the villages it had as yet inadequate control at that level over party workers, ibid.
taken by the Congress to lessen such activity, embarrassing as it was to the ministry and to the administration. Under the instructions of the Ministry, Chief Secretary Gwynne issued a circular urging that the time had come "when determined efforts should be made by the officers of Government to establish relations of mutual confidence with the district leaders of the Congress", to the end of creating efficient and honest administration. "... It is important", the circular continued, "that the district authorities should be in touch with the representatives of the Congress organisation in their respective areas. The Congress committees are being addressed in a similar sense by the UP PCC". Seth Damodar Swarup, (Socialist) Secretary of the UP PCC then issued a circular to the DCC directing that the Congress organisation and the government had to work as allies as long as the representatives of the Congress formed the Government. He acknowledged that Congressmen and government officers were reporting against each other and urged that more efficient redressal of grievances could be effected if the two

---

302 e.g. Pant had been defensive of Baba Raghavdas, the Gandhian worker from Gorakhpur, whom local officials claimed was undermining the authority of the police. When Raghavdas was arrested, he was so incensed that he wanted to have a departmental enquiry into the handling of the Gorakhpur trouble. However, he realised that this would only excite local feeling and would possibly also impair the authority of the district staff and so he agreed with Haig that a private enquiry would later be conducted by Katju, with the help of the Commissioner. Haig to Linlithgow, 22 September and October 1937, Haig MSS. Eur. F. 115/17 b.

303 Haig MSS. Eur. F. 115/12.
acted in concert. Grievances should be settled locally and, while Congressmen could make enquiries into the genuineness of the reports, they should on the whole leave investigation to the proper authorities. In case of dissatisfaction the relevant district authorities should be approached and, where necessary, the RCC. 304

Linlithgow was shocked at both circulars. He felt that they impaired the neutrality of the services. He understood the awkwardness of the circumstances, as the Gwynne circular had been prepared under ministerial orders, but argued that when a suitable opportunity arose steps should be taken for its withdrawal or modification and reassurances given to the services. 305 Haig on the other hand felt that the circular had not imperilled service morale and in fact had along with the UPRCC's circular improved the situation. He said that Congressmen now had to approach the administration like everyone else, while a specific reference had to be made to them because of the history of embittered relations between the Congress and the services. Conversations with District officers gave him the impression that the situation was now stabler. 306

In fact, Haig was placed in a difficult position. In singling out the Congress for special treatment, the circular could not but have boosted Congress prestige. By the end of

304 Clipping from The Pioneer, 9 December 1937, ibid.
305 To Haig, 24 December 1937, ibid.
306 To Linlithgow, 12 February 1938, ibid.
1938, in reviewing the political situation, he noted that while the phenomenon of parallel government had died down, the services, and the police in particular, did not exhibit much confidence.\(^{307}\)

There were two reasons for this. Firstly, there was a tendency on the part of Congress MLAs and regular party men to put pressure on the services and to arrange for transfers. Secondly, there were conflicts developing on the labour and agrarian fronts throughout 1938 and these often in turn tended to demoralise the services, especially as there was a certain space allowed to activists in these fields.

Both of these trends were fought out in the PCC. In 1938, it had a Right Wing President, Mohanlal Saxena, who tried to arrange activities such that the Ministry would not be embarrassed or impeded in its functioning. But his policies came under attack, and this led to a crisis in the party in the latter part of the year.

On the agrarian issue, the PCC had sought to reduce tension by sending instructions asking the DCCs to induce tenants to pay rent,\(^{308}\) and it had also supported the actions of the authorities to control labour unrest in Kanpur.\(^{309}\) During 1938, this outlook was taxed by the development of serious unrest in


\(^{308}\) UP FR (2), September 1937.

\(^{309}\) UP FR (1), December 1937.
these fields, and in the increased organisation that arose in its wake, and in the process Saxena's understanding of how the PCC should relate to the Ministry also came under attack.

Saxena's view was that the primary responsibility of the party was to carry out the instructions of the legislative party and of the Parliamentary Sub-Committee and he believed that it should not criticise the Ministry. His understanding was that the PCC's role was to ensure the success of Ministerial policy. Criticism by the Kisan Sangh of Ministerial policy, expressed in marches to the assembly, mounted pressure on this attitude both outside and inside the party. Socialist members such as Narendra Deva (who was also one of the AIXC members assigned to affiliate the U.P. Kisan Sangh to the all India body) came into conflict with Saxena. As a result of

310 There was a resumption of strike activity in the Kanpur Mills in May due to the failure of the Employees Association to implement the Labour Enquiry Committee's recommendations. UP FR(1), May 1938. In the agrarian sphere landlords had been refusing to accept recorded rents in many cases, and there had been an increasing tendency amongst tenants to deposit rents in the tahsils. Further, in anticipation of the Tenancy Bill, landlords had been resorting to ejections and in turn tenants were seizing disputed land. UP FR(1), January 1938, FR(1) and (2), June 1938.

311 In May and June there were large numbers of Kisan meetings held to protest the Government's delaying tenancy legislation. FR(1), May 1938 and FR(1) and (2), June 1938.

312 President, UPPCC to all Members, 20 August 1938. AICC 17/1938.

313 Niyamtpur Session, AIKC, 14 and 15 July 1937. Yajnik MS.F.S.

314 Nehru criticised Saxena for his inability to carry men of a different party like Narendra Deva with him and urged that they be made to feel that "although they differ from you they are getting a square deal and more". To Saxena, 20 April 1938. AICC P 20(Pr.2)/1938.
these differences, Saxena proferred his resignation in August 1938. But he was persuaded to withdraw his resignation on the basis of a PCC resolution that affirmed his viewpoint. The resolution noted that action would be taken against those seeking to undermine the Congress organisation, and it directed Congressmen to disassociate themselves from those Kisan Sabhas which sought to replace the national flag or which had as office bearers Congressmen against whom disciplinary action had been taken. It also warned that anti-Ministry propaganda would be punished and it finally ordered that no group satyagraha defying government orders should be undertaken without the prior permission of the PCC.

Tension however continued. The independence of the FCC from the Ministry was underlined when in January a resolution was passed debarring MLAs from election to the PCC Executive Council. As a result the PCC executive resigned. Nehru was unhappy with the suspicion this cast on the outgoing council, and a reconsideration of the controversial clause took place and the decision was reversed. The FCC expressed confidence in the Council and the latter agreed to carry on until the next elections. Nehru took over as the new President.

In substance, Nehru's attitudes on specific issue were

315 AICC 17/1938.
316 Pioneer, 16 October 1938, p. 10.
317 Ibid., 30 December 1938.
318 Ibid.
not very different from Saxena's, but he brought a different emphasis to bear on the framing of his positions. For example, he supported the FCC resolution of May 1938 on the situation in the Mills which criticized both employers and workers, the latter for not warning the employers before going on strike. When the Kanpur Mazdur Sabha leader, Hariharnath Shastri, wanted the resolution amended so as not to criticise the workers, as he believed that this would demoralise them, Nehru differed, noting that

if they (Congressmen) thought that the workers did wrong in resorting to a strike without giving notice and consulting the Mazdur Sabha, then they must say so to them. If the Mazdur Sabha, which was their representative was not consulted in such cases, the employers were right in refusing recognition to such a body.319

This was not an anti-worker position, but it was one which was not perhaps fully aware of the compulsions operating on working-class struggles, compulsions which may not always have been amenable to such a rational, disciplined ordering of activity as Nehru deemed fruitful for the development of the workers union.

Similarly, like Saxena he came into conflict with Kisan Sangh activity directed against the Ministry. Due to lack of information, he believed that a Kisan Sangh march to the Assembly on 20 April 1938 had been designed to rival the Kisan rally called for by the FCC on 17 April, and expressed his irritation at the irresponsible frequency of these demonstrations to the

319 Ibid., 24 May 1938, p. 4.
When it was explained to him that the rally of the 20th had been arranged well before the PCC's decision to hold a meeting had been taken,\(^{321}\) he apologised, but reiterated that such demonstrations should only take place on special occasions.\(^ {322}\)

These similarities with Saxena should not blind us to the differences between the two. Unlike Saxena, Nehru never questioned the need for an independent Kisan organisation.\(^ {323}\) He only wanted to discourage their functioning as institutions rivalling the Congress.\(^ {324}\) This makes sense in the case of U.P. where, unlike Bihar, the PCC was amenable to radical mobilisation. At the same time, as with his attitudes to workers' action, there are suggestions here of a certain insensitivity to the dynamics of working class and peasant action. However, this did not mean that he identified with Saxena's rigid demarcation of the status of these movements. He was abroad when the PCC passed the resolution of October 1938, which was effectively levelled against Congressmen in the Kisan Sangh. His distance from this attitude also made him eligible to sort out

---

320 Statement of 14 April 1938. AICC P 20(Pr.2)/1938.
321 Seth Damodar Swarup to Nehru, 18 April 1938, ibid.
322 Statement of 20 April 1938, ibid.
323 Saxena had noted that as the Congress had a dominantly peasant membership, there was no need for a separate organisation. Speech at U.P. Political Conference, Lucknow, 30 December 1937, Indian Annual Register, July-December 1937, p. 385.
324 Pioneer, 24 May 1938, p. 6.
the tangle in the party caused by these conflicts in 1938.

As President of the political conference at Ajodhya in December 1938, he struck a balance between the Ministry and radical Congressmen. He defended the Ministry on the grounds of the restrictions it was faced with because of the constitution, but at the same time regretted the amount of time legislation was taking. While criticising the formation of Kisan organisations to rival the Congress, he also emphasized the priority of implementing the bill and of opposing all attempts, especially in the Council, to delay this.325 This last emphasis was significant for, as we have shown, negotiations to whittle the bill down had just taken place and were still going on behind the scenes. Pressure was thus being exercised on the Ministers and at the same time a precise orientation to extra-parliamentary action was being outlined: to support Congress policy instead of trying to criticise it and to rival the party. In short the exhortation was to defend the Bill's gains by pressurising from within the party, against compromise. This vision of the extra-parliamentary was not simply functional to ministerial policy. It could be critical of this, but on the Congress platform.

Nehru's emphasis on disciplined action and criticism led him to go on to define the relationship between the party and the state. As we have noted, one of the anxieties the Governor had registered in relation to the nature and domain of Congress authority was in the Congress tendency to subvert the adminis-

325 SWJN, 9, pp. 312-17.
tration, not only through parallel functioning, but by interfering in administrative procedure and by engineering transfers. The Ministers informed Haig that they were also uneasy with this phenomenon and it was through consultation with them that the PCC passed the following resolution:

While it is the duty of all Congressmen to keep a vigilant eye on the welfare and rights of the people and to report cases of oppression, it is not their business, nor is it in consonance with their dignity, to interfere in any way in matters of administration, more especially those relating to appointments, transfers and the like. The Council therefore lay down the rule that in future no member of a Congress Committee should make any recommendation to Government officials for appointment or dismissal or transfer for political reasons.

This move can be analysed along with the reversal of the PCC's attack on the Legislature Party and the Ministers which had sought to exclude MLAs from the executive of the party. The latter reversal defended the legitimacy of ministerial and legislative work from the attacks of the extra-parliamentary section while the former firmly separated the domains of the state and the party. The party's conflation with these other points in the political spectrum was deemed to have led to malfunctioning at these different levels of the polity.

Remarkably, out of a very different experience, positions akin to CR's were being worked out. But the virtue of these


327 Ibid.

328 Quoted in Haig to Linlithgow, 9 May 1939, Linlithgow MSS F. 125/102.
functions being kept separate was not theoretically conceived
as with the Madras Premier, but emerged from the threat to
political coherence posed by their conflation. Further, this
view did not arise from the standpoint of the state, but from
that of the party. This development also had the distinction
of being expressed by Nehru, a figure who had cast doubts on
the worth of the office experiment. Further, this viewpoint
was shared by leading socialists of the province, like Narendra
Deva who, with Nehru, had objected to the amendment excluding
MLAs from the Executive Council of the Party. 329 Significantly
in March 1939 when Gandhi, anxious about the chaotic situation
in the province, urged Nehru to dissolve the cabinet, assume
Premiership and "get control over the unruly elements", he also
noted that he had had long discussions with the Socialists on
the matter and he wanted Nehru to discuss it with Narendra
Deva. 330

A growing consensus then defined the decision to "get
control over the unruly elements" and the results were quickly
observable. In this period, Shibbanlal Saxena, whose unchecked
activities amongst the Gorakhpur tenantry had eroded the stability
of the Gorakhpur Revenue administration, was called to Lucknow
to see the ICS Record Officer, and Nehru gave him a dressing-

329  Pioneer, 30 December 1938.
330  To Nehru, 30 March 1939, Nehru MSS, Correspondence, Vol.
     25. Significantly it was after this, on 7th April, that
     the resolution asking Congressmen not to interfere in
     the administration was passed.
down. Katju, acting Premier from 10 to 17 April, promised to help the District Magistrate in the event of further trouble. In May Gwynne issued a circular advising action against all speeches fomenting communal and class violence. In the latter category mention was made of communist activity and industrial disputes. In June, Haig noticed a distinct shift in Pant's attitude to the law and order situation. The Premier noted that he was going to take a firmer stand with the Mazdur Sabha on the issue of lightning strikes, picketing and "dangerous strikes." Evidently the consensus within the party had given him a new resolve. And in addition, as Haig had accurately speculated, it seems likely that this attitude was related to the decision of the High Command to get matters under control; for this change occurred just before the Bombay Session of the AICC, in which controversial changes were to be made in the Congress constitution with a view to effecting greater control over the organisation.

The corollary of this streamlining of the party's domain was its concentrated action on that which was deemed its legi-

332 To all District Officers. AICC PL 2/1939.
334 Ibid.
335 See Chapter 5.
timate sphere; the protection of tenant interest as it had been legally constituted. On the Tenancy Bill being passed by the Upper House, a huge number of meetings were held throughout the province to publicize its benefits. In turn, Nehru mounted a campaign against taluqdar attempts to delay the bill by asking for Governor's intercession. Nehru's response was to denounce this as dilatory tactics, as the interview with the Governor was fixed a month later. He stressed that there should be no toning down of the Congress's position, and he feared that the delay would cause suspicion that the Congress was back-tracking. The Bill was finally given Governor's sanction shortly after the Congress withdrew from the Ministry.

It would seem then that in U.P. the Ministerial experiment had succeeded in its objectives of passing legislation that consolidated the tenants' occupancy rights. Perhaps more significantly, it had done this without the Congress seriously alienating its supporters. And this was achieved by the extra-parliamentary wing's capacity, for a period at least, to allow for a co-existence of political forms - of constitutional and extra-constitutional action. When such a flexible framework - the result of various pressures, rather than of conscious design -

336 Nehru to Rajendra Prasad, 17 October 1939. Nehru MSS Correspondence Vol. 65. See also Haig's report of the mass propaganda undertaken by the Congress to popularize the Bill in the villages. Haig to Linlithgow, 1 November 1939. Linlithgow MSS Eur. F. 125/102.

337 Nehru to Rajendra Prasad, ibid.

338 UP FR (1), December 1939.
became untenable in terms of the constitutional framework the party was functioning in, the shift in attitude to a more orderly conception of extra-parliamentary action had the benefit of being shared by a section of the left-wing in the party under Nehru's guidance. The result was that when disciplinary action was taken, it tended not to take the form of a blanket curtailment of direct action - as we have observed in the cases of the Bihar and Andhra units - but was expressed rather through individual admonition. Even when decisive action was demanded by the High Command, in the passage of the June 1939 resolution prohibiting satyagraha which had not been sanctioned by the concerned FCC, the U.P. case had a distinct approach. Nehru asked 4 members of the Allahabad DCC who had participated in the 9 July demonstration opposing the resolution to resign their posts "and carry on their agitation as primary members."

Thus, even though its emphasis was to organise extra-parliamentary activity on more disciplined terms, the UP FCC retained a more flexible approach which could integrate the conflicting forms of action it was faced with under the ministries.

3.4 The shape of the strategy

Our analysis of the Ministerial experience in three provinces has revealed two basic sets of compulsions: (1) The ministers functioned according to a sense of the limits of the Act. This was expressed in an evasion of confrontation over

339 On the Defiance of the AICC resolution, 13 July 1939, SWJN, 9, p. 584.
issues, legislative and administrative, that could lead to a crisis and a premature termination of the ministries' life. Such crises had to be evaded in their view in order that the primary objective of their tenure, the passage of ameliorative legislation, was achieved. Inevitably this led to their seeking adjustment in the realm of agrarian legislation with the landlords so that they could ensure that opposition from that group would not significantly delay the legislative process.

This sums up the tactical compulsions at work. But in the case of CR we have observed a definite shift in strategy. Adjustments, especially with the state apparatus, were not tactically conceived; they were seen as moments in the development of control over this apparatus, as levers in the process of making them willing agents of the elected government. CR sought in a sense to depoliticise them, to make them neutral implementers of Government policy. Simultaneously, he tried to exercise greater effective control over them at the points at which they were protected by the Act. The objective here was the consolidation of the relationship between the popular government and the state, with a view to enlarging the authority of the former over the latter. We have suggested that in this strategy for power the strength of the nationalist position was sought to be shifted away from extra-constitutional points of authority. The provincial governments would be the fortresses of nationalist power, the position from which, through renewed demonstrations of electoral strength, pressure would be brought to bear on the Raj to effect a fundamental transfer of power.
Ministerial compulsions and constitutionalist strategy inevitably had as their corollary a de-emphasis on extra-constitutional activities, for the latter would constantly threaten the equilibrium desired with the services and the propertied classes. But this trend remained unabated and if anything was strengthened under the ministries.

There appeared to be several reasons for this. Firstly, with the Congress taking office, there were awakened great expectations, and perhaps a sense of power vis-a-vis the colonial state. And secondly, this was linked up to a left-wing attitude which gave primary significance to the motivations of the classes they sought to represent. In turn this leadership displayed a skeptical relationship to the possibilities of reform under the Act. They were indifferent to the questions of how the Act curtailed the legislative programme and tended to press for the passage of measures which were considered impractical from the Ministers' point of view. Even when legislation was considered satisfactory, however, there was still room for conflict. For the drive to realise change through direct action was still central, whether in terms of realising legal rights or in pressing for more radical shift in power relations.

The nationalist leadership approached this contradiction in two ways. Firstly, it should be noted that they were not bound down by the cautiousness characteristic of the ministerial viewpoint. On the other hand they accepted that if a balance sheet of constructive achievement was to be left behind at the time of Congress-withdrawal from office, which was anti-
icipated to happen at the time the Raj tried to impose Federation on the country then ministerial constraints would have to be accepted in a large measure.

The Gandhian and Gandhian Right Wing freedom from ministerial caution was demonstrated by their approach to certain issues which would have been evaded by the ministers if they were left to handle matters in terms of their own sense of priorities. Thus in February 1938 Patel instructed Munshi to release political prisoners whose case the Bombay Home Minister had earlier said could not be reviewed. In the same vein it can be shown that when the U.P. and Bihar Ministries resigned in February 1938, the decision was made by the High Command, and in fact the Ministers' view was that a crisis should not be provoked, otherwise it would jeopardise their legislative achievement.

The resignations in U.P. and Bihar arose from the Governor's refusal to release political prisoners. In U.P. Pant initially accepted that if Haig was adamant that the prisoners in question could not be released, he would do nothing as he was not prepared to resign on the issue or to declare their differences policy, presumably because this would lead to a crisis. In Bihar too in early January the Governor reported that the issue


341 Lumley to Linlithgow, 1 March 1938. Linlithgow MSS. F. 125/51.

of political prisoners had lapsed into the background. But then a dramatic shift took place, which seemed to be only partly related to hunger strikes by the prisoners in Allahabad and Hazaribagh jails (Pant's decision not to precipitate a crisis had taken place after the Allahabad hunger strike had started). Pant had become uncertain whether the issue could be evaded any longer, and he attributed the change to the factors of growing public disgruntlement - probably exacerbated by the strike in Allahabad jail - and the likelihood of criticism at the forthcoming Haripura session of the Congress, criticism which was likely to be very broad-based as the Congress position on civil liberties was not merely a leftist commitment. These considerations must have contributed to the Working Committee calling for the release of all political prisoners on the eve of the Haripura session. However, there were differences in the Working Committee as to whether to maintain a firm line on the issue or to avoid a crisis. The choice was left to Gandhi who decided that the ministers should resign on the grounds that their authority had been infringed. In Bihar too Sinha noted

343 Hallett to Linlithgow, 5 January 1938. Linlithgow MSS. Eur. F. 125/44.
345 Haig to Linlithgow, 30 January 1938, ibid.
346 Bombay Chronicle, 11 February 1938, p. 12.
347 Ibid., 15 February 1938, p. 1.
348 Ibid.
that he was not eager to precipitate a crisis, but given the strong public opinion that had developed, he was sure that the Working Committee would call for resignation.349

The Congress resolution on this issue was not aggressive. It pointed out that the Ministers' functioning had been infringed, something which the Congress had understood would not take place when it accepted office. While laying the blame on the Governors, the resolution went on to indicate that the party had no desire to precipitate a crisis and direct action and so was reluctant to call for resignations in other provinces. It therefore called upon the Viceroy to reconsider his decision so that the Governors "may act constitutionally and accept the advice of their ministers in the matter of release of the political prisoners...."350

Nehru was later to note that though the Congress Working Committee position was moderate, it was firm; while their primary aim was to push through agrarian legislation and then to deal with the Federation they, and particularly Gandhi, had been prepared to follow through with their position on this issue.351 In the end this moderation was adequate to gain Congress ends, with most of the prisoners being released very shortly after the Ministers' returning to office.352

349 Hallett to Governor-General, 2 February 1938, Linlithgow MSS Bur. F. 125/44.
352 In U.P. all of the 15 prisoners concerned in the controversy were released in March. Haig to Linlithgow, 23
There were two reference points present in this decision: a sensitivity to extra-ministerial compulsions and opinion; and a firm defence of the ministers' authority in the face of the Raj's interference. It was this issue which again precipitated the Orissa Ministry's resignation. This occurred because an ICS officer had been appointed Acting Governor. In the Congress view this was a threat to their constitutional position as they insisted that the services were subordinate to the Ministry.

Gandhi precipitated the crisis by issuing a statement criticising the appointment of Dain, the concerned officer, and making it clear that reinstatement of the Congress ministry after the termination of his tenure would be questionable in his eyes. The statement was issued without consulting the Ministers, though Gandhi noted that they had agreed with him that the issue had to be handled firmly. He noted that he considered the issue to be more fundamental than that of the release of the political prisoners as it breached a very basic constitutional point.

Cont'd... fn. 352

March 1938. Linlithgow MSS. Eur. F. 125/100; in Bihar 40 out of 41 prisoners had been released by April. Indian Annual Register, January-June 1937, p. 17.

353 On receiving news of Dain's appointment, the CWC demanded that the decision be rescinded. Bombay Chronicle, 5 April 1939, p. 1. Gandhi then issued his statement, Bombay Chronicle, 21 April 1939, p. 15.


355 Ibid. The crisis was evaded by the Governor, Hubback, cancelling his leave.
The other major ministerial issue of political significance in which the Gandhians were involved was that relating to the restoration of lands confiscated from peasants in Gujarat during the civil disobedience movement. Gandhi's and Patel's involvement had two features. Firstly it affirmed the legitimacy of pre-ministerial Congress activity and questioned British actions during that period, and so in the process reaffirmed the basic differences between the Congress and colonial rule: Gandhi went to the extent of suggesting to Governor Lumley that the Gujarat Lands Act have a preamble in which the British Government would be condemned for their victimisation of the concerned land holders.356 And secondly, like the Orissa issue, it underlined the subordinate attitude the services had to adopt in relation to the popular governments.357

In these instances, the Gandhians not only transcended the logic of ministerial caution, they also reasserted the rights of popularly constituted authority in the face of the Raj and the services. Further, in doing this, they drew attention to the real political orbit the ministries functioned in: not that of the constitutional space afforded them by the 1935 Act, but a space defined by a nationalist, extra-constitutional authority.

However, as we have noted, in the case of the original Gandhian Rightist arguments in favour of office acceptance, and

---

356 Ibid.

357 There was strong pressure from Patel and Revenue Minister Morarji Desai for Garret, the civil servant connected with repression in the area, to be transferred. Lumley to Linlithgow, 15 March and 2 April, ibid.
as we have observed in the practice of Rajendra Prasad in Bihar, the main priority of the ministerial phase was not to precipitate conflict, but to ensure social consolidation. At this level both Gandhi and the Gandhian Rightists accepted the logic of ministerial action and its limits, and so aligned themselves against those elements in the Congress which threatened the equilibrium required to achieve these ends.

In Gandhi's vision, the incorporative and subordinating aspects of the 1935 Act could be thwarted if the Act was used in a manner not expected by the rulers and if the ministers refrained from using it in the manner intended by them. What was this unexpected manner? Essentially it meant an implementation of the constructive programme (Communal amity, eradication of untouchability, end of addiction to drinks and drugs, social enfranchisement of women, amelioration of villagers, free and compulsory education, overhauling of higher education to bring it in line with the needs of the people, radical changes in the legal machinery so as to make justice pure and inexpensive, conversion of jails into reformatories), which was equivalent in his mind to the "willing exercise of non-violence by the whole mass of people". In his early statements on the

---

358 "... "underlying (the Act) is the hope that what has been imposed upon us we shall get to like, i.e., we shall really regard our exploitation as a blessing in disguise..." Congress Ministries, 17 July 1937, CWMC, Vol. LXV, pp. 406-6.

359 Ibid.


361 Ibid.
ministries, Gandhi noted that if this "indispensable condition" was fulfilled, then his ideal of the conversion of the administrators of the system could be fulfilled:

"If, notwithstanding their desire to the contrary they saw that their guns and everything they had created for the consolidation of their authority were useless because of our non-use of them, they could not do otherwise than to bow to the inevitable and either retire from the scene, or remain on our terms, i.e. as friends to cooperate with us, not as rulers to impose their will upon us.

If Congressmen have entered the legislatures with that (non-violent) mentality and if the British administrators tolerate Congress indefinitely, the Congress will be on a fair way to wreck the Act and to achieve complete independence. For an indefinite prolongation of the ministries on the terms mentioned by me means ever increasing power of the Congress till it becomes irresistable and is able to have its way all along the line.362

Gandhi's strategy can be logically broken down into the following points:

(a) a non-violent approach was the lynchpin of the strategy. This involved the construction of an ideal community of the people, wherein divisions and differences were dissolved by progressive reform.

(b) if such a community was constructed, then repression would become an obsolete phenomenon (".... their guns and everything they had created for the consolidation of their authority were useless because of our non-use of them").

(i) this neutralisation of the repressive functions of the state would rob it of all power over society ("an indefinite

362 Ibid., pp. 104-5.
prolongation of the ministries on the terms mentioned by me means an ever-increasing power of the Congress till it becomes irresistible and is able to have its way all along the line....")

In the terms of Gandhi's thought, to describe this strategy as designed to achieve civil hegemony would be inaccurate, for the argument tended to break down the division between political and civil society. The ideal community of the latter would, in Gandhi's terms, tend to undermine the rationale for the existence of the state as a separate, arbitrating and repressing institution. In a sense Gandhi's view was diametrically opposed to CR's. For the latter the state would be raised to the level of ideal and impartial arbiter in the affairs of the people. For Gandhi, on the other hand, the functioning of the people would make the state an irrelevant phenomenon.

In Gandhi's ideal terms, this meant the establishment of a direct, harmonious relationship between the people's representatives and the people. An ideal community of interests was the objective, one whose realisation would circumvent the structures of repression represented by the state, and would therefore consolidate nationalist power on the grounds of an irresistible moral and social authority. The functionaries of the state would become impotent bystanders, bemused by a society which had no need of them.

In practical terms, this was a struggle for civil hegemony, because it sought to shift the ground of authority and, of course, it had to come to terms with the fact that (1) society was divided and conflictual and (2) the state therefore must continue to function. How was this contradiction resolved? We shall attempt to show that in Gandhi's view Congressmen would have to discipline themselves into accepting the existing legal parameters of the state. If these were accepted as the unavoidable basis for action, then the possibilities of conflict - of a rupturing of the ideal community - would be pre-empted and, in turn, the sway the state machinery exercised over society would be curtailed.

Gandhi's response to the developing contradictions in the situation indicate his dual emphasis on Congress discipline and peaceful (i.e. non-repressive) ministerial control. When unrest amongst criminal tribes and the working-class in, respectively, Sholapur and Ahmedabad led to police firing, Gandhi interpreted the events in the following way: that a section of Congressmen (the "Red Flag men") were not submitting themselves to Congress discipline in that they were pursuing such violent forms of action; and secondly, that the Congress was not able to control non-Congress elements (it seems that alluded to here were not only those who were not Congressmen or Congress supporters, but also those who did not accept Congress methods). He believed that Sholapur and Ahmedabad represented the expectations that had developed in the wake of Congress taking office, and so he believed this unrest would be controllable. If on the other
hand these were indeed signs of the weakness of Congress control then he feared that the holding of office would be detrimental to the Congress, and the situation would have to be reviewed.

However, Congress's incapacity to represent various interests, and the Ministry's taking recourse to repression to handle this fact, were features increasingly seen by Gandhi as being determined by the refusal of Congressmen to abide by non-violent norms. In his view, this approach jeopardized the imperative of abiding by the terms of trust of British intentions on which ground the Ministry experiment was being carried on.

It also infringed his own sense of constructive work as a practice which could refer only to its own weaknesses, and should not seek the sources of its problems in causes outside itself, such as the functioning of the state.

The infringement of these moral imperatives meant, in political terms, that recalcitrant elements would have to be disciplined into accepting the methods of activity which were deemed correct, i.e. functioning within the legal space that the decision to accept office had brought with it.

---


365 Thus he noted to the Bombay Governor, Lumley, that he felt that the British had been sincere in their reforms, however much he disagreed with the Act. Interview, 13 May 1938. Linlithgow MSS. F. 125/5.

366 In 1935, after Patel made a speech critical of the Government, Gandhi noted: "We should not criticise the Government's policy in that tone at the present time ... it is a time for introspection, for putting and keeping our house in order..." To Patel, 22 April 1935, CWMG, Vol. LX, p. 458.
Thus, when at the Calcutta session, severe criticism was levelled against the ministries for failure to fully implement the Congress programme of civil liberties, he was aghast at the "untruth and violence" which characterized the speeches. So disturbed in fact was Gandhi that he actually envisaged the Gandhians' resignation from the Working Committee. There was considerable acrimony in the committee, and from accounts of the altercations, it is clear that the ministers had convinced Gandhi that repressive methods had to be used in the face of the violence they claimed that left-wing Congressmen were resorting to, and it was reported that as a result the Ministries had been given freedom to use the law to control such unrest.

Gandhi now had to curtail or at least postpone his vision of a non-repressive, ideal representativeness in the face of these conflicts and because of the needs of the ministerial

367 Amongst the issues mentioned were the arrest of Patiwal, the continued detention of certain communists in Bombay, the arrest of certain persons in U.P. for having proscribed literature, the failure to separate executive and judicial functions of Government. AICC 6 and 45/1937.


369 To Patel, 1 November 1937, ibid., pp. 285-86.

370 According to Munshi a serious argument took place between Kher and Nehru in relation to how to deal with labour trouble in Bombay and Kher emerged victorious, claiming that he could even use emergency powers now if necessary. Lumley to Linlithgow, 9 November 1937, Linlithgow MSS F. 125/5. A similar account of the CWC came from the Madras Ministers. Erskine to Linlithgow, 16 November 1937, Erskine Ms. D 596/2. See also "Notes on the situation in the Congress", 20 November 1937, ibid. and R.M. Maxwell,
experiment. When CR was bitterly criticised for his use of the Criminal law Amendment Act, for example, he urged that "the obnoxious clauses" be repealed, but accepted CR's declarations that the Act "contains a few sections which suit the new situation that the Congress is facing". However, if acceptance of the legal space and its logic was one aspect of Gandhi's relation to the new situation, his and the Right Wing's primary means to ensure that the observation of legality was ensured was through consolidating inner party control.

Before the October AICC, Gandhi urged Patel to get control over the "turbulent wind that is blowing". And independently, the Right Wing were preparing to do this. In September, Patel complained to Rajendra Prasad about the activities of communists in Bombay, Sholapur, Kampur and Calcutta and of Kisan Sabha functioning in Bihar, Maharashtra and Andhra. He felt that an attempt was being made by these groups to discredit the Congress Ministries by putting forward extravagant demands. He noted that he had always been against the formation of the Kisan Sabha because of the inevitable rivalry that would develop between the two, and which in turn would result in the erosion of

Cont'd. f.n. 370

"On the relationship between Congress Ministries and the Congress", 21 November 1937, ibid.

372 To Patel, before 9 October 1937, CWG, Vol. LXVI, p. 213.
373 Patel to Rajendra Prasad, 22 September 1937, Rajendra Prasad MS II/37/coll.4.
Congress prestige. In fact he believed that this organisation was effectively trying to displace the Congress and urged that this issue be faced at the Calcutta AICC.374

Patel was pointing to the divergences that seemed inevitable in the circumstances, i.e., in terms of the pitching of demands beyond the point where they were negotiable in terms of the possibilities of legislation under the Act. On the other hand, Patel's opinion that this was an attempt to displace the Congress expressed an exclusivist notion of what the nationalist organisation was, and of the methods it should pursue.

The result of these growing divergences was a coordinated attempt to organise the Gandhian elements to defeat the leftwingers in the Haripura elections in order to ensure that their ministerial strategy triumphed.375 This effort bore fruit at

---

374 Patel to Rajendra Prasad, 2 October 1937, ibid.

375 In November Patel wrote to Rajendra Prasad that if the office acceptance experiment was to be a success it was imperative to organise their forces so as to dominate the AICC at Haripura and after. To Rajendra Prasad, 21 November 1937. Rajendra Prasad MS III/37/coll.5. Rajendra Prasad responded positively (25 November 1937, ibid.) and wrote to the Bihar Premier, S.K. Sinha to organise their followers. He noted that at the Calcutta AICC session those holding to Gandhi's programme decided to organise themselves and that at a meeting of the Gandhi Seva Sangh it was decided that the Gandhians should not allow the Congress organisation to slip out of their hands. Rajendra Prasad emphasized that while every effort had to be made to secure the success of the Gandhian programme, he did not want any advantage taken by those already entrenched in positions of power. The main aim was for the Gandhian group to submerge conflict amongst themselves and to stage a clear-cut contest with the socialists. To S.K. Sinha, 2 December 1937, Rajendra Prasad MS XV/37/coll.2. See also Rajendra Prasad to Ramayalu Sinha, 7 December 1937, ibid., for similar instructions. Munshi had also informed Lumley that a right-wing solidarity had been formed to contest the
Haripura. In most of the PCC elections, except Kerala, where the socialists secured one third of the seats, the Gandhians secured a majority. In the delegates' elections the left-wing presence was significant but nowhere dominant. In Andhra socialists secured 8 out of 29 seats, in Bihar 5 out of 36. In U.P. a Right Wing leader, Mohanlal Saxena, was President of the PCC in 1938. However, those victories were not always as cleanly fought as the Right Wing desired, and in Bihar in particular, influence in the districts and in the party was used by local Right Wing candidates, along with brute force, to gain their ends.

Inspite of dominance in the party by the time of the Haripura session, no serious attempt to enforce discipline was undertaken throughout 1938. Instead the Rightists issued warnings against what they deemed disruptive activity, as in the case of the resolution on the Kisan Sabha at Haripura, and in the reprimanding of Z.A. Ahmed, R.K. Lohia and K.M. Ashraf, left-wing secretaries of the AICC, for not faithfully representing the official Congress line. It seems that there was on

Cont'd. f.n. 375


376 FRs (1) and (2), January 1938.
377 See above, Section 3.3.2.
378 See above Section 3.2.2.
380 AICC 59/37.
occasion a demand for disciplinary action, but even in September 1938, at the AICC session in Delhi, inspite of the growing tension that had developed as a result of agrarian conflicts in Andhra and Bihar, and the labour movement in Bombay, the civil liberties resolution moved by Gandhi was finally only a warning against class and communal violence and an assertion of Congress "support to measures that may be undertaken by the Congress Governments for the defence of life and property."  

As we have shown, the Delhi resolution did in practice lead to PCCs in Andhra and U.P. ruling that disciplinary action would be taken against Congressmen who participated in satyagraha without PCC sanction. And, as Sundarayya had noted, when Gandhi made a reference to the case of the Kalipatnam satyagraha to censure Congressmen for encouraging the usurpation of landlord's property, he was not aware of the background and of the tenants' rights and according to Sundarayya, his statement encouraged the landlords. This blinkered view, even within the terms of legal rights, indicated a biased atti-

381 The WC meeting of May was reported to have voted for disciplinary action for releasing press statements without the prior approval of the General Secretary, but no resolution was passed, Bombay Chronicle, 18 May 1938, p. 1. It was later reported that Lohia, Secretary of the AICC Foreign Department, had preferred his resignation, but the WC would not accept it. Bombay Chronicle, 21 September 1939, p. 1.


383 See above, 3.1.2 and 3.3.2.

384 Sundarayya, "Zamindari Aggression in Andhra", National Front, 1, 35, 16 October 1938, p. 11.
to agrarian conflict.

However, the distinction between warning and outright disciplinary action is not irrelevant. The Right-Wing was in control of the party during 1938, but refrained from exercising disciplinary action to make Congressmen conform to the dictates of the ministerial situation. They only resorted to such action by June 1939, when the AICC passed a resolution prohibiting satyagraha without the prior permission of the PCC concerned.\[385\]

It could be argued that such disciplinary action was being taken by allowing law and order to run its normal course. Arrests did seem to have deterred the Malabar peasant movement but we have noted, in that instance, that the socialists pursued a restrained policy in handling unrest.\[386\] In Kalipatnam and Munagala, arrests had not undermined the movement, and in fact the PCC had interceded to resolve the issue.\[387\] In Bihar too, the bakasht movement had been undaunted by such modes of control. And interestingly, arrests did not always preclude continued involvement. Thus, in the negotiations relating to the settlement of the Barahiya Tal agitation in Monghyr, Karyanand Sharma was transferred to a nearly jail so that he could be included in the mediation.\[388\] And significantly, while the BPCC had, in

---

385 See below, Chapter 5.
386 See above 3.1.2.
387 See above 3.1.2.
388 K.B. Sahay and Sahajanand negotiated with Sharma in jail, and he agreed to help in arbitration. The Government agreed to provide facilities for this but would not release him. Shyammananda Sinha, MLA to Yajnik, 25 May 1939, Yajnik MS F. 11(2). Sharma was then transferred to
January 1939, disallowed DCCs from participating in satyagraha without its permission, individual participation was not disallowed. Rajendra Prasad presided over this meeting.

It appears that even if Gandhi and the Right Wing believed that extra-constitutional action had to be halted in the given circumstances of Congress occupying ministries, they did not put the weight of their power behind the enforcement of this position. They censured, reprimanded and warned Congressmen that they should conform to legal activity. They had entrenched their control over the party in 1938 but did not use this to control direct action. That their resolutions did lead to such efforts is an inadequate criterion to characterise their policy.

It is likely that the popular nature of direct action initiatives acted as a barrier to enforcement of a monolithic strategy of the sort that CR had desired, and which not even he was able to implement. While the Right Wing's evaluation of the political circumstances caused them to view direct action as a threat, in practice they found it difficult to act decisively against it. Given that they could for a long period countenance this duality of method, it would perhaps not be inaccurate to hazard that it was their own non-constitutional approach to politics that enabled them to adopt this attitude.

Cont'd., f.n. 388

Monghyr jail. AIKB, 9 June 1939, Yajnik MS F. 15.

389 See above 3.2.2.

Ultimately, in June 1939, they took decisive action, but the circumstances were more complex than is immediately apparent. The Bose victory at Tripuri had revealed a significant discordance that was only partially related to left-wing antipathy to ministerial policy. The incoherence of the opposition suggested that Gandhi's growing fear of corruption in the party had some basis.\footnote{See below, Chapter 5.} But if strict control was related to this, it must also be related to a desire to control the enlarged dimensions that direct action had acquired in 1939, especially in Bihar.

Nevertheless, if we now take an overview of the policy of the nationalist leadership in this period the picture suggested is one of strategy as a resultant. Although the leadership deemed it necessary to curtail extra-parliamentary action of the order of satyagraha, they could not do so. As a result, there developed a co-existence of forms for the larger part of the Congress ministries' life.