CHAPTER - III

TENANCY REFORMS AND THE CONTRIBUTION OF THE NATIONALISTS
Researchers in the field of socio-economic history of India have conclusively tended to prove that the once self-sufficient village economy guarded by its own social system was completely destroyed by the colonial power within a few years of the beginning of its rule here, thus turning the entire country into a classic colony. Consequently, everything rolled out of joint and it led finally to the formation and development of a new class structure, more especially in the agrarian relations, atop which remained the landlords or zamindars, who acted as props of the colonial power till it quit India for good.

We may now examine the situation obtaining in Orissa and a few moot questions like: (i) How the zamindars came to acquire various important rights to become the most powerful class in the society, (ii) what were the important privileges enjoyed by them, (iii) how they imposed various types of taxes on the peasant-populace, (iv) how the growth of absentee landlordism occurred leading to more and more oppression on the peasants, (v) how the landlords profited under the colonial administration, and (vi) how the existence of the intermediary interests in lands (between the actual proprietor and the raiyat) played havoc in the already confused and vitiated atmosphere prevailing in the agro-economy of the land?
The Zamindars came to acquire different kinds of rights mainly during the extension period of the settlement from 1837 to 1897 due to terrible famine conditions obtaining in Orissa in 1865-66, when another settlement was due for commencement. In any case, the right to grant leases, the right to re-enter in the next settlement operation, the right of inheritance, the right of profit in new lands, fisheries, thatching grass, cleared forests, bamboo, dead trees, transit dues and last but not the least, the right to transfer and partition of lands came to be exercised by them and they were allowed a free hand to deal with these various types of rights according to their own suitability.

The Zamindars also reaped large dividends from the manifold privileges granted to them by the Government to which they had no equitable right whatsoever. Besides utilising the common ponds and grazing fields of the villages, they made full use of another type of land called níchias for which no rent was being paid by them. Apart from it, there was altogether a different kind of land called nankar, which was generally found lying around the house of the zamindar, being more suitable to grow crops like cotton, paddy, grains, sugar-cane etc., other than the possibility of it being developed into a very good pasturage for utilization of domestic animals. The chance of their making a good margin of profit from waste or deserted lands, of course, was always there.
Abahabs or extra cesses, which were purely impositions or exactions of illegal kind, had also become a matter of habit with the zamindars who more often than not indulged in this act and rack-rented the raiyats. From a letter written by the Collector of Balasore to the Commissioner of Orissa, dated 30 August, 1871, it is found that in the district of Balasore alone, the zamindars collected 11 types of abahabs of regular nature being levied usually from time to time and 17 of irregular nature being levied only occasionally on the raiyats under certain special circumstances.

Growth of absentee landlordism was a marked feature in the history of agrarian relations in the 19th century Orissa from which the raiyats suffered the most. Beginning with 1806 when the lands were put to auction in default of payment of revenue and accumulation of arrears far far away at Calcutta many old Oriya land-owning families were invariably put to a great trouble and got ruined in the end, their lands being transferred on sale to rich zamindars of Bengal or amals of the courts. These people were like foreigners to Orissa and they seldom or never visited the lands or estates held by them, leaving it to the care of their agents or mutastas. These people indeed were chiefly responsible for playing a lot of havoc in the land systems of Orissa due to their extravagance and highhandedness in putting exorbitant demands on the actual tillers of the soil and realising it by hook or by crook. In observation of it, G. Toynbee once
Far removed from the control of their principals, these lived in a style quite sufficient of itself to swallow up the legitimate profits of the lands entrusted to their care.

The colonial Government further made the zamindars feel obliged to it when apart from extending the settlement period from 1837 to 1897 it took the decision to give them 30 per cent of the total collections which was subsequently raised to 35 per cent in 1840 and then to 60 per cent by the turn of the 19th century as commission. As a result, the zamindars made a huge profit consequent upon which the advantages of the zamindari tenure increased incalculably and mere possession of a land was taken for granted as highly profitable. And following it by 1870 sale of lands virtually came to an abrupt end in Orissa. By then, the respectability and consequence which were being attached so profusely to a zamindar's position and status in society had already rendered it an object of ambition before all classes of people to acquire a zamindari in Orissa.

The mere existence of so many intermediary interests in lands below that of the zamindars contributed to make the development of agriculture and the living conditions of the agriculturists who depended on it, further lop-sided; thus worsening the agro-economic prospects of this region to a deplorable state. Here, a brief narration of the coming into

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existence of these intermediary interests becomes imperative since we would be dealing with matters relating to them in course of our discussion on tenancy reforms.

a) Pachans, Mukademas, Tonkidars and Sarbarakars:

These people, except the tonkidars, were the main descendants of village headmen as well as petty fiscal officials and were in exercise of "...a defacto proprietary right" when the British occupied Orissa in 1803. They were allowed by the Government to retain almost all the vital rights being enjoyed by the zamindars.18

The tonkidars were another group of sub-proprietors who paid quit-rent fixed in perpetuity. Having been granted with lands by former kings these people, most of whom were the descendants of brahmins, belonged generally to the district of Puri. The grants were made to them primarily for the support of the deities. The priests, members of the royal household, courtiers and others, who had got valid claims to be supported from the public purse, were also given such land grants. In the first land revenue settlement operation conducted in 1804-05 their rights in lands were confirmed by the Government and in subsequent settlements they were placed under the proprietors of the neighbourhood through whom they remitted their dues usually to the exchequer.19
b) **Lakhraj-bahaldars**: 

Holding the lands in perpetuity, free of revenue, these people were held as revenue-free proprietors who exercised all the proprietary rights ordinarily granted as such to the zamindars. Of the two main categories of lakhraj lands, while the first one was meant "... for support of the Brahmins, grants to mendicants and other poor Hindus, and Khushbash" with the right of sale and mortgage, the second one mostly consisted of debottar lands which remained under the overall possession of temples, idols, monasteries, saints being managed by the trustees and called in different names viz., *sabait, marfatdar* or *mahant*.

c) **Kharidadars and Bajventidars**: 

During the days of the Moghul and Maratha administrations in Orissa some people who were later on known as Kharidadars bought small patches of jungle or waste lands from those in charge of revenue collection. The former undertook at the time of making such purchases either to develop villages or agriculture in those areas held by them. But in course of time they forgot to abide by their earlier undertaking and indulged more often than not in fraud. As a result, valuable lands came under their possession in return for very meagre amounts. Thus it formed the origin of Kharidadar tenures in lands in Orissa, which were however reclaimed and settled at a later period leading to their exercise of full proprietary rights.
The Baiyaputidars happened to be the descendants of these tenure-holders who enjoyed revenue-free tenures or paid revenue at a lesser rate at the advent of the British rule in Orissa. In fact, many of these grants got confirmed in 1805, others remained as Baiyapti or resumed lands to be assessed either at full or half rates. Such an assessment however happened to be very low in any case.22

Forming a class of privileged tenure-holders these Kharididars and the Baiyaputidars by the way enjoyed certain important privileges. While their rights were heritable, transferable and permanent without calling for the consent of the proprietor who remained above them, the assessment in their case happened to be very low and always remained comparatively below the rent of other tenures.23

d) Jajir-holders:

These people enjoyed lands free of rent in lieu of rendering services either to a particular individual of high rank or to the village community at large. Thus there were mainly two categories of jajir-holders. While the first category comprised of ploughmen, labourers and others, who mainly served the local zamindar, the second category of persons were like carpenters, barbers, washermen etc., who served the entire village.24
Consisting mainly of the artisans, shop-keepers and labouring classes of the rural areas, these people had no arable lands and paid rents for homestead lands only.25

f) Raivats:

The term raivat implied one who took upon himself the responsibility of cultivating the land himself. The raivats could be divided chiefly into two distinct categories—thani raivats and nahi raivats.

Being resident cultivators as well as possessing hereditary rights of occupancy in their lands, the main advantages enjoyed by the thani raivats were:

He held his homestead and garden land rent-free; his lands were the best in the village; and he had the preference in the reclamation of new lands. He had communal rights to pasture, firewood and the thatching grass; he had a hereditary right of occupancy; and he could not be ousted so long as he paid his rent.26

By virtue of enjoying all these rights and privileges the thani raivats thus occupied a higher status in the village and were being looked upon as more worthy for credit advances by the local mahajans. But, he paid a rent which was much higher than the nahi raivats and was levied more extra impositions or abwabs by the native zamindar.27 In addition, they had no right of free transfer of their holdings or a part thereof without the express consent of the concerned zamindar.
Having been non-resident cultivators as well as possessing no recognized rights in lands as such, the nahi raiyats used to pay a much lower rent. Likely to be thrown out of their holdings at any point of time they were virtually mere tenants-at-will. Their rents were brought up approximately at par with the thani raiyats during the settlement operation conducted in 1897; the law did not differentiate much between the rights of these two categories of raiyats.

g) Under-raiyats:

There also existed some persons who despite remaining in rightful possession of lands, due to some reason or other e.g., imposition of caste restrictions etc., could not cultivate the lands themselves. Thus either on the basis of cash or produce rent they would lease out their holdings to the neighbours.

So far we have dealt at length on the different interesting features of landlordism as well as the existence of various intermediary interests in lands in Orissa. Now it is intended to take up the various tenancy reform measures relating to the law of landlord and tenant undertaken from time to time.

First, under the pre-nationalist colonial Government between 1912 and 1936 and then under the leadership of the nationalists between 1937 and 1939 when they remained in power by forming a popular Congress Ministry.
But before attempting to do so the development of tenancy rights in lands prior to 1912 may now be examined.

Orissa since 1803, as discussed earlier, formed a division of the spreading Bengal Presidency and as such different provisions of the Permanent Settlement of 1793 and the various regulations passed thereafter were made applicable and extended to this region although short-term as well as temporary land settlements were the marked characteristics of the Government's land policy here. In any case, all these measures lagged far behind either at giving protection to the raiyats or security of enforcing the rent demand of the zamindars. The latter more often than not indulged in distress of crops belonging to the former which caused a great agrarian discontent in the countryside. As a result, the raiyats totally lived at the mercy of the zamindars and in turn, got rack-rented, oppressed and impoverished. On 29 April, 1859 was passed the Renta Act X of Bengal which although improved the situation a bit, yet left many things undone in the process. A beginning was made for the first time at defining the rights of landlords and tenants no doubt, but in the long run it failed miserably to provide sufficient protection to the raiyats as the power of distress of crops granted to the zamindars earlier was not abolished but merely modified to a certain extent. Another peculiarity was that while it introduced the twelve years' rule for acquisition of occupancy rights by the tenants, it also gave recognition to the right of enhancement of rents by the zamindars. Moreover, a large number of loopholes were detected in its different proviso shortly after its enforcement when a large number of judicial
decisions, especially on the right of occupancy, clearly exposed the fact "...that the benefits it intended to confer were not actually available".

Agrarian discontent consequently rose to serious proportions and in 1880, therefore, the Rent Law Commission was established. It was empowered to prepare a draft tenancy bill that was finally passed in the Bengal Legislative Council in 1885 as the Bengal Tenancy Act, 1885. While marking the next great step in the development of tenancy rights in lands, curiously enough, a very limited application of it was made in case of Orissa on the extension of a few sections only by various notifications of the Government between the years 1891 and 1896. Thus at a time when this act was extended piecemeal, the earlier one i.e., the Rent Act X of 1859 continued to be in force here, except of course, where it was not inconsistent with the provisions extended under the Bengal Tenancy Act, 1885. Under the new sections extended in 1891, the raiyats in Orissa obtained the benefits of accrual of occupancy rights if they continued holding lands as raiyats for twelve years in any village and thus became "settled raiyats" of the village with a right of occupancy in all lands held by them for the time being. Subsequently, it was during 1891-96, when the settlement operation in Orissa was in progress under S.L. Maddox, a few more sections were further extended under which some amount of protection was given to the occupancy raiyats, e.g., from ejectment for arrears of rent and from increase of rents beyond a certain prescribed limitation. The raiyats were also
granted the right to apply for commutation of produce rents. The rights of non-occupancy *raiways* were also underlined and the landlord's power to eject them and to increase their rents were cut down to a certain limit. All the tenants were asked to pay rent into court after making it obligatory to grant proper rent receipts to them. But the most lamentable part of the entire episode was that while the *zamindar* took full advantage of the law, the *raiyat* owing to his age-old ignorance and illiteracy could not know how to reap benefits out of it. To put it in the words of S. L. Maddox, Officer-in-charge of settlement operation in Orissa between 1890-99:

> Even down to the time of present settlement this continued to be the case in the Salapora District, and in the north-eastern part of the Cuttack District. The *Zamindars* were powerful. The state of change contributed to the insecurity of the *raiyat* tenure, and the large number of petty proprietors in the estates along the Baitaranai is attributed to the purchase by *raiyats* of the proprietary right over their own holdings in order to protect themselves from eviction.

A few more sections of the Bengal Tenancy Act, 1885 mostly relating to the private lands held by the *zamindars* and appointment of common managers were further extended to Orissa in 1906 at the beginning of the revision settlement operation under the supervision of J. F. W. James. A drive was also launched for continuous maintenance of records-of-rights under its terms of reference when the real hardships and problems surfaced more clearly as the proviso of one act came in the way of implementation of another.
As a later Government report confirmed it, the problems were that:

...the sections already introduced were in certain important respects, ill-adapted to local conditions. For example there was no recognition of baiyavitidars and sub-proprietors. In Act X of 1859 and the connected Acts a very large number of defects and omissions were also brought to notice. More especially the provisions relating to the sale of tenancies were found to be inadequate. Provisions of law on the following important subjects either do not exist or are ineffective:—(a) making of improvements, (b) the acquisition by a landlord of a portion of a holding for building or other purposes, (c) the surrender and abandonment of holdings, and (d) contract and custom.

All these were, however, enough to open the eyes of the authorities who now desired to give Orissa a self-contained agrarian code of its own, after taking a policy-decision to that effect with a view to meet the chaotic situation already obtaining in the region. Accordingly, in early 1912 in the last session of the Bengal Legislative Council a tenancy bill for Orissa was passed (moved earlier in July, 1911 on behalf of the Government) in the face of stiff resistance as well as strong opposition put up by Madhusudan Das and Rajendra Narayan Bhanja Deo, two members representing the cause of Orissa. They mainly protested against certain objectionable clauses which were considered to be detrimental to the interests of the Oriya people in general. The bill was allegedly rushed through in the Council chamber in order to somehow get it passed before Orissa was taken out of Bengal and annexed to Bihar in order to form a new province.
The vested interests of the landowners of Bengal in Orissa had become clearly manifest in the bill. In view of it and also to accord some more time to such an important measure which required a cooler discussion, Lord Hardinge, the Governor-General and Viceroy, preferred to decline his assent to the bill. In justification of it he recorded in his autobiography:

Just before I left Calcutta an awkward and unpleasant incident occurred. My carriage was at the door and I was saying good bye to my friends, when the Lieutnant Governor of Bengal brought me the Orissa Tenancy Law passed by the Bengal Legislative Assembly on the previous day and asked my assent to it. Now, in four days' time, Orissa was to be separated from Bengal and embodied in the new Province of Bihar and Orissa and it was fairly evident that the bill had been rushed through the Council with a view to getting it passed before the change of provincial boundaries in order to meet the interests of Bengali landowners, which I knew to be considerable. As it was contrary to my practice to give my assent to a measure, which I had not had an opportunity to consider maturely, and in view of the objections mentioned above, I refused to assent. There had been no instance of a Viceroy withholding his assent to a Bill for a great number of years.46

A) The Orissa Tenancy Bill, 1913:

After the formation of the Province of Bihar and Orissa on 1 April, 1912 and that too, in the very first session of the first Legislative Council of the new Province, it was on 20 January, 1913 the Government caused to present the
Orissa Tenancy Bill - a comprehensive measure on tenancy reforms, for the consideration of the members present.

Its objects and reasons were mainly:
1) To consolidate, simplify and rearrange the greater part of the statute law relating to landlord and tenant, (2) to restore to holders of sub-proprietary interest, and of resumed (baiyafti) revenue-free lands the portion which they held for nearly a century before the extension of certain provisions of the Bengal Tenancy Act, 1885, to the said districts, (3) to secure raiyats in the enjoyment of their existing rights, both statutory and customary, (4) to make a definite extension of the area held as private lands by proprietors and sub-propriets, in consideration for the security of tenure to be afforded to their tenants in lands reclaimed from waste, (5) to improve the procedure for the recovery of rents due to proprietors and sub-propriets, (6) to remove ambiguities, defects and anomalies which are known to exist in the present law and (7) to prevent encroachment of lands over which communal rights exist.

Shortly after, the bill was accepted for due consideration of the House; a motion having been moved to that effect. On this occasion, Madhusudan Das, the leading figure among the members from Orissa present in the Council, expressed his satisfaction and held that it would receive utmost attention, which it richly deserved, from all concerned during its proceedings in the House.

A select committee consisting of 10 members viz., H. McPherson, W. Egerton, B.K. Mullick, Baikuntha Nath De, Rajendra Narain Bhanja Deo, Madhusudan Das, Rai Sheo Shankar...
Sahay Bahadur, Rai Sudam Charan Naik, Rai Gokulananda Chawdhuri and E. V. Levinge was formed to discuss and examine the bill and its different proviso in great detail. It was asked to submit a report latest by 13 March, 1913.51.

Meanwhile, the Government on its part sought the views of all concerned more especially of the various associations of Orissa on its four important clauses, among others. Those were: (a) right to reclaim waste and deserted lands, (b) recognition of transfer of occupancy-holdings, (c) appointment of common managers in matters involving legal disputes and the definition of his powers, (d) conservation of communal rights. All these had been added to the present bill under discussion in the Council, it was told, as a measure of improvement over and above the original tenancy bill of 1911.52.

The Utkal Sabha suggested a time limit of 12 years to all in order to file suits before the concerned authorities regarding reclamation of waste and deserted lands. It also pleaded for non-interference in the prevailing custom and tradition of the land and its people in relation to the recognition of transfer of occupancy holdings. In its opinion, the collector of a district was to be given wide powers of appointment of common managers in cases involving legal disputes which was of course to be done after taking into account the decision of the district judge to that effect. Lastly, as regards conservation of communal right, it was in favour of excluding the ponds, water channels and waste lands from its purview, except however, the common roads and
foot-paths of the village. Apart from all these, it argued for dropping the provision in the matter of application of revenue-rents to the share-cropping lands by calling it totally unsuitable at the given time when classification of lands had not at all been worked out in Orissa.

The Praja Pratinidhi Sabha, an association of the peasants formed in July 1912, had also its own suggestions to make on the bill. Madhusudan Das, its President and Copabandhu Das as well as Nilakantha Das, its two Secretaries worked tirelessly during this period to organise the peasants on this important issue and to demand for their just and fair causes. A memorandum was presented to the authorities in which much stress was given on the following issues e.g., (a) to ban forthwith the illegal fees collected by the Zamindars regarding reclamation of waste or deserted lands, (b) not to give consideration money to the Zamindars at the time of transfer of an occupancy-holding which the peasant had every right to do, (c) to restrain the Zamindars from indulging in extra-impositions or abusab and, (d) to treat as abominable the provision on commutation of kind rent into cash rent. Further, sometime earlier to the presentation of the bill in the Council, it had also asked the authorities to allot a seat to one of its representatives who could truly advocate its cause in the House.

The lakhrajdaras came out at this time with their own set of grievances and pleaded mainly for two things e.g., (a) non-accrual of tenancy rights in respect of their lands, (b) non-conversion of the shilubhaga rent into actual rent.
The reaction of the Landholders' Society of Orissa was, however, quite sharp and severe, especially regarding the bill's provision which gave recognition to the transfer of occupancy holdings to the patta. A meeting was called therefore at Cuttack under the presidency of Rajendra Narayan Bhanja Deo, the zamindar of Kanika. Here, one Jayram Das, a zamindar moved a resolution with the intention to delete this provision from the proposed bill. Otherwise, he claimed that the zamindars should be allowed to collect 25 per cent of the actual sale proceeds of the occupancy-holdings besides retaining the right of access to it. This led ultimately to great clamour and the majority of the members favoured deletion of the clause and nothing else. Accordingly, Balkuntha Nath Dutt, another zamindar, moved an amendment to the earlier motion of Das, which was however accepted by one and all present. The meeting resolved to communicate the feelings of the landholders of Orissa to the government without delay.

The Utkal Dpika in its editorials published its own observations on the bill by way of lending its full support to the views held by the Utkal Sabha. It nonetheless pleaded for the cause of lakhrajadars whose lands were nothing but gifts made to them by previous rulers for their daily subsistence. The proposed commutation of kind rent into cash rent would not even help them make both ends meet. By Act X of 1859, they had come to receive the right on nij-bota areas and therefore, it would be in the fitness of things to keep that in continuance.
Otherwise, it might mean and tantamount to robbing them of the very things gifted earlier\(^61\). Further, in its view, the provision in clause-29 which proposed recognition of transfer of occupancy-holdings contravened the proviso under the 'Co-operative Loan Society Act\(^62\). Hence, enough caution was to be taken in this regard and a system was to be devised in order to formulate a policy beneficial to both the _raiyats_ as well as the landholders\(^62\).

The Star of Utkal, which had earlier welcomed the formation of the _Praja-Pratinichi Sabha\(^63\), espoused the cause of the _raiyats_ in its editorial published on 25 March, 1913 and upheld among other things, clause-29 which recognized the transfer of occupancy holdings on the part of the _raiyats\(^64\).

In the meantime, the select committee completed its work of scrutinising the bill and on 5 March, 1913 its report was made out and published the same day in the Bihar and Orissa Gazette\(^65\). It mainly contained the following important recommendations: (a) to drop the proviso on conservation of communal rights as well as continuous maintenance of record-of-rights, (b) to empower the district judges in the matter of appointment of common managers and, (c) to give recognition to the transfer of occupancy holdings etc\(^66\).

It was on 7 April, 1913 that the bill as reported by the select committee was returned back to the Council chamber for further discussion by the members\(^67\). It happened to be of a contentious nature and therefore, near unanimity was next to
impossible on many of the important clauses of the bill; even the members from Orissa were divided among themselves. At the outset there were altogether 140 amendments to different clauses of the bill, many of which were withdrawn subsequently when they were found to be nothing but mere duplications of the clauses which were already there in the bill. The rest were likewise rejected or lost in the debate that followed. A few very minor amendments moved by members, like Madhusudan Das, Maulavi Khwaja Muhammad Nur, Suden Charan Naik, Khan Bahadur Saiyid Fakhruddin and Rai Sheo Shankar Sahay Sahadur to its different clauses were, however, adopted without much debate on their acceptance by the government. Apart from these, on behalf of the government three more amendments were moved to the bill which happened to be of some real importance.

The first amendment motion was felt essential by the government when the zamindars complained of no specific time limit set in the bill in order to refer the matter to the collector regarding the deposit of fees as also for making applications for registration of the transfer. While accommodating this objection raised by the zamindars it was moved on behalf of the government that in the second line of sub-clause-(3) of clause-29 between the words "may" and "deposit", the words "within one month" or "from the date of the landlord's refusal or from the date specified in sub-section (1), whichever is later" be inserted. This motion on its adoption by the House stood thus:
(3) If, in any such case, the landlord refuses to accept the requisite fee, the transferee or his successor in interest may within one month of the landlord's refusal, or of the date specified in sub-section (1), whichever is later, deposit such fee with the Collector, and, at the same time, apply for registration of the transfer...

The second amendment moved on behalf of the government was aimed at incorporating a new clause-93A into the bill under the provision regarding usufructuary mortgages.

The motion as adopted by the House stood thus:

Usufructuary mortgages

93A(1). No transfer by a raiyat of his holding or any portion thereof by usufructuary mortgage for any period, express or implied, which exceeds or might in any possible event exceed nine years shall be valid nor admitted to registration under the Indian Registration Act, 1908, unless it has been made with the express consent of his landlord.

(2) Where a raiyat has, without the consent of his landlord, executed a usufructuary mortgage by an instrument registered before the commencement of this Act, the mortgage shall not be valid against the landlord for more than nine years from the commencement of this Act.

(3) Nothing in this section shall apply to a mortgage executed by a baiistaifdar raiyat.

The third amendment moved on behalf of the government intended to insert the words "under the Indian Registration Act, 1908", after the word "registration" in sub-clause(2) of clause-93. The objective of keeping uniformity
between the language of clause-93 and clause-93\(a\) made the government to put forward this motion which was, however, declared as adopted by the House\(^72\).

By far, the most interesting feature of the entire discussion held on the bill mainly centred around the provision which aimed at giving recognition to the transfer of occupancy holdings. This was something which went against the zamindars as a class and therefore, they had got united to fight it out on the floor of the Council besides appealing the Government to remove this provision from the bill. With this design in mind Rajendra Narayan Bhanja Deo, the zaminder of Kaniha, who was also the President of the Orissa Landholders' Society, had originally planned to move a motion of amendment asking for its omission from the bill altogether. But on being taken ill, his motion was placed for discussion by Sudesha Charan Naik on permission from the President of the Council\(^73\). The mover, however, wanted to establish zamindars' right of property in the soil and held that the raivat was allowed the right of occupancy only by statute which was quite limited as well as different from the right of ownership. Further, he found no reason why for a few unscrupulous shylocks\(^74\) the rights and privileges enjoyed by the majority of the zamindars would be taken away by express legislation\(^75\). He was mainly supported by some members from Bihar viz., Khan Bahadur Saiyid Fakhrud-din, Rai Sheo Shankar Sahay Bahadur, Maulavi Saiyid Muhammad Tahir, Kirtyanand Singh, Giriya Nandan Singh, Dwarka Nath etc., most of whom were landlords themselves\(^76\). But the rest of the members from Orissa, viz., Baikuntha Nath De, Gokulananda Chauhury
and Madhusudan Das on the otherhand lent full support to clause-29 which allowed the raiyats a right of transfer of occupancy-holdings. For instance, Balkuntha Nath De welcomed the bill and the provision in question and observed that it would definitely remove a long felt want. By way of referring to the history of transfer of occupancy holdings and from his own experience he tried his best to dispel the aspersions cast on this important clause of the bill. According to him, it was not an innovation but rather a recognition of a time-honoured practice which the Government wanted to legislate in order to "...uphold the cultivators of the soil in the unmolested enjoyment of their long established right." Gokulananda Chaudhury felt it in a similar manner and after praising Sudam Charan Naik for his role in placing this motion for discussion, held the clause to be fair and advantageous to all the parties concerned. Madhusudan Das, last but not the least, described the clause as a very important measure and by the by pointed to the final decision of the Court of Directors at the time of implementation of the system of permanent settlement by which the Government always kept to it the power of legislating whenever the need arose in order to protect the interests of the raiyats from being trampled upon by the zamindars. In his view, this important factor was being overlooked in the entire gamut of discussion. Further, he derided by saying:

If we do not like this clause 29, if the zamindar is going to realize his position, if he realizes the obligation that is due to the raiyat, if he has got a sympathetic
heart, certainly then there need not be any dispute whatever and they may sit in their village, raivat and zamindar and repeal the clause and never allow the Collector (or this Council) to do anything. If this pious wish is really realized and if there is any truth in it we need not fear this clause.

With this he lent his support to the clause under discussion.

Shortly after, the motion of amendment was put to vote and a division being declared it was negatived by 26 votes to 10.

The Orissa Tenancy Bill was, however, passed by the Council the same day i.e., 7 April, 1913, received viceregal assent on 26 May, 1913, published in Government Gazette on 29 August, 1913 and became a law in force in the temporarily-settled areas of the Orissa Division with effect from 12 September, 1913.

A comprehensive legislation to amend and consolidate certain enactments relating to the law of landlord and tenant, the main points contained in it were:

(a) The agricultural year was to begin on the very first day of Baishakh each year according to the Oriya calendar.

(b) Statutory recognition was accorded to the persons who once held villages as headmen of such areas viz., the Mukadams, Sarbarakaras and Pachangs as sub-proprietors. They were to remit their amount through the zamindars above them.

(c) A tenant was defined as a person who "...holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that person."
The tenants were divided into four main groups:

i) tenure-holders, including under tenure-holders,

ii) 

iii) 

iv) chandnadas.

The raiyats were divided into three main categories:

i) raiyats holding at fixed rates i.e., holding either at a rent fixed in perpetuity or at a rate of rent fixed in perpetuity.

ii) occupancy raiyats i.e., raiyats who had a right of occupancy in the land held by them.

iii) non-occupancy raiyats i.e., raiyats who had no such right of occupancy in the land held by them.

A tenure-holder meant one "... who had acquired from a proprietor, or from another tenure-holder, a right to hold land for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it, and includes also the successors in interest of persons who have acquired such a right".90

A raiyat meant one "... a right to hold land for the purpose of cultivating it by himself, or by members of his family, or by hired servants, or with the aid of partners, and includes also the successors in interest of persons who have acquired such a right".91
In order to determine whether a tenant happened to be a tenure-holder or a 
raiyat, the court was instructed to 
lay emphasis on both local custom as well as the purpose for 
which the right of tenancy had been originally acquired.

(e) Rights of occupancy were granted to all those 
who remained under possession of occupancy 
rights in any land by way of operation of any 
enactment, custom or otherwise prior to the 
commencement of this act.\(^{(92)}\)

(f) Rights were granted to the lessees who remained 
under big Zamindars so that in the event of the 
Zamindar being treated as a tenure-holder, the 
lessees could also be treated as raiyats and be 
able to acquire occupancy rights by taking 
advantage of the 12 years' rule.\(^{(93)}\)

(g) An occupancy-raiyat was to pay rent at fair 
and equitable rates to the Zamindars, who had 
the power to bring a legal suit for realization 
of arrears of rent. The rent of the former, 
however, could be enhanced up to 12\(\text{\%}\) per cent by 
a contract but it could never be enhanced again 
in another 15 years' time. The Zamindar, on his 
part, by way of moving the court could also try 
for enhancement of rent on the ground of increase 
in prices or by improvements effected by him 
or that it was very low or that the productivity 
of the land had increased by fluvial action. 
In a like manner, the raiyat could also put a 
claim for reduction of rent on the ground of 
fail in prices and general deterioration of the 
land. The raiyat was, however, entitled to use 
the land and effect improvement measures in any 
manner he felt suitable provided it did not 
cause deterioration or impair the price of the 
land or render it unfit. He could not be ejected 
from his holding by the Zamindar except in case 
of execution of a decree passed in court on the 
ground that he had rendered the land unfit for 
 purposes of tenancy or had breached a condition 
consistent with the proviso of the act.\(^{(94)}\)

(h) The right of the occupancy-raiyat to transfer his 
holding was acknowledged and the law provided that 
in such cases either the transferee or his successor 
in interest was to make an application to the 
Zamindar, whom the rent of the holding was payable.
for registration of the transfer, and in that case the maximum fee payable was fixed at an amount equal to 25 per centum of the consideration money or six times the annual rent of the holding or a part thereof, whichever was greater. It was further made out that such an application should be furnished within two years from the date of enforcement of this legislation or one year from the date of sale, whichever was later, to the zamindar. Where the system of taking produce rent was in vogue the annual rent was to be calculated on the basis of the average rate of cash rent which was to be paid by the occupancy raiyats for similar types of lands elsewhere in the village.

On reclamation of any waste or deserted land by a raiyat primarily not being included in his holding it was maintained that in such case the consent of the zamindar was to be presumed if the former had not remained in cultivating possession of such land for four consecutive years and the latter had not applied to the Collector prior to it for the ejectment of the former from his holding. It also enabled the raiyat to approach the Collector for setting a fair rent on the reclaimed land.

The act also made elaborate provisions as regards due enforcement of the rights and liabilities of the tenants including that of recovery of rent and maintained that it was to be taken cognizance of by the revenue courts.

Henceforth it was made illegal for the zamindar to recover more than half of the produce of land at the time of harvest from the tenant. To recover interest on arrears of rent was also denied to him. The period of litigation in such cases was reduced to one year. It was felt that the question of arrears if left opened for three long years might cause difficulty to the court to get any reliable information upon which to take a decision. It was made out further that the zamindar would have to receive the same price for the crops as had been prevalent during the harvesting season.

In case of a dispute arising between the co-owners, sub-proprietary interests or tenure over the management of a land, the district judge was given wide powers to serve a notice on all such persons
or parties involved on the application of the Collector or concerned parties calling on the former to explain why a common manager had not been appointed by them. An order was again to be served by the court of the district judge directing them to appoint a common manager, in the event the concerned parties failed to do so within one month of issuance of such a notice. And, if after the expiry of one month they too failed, then he would appoint a common manager, who, being subject to the control of the district judge, would exercise the same powers as the co-owners for the purposes of maintenance as well as management of the land.

The non-occupancy raiyat was liable to pay such rent as might have been agreed upon between the Zamindar and himself at the time of latter's admission to the occupancy-holding. It, however, could be enhanced by a registered agreement only. He could be liable for ejectment from the land if such a suit was brought by the Zamindar for his failure to agree to an enhancement of rent, to pay arrears of rent and also on expiry of the term of the lease. He could also be ejected on the same ground and for the same reasons as applicable in case of ejectment of an occupancy raiyat from his holding.

The under-occupancy raiyat usually paid rent in kind. Having been treated as temporary lessees these people remained under possession of no right worth the name.

The Chandnadars were given recognition as a class of tenants and they were defined as persons "...holding land which has been recorded as Chandna in course of a settlement of land revenue, and for which a rent has been fixed for the term of that settlement." The incidents of the tenures belonging to the jagir-holders were left to be decided as well as regulated by custom.

The act while defining the jagirdars recognized fixity of rent for the period of the settlement as well as free right of transfer, subject only to a registration fee of rupees ten payable to the zamindar, as their main privilege which differentiated them from an ordinary raiyat. They also enjoyed the right to sublet their lands without the consent of the landlord above them.
The tonki-bahaldars were given the status of sub-proprietors who were practically confined to the district of Puri. The privilege of holding ni-joa lands while not being extended to them, their right to transfer their lands without the consent of the landlords above them was given due recognition.

Under the act, a landlord or zamindar meant a person immediately under whom the tenants held lands and it included the Crown's land too, for that matter in respect of the lands held Khas by the government under its direct control and supervision.

Adequate protection to the private lands of the zamindars from accrual of occupancy rights in it was also provided under the same conditions laid down as before i.e., when held by a tenant on a lease for a term of years or from time to time.

In future, the Government was empowered and kept it reserved to itself the right to conduct a survey of the entire area with the objective of a settlement of a fair and equitable rent and also for matters relating to preparation of record-of-rights either su-a-motu or on application of parties concerned. It was, however, to be worked out with a view to securing both to the landlords and tenants the effective enjoyment of their respective rights.

The Orissa Tenancy Act of 1913, thus by virtue of being the first ever tenancy legislation exclusively made for Orissa, formed a landmark in the history of land revenue administration of the region. But however the fact remains that it was never an unmixed blessing for the people. The act left many things to be desired and undone. A Government report later on recorded:

"...it will appear that the working of the Act has not been altogether satisfactory." For instance, it did not touch at all matters relating to the agricultural labourers working on daily wage basis. Further, it gave substantial rights to the lessees
or persons who held big chunks of lands which consequently led to an inevitable result of creating a very large number of subinfeudations under the big zamindars. The right of the raiyats over trees, ponds etc. located in their holdings were not clearly defined and were left to be exercised according to the prevailing custom. It led to bickerings between the landlord and the tenant in course of time. Similarly, when the tenant came to receive the right to transfer his occupancy-holdings the zamindar's power of exercising a veto was also retained in all matters excepting private sales. In case of the latter, the consent of the zamindar had only been commuted to a fair valuation. In that event too, be it mentioned here, the zamindar was fully empowered with the right to object.

Above all, there was hardly any provision in that act to facilitate consolidation of raiyati holdings, considered so essential for improvement of agriculture.

Notwithstanding any of these lapses or omissions which might have crept into the legislation either deliberately or otherwise, the main essence of it was that for the first time it successfully laid the bed-rock for the future legislators to improve matters upon it by way of constructing the edifice of a still better legal code relating to the landlords and tenants in Orissa.

B) The Orissa Tenancy (Amendment) Bill, 1928:

The Orissa Tenancy (Amendment) Bill of 1928 formed the next most important legislative measure on the subject of tenancy reforms in Orissa. On 16 August, 1928 it was presented by Chaudhuri...
Bhagabat Prasad Samantarai Mohapatra, a private member from Orissa, on the floor of the Legislative Council of Bihar and Orissa. Having been a short amendment to the Orissa Tenancy Act of 1913, it contained a few provisions the main objects of which were improvement of agriculture by facilitating consolidation of raivati holdings by way of sanctioning mutual exchange on payment of a nominal registration fee.

In tabling the motion on the bill Mohapatra first of all dwelt on the steps he had taken earlier in this regard and told the House that a bill of a similar nature had been moved in 1926, which had even gone for circulation for eliciting public opinion thereon. But as it happened, in that legislation there was no provision for empowering the district Collector to render help to the cultivators in case the zamindar refused to take the mutation fee as a mark of recognition to the transfer of holdings. Therefore, with the objective to meet this point, the bill was redrafted accordingly by taking into account the views of competent gentlemen of the bureaucracy as well as the general public. Hence, he pleaded for due reference of the bill to a select committee for further consideration and held fragmentation of holdings as chiefly responsible for blocking the development of agriculture in Orissa.

It was hailed as one of the most laudable measures introduced in the Council by R.E. Russel, a nominated official who spoke on behalf of the government by way of expressing the latter's
sympathy in it. Excessive fragmentation of holdings was a marked feature in several parts of Orissa, therefore, the Government certainly welcomed any aid and assistance leading to a satisfactory solution to it. He warned about the serious magnitude of the problems which were likely to beset the legislation. One man's holding would grow into a more compact one at the cost of many others posing practical difficulties. In certain other cases, it might mean impairing the security of the rent collected by the zamindar. It might also lead to uneconomic holdings in the end, on the agglomeration of good lands by the wealthier raiyats and the comparatively inferior ones going to the poorer section given the fact that the very quality of land in a village varied considerably. In some hard cases, the raiyat might feel unable to pay even his due rent. Hence, it was equally bad for the raiyats as well as the zamindars alike. Further, intensification of the problems would definitely occur, he was of the view, where there had been partition of estates, resulting in large number of zamindars blocking such mutual exchange of holdings. It was besides defective on another important respect for it offered widespread opportunity for abuses since it happened to be the easiest possible thing to conceal actual sale of lands in the guise of mutual exchange of holdings. Thus he drew the attention of the members to the inherent dangers underlying the bill as also its real operative capacity in the actual field of implementation. Holding grave doubts as to whether the amending legislation could contribute positively in offering a right
solution to the already aggravating problem, he however extended his government's support to it and told that he was willing to let it move to the select committee with a view to making it a more workable one by allowing its examination from all angles. The Government, nonetheless, reserved the right to withdraw its support from the bill in case it was not suitably altered or modified to a form more acceptable in the aforesaid committee, he cautioned. 109

A Select Committee with nine members in all viz., J.D. Shifton, R.E. Russel, Dewan Babagur Srikrishna Mohapatra, Rai Sahab Loknath Misra, Laxmidhar Mohanty, Lingaraj Misra, Nanda Kishore Das, Godavaris Misra and Chaudhuri Bhagabat Prasad Samantarai Mohapatra then went to examine and scrutinise the bill in its entirety from all sides and submitted its report on 25 February, 1929 in the Patna session of the Council. But in the event of some technical difficulties arising in the bill it was at once recommitted for further consideration to the members of the same select committee. The latter after probing the matter in detail held one important decision as regards the workability of the bill by inserting a new provision in sub-section (4) of the new section 31 in clause-4 with the objective of forbidding the application of the proviso of the bill to the permanently-settled estates of Orissa. 110

On 6 September, 1929 the bill as reported by the Select Committee was returned to the Council chamber. 111 Immediately upon it Chaudhuri Bhagabat Prasad Samantarai Mohapatra moved for its due consideration by the members of the House. 112
The zamindars of Orissa were being greatly affected by the fixation of mutation fee at a very low rate of rupees two only; therefore they aimed at increasing it to rupees five instead. With this objective, a motion was moved on behalf of the zamindars by Sirabar Narayan Dhir Narendra, the Chief of Madhupur, in the Council which said:

That in clause 4 of the Bill in sub-section(1) of the proposed new section 31-A, for the words "two rupees" in both places where they occur the words "five rupees" be substituted.¹¹³

Some of the members who represented the cause of Orissa in the Council reacted to it strongly and it was mainly on the insistence as well as stiff resistance mounted by Godavari Misra, Skikrishna Mahapatra and Laxmidhar Mohanti that the motion was finally withdrawn by the mover.¹¹⁴

Godavari Misra, a Congress veteran from Orissa, however, took up the task of objecting the provision which barred the applicability of the bill to the permanently-settled estates and thus moved an amendment motion to sub-section (4) in the new section 31 of clause-4¹¹⁵. By way of tracing his association with the select committee and this new sub-section which later on appeared in the bill, he told that as a member of this committee he was present in its meeting held on the very first day itself, but then this sub-section did not figure in the discussion at all. He was absent in the subsequent meeting of the said committee.
due to some reason or other and felt quite surprised at the
time when this report was made available to him to find the
mention of this new sub-section in it. In view of this
development he intended to submit a note of dissent to it
but was not permitted to do so since he was marked absent in
the meeting of the said committee which agreed in favour of
inclusion of this provision in the bill. Hence, under this
circumstance he was left with no choice but to move this
motion of amendment for omission of this new sub-section
restricting the application of the bill to the permanently-
settled tracts of Orissa. In his opinion, the bill would be
of immense help to the people belonging to these areas as their
holdings being extremely small they could now get a chance to
enlarge them by way of mutual exchange. Their being no difference
between transfer by sale and transfer by exchange, especially when
enlargement of small-holdings was the moot-point he underlined the
disability under which the tenants belonging to the permanently
settled estates were putting up in the absence of a well-framed
legislation in respect of transfer of holdings by sale. Misra,
however, did not mean to harp on it at the present moment since it
happened to be outside the scope of the bill on the anvil. What
he actually wanted to drive home was the exclusion of this new
sub-section, which had raised so much of controversy, from the bill
and in this matter he sought the support of one and all of the
Council members.
The free and frank manner in which Misra presented all these things was opposed by R.B. Russell, who while speaking on behalf of the government, observed that it was totally impossible to extend the operation of the provisions of the bill to the permanently-settled estates at the given moment because the question of transfer of holdings in general had got to be taken up first before any such thing was attempted there. He also left a soft note of warning that the government, which had been supporting the measure so far, would think in terms of withdrawing it in case Misra's motion of amendment was adopted.

Misra, however, stood his ground and made a cryptic reply to the argument of Russell. That surreptitious sales would be taking place in the permanently-settled estates in case of omission of this sub-section from the bill did not find favour with him since he held that there was enough safeguard to prevent this from happening. The district collector had been armed with wide powers under the proviso of the bill and he could hold an enquiry as to whether any consideration passing in nexus with the exchange of holdings had been suppressed or understated; besides making an in depth investigation into the actual bonafides of such a transaction.

Misra's motion of amendment was then put to vote, the House getting divided with 37 members voting for and 40 against it. The amending legislation of Mohapatra thereafter got adopted and passed by the House on the same day i.e., 6 September, 1929 itself.
The *Utkal Dirika* as usual kept the general public of Orissa posted with information on the proceedings of the bill at its various stages inside the legislature by publishing news items on it from time to time. On 14 September, 1929, in its editorial, a hearty welcome was given to the final passage of the bill in the Legislative Council of Bihar and Orissa by way of hailing it as the most important of all the items discussed and passed in the last session of the legislature. It expressed the view that the tenants belonging to the temporarily-settled areas of Orissa would certainly benefit by it.\(^{122}\)

Being an amendment measure, the Orissa Tenancy (Amendment) Bill got the prompt sanction of the authorities and promulgated in the Division of Orissa as Act II of 1929.\(^ {123}\) It, however, made the following important changes: \(^ {124}\)

(a) At the time of any occupancy holding or a portion thereof was transferred by exchange with a view to making it a more compact one, each transferee or their successors in interest should within one year from the date of such transfer apply to the concerned zamindar for registration of such transfer. In such cases the maximum fee payable was (i) two rupees, where the transferee had paid no consideration in addition to the land given in exchange by him, and (ii) a sum not exceeding 25 per cent of such consideration on the whole thereof, in addition to a sum of two rupees, in case he had paid some consideration in addition to the land given in exchange by him.
(b) Once the zamindar refused to accept the requisite fee payable, the transferee or his successor in interest within one month from the date of such refusal or from the date specified, whichever happened to be earlier, could after depositing the fee with the district collector make an application to him for registration of such a transfer. On receipt of such an application, the Collector would direct a notice to be served on the zamindar to appear before him with a view to deciding the matter then and there. In the event the zamindar was found guilty he could order the requisite fee to be handed over to the zamindar and declare such transfer valid in writing and to have been duly registered. A declaration of this kind made by the Collector would bear the same force and effect as that of the acceptance of the registration fee by the zamindar concerned.

(c) It was further made out that on the orders passed by the subordinate officials in a matter of dispute an appeal could be made to the district Collector first, and then, in turn, from the Collector to the Revenue Commissioner.

(d) The Collector was further empowered to look into the bonafides of each and every transfer of holdings made for the purposes of this act.

(e) The act was, however, meant for application only to the temporarily-settled areas of Orissa and not to the permanently-settled estates over which it had no jurisdiction, whatsoever.
It was during the period of the great slump in world economy\(^\text{127}\) which caused a very great distress and hardship to millions of agriculturists that the nationalists-led Congress Ministry assumed responsibility of provincial administration in Orissa\(^\text{128}\). Naturally an urgent need was felt to pay more attention to rehabilitate the agro-economy of the land through some quick and expeditious means. At this time, as discussed earlier\(^\text{129}\), the Congress Socialists, who were the main activists of the U.P.K.S., were creating momentums and demanding more rights to the peasants. The nationalist press too, following an amendment to the Bihar Tenancy Act\(^\text{130}\), had been insisting on some major reforms in the existing tenancy law of Orissa\(^\text{131}\). Meanwhile, an article titled 'The Peasantry' appeared in the Harijan, in its issue of 31 July, 1937, in which Mahatma Gandhi analysing the problems of the peasants in general had said: '... the relief of the peasantry is an elaborate programme.... And, no Congress ministry that does not handle this universal problem can exist for ten days'\(^\text{132}\).

It was mainly under these circumstances, on 25 September, 1937 Nityananda Kanungo, the Revenue Minister, introduced the Orissa Tenancy (Amendment) Bill on the floor of the Orissa Legislative Assembly with a view to solving some of the most outstanding grievances of the rayats in the province\(^\text{133}\). While presenting the motion on the bill for discussion by the
members he said that such a step was felt necessary by the Congress government mainly on the insistence of the press and the general public who agitated for long for an immediate overhauling of the existing law relating to the landlord and tenant in Orissa.

As stated in the objects and reasons and as the minister outlined the bill intended to touch three main points in the matter of tenancy relations. First, all rights of occupancy were to be made heritable as well as transferable. No consent of the zamindar was to be required to the transfer nor was any fee payable to him in return for his recognition to the said transfer. Thus it aimed at securing all rights over the holdings to the respective owners. Secondly, absolute right to plant, cut, enjoy the fruits or carry away or otherwise dispose of all trees on the holdings of the ryot was to be recognised. Thirdly, a modification of the provision on illegal exactions or abwabs was to be attempted by declaring unlawful any payment made to the landlord beyond the actual rent and authorised cess. Deterrent penal measures were, however, to be prescribed for offences of this kind to book the guilty in future.

As soon as the Minister had finished and moved for referring the bill to a Select Committee, the members of the Opposition began challenging it on many scores. One of them, Govind Prasad Singh went ahead by accusing the measure to have been hastily drafted, too much drastic and full of glaring
omissions and commissions. Thus he moved that it be circulated first of all for eliciting further public opinion. Khan Bahadur Saiyid Ahmad Buksh supporting the stand of Singh observed that of late a war-cry was being raised against the zamindars all over and they were being looked down upon as pernicious pests of the society as well as the cause of ruin and perdition of the country at large. They were also being held responsible for the growth of rural indebtedness and destruction of the peace and plenty of the villages. But on the other hand, everybody tended to forget their past services rendered to the province and the people; their actual living conditions not being taken into consideration. In the revenue administration of the country, the zamindars were in rightful possession of their own lands by discharging to their best ability the duties in respect of both the state and the society. Some exceptions there might be but for them to condemn the entire class of zamindars did not behave of good logic or commonsense. Further, the zamindars had always stood behind the Congress Party and worked under its banner by contributing a lot in terms of men and materials during the last elections in which the party achieved a grand success. Thus he expressed the willingness of the zamindars to work for the people in order to remove the evils of exploitation from the society. Hence, it was totally baseless and unreasonable to suppose that they would just let the things continue like that which would tantamount in the long run to leaving the tenants in the hands of Shylocks of the society. He therefore pleaded not for
annihilating the zamindars altogether but instead, to supply
them relief after making a thorough comparison of the temporarily
settled areas of the province with those belonging to the
permanently-settled estates. In his view, if at all the
institution of landlordism was to be abolished, then for it
either adequate compensatory measures or quick means of realisation
of rent be enforced. The zamindars in any case should not
be left to starve unto death by way of moving such rash legisla­
tive measures. Over and above, he described the bill to have
been hastily conceived and very light-heartedly presented in an
assembly pledged for the so-called welfare of the people. In
ways more than one it smacked the repressive laws of the old
order and on the whole, constituted the act of a bully and not
that of a popular representative government. In continuing
the discussion Birabar Narayan Dhir Narendra, the Chief of
Madhupur, also preferred to come down heavily on the proposed
bill. The existing law of the land was mainly the result of
careful consideration on the part of previous legislators,
therefore he pleaded for giving the same type of careful considera­
tion to the present measure since a drastic change in the prevailing
land system was being attempted. The right of unrestricted transfer
of occupancy holdings would lead to a far-reaching effect on the
general agro-economy of the land, and he was afraid to say that it
might reduce the tenant, into landless labourers ultimately by
compelling them to part with their hearth and home. Further, the
withdrawal of usufructuary mortgage was fraught with very disastrous
consequences on the living conditions of the tenants by amounting
to a transfer for an unlimited period and for much smaller consideration; thus leaving the tenants fully at the mercy of the usurious moneylenders. In view of it, he strongly desired to send back the bill under consideration for eliciting further public opinion thereon, for it would be too unfair on the part of the government which claimed to enjoy mass popularity to withhold expression of public opinion on its different aspects. Muhammad Latifur Rahman similarly opposed the bill in strong terms and pointed out the absence of a provision in it which could have saved the tenants from paying the cost of the rent-suits. He thus charged that it had been deliberately planned to merely augment and swell the government purse. Further, in his opinion it would have been far better indeed had there been a provision in the bill declaring the lands inalienable. Two other members, Siria Kishore Behra and Mandhata Gorachand Patnaik, at this time also came out in open support of the move for circulating the bill for further public opinion.

In dismissing outright all the charges levelled thus far Kanungo, the Revenue Minister, held that the provision which allowed transfer of all rights of occupancy happened to be an absolute one; the Government having been prepared to forgo revenue if and when necessary. The few important rights, intended for extension to the tenants, in his opinion, must be full, definite and certain so as to entertain no third party claim on it at a later stage. The fact that the bill was being rushed through
hastily stood completely baseless since the very matter had been agitating the public mind for long. This prompted the Ministry to introduce this piece of legislation on an urgent and immediate basis. A fresh and more advanced comprehensive legislation was on the anvil to be introduced shortly by the Congress Government, he observed.  

Finally however, the opposition motion that the bill be sent for eliciting further public opinion was put to vote, the House dividing itself with nine members voting for and 27 against it with three remaining neutral. In view of it, the opposition stand was declared lost.  

The bill was then sent for due consideration and scrutiny of a Select Committee which consisted of 17 members viz., Nityananda Kanungo, Mohan Das, Charu Chandra Roy, Jagannath Misra, Godavari Misra, Naba-Krushna Chawdury, Loknath Misra, Jadumani Mangaraj, Prananath Patnaik, Bichitrnanda Das, Jagabandhu Sinha, Chakradhar Behera, Maulavi Muhammad Latifur Rahman, Birbar Narayan Dhar Narendra, Govinda Prasad Singh, Mandhata Gorachand Patnaik and Rajaseheb of Parikud. Steps were also taken to equip the committee with the learned views of the honourable High Court, the District Judge of Cuttack, the Revenue Commissioner, the Collectors of the three coastal districts of Balasore, Cuttack and Puri, the District Bar Associations and Land-Holders' Association of Orissa. In a press communiqué issued on 29 September, 1937 the Government also
asked the general public to communicate their views on the bill so as to reach the Secretary, Revenue Department, latest by 31 October, 1937.

At this time, hectic political activities were marked in different circles of Orissa which are noted below.

The Zamindars were reaction personified as regards the proviso of the bill. A few days prior to the presentation of the bill in the assembly they had held a meeting of their own at Sreeram Chandra Bhavan at Cuttack on 22 September, 1937 under the presidentship of the Raja of Madhupur to discuss matters affecting their vital interests. Finally the meeting resolved to stand united and to form a strong organisation of landholders by bringing about a journal as their mouthpiece. Braja Sundar Das, the Deputy Leader of the Opposition in the Assembly who was present at the venue, accused the Congress socialists as atheists and charged them to be at the root of all the troubles faced by the Zamindars.

However, it was on 7 November, 1937, following the introduction of the tenancy bill in the legislature, a deputation of the Landholders' Association led by Braja Sundar Das, Motilal Pandit, Banabihari Palit and the manager of the Haripur estate met the Premier as well as the Revenue Minister and held a long discussion with them for over two hours. Besides submitting a memorandum on behalf of their association, they held the Congress Government to have become absolutely cold as regards the interests of about fifty thousand strong landholders of the province, both big and
small. In their view, there were many small landholders who deserved to be enlisted as tenants. Apart from them, there happened to be many big landlords who had always treated the interests of their tenants, first and foremost, as their own. In the last settlement operation, they had to pay their dues to the government even by mortgaging their lands and valuable ornaments. Thus they would be put into an insurmountable difficulty in the event the commutation fees were abolished. The Revenue Minister at about this time quipped by asking their views as to the definition of a raiyat. A raiyat meant a person who cultivated the land either himself or by hired labourers under his direct supervision, the delegation responded. The minister wanted to know whether this was the well thought opinion of the association, to which they nodded approvingly and promised to furnish him with the copy of a resolution of the association to that effect very soon. But this meeting with the ministers apparently bearing no fruit the zamindars congregated again under the presidency of the Raja of Dharakot on 23 November, 1937 at Bihuariah of Cuttack in order to discuss their problems arising out of the proposed tenancy bill. Here, about five resolutions were passed most of them criticising the proposed amendment to the Orissa Tenancy Act, the role of the Congress Socialists, the village organisation activities of the Congress Ministry etc. Following it another session of the Association was convened at Puri in the compound of Sri Jagannath Vallabh Math premises which lasted from 9 January to 11 January, 1938 and presided over by Rai Bahadur Manmath Nath De, the zamindar of Balasore. In his
presidential address the latter strongly criticised the proposed amendment to the Orissa Tenancy Bill and held that the Congress which had accepted office mainly under the influence of Mahatma Gandhi was deviating from the path shown by him and was taking resort to violence by adopting such a course of action. Among others, Braja Sundar Das, Rai Sahab Siris Chandra Ghose, Surendra Nath Chaudhury, Rai Bahadur Lokanath Misra, Anand Das, the Mahanta of the Kmar Math etc. dwelt on the manisided problems being faced by the landholders of Orissa and held the Congress Socialists as well as the Ministry chiefly responsible for it. Finally, the meeting resolved to place the matter once again before the Government and held out a mild note of warning that they would be constrained to keep themselves aloof from all public functions and would not co-operate with the authorities in any manner unless their case was considered properly. The zamindars did not rest there. Meanwhile, they sent a wire to Mahatma Gandhi complaining of the so-called callous attitude of the Congress Government in Orissa as a result of which many small landholders were being put to a great difficulty. In reply, Gandhiji asked them to meet the Premier once again and settle the matter directly with him. Accordingly, a four-member delegation of the Association led by Braja Sundar Das met Biswanath Das and Nityananda Kanungo on 30 January, 1938. The discussion between them continued for quite sometime in course of which the zamindars expressed their willingness to reduce the mutation fee by half and also to accept the statement recorded in the last settlement
operation in respect of the tenants' rights on trees. In response, the ministers told them that a decision would be taken on it in due course.

In the district of Puri, there were certain classes of tenure-holders called tonki-bahaldas and tonki-bajiyantidars whose interests in lands were going to be vitally affected by the proposed legislation. Hence, emergency meetings were held at different places of the district e.g., Srimanchandrapur, Biraramchandrapur, Satyavadi etc. where they discussed their problems with great anxiety. Finally on 9 December, 1937 they approached the Revenue Minister in order to seek redressal of their grievances. Their main contention was that their names had been wrongfully entered in the list of intermediaries under the provisions of the Orissa Tenancy Act passed in 1913. So they apprehended that they might be called upon to part with many important rights enjoyed by them for long, if and when the bill became an Act. They pleaded for incorporation of a new provision in the proposed bill with a view to save their interests from being extinguished. It was with rapt attention that the minister listened to all these arguments and in turn, assured the delegation that action deemed suitable would be taken in consideration of the merit of their representation.

J.R. Dain, the Revenue Commissioner who was a British official, however, gave a complete dismal picture of the bill under discussion which was carried in different newspapers of the province. According to him, it would be quite improper...
on the part of the Congress Ministry if, without taking into consideration the opinions tendered by the experienced officials of the Revenue Department as well as the general public, it tried to get the bill passed in a hurry, as because the interests and welfare of so many thousands of intermediaries entirely depended on it. It was better to first ascertain the custom and tradition of the land before allowing the tenants to have full rights on trees and other related matters located in their occupancy-holdings. Otherwise, in his opinion, it would amount to a great injustice, as a result of which many small holders of lands belonging to the district of Puri, more especially the tonki-bahaldars and tonki-baiyantidars, would surely perish ultimately. Besides, it would also lead to consequences of serious nature in Khurda Khagpahal areas held under the direct management of the government. Further, he pointed out that the right to fell trees which was going to be allowed under the proposed bill would lead to decrease in the price of the land and therefore, it had not been implemented in Bengal as yet. He also warned that it might prompt the zamindars to disobey the agreements made with the government in the past. Moreover a question that the zamindar was no more bound to pay land revenue to the government might arise in the event of the discontinuance of the consideration money. It was also possible that many small Raiyats would get ruined in the end leading to the accumulation of more and more lands in the hands of a few moneylenders and big Raiyats. Last but not the least, he compared the bill to a leap in the dark and viewed that a measure which involved the welfare of nearly 90 per cent of the people needed a much better understanding and deliberation.
The U.P.R.S. and the various branches functioning under it were found to be quite enthusiastic and serious about the proposed bill since they were demanding more rights to the peasants for long. Therefore it was no surprise to see important leaders of the 
sanāba viz., 
Pranakrushna Padhiary, NabaKrushna Chawdhury, Baikuntha Nath 
Dwivedy, Jadumoni Mangaraj, Lanu Narayan Sahu, Malati Devi, 
Akshya Kumar Chakravarty, Raja Krishna Bose, Surendra Nath 
Dwivedi etc. going round the province and holding several 
crowded gatherings with a view to mobilising and building a strong 
public opinion in favour of the bill. The rāiyāts in the 
rural areas too attended these gatherings in their tens and 
thousands and got inspired by listening to the fiery speeches 
delivered by their much esteemed leaders. It happened so 
especially at Patia, Anapara of Chandol, Saíra Mauza 
of Mahanga, Kishorenagar, Darpan, Cuttack etc. 
places. From the rāiyāts' point of view, the leaders put 
forward certain new suggestions for due consideration by the 
members of the legislature. Those were mainly: to restrain 
the zamindar from indulging in extra-impositions or abwabs; 
to award punishment to the guilty zamindar with a fine upto 
rupees 500/- or an imprisonment of six months or both; to 
drop the provision which aimed at putting the rāiyāt to a fine 
of rupees 100/- in the event of his charges against the 
zamindar were found untrue; to make it binding on the zamindar 
to receive the rent in the form of cash sent by moneyorder; to
abolish payment of mutation fees in all types of occupancy holdings, and finally, to allow the Lekhrai-bahaldars to have their own separate record-of-rights. In the end it also admonished those dissident Congress legislators who indulged in anti-party activities by pulling the strings from behind and asked them to desist from such sinister acts, as otherwise, they would alone be held responsible for the serious nature of consequences that would follow in its wake.

The dissident faction inside the Congress Party farm, as discussed earlier, was very much active during this period. Therefore, when the bill was presented in the House the leaders of this faction began airing their views publicly in the newspapers. One such letter published on 9 December, 1937 in The Samaja purported to have been written by Nilakantha Das accused the Ministry for trying to pass the bill in a hurry and told that it should be the basic duty of a government to see that the bill rests on certain principles, and to foresee if at all it would work or not. Thus he pointed out the absence of all these features in the bill. The election manifesto brought out on the eve of the elections to the assembly had promised so many things on tenancy reforms but surprisingly the bill contained only two out of it. Hence, according to him, it was nothing but a piecemeal legislation at best. The ministry ought to have formed a committee and taken evidence on the basis of which a legislation could well have been attempted. Further, supporting the cause of tonki-bahaldars and tonki-bajyaptidars...
he said that while the abolition of mutation fees would render benefit to many, the same had not been made applicable in the case of the former. Besides there was no provision at all for maintenance of separate account books, he added\textsuperscript{170}.

Following it, a statement believed to have been given by Godavaris Misra appeared in The Samaja on 18 January, 1933. According to it, he criticised the bill under discussion vehemently and was of the firm opinion that it would definitely cause a lot of disadvantage and harm to thousands of relatives belonging to the rural areas of the province. Among others, he mainly attacked that provision which required proper registration of a land bought or sold for less than a thousand rupees\textsuperscript{171}.

Soon the nationalist press joined the all-round debate going on everywhere over the different proviso of the bill. The prominent among them The Samaja in its editorials\textsuperscript{172} made certain suggestions as well as criticisms on the bill. It criticised the government first of all for introducing a piecemeal legislation and for not fulfilling all its election promises on tenancy reforms. Further, it pointed out the lacuna arising out of the provision on free transferability of occupancy-holdings and said that in the event of the zamindar not giving his express consent to the assessment of rent beforehand, no such transfer of holdings could actually take place. The provision which intended
to ban illegal exactions or *ahwabs* was also not/full-proof one since the *raiyat* would have to pay a fine of rupees 100/- in the event his charges against the *zamindar* were found to be false on verification. Notwithstanding all these things, it however welcomed the provision that gave recognition to the tenants' right on trees etc. and observed that only a class of vested interests like the *zamindars* could deny such a benefit to the former class of people. But before going to confer this important right, the Government should first try to ascertain and define as to who were the actual intermediaries, the occupancy tenants etc. since the original *Tenancy Act of 1913* was beset with many anomalies of this kind. Further, transfer of occupancy holdings could be intimated to the *zamindar* by registered post and not through registration each and every time. At the same time a provision should be inserted in order to check accumulation of lands in the hands of a few unproductive class of people. Also it should be made obligatory on the part of the *zamindars* to receive the assessed rent of a tenant working in far off places like Calcutta, Rangoon etc. by money order. Last but not the least, it recommended for the institution of a high-power committee representing each and every section of the society in order to prepare a more comprehensive legislation on tenancy-reforms in future acceptable to all. Giving a note of caution to those *zamindars* who were bent upon resisting the proposed bill anyhow, it asked them to keep it in mind that all days do not pass as one and the same. A change for the inevitable
would occur definitely some day. Hence, it would be wise on their part to keep pace with the fast changing time, otherwise reaction would be all the more sharp and severe. Thus it behoved them to come forward and help the progressive forces in a bid to create a healthy and prosperous future for the society at large.

The Naboen also published the daily proceedings of the bill in the legislative chamber from time to time very truthfully. On 1 March, 1939 in observation of the various tactics and manoeuvres employed by the zamindars against the proposed measure it remarked that while the former, mainly under the leadership of Braja Sundar Das etc., was trying its best to fight it out, the Congress Socialists were found clinging to each and every clause of it. Thus both were bent upon taking the class struggle to the utmost extent possible.

The Deshakatha was of the opinion that everything possible should be made to remove the appalling poverty of the 
aivates by way of providing them with two square meals a day. For this, their rights in tenancy should be increased and the rate of rent paid by them was to be curbed. Improvement measures should be carried on extensively in their lands after booking those zamindars found guilty of committing excesses on them. But first of all, steps should be undertaken to do something in this regard without causing harm to none. Then action should be taken to elicit public opinion on the matter and only thereafter taking into consideration both the merits and demerits.
of the case the different clauses of the tenancy legislation should be rewritten on a comprehensive basis. The bill under discussion lacked these things. Therefore, it called the legislation a piecemeal one and held that such a patchwork measure would result in nothing but a sham. The most encouraging response, however, came from *The Krushak* which served at the time as the mouthpiece of the U.P.K.S. It said that Orissa was mainly an agricultural province and the people depended on agriculture as their only source of livelihood. But they were not being able to enjoy the usufructs of their fields because of the continuing oppression of the zamindars. Their only hope was the Congress which had undertaken the task of establishing a representative government in the country. As a result of it and in order to fulfil the demands of the peasants the Congress Ministry was trying to push through some reforms in the existing tenancy legislation in Orissa. But the opposition to it mostly came from the rank and file of the zamindars who had decided to resist it by organising meetings in the villages. Therefore, time had come for the peasants to strengthen their organisation and to demonstrate that the peasants could also stand united in order to achieve their just demands. It criticised the conference of the Landholders' Association held at Puri between 9 and 11 January, 1938 for its attack on the Congress Socialists and the leaders of the U.P.K.S. At the same time it also wanted to know as to why some dissident leaders had joined hands with them and had even started a slander
campaign against the Congress Ministry

The Land-holders' Journal was, as a matter of fact, very much aggrieved over the different clauses of the bill which intended to curb the privileges of the zamindars by way of conferring more and more rights on the raiyats. Acting as the mouthpiece of the zamindars it, however, charged the Congress Party in power guilty of openly confronting the just rights enjoyed by the former for long. It also called upon Bisswanath Das, the Premier, to see for himself that the people who opposed the zamindars were not peasants but happened to be the Congress Socialists who did it due to their own political motives. Speaking of the Congress governments who were bent upon passing tenancy legislations in different provinces of India it observed: "Shortsightedness peeps out so glaringly from their policies, that one might easily wonder at the frenzy that they have allowed themselves to be subjected to. By their attempt to rob Peter to pay Paul, in other words, to take away the rights of the zamindars and transfer them to the tenants, they are making a gross mistake, in as much as the body politic can never be made any unit the richer by simply transferring wealth from one section of it to the other. But the Reformist governments are doing worse."

The Select Committee, set up earlier to examine the bill in detail, submitted its report meanwhile which made the following main recommendations: (a) absolute right on trees located in the holdings of occupancy tenant was to be given to him enabling the former to cut, utilise or dispose them of in
any manner he desired; (b) the zamindar was to receive no
mutation fee on transfer, sale or gift of the occupancy-holdings;
his prior consent not being required to this effect any more;
(c) in matters of sale, gift or transfer of lands registration
of documents was made necessary when performed on self-will
but at the time of sale of a land on a certificate or decree
issued by a competent revenue court, no such registration was
to be needed; the provincial government fixing the amount of
fee to be required in case of the latter and issuing a notice
to this effect to the zamindars concerned through the District
Collector; (d) a person was allowed to gift away the entire
holding or a part thereof in case of a deed of inheritance;
(e) a time limit of six months was set for the purpose of
making an application to the District Collector for fixation
of rent of a land; (f) the zamindars were allowed to receive
the arrear mutation fees till the time of actual enforcement
of the legislation under discussion but in the meantime they
could not just ignore the right of tenancy of the seller by
telling that it had been done without taking their prior
consent. Thus a time limit of 3 years was set for the zamindars
to collect their arrear rent due; (g) accrual of interest on
such arrears would occur in cases where the tenants paid it in
hard cash, otherwise, where the barter system prevailed, no
such collection of interest on arrears would be resorted to.
The interest rate was, however, reduced from rupees 12½ per cent
to rupees 6 per cent in case of the former; (h) the zamindars
found guilty of committing excesses like taking abwabs etc., were
to be fined up to rupees 500/-.
It was on Friday, 25 February, 1939, the bill as reported by the Select Committee was scheduled to be presented on the floor of the Assembly for discussion. On the eve of it, the Congress Legislature Party met and discussed some important matters especially the representations made so far by various organisations as well as associations on the proposed tenancy bill. A decision was finally reached to allow the right on trees to the tenants on the basis of the last land revenue settlement operation. It was further clarified to consider the extension of this important right in respect of other intending tenants only after a careful enquiry and fixation of due compensation to the zamindars were made by the collectors of the respective districts on such applications as furnished to this effect. It happened to be the only modification the Party as well as the Ministry were ready to make at this point of time. The bill along with the report of the Select Committee was accordingly presented by the Minister of Revenue, Nityananda Kanungo, on the same day for its further consideration by the House.

On this occasion, the Deputy Leader of the Opposition, Braja Sundar Das, moved that the bill be sent for circulation in order to obtain further public opinion. Regretting the fact that at the fag end of his career he was being called upon to represent the cause of the zamindars, who were of late being looked down upon as defunct, useless and unnecessary he observed that his voice was but the swan song of landlordism as well as capitalism. According to him, the measure seemed to take away the
rights and privileges long enjoyed by the zamindars and conferring them on others, without least thought of its far-reaching consequences. By quoting the views of the Revenue Commissioner in this context, he maintained that it was in a complete haste that the bill had been conceived, hence the time permitted to examine it in detail was far too short. Further he told:

The effect of this piece of legislation will be to spell ruin to the thousands of small landlords, the sub-procurators, and mukadams, bahaldars, tonki-bahaldars, baji-soti-tenure-holders, under whom there are occupancy raiyats, without benefiting the tillers of the soil who of necessity are forced to part with their lands. Sir, I beg to submit to the House, with all humility that I possess, that this piece of far-reaching legislation needs no haste. The provisions of the Bill aim at removing all vestige of a right and privilege of the landlord by a stroke of the pen and so it may fairly and justly be called revolutionary.

Having been an expropriary measure, he charged, it smacked of Leninism all through. Belonging to the middle class the small landholders had always remained the torch-bearers of all progressive movements in Orissa. Thus, he implored in the name of the country not to kill the cow that gave milk as well as the goose that laid the golden eggs. The Orissa Tenancy Act needed an overhauling he admitted, but at the same breath criticised the amending legislation to have been a piece-meal one which would result in making confusion worse confused. It would inevitably ensue a process of litigation as a matter of grave consequence of which the peasant would soon turn into
a landless serf. Therefore, in the name of Mahatma Gandhi and his principle of non-violence he appealed not to deprive an individual and a class of its just and legitimate rights as well as privileges by sheer force of numerical strength in the Assembly.

In making a cryptic reply to it, Nityananda Kanungo, the Revenue Minister, observed that the bill had earlier been referred to the select committee for its consideration. It held five sittings in all and there no move of this kind was attempted. In fact, the bill as it emerged from the said committee bore no mark of change in principle from the original bill. There was no valid ground as such for the opposition motion to recommit it in order to elicit further public opinion in view of the fact that everything possible and practicable had been done in this regard. Thus he dismissed the opposition plea by saying that except delaying the matter, which was considered long overdue, it would serve no other useful purpose.

Heated arguments were exchanged between members belonging to both the sides, Opposition as well as the Treasury bench, in the debate that followed. While members of the Opposition viz., Muhammad Latifur Rahman, Birabar Narayan Dhir Narendra and Sayid Ahmad Buksh stood up in favour of the motion moved by their Deputy Leader, Braja Sundar Das, many belonging to the Treasury bench e.g., Pyari Sankar Roy, Mohan Das, Bichitrarnanda Das, Biswanath Behra and Chakradhar Behera criticised
in strong terms the opposition move and extended their full support to the proposed legislation\textsuperscript{191}.

The occasion for Biswanath Das, the Premier, to speak on the bill came finally on 26 February, 1933. According to him, the speeches delivered by the members of the opposition in course of discussion on the bill could neither make him nor his party colleagues feel the necessity for recirculating it for eliciting further public opinion thereon. It was the firm desire of the government to confer on the tenants full right of ownership of the occupancy-holding, a right which was enjoyed by them during the pre-British days. Hence, there arose no necessity for the Opposition to wax eloquent on their own cause and at the same time accuse the members of the Treasury bench. He however felt surprised to learn that the Opposition was drawing comparisons with Russia and other countries in this important respect with their pictures of revolution\textsuperscript{192}. In his opinion:

\begin{quote}
It is an irony of fate that when surging waves of nationalism in countries other than ours have been shaking empires, have been throwing aside vested interests, have been throwing away autocracy in other parts of the world, in this unfortunate country of ours exploitation and revolution have been the cry for granting a little concession to raiyats which may touch landlords' income by about five per cent\textsuperscript{193}.
\end{quote}

Giving the example of his party colleagues, some of whom despite being landlords themselves were in favour of the measure, he told that these people had cast their lot with the tenants by
making a great sacrifice only because they had come to know and understand the real magnitude of the problem. Unless these small grievances of the tenants were not redressed in time the zamindars as a class would be done away with in no uncertain future. The people had come to acquire political rights as well as power and therefore, he asked:

How long could you go on enjoying advantages that were conferred by Government which have nothing to do with popular feeling and sentiment and much less with their economic life and existence? 194.

While concluding, he once again appealed to the good sense of the members found recalcitrant to be just and reasonable after rejecting the plea that the bill had been a hasty one. In order to protect the rights and interests of the tenants all avenues had been explored by all possible means whatsoever, he contended while summing up his speech 195.

The opposition motion was then put to vote and was soon declared lost. A division being challenged, the House divided itself by 29 voting against and eight voting for it 196.

Once again the Deputy Leader of the Opposition, Braja Sundar Das made another bid at halting further proceedings of the bill by moving a motion to recommit it to the Select Committee as he felt that there was still some scope left for its reconsideration 197. Immediately upon it, other Opposition members like Muhammad Latifur Rahman, Birabar Narayan Dhir
Narendra and Khan Bahadur Saiyid Ahmad Buksh came to his aid in an effort to stall further debate on the bill for the present moment at least\textsuperscript{198}.

Kanungo, the Minister in charge of Revenue, rejected outright this move of the Opposition and was of the firm view that it would serve no useful purpose at all. He retorted:

The wishes of the largest number of people, the greatest good to the greatest number has got to be achieved. We have got to adjust society on that basis. If a few people feel inconvenience no one can help it. There is certainly no intention of extinguishing anybody\textsuperscript{199}.

Thereafter, the Opposition motion was placed for acceptance of the House and a division being demanded; the House divided itself with 11 voting for and 30 against it. Consequent upon it, the motion was declared lost\textsuperscript{200}.

Soon-after, clause by clause discussion of the bill commenced; the preliminary objections to it having been over and completed. Opposition stalwarts like Braja Sundar Das, Birabar Narayan Dhir Narendra and Mandhata Gorachand Patnaik moved several motions of amendment one after the other on this occasion; but all of them were either withdrawn or rejected in the end\textsuperscript{201}. Certain members on the side of the Treasury bench also had some motions of amendment to move with a view to modify the bill suitably in order to make it more workable. All of them were accepted and declared as passed by
the House in the face of stiff resistance put up by the reactionary members on the opposite side. It may be mentioned that these were also the interesting features of the debate that took place on the bill. These are, however, enumerated below:

To add the following at the end of clause-5,

the Revenue Minister, Kamarupa, moved:

Provided that where there is a specific entry in favour of the landlord in the last record of right purchased before the commencement of the Orissa Tenancy (Amendment) Act, 1938, regarding any tree now standing on any occupancy-holding, the right of the landlord in such tree shall be in accordance with such entry or with any decision of civil court affecting such entry, notwithstanding anything to the contrary contained in this section. Provided further that it shall be open to a raiyat on payment to the landlord of such compensation as may be fixed by the Collector, on an application made to him in that behalf, to acquire the rights reserved to a landlord as aforesaid.

In stating the reasons behind such a move on his part, the minister made it clear that it was basically on the failure of the select committee to reach any decision in respect of this clause, which prompted the government to intervene in the matter and end uncertainties by placing the rights of the tenants on a statutory footing, once for all. It was both correct and proper that a person who possessed a land should enjoy it fully and if, at all, any custom went contrary to it, then that must be abolished forthwith. The bill under considera-
tion, in fact, aimed at this particular thing. The argument of the Opposition that the record-of-rights were not at all exhaustive was again dismissed by him on the ground that these constituted by far, the only available recorded evidence to rely upon at the given moment. Apart from placing the relationship of the landlord and tenant on a sound footing, it would also, he hoped, make the tenant know the actual amount he was to pay on a definite basis.

The Opposition was not at all prepared to take this lying down. It wanted to offer a tough fight on this issue. The unrestricted right to cut trees standing on the holdings of the tenants was held as quite improper by Muhammad Latifur Rahman at a time when Khan Bahadur Sajid Ahmad Buksh held it as quite expropriatory in nature as it aimed at, that he called, conferring on the tenants a right long enjoyed by the zamindars. Therefore he charged the government to have introduced it at quite a late stage and demanded adequate compensation for all the zamindars in lieu of the curtailment of this one important right.

Some of the fire-brand Congress legislators did not lag behind in mollifying the Opposition criticism. One of them Pyari Sankar Ray, the Parliamentary Secretary of the Congress Party, found nothing expropriatory in the clause under discussion and held the view that the people were absolutely free to enjoy the same thing which their co-bretherens in other parts of India were enjoying at the time. Custom meant what was
just and equitable and thus, if any of the prevailing customs ran contrary to justice and fairplay, then it had got to be changed with a view to conferring real benefits on the tenants.206. Bichitrnananda Das, yet another Congress member, held the charges of the Opposition as totally unconvincing and frivolous and was of the view that possession of occupancy right stood equivalent to ownership. At several occasions it had been accepted and recognised by the law of the land and hence, it was a settled fact for long over which no dispute could possibly arise. Quoting freely from the report of the settlement officer, S.L. Maddox as well as other important legal decisions held by the High Courts of Calcutta and Patna in this context he tried to justify and substantiate his point. Therefore, he said, the motion of amendment moved by the government was to set at rest the definition of conflicting claims over such existing rights on lands once for all by way of giving due recognition to the prevalence of custom in favour of the tenants.207. Finally however it was the turn of the Premier. Das, to deliberate on the point. He explained the matter in great detail. After dwelling on the history of the origin of the grant of zamindari tenures he just wanted to know as to what reason, logic, economic basis were there in the argument of the zamindars to put a claim on the timber of the tree when it had been admitted by one and all that it was the tenant who had planted the tree in his holding by putting in a lot of labour and money in the process. The Gāritis, the ancient scripture of the Hindus, even denied this privilege to the zamindar who held an estate.208. Hence, it was
quite unfair on the part of the latter to stake its claim for obtaining such a right in the name of custom. In pointed reference to Bengal and Madras where the tenants had already come in possession of this valuable right, he held Orissa for lagging behind thus far in this important respect. In view of it, he urged the members who truly represented the cause of the *raiyats* to come along and join hands with his government in a venture to pass this clause. Meanwhile, the nominated member to the Assembly, S.M. Evans, also came out in open support of this clause.

Thereafter, the motion of amendment moved to clause-5 of the bill on behalf of the government was declared to have been carried. On demand of a poll, the House divided itself with 32 members voting for and six against with two remaining neutral. Soon after it was declared as adopted by the House.

In order to insert the following after sub-clause (1) of the new section 31 of clause-7 it was moved on behalf of the government:

Provided that the Provincial Government may exclude, from the operation of this sub-section, any class of transfer of occupancy holdings in any Government estate of which rent is payable direct to Government and may make rules for carrying out the purposes of this section in such estates, and prescribe fines or penalties for the infringement of such rules.
The Revenue Minister, Kanungo, in making clear the necessity of such an amendment measure told that in the discussions held in the select committee two opposite views cropped up; one was to exempt a certain class of documents below a prescribed value from the provision on compulsory registration, another was to provide for compulsory registration for all types of documents with a view to avoid a large amount of litigations as well as fraudulent transactions. Hence it was deemed advisable by the government to make an experiment in case of the government estates only by way of exempting certain classes of documents from compulsory registration and that too, from time to time, so as to enable the authorities to form a definite opinion on the working of the procedure as well as its possible impact. It would no doubt supply a good amount of data in the event a change being considered at a later stage. Apart from this, the amendment would give some powers to frame rules in this respect so that both the transferors and the transferees could give due notice and in case of default penalties could be prescribed.

It was again for the Opposition members to stand up in strong criticism of this motion. Braja Sundar Das on the support mainly extended by Muhammad Latifur Rahman and Mandhata Gorachand Patnaik deprecated the government attempt at making preferential treatments between the proprietary estates and the government held estates. He observed that while the clause was being proposed for application in case of the zamindars owning proprietary estates, the very same provision was made a purely nugatory matter in case of the estates held under direct govern-
ment supervision. \(^{215}\)

Naba-Krushna Chaudhury, a leader of the U.P.K.S. and a seasoned Congress Socialist, interposed here and said that the system of compulsory registration, if and when introduced, would certainly cause no harm to the tenants belonging to the zamindari estates while it might lead to some sort of hardship in case of tenants in the government held estates. \(^{216}\) Finally however, the revenue minister dismissed the allegation of the opposition that the government was asking for a carte blanche in the shape of powers to frame rules. What the government actually aimed at was to frame rules under a definite limitation in order to facilitate collection of rents and keep the papers updated. The object, however, was to watch the impact of the exemption of certain classes of documents from being registered for the time-being and then, to extend it in a modified form to the zamindari estates as well, but only at a later stage on due verification of its merits. \(^{217}\)

The motion of amendment moved on behalf of the government was thereafter put to vote; 25 members voting for and 10 voting against it. Consequently, it was declared as adopted by the House. \(^{218}\)

Another amendment was also moved to sub-section (1) of section 31 in clause-7 on behalf of the government in the context of the manner of transfer of occupancy holdings. It was intended to add the following:
Provided further that nothing in this section shall be deemed to affect the provisions of the Muhammadans Law relating to gifts, and in such cases of transfer the rules made under the first proviso shall have effect.  

It was in view of the fact that the Muslim personal law allowed making of gifts without keeping any document to that effect that this motion was moved by the government, the minister for revenue told, with the objective of enabling a Muslim to exercise his personal law in any manner he liked. The Opposition demanded a poll on it and the House divided itself with 30 members voting for and 6 against it. Consequent upon it, the motion was declared as adopted by the House.

A motion was also moved with a view to amending section 31-B of clause-8 and it was conceded to by the members of the Opposition and passed accordingly. It was in connection with the payment of fees on transfer of occupancy holdings made before the enforcement of the 'Orissa Tenancy (Amendment) Act of 1933' which read as follows:

31-B(1) Notwithstanding anything contained in this Act, any transferee, who obtained a transfer of an occupancy holding or a portion or a share thereof, before the commencement of the Orissa Tenancy (Amendment) Act, 1933, shall be liable to pay within three years from the coming into force of that Act or the date of the landlord's knowledge of the transfer, whichever is later, but he shall not be liable to ejectment on the ground that the landlord has not given his consent to the transfer.  

(2) The holding or a portion or a share thereof shall not be liable to be sold in satisfaction of the decree for arrears of rent without making the said transferee a party to the proceedings in execution of the decree provided that the transferee has given
notice of the transfer by registered post to the landlord223.

To clause-13 also a motion of amendment was moved by Naba-Krushna Chaudhury, of whom mention has been made earlier, to this effect:

Substitute the word "levies" for the word "exact" in line 2 of 85(a)(1).
Substitute the word "levied" for the word "exacted" in line 15 of 85(a)(1).
Substitute the word "levy" for the word "exaction" in line (4) of 85(3)(a)224.

Clarifying these to be nothing but mere change of suitable words alone Chaudhury assured that there was hardly any difference of it with the original clause in the bill. At the select Committee stage some real difficulties were experienced due to the very use of certain words in the bill under discussion. But then it was not possible to set it right in the absence of a better and more appropriate terminology with reference to that context. Shortlyafter, it was found out that in case of the proposed amendment to the Bihar Tenancy Act, the Select Committee set up by the Bihar Assembly had made proper use of the word "levy" in due consideration of the merit of such a terminology. Hence, in order to make clear the doubt that even without any exaction, collection of money in any illegal form could also be made punishable under law, a substitution of the word "levy" was felt necessary here. Thus, it would mean hereafter that even without any real exaction, having been actually levied, asking for money itself could become an offence calling for suitable penal measures225.
The Revenue Minister, Kamungo, further made the matter more clear by telling that nothing short of extortion could be termed as exaction because most of the illegal impositions like abwabs etc. were not exacted in the same sense as those which were being extorted. In view of it, the word "levy" would be a far better substitute which would serve the purpose more suitably.

Biswanath Das made a cryptic reply to the query made by Mandhata Gorachand Patnaik, the Secretary of the Opposition bloc, at about this time by informing the latter his government's decision to concede to this amendment in order to make the provision in this nexus all the more unequivocal and also to render it more difficult hereafter for any zamindar to exact something from the raiyat beyond his legal permissible limit.

Thereafter the motion of amendment moved by Chawdhury was declared as adopted by the House.

A motion of amendment was also moved to add the following at the end of the first paragraph of section 85 of clause-13 on behalf of Loknath Misra, another Congress member, which read: "or simple imprisonment for a period not exceeding six months in either case." It was declared as adopted by the House soon without much resistance by the Opposition.

The provision as amended now meant that when a zamindar or his agent indulged in taking extra advantage from the tenants beyond the actual payment due either in terms of rent or interest,
they could be bound for summary trial and the collector or
his deputy specially empowered in this respect by the government
could award the zamindar or his agent or both a penalty not
exceeding five hundred rupees or when double the amount or
value of what was so levied exceeded five hundred rupees,
not exceeding double that amount or value or simple imprisonment
for a period not exceeding six months in either case.

The Government, however, conceded to the
suggestions put forward by the Opposition in respect of clause-13.
The first one was in order to delete the words "within six months
from the date of exaction" from sub-section 3(a) of clause-13.
It provided for instituting a proceeding against the zamindar
or his agent upon a complaint lodged by a tenant within six
months from the date of exaction. An amendment was soon moved
to that effect and was declared as adopted by the House. As
a consequential measure, the Government moved in order to
substitute the following, subject to the proviso already passed
in this nexus which after being declared as adopted by the House
stood thus:

(3) A proceeding under section(3) shall be
instituted -

a) upon complaint made by a tenant or,
b) after the receipt by the Collector of
information under sub-section(2) or of
the termination of any suit, application
or proceedings under this Act or any-
other law in the course of which the
Collector has grounds for believing that
the landlord is liable to a penalty
under this section.

[231] [232] [233]
Some time prior to it, the government had also come to concede to another suggestion of the opposition which was an amendment measure moved to section 85(3) in clause-13. It aimed at declaring all proceedings under this section compoundable.

The third and final reading of the bill commenced on 3 May, 1938 in right earnest. A motion was moved on this occasion by the government to pass the measure as settled in the Assembly. Even at this last stage Braja Sundar Das rose to his feet to challenge its validity and fell with invectives blurted out:

In rising to oppose the third reading of the Bill I propose to place on record our protest. The legislation is conspiratorial with a vengeance and betrays the corrupting influence of power. The Orissa Tenancy Amending Bill is a "leap in the dark" and will worsen the rural economy of the province.

Not satisfied with it he further added:

.....The Congress Government supposed to be progressive in ideas are attacking our system on the strength of worn-out theories..... The Government, it seems, are bent on creating a class of Russian Kulaks, enlarging their holdings by stealing land, often joining with farming a little trading and a persistent money-lending, developing their farms with the employment of low paid wage labourers. History will work out its own nemesis and it is a pity that the Congress Government will play the chief role in the drama..... I can only remark that the Bill will live down in history as a black measure.
Birabar Narayan Dhir Narendra, the Raja of Madhupur, emotionally observed:

...The landlord is going to be deprived of a portion of his proprietary right and that portion is going to be given to the tenants under the cloak of law without any compensation. This is because a certain party in this Assembly is numerically stronger. It is something like a band of robbers over-powering a smaller number of way-farers and depriving them of their property.

It was for more than 52 hours in the course of long 13 days the legislators belonging to both the sides had been discussing all the 18 clauses of the amending legislation of which three were of main importance. Hence, it was totally unjust as well as unfair for the zamindars to claim, the revenue minister pointed out, that they had not been provided with adequate opportunity to put forward their own cause. In this context by way of explaining the stand of the Congress government, he retorted:

It is the sole purpose of this Government that the largest good be done to the largest number.... Sir, it is certainly not the intention of Government or of the Party that any particular class or any particular group should be hit at. We bear no rancour to anybody. Our sole purpose is that the body politic of India should grow up as one nation and progress as a homogeneous whole.

He regretted further the fact that under the provisions of the Government of India Act, 1935, no radical change however important could take place and according to him that was the basic reason why the bill could not be a wholesome or comprehensive one.
nourished a hope nevertheless, that on becoming a law in force, the measure would be implemented in the best of
spirits in which it had been originally conceived, thus
serving the very objectives for which it had been enacted.

The motion that the bill as discussed in the Assembly be now passed into law was then put before the House and the latter adopted it forthwith.

The matter of approval of the bill by the concerned authorities got somewhat delayed for over four months and it led to many types of speculations as well as hectic political activities. The Congress and the Krushak Santha leaders thought of organising a mass public opinion on this issue and therefore, held meetings at different places of the province e.g., Renghalo, Tangi, Tarakot etc., by asking the people to demand for its speedy approval.

The Krushak, in its editorial of 16 July, 1938, also issued a note of warning, which it said to be its last, to the British Government on this score i.e., either to give assent to the measure or to get prepared for a fight unto last. For this purpose, it called upon all the Congress people to organise themselves and start boycotting the legislature, ministerial posts etc.

Dispelling all the clouds of doubt the legislation was, however, accorded assent by the Governor of Orissa on 1 September, 1938 and came to be enforced in the province with immediate effect from 1 November, 1938.
In a press communique issued on 1 September, 1938, the Government dismissed all the charges levied against the legislation on behalf of the vested interest zamindars of the province. Calling all the criticisms made thus far as unfounded and baseless, it made clear that the amending legislation in no way violated a single provision under the Government of India Act of 1935. There was absolutely nothing either to hold it back or to recommend it for the perusal of the Governor-General of India.

Responding not at all favourably to this move of the government, Braja Sundar Das gave a stirring call to all the zamindars far and wide to get united and to search a way out of, what he called, this illegal and barbarous Act i.e., the Orissa Tenancy (Amendment) Law by approving which the Governor in his capacity, had virtually signed the death warrants of so many zamindars belonging particularly to North Orissa.

Biswanath Das, on the other hand, greatly lauded the step taken by the Governor in giving his assent to the measure long awaited by all concerned. The confidence and faith of the common mass, he asserted, had once more been restored as they felt sure that in future the governors in other provinces as well would not stand in the way of beneficial as well as constructive constitutional programmes of the popularly elected provincial assemblies.
In a despatch, dated 17 February, 1939, addressed to the General Secretary, A.I.C.C., J.B. Kripalani, the Premier, Das, while giving a report on the performance of the Congress Ministry in Orissa during 1938-39 mentioned about the legislation thus:

The Orissa Tenancy Amending Bill was passed into an act, which completely freed the tenants from the landholders by abolishing mutation fees, bringing in illegal collections under the purview of the Criminal Code, or a summary nature. It gave full right to trees in future and recognised all rights in trees which are not specifically recorded in the names of the landholders.

In any case, being an important amending measure to the original Tenancy Act of 1913, which had not been amended since long except once in 1929, it is worthwhile as well as imperative here to discuss some of its very vital provisos:

(a) One of its important provisos was in the context of the rights of the *raivats* in respect of the use of land. Originally as the Act stood it disallowed the *raivats* the right to cut down trees in contravention of any local custom. Hence, the matter became a cause of dispute between the *raivats* and their zamindars and disturbed the agro-economy of the land in general. Moreover, the *raivats* in Madras, an adjoining province of Orissa then, had been enjoying this particular right for long under the proviso of the Estates Land Act, 1908. It was therefore thought proper to entitle the *raivats* in Orissa:
(i) to plant,

(ii) to enjoy the flowers, fruits and other products of

(iii) to fell, and

(iv) to utilise or dispose of the timber of any tree on such land, and any such Act shall not render him liable to ejectment...

It was also provided along with it that in the event of a specific entry made in favour of the zamindar in the last record-of-rights with regard to any tree located in any occupancy holding, then his right over it would be governed by such entry or in accordance with any decision given by the Civil Court to that effect. It was further provided that a raiyat under a similar circumstance could have an option to apply to the Collector in order to make purchase of the trees after paying due compensation to the zamindar concerned. The compensation due to the zamindar in such cases was, however, to be decided and fixed by the Collector of the respective district.

(b) It also provided for declaring the occupancy holding of the raiyats, or a portion or share thereof, transferable by sale, exchange, gift or bequest and for these, no prior consent of the zamindar was required nor any payment of fee was made necessary. It was, however, to be made by a registered instrument "...except in the cases of a sale in execution of a decree or of a certificate signed under the Bihar and Orissa Public Demands Recovery Act, 1914..."
Provided that the Provincial Government may exclude, from the operation of this sub-section, any class of transfer of occupancy-holdings in any Government estate of which rent is payable direct to Government, and may make rules for carrying out the purposes of this section in such estates and prescribe fines or penalties for the infringement of such rules:

Provided further that nothing in this section shall be deemed to affect the provisions of the Muhammadan law relating to gifts, and in such cases of transfer the rules made under the first proviso shall have effect. (2) A registering officer shall not accept for registration any such instrument unless the rent of each holding or a portion or share thereof is stated separately in the instrument and unless it is accompanied by a notice signed by the transferor and the transferee giving particulars of the transfer in the prescribed form and the fee prescribed for the service of such notice on the landlord. (3) When any such instrument is admitted to registration, the registering officer shall transmit the notice to the Collector who shall cause it to be served on the landlord named in the notice in the prescribed manner:

Provided that when a sole landlord purchases a holding or a portion or a share thereof no notice need be served.

(c) As a consequential to the right of free transfer of occupancy holdings the right to sublet or mortgage a portion or a share thereof was also provided to the tenants.

(d) Hereafter in the event of a transfer of an occupancy holding by sale, exchange, gift or bequest, if defined by metes and bounds, would come to mean the agreement of the zamindar to the division of land and distribution of rent, unless it was specifically objected, within six months of the date of issue of such notice, by the zamindar in writing
before the Collector, for equitable and fair distribution of rent. "The Collector shall, on such application by the landlord or by any other person within such period, hold an enquiry in the prescribed manner and order a distribution of rent which is fair and equitable." 256.

(e) In respect of fees payable to the zamindars for transfers of occupancy holdings effected prior to the commencement of this legislation, it was provided that the amount of fee was to be recovered within a time limit of three years from the actual date of its due enforcement in the province or the date of the zaminder's knowledge of such transfer, whichever happened to be later.

(f) A reduction in the rate of interest on arrears of money rent was made which was henceforth to be calculated at the rate of six per centum per annum in stead of twelve and half.

(g) It was also made out that at the time of an occupancy holding or a portion or share thereof is transferred and arrears of rent have accrued thereon prior to the date of the transfer, the transferor and the transferee shall be jointly and severally liable to the landlord for such arrears of rent which shall be a first charge on the holdings." 257.

(h) All kinds of impositions upon a tenant beyond the rent lawfully payable to the zamindar were declared as illegal and punishable under the Criminal Code. In the event of any zamindar or his agent was found guilty in the act of levying
from a tenant anything in terms of money or kind ".... in addition to or in excess of the rent or interest lawfully payable, the Collector of the district or any Deputy Collector who may be specially empowered by the Provincial Government in this behalf may, if he is so satisfied, by order impose on the landlord or on his agent or on both, as the case may be, such penalty as such officer thinks fit, not exceeding five hundred rupees, or when double the amount or value of what is so levied exceeds five hundred rupees, not exceeding double that amount or value or simple imprisonment for a period not exceeding six months in either case. It further provided that:

Such officer may proceed against the landlord and his agent in the same proceeding or in separate proceedings, and shall forward to the tenant, by way of compensation and cost, such portion of the penalty as he thinks fit.

All proceedings under this section were made compoundable. The tenant, if his complaint lodged against the zamindar was found to be false or fictitious, was liable for payment of such compensation not exceeding one hundred rupees to the concerned zamindar. The Collector was given wide discretionary powers in this regard.

(i) In case of the government estates, where rent was being paid directly to the government treasury, both the transferee and the transferor were required to notify cases of transfer of occupancy rights in a prescribed manner to the competent and appropriate revenue authority before the expiry of a period of three months from the date of transfer; otherwise, they were made liable to a fine. A similar provision was also
inserted for due intimation to the remainder of gifts made under the existing Muhammadan law in force.

(j) Under the provisions of the original Tenancy Act of 1913 the tonki-bahaldars and tonki-baiyantidars were treated as tenure-holders for the purposes of division of tenancy as well as registration of transfers. There being hardly any difference between an ordinary occupancy raiyat and these persons except that the assessment was low in case of the latter, it was thought proper under this amending legislation that this low assessment in their case should not be the reason for placing the holder at a disability in the matter of registration of transfers in the landlord's papers or for division of tenancy.262.

Thus it can be concluded from an observation of the far-reaching provisions made under the Orissa Tenancy (Amendment) Act of 1938 that it was by far the most important amending measure brought forward by the Congress Ministry on the subject of tenancy reforms. It removed to a great extent the long-standing grievances of the raiyats of the province by placing their rights on a more sound and secure footing. But the "...facts and circumstances that subsequently came out of these amendments however, indicate that they have not been an unmixed blessing"263. The Act gave rise to many types of lacunae in the actual field of operation. The raiyats were given the advantage to purchase the rights of the remainder on trees but the former hardly if ever resorted to it because of...
the general apprehension of litigation so inherent in such a proposition. Besides, there was no mention of a provision on trees which though standing in the holdings of the raiyats yet belonged actually to the third parties. Further, the provision which called upon both the transferee and transferor to give notice of transfer of occupancy holdings to the respective zamindars, where compulsory registration was not necessary, did not work according to rule. There arose many a gap between the cup and the lip. Hence, many such transfers were found unnoticed and untraced at a subsequent time. Over and above, the raiyats belonging to the government estates came to experience a new imposition on the passing of this very legislation. That was a fee prescribed for the issue of intimation of transfer of holdings to the zamindars concerned. Under these circumstances, The Krushak, which served as the mouth-piece of the peasants during this period, continued exerting pressure on the Congress Ministry to bring a more meaningful as well as comprehensive legislation on tenancy reforms in future in order to relieve the tenants from the clutches of the zamindars.

By and large, by carrying out this piece of tenancy legislation the Congress Ministry in Orissa more or less kept pace with what their Congress colleagues in the neighbouring provinces of Bihar and Madras were doing at the time.
Like North Orissa, South Orissa too seethed with agrarian discontent by the time the popular Congress Ministry assumed charge of administration in the province\textsuperscript{267}. It comprised two important districts e.g., Ganjam and Koraput where about 23 permanently-settled zamindari estates\textsuperscript{268} were located and commonly referred to as the ex-Madras areas of the province since its accession to Orissa on transfer from Madras Presidency on 1 April, 1936\textsuperscript{269}. Strained relationship between the zamindars and the raiyats was a marked feature in the agrarian relations of almost all these estates, especially in Parlakimedi, Khallikote, Atagada, Chikiti and Sadokhemedi\textsuperscript{270}. In some of these estates like Khallikote and Atagada the people even resorted to withholding of payment of rents in exasperation in an organised manner mainly under the leadership of the Zamindari Raiyats' Association\textsuperscript{271}. As a result, the standard of collection got deteriorated\textsuperscript{272}. Under these circumstances, the maintenance of law and order problem in these disturbed and trouble-prone areas put a tremendous financial burden on the government exchequer and the Ministry in power preferred to take recourse to legislation without losing much time in order to set right the relationship between the zamindar and the raiyat\textsuperscript{273}.

But before we proceed to discuss the legislative measure put up by the Congress Ministry, let us first of all ascertain the situation obtaining in these ex-Madras areas of the province and examine the Act that regulated the zamindar-
reiyat relationship in the first place prior to 1936.

It was between the years 1802-04, the northern districts of the Madras Presidency were assessed on a permanent basis by Regulation XXV of 1802. The lands belonging to the zamindars were confirmed in perpetuity and the assessment was fixed at 2/3 to half of the gross produce of the soil after taking into account the average yield of the previous 13 years. The lands held by the Crown were assessed in the same manner and after converting them into estates of convenient size were auctioned out to the highest bidders as permanently-settled estates. However, the terms and conditions under which the proprietors of these estates held their properties found expression in an official document i.e., Sanad-i-Milikiyat-Istimalar (deed of permanent property). Thus, under Regulation XXV of 1802, the zamindari estates of South Orissa, which formed a part of Madras Presidency prior to 1936, came under the permanent settlement.

In 1812, the Government however reached an important decision prohibiting further extension of the permanent settlement to any other part of the Madras Presidency and ordered that in areas not covered under the permanent settlement, a new system i.e., the reiyatwari system was to be introduced. It was under this rule that about half of the areas of the district of Ganjam, mostly the plains, came under the reiyatwari system. By far, the most remarkable feature of it was that the tiller of the soil was brought into direct contact with the
Government; the latter collecting its share of revenue through its own officials. It did not recognise the zamindars and aimed at creating peasant-proprietors. "The difference between the money value of the grain and the cultivation expenses was taken as the net value of each kind of soil, and half of it was taken to represent the land tax". It was otherwise known as the "half-net principle", while in case of the permanently settled estates, the assessment was called as the "half-gross principle". Thus it is found that in South Orissa, two revenue systems were prevailing during the time under report.

The Madras Permanent Settlement Regulation XXV of 1802 which conferred proprietary rights in the soil on zamindars was misinterpreted in course of time to mean that the raiyat was entirely at the mercy of the zamindars for his use and occupation of the land. It was therefore expressly declared in the Madras Permanent Settlement (Interpretation) Regulation IV of 1822 that the earlier Regulation of 1802 did not intend to "define, limit, infringe or destroy the actual right of any description of landholders or tenants". In the same year Regulation V was passed for better protection of the raiyats. Specific statutory protection to the tenancy rights was however afforded to some extent when the Act VIII of 1865 was passed. It proposed "...to consolidate and simplify the various laws which have been passed relative to land-holders and their tenants and to provide a uniform process for the recovery of rent". But in the long run it adversely affected the rights of the raiyats.
The provision relating to exchange of pattas and muchilikas, which were nothing but abstracts showing the extent of lands under cultivation in the year and of the particular crops harvested, came to mean a lease for a year by the Madras High Court in 1871. Accordingly, the pattadar raiyat was treated as a yearly tenant and no more. It ultimately resulted in disastrous consequences. The zamindars now got an opportunity to declare that they remained at liberty to lease out the lands at their sweet pleasure and procured from their raiyats pattas in which a stereotyped clause to that effect found mention. As in other parts of the Madras Presidency so also in Ganjam and Koraput too, the zamindars indulged in these nefarious activities and caused to distribute it in thousands in printed forms among the raiyats. The zamindars thereafter remained at an advantageous position to increase the rents by a mere threat of eviction from the land. But they rarely did so in actual practice since their primary interest was in rent and not in the land. Under this circumstance, the raiyat was made bound to sign anything save his ouster from the holding. "The institution of pattas and muchilikas thus not only failed to help the raiyat, but became a legal instrument in the hands of the zamindar to rack-rent him." The matter of securing occupancy rights to the raiyats, was, however, again taken up in 1882 in the form of a bill. But it being dropped eventually, another attempt was made at drafting a bill in 1884 which ultimately met the same fate. After an interlude of four years the issue was again brought to the fore and the draft of a bill was prepared in right earnest. After a thorough revision, it was presented on
the floor of the Madras Legislative Council in 1905 and passed out three years' after as Act I of 1908 or the Madras Estates Land Act. It was by far the first enactment in the statute-book of the Madras Presidency which aimed at defining the substantive rights and obligations of both, the landholders as well as the raiyats. It however declared the existence of occupancy rights of the raiyats and held that the title to the land arose from its occupation. In other words, it offered legislative sanction to the ancient Hindu practice that the Government or its assignee the zamindars were entitled to a share of the produce of the cultivated land only and not to its possession. The Act more or less followed the Bengal Tenancy Act as regards the rights of the raiyats were concerned but differed from it on many grounds by taking into account the peculiar circumstances obtaining in Madras. For instance, it did not recognise any intermediary tenure-holder between the landholder and the raiyat. It, however, made elaborate provisions for survey, preparation of record-of-rights and settlement of rent and held that it could be done in respect of an estate or a portion thereof either on the application of the raiyats or suo motu by Government in public interest. The Madras Estates Land Act applicable only to the zamindari estates of the Madras Presidency was made effective from the month of July 1908 and was amended by Act IV of 1909 in order to remove certain drafting inadequacies. Since then, the Act remained largely unaltered till 1932 when a bill was introduced in the Council which ultimately passed into a law. The most important provision of this amending legislation was that it conferred occupancy rights on raiyats found in continuous occupa-
tion of raiyatī land for a period of 12 years. A further amendment to the Act before the creation of the new province of Orissa was made by Act VI of 1936. It was found imperative due to the situation caused by the phenomenal decrease in the prices of agricultural commodities after the year 1931. By it, the raiyats were allowed a proportionate reduction of rent on application to the Collector on the ground that "...the average local prices of staple food crops during the twelve months ending with 31st March of the revenue year were lower by not less than 18 3/4 per cent of the average prices on which rent in regard to such land was partly or wholly based." But lamentably, as a later government report pointed out, the raiyats in Ganjam and Koraput derived but very little benefits out of it since the majority of them were paying rent in kind which amounted to 50 per cent of the gross produce of the soil.

It is relevant to mention here in a nutshell about the produce rent system in general since it largely governed the relationship between the raiyats and the zamindars in the districts of Ganjam and Koraput for quite a good length of time. The zamindars of the proprietary estates of South Orissa were unlike the absentee landlords of the Bengal type and remained physically present in their estates which provided them with intimate local knowledge in land revenue matters. Added to it was the fact that there had been no satisfactory survey and settlement operation conducted in any of these estates, except the possible exception of Parlakimedi, which put them in an
advantageous position over their raivats. Under this circumstance, the zamindars laid their claim to a right to have 50 per cent or half of the gross produce of the soil as legal rent. It was often argued that this 'half-gross practice' constituted a part and parcel of the original permanent settlement regulation and could not ordinarily be violated. Even there were found some estates like Khallikote and Jarada where more than half of the gross produce was demanded as rent. Besides, there were also certain other estates like Surangi and others where the practice was that the rent was calculated only after the share of the gross produce was converted into cash. As a result, the tenant in a zamindari per estate paid 16 to 17 rupees as rent/acre whereas in the adjoining raivatwardi tracts his counterpart usually paid six to seven rupees only for the same extent of land. The entire system had therefore become the root cause of deprivation as well as general discontent amongst the zamindari raivats and as far back as 1918 agitation against this unjust practice had been initiated under the leadership of the Zamindari Raiyats Association. The situation thus continued to aggravate in leaps and bounds as there was continued agrarian unrest in almost all these estates which told heavily upon the standard of rent collection and it showed a tendency of sharp deterioration. During 1937-38, there was reported some organised opposition to the payment of rents in estates like Khallikote and Atagada. Even there were some cases of interference with the tank bed lands belonging to the Parlakimedi estate. As a government report later on pointed it out:
That the produce rent system which is inconsistent with many of the statutory rights of the ryot continued as late as 1936 and even thereafter in Ganjam and Koraput conclusively proves that the statutory provisions were more or less a dead letter. And this was mainly because of the fact that there was no proper survey or record-of-rights clearly defining the rights and liabilities of the parties. With the gradual rise in the price of agricultural commodities in the late thirties of the present century and thereafter, it was but natural for the ryot to assert his rights in the matter of commutation of produce rent rather than part with half the gross produce or value thereof and this situation leading to serious agitation by ryots gave a death blow to the produce rent system in these districts.

It was largely under these circumstances the first and foremost attention of the Congress Ministry was drawn specifically to this particular malady which was aggravating as well as assuming serious proportions day by day. Thus, on 23 September, 1937 it caused to present the 'Madras Estates (Orissa Amendment) Bill' on the floor of the Assembly ostensibly with the purpose to set the matter right in these disturbed areas of the newly created province. It aimed at granting permanent relief to the ryots by bringing down "...the level of the rents obtaining in the zamindaris of the ex-Madras areas to the level of rents prevalent in the ravatwari areas to afford a more rational basis of assessment than before." While making it imperative on the Collector of the district to curtail the rent in the affected estates accordingly, a very liberal margin of two annas in a rupee in excess over that of the ravatwari rent was made admissible. The tenants were free however to claim for a fixation of rent...
afresh after due comparison with the rents in vogue in
the neighbouring raiyatwardi tracts within 3 years of the
commencement of this legislation. Nonetheless, they had
to make an application to that effect on the receipt of
which the collector was to fix up the rent by conducting
an enquiry into the matter. A provision was set there too
for making an appeal to the collector within 30 days of the
issue of an order from a lower court and to the commissioner
of revenue within two months from the date of issue of the
order of the collector. The verdict of the commissioner of
revenue was to be binding and treated as final in this
respect and no further appeal could possibly be made in any
court of law against it.

The legislation so introduced became a highly
controversial measure from the very beginning by way of
evoking a lot of interest in the process. It drew the wrath
of the zamindars mostly belonging to south Orissa mainly due
to the fact that they were, as a later government report
maintained:

recovering much more as rent because of the
"half-gross" formula than the cash rents in
the raiyatwardi tracts based on the "half-net" theory. Arising out of the "half-gross"
formula the rents commuted or settled under
the provisions of the Act before creation
of Orissa were also very high compared to the
rates prevalent in the raiyatwardi tracts.
Moreover, in the raiyatwardi tracts, even the
"half-net" formula was not fully applied and
whereas government were entitled to enhance
the pre-existing assessment to the extent of
4 per cent because of rise in prices, the
enhancement that had actually been effected
in the resettlement operations between 1910
and 1920 of the raivatward tracts was 18\(\frac{3}{4}\) per cent in respect of wet lands and 12\(\frac{1}{2}\) per cent in respect of dry lands. It was, therefore, argued on behalf of the zamindars that the raivatward assessment should not be and could not be taken as the standard for fixation of fair and equivalent rent in the zamindaries as they were much less than what was actually payable even under the "half-net" formula. Further, the Bill provided that the rents commuted under section 40 of the Madras Estates Land Act or settled under Chapter XI of the Act under the old principles should not be held as money rent for the purposes of section 30 of the Act. Section 35 of the Act laid down that the maximum of the rent payable was at the value established ward of the village commuted in accordance with the provision of section 40. This was not intended to be amended but it was intended to provide another maximum, namely, the rent or rate of rent for similar lands with similar advantages in the nearest raivatward tracts increased by two annas in the rupee. This naturally made section 35 more or less meaningless. It was considered by the zamindars that the Bill was not only discarding all the established rules of rent fixation as inequitable but was also providing for drastic reduction of rent as expropriatory in character in the background of permanent settlement.

Apart from infuriating the interested zamindars who mainly formed the Opposition bloc in the Assembly the bill also caused a division in the rank and file of the Congress leadership in Orissa. The Congress Ministry led by Biswanath Das, which piloted the bill in the Assembly, was bitterly attacked by the dissidents' lobby of the Congress Party led by Nilakantha Das and others. All these undoubtedly make interesting reading and an attempt to discuss all these events in their proper perspective would be made in course of our investigation into the crux of the problem.
The propriety of introducing such an amending legislation in the Assembly by the Congress Government was challenged first of all by the Raja of Khallikote, who, after charging it as revolutionary, held that it had become ultra-vires of the powers of the House under section 300 of the Government of India Act, 1935 to discuss such a measure. According to him, under the system of 'Kumbhagatta' accounts long maintained by the government of Madras, at least since the year 1800, a zamindar was entitled to take half of the gross produce of the soil. In addition, no statutory bar was fixed on his power to increase the kist to any limit, whatever. The Government of Orissa was therefore made bound to maintain the system of permanent settlement in tact in all its principles and could not possibly have a revision or for that matter, a new interpretation of it at present. The objective of the proposed legislation, in his view, would have been better served had an enquiry committee been set up first of all, following the model of the government of Madras, which after going through the entire matter in vigorous detail could have reached a common agreement, basing on which a legislation could well have been attempted. But according to him, the reverse had taken place. The proposed bill besides being highly in-consistent in all its provisions was far too expropriatory as because by a stroke of pen it aimed at depriving the class of zamindars of their very fundamental rights.
Giswanath Das strongly refuted the allegation put up by the Raja of Khallikote that the bill, as it stood, was ultra-vires of the Government of India Act and said that section 300 of it related to the protection of certain rights, privileges and pensions and that there was absolutely nothing either in this section or in the instrument of instructions of the said Act to hold back a tenancy legislation. In the Permanent Settlement Regulation XXV of 1802, both the power of interference in such types of cases as well as framing of tenancy legislation as and when required were kept reserved for the exercise of the government. Following it, many provincial governments elsewhere in India, including that of Madras, had already enacted new tenancy laws of protective nature. In view of all these, it was simply out of place for the Opposition to harp on the proviso of the Government of India Act or to call it expropriatory. It remained the solemn duty of the government under the permanent settlement regulations to offer protection to the raiyats, especially in the zamindari estates where they seemed to be quite helpless, miserable and oppressed than in any other part of the province. And for this, he held responsible mainly the misinterpretation of the permanent settlement regulation as well as the tenancy laws passed thereafter, before referring the bill to a select committee for close examination and further consideration.

Still then the uproar from the Opposition bench continued. Muhammad Latifur Rahman, one of its leading members,
placed a motion for circulation of the bill for eliciting further public opinion thereon. It was but necessary to do so, he tried to justify his point by stating that it would not only be having a far-reaching impact on the tenants but also on the landlords as well. On this score, he was largely supported by Mandhata Gorachand Patnaik and Birabar Narayan Dhir Narendra, two other Opposition stalwarts.

In order to thwart the move/the Opposition, the Congress legislators built up a strong front. It was the turn of Divakar Patnaik, the President of the Ganjam D.C.C., to speak first on the bill under discussion. By way of describing the untold sufferings caused to the *raivata* of the district of Ganjam, he stated that while the *zemindars* were rolling in abject luxury, the *raivata* were left rolling on starvation. At a time when the income from the *taluks* had gone up eight to ten times since the year 1902, no corresponding change had markedly taken place with regard to the pesheaus of the *zemindars*. The *raivati* movement, he asserted, was gathering force and momentum day by day and already over lakhs of signatures, after being collected at public meetings held at different places, had been sent to the government to take suitable steps in this connection. At length, he charged the Opposition of nourishing a secret desire of continuing the exploitation on the *raivata* without any check or control and that was why they had tabled a motion for eliciting further public opinion - a process which would naturally take a long time.
Nabakrishna Chaudhury analysed the history of land revenue administration in India and concluded by telling that the ruling powers at different points of time had introduced their own set of revenue policies according to their own will and interest. Similarly the present administration had introduced a legislation which was felt necessary for a change to occur in the society at large. Therefore, the bill was not at all expropriatory. Moreover, the rent had become so heavy that at many places lands were found to be sold out in despair to the money-lenders. Thus he remarked that the question of expropriation had only been raised by the Opposition with a view to guard its own class interest and nothing else.

Mohan Das charged the Raja of Khallikote of appropriating the rents paid by over lakhs of tenants in the district of Ganjam from which neither the state nor the government derived any benefit. The objection to the introduction of the bill raised by the same Raja thus revealed his own vested interest in public. By large, he called upon the members to discard the pleadings made by the Opposition and to extend overwhelming support to the original motion moved on behalf of the government.

The motion of amendment put up by the Opposition in order to circulate the bill for eliciting further public opinion thereon got negatived with nine voting for and 28 against it.
On 25 September, 1937, the bill, after its preliminary discussions being over, was sent to a Select Committee consisting of 10 members viz., Biswanath Das, Nityananda Kanungo, Divakar Patnaik, Sadasiva Tripathi, Ruchitrananda Das, Naba-Krushna Chaudhury, Mandhata Gorachand Patnaik, Raja Bahadur of Khallikote, Govind Chandra Thatraj Bahadur and Hari Pani Jena. It deliberated on different aspects of the bill for quite a good length of time and made certain important changes wherever necessary. The Raja of Khallikote, Mandhata Gorachand Patnaik and Govinda Chandra Thatraj who were the leading members of the Opposition gave their dissenting opinions to the bill. Be that as it might, on receiving the majority support the bill was passed in the Select Committee and got published in the local newspapers.

The main recommendations of the Select Committee were as follows. The revenue officials in charge of conducting land revenue settlements could at best make an increase of two annas in a rupee in excess over that of the raiyatwari rent in the zamindari estates. A raiyat could now make an appeal to the appropriate authorities for the purpose of fresh fixation of rent at any stage and for this, no prescribed time limit was set. Both the raiyats and the zamindars were now to avail the benefit of a change in the rate of rent corresponding to the rise and fall of the same in the adjoining raiyatwari tracts. In view of these, the earlier provision prescribing a time limit of three years, which was there in the original bill, was done away with.
Meanwhile, as mentioned earlier, the Congress Ministry in Madras under C. Rajagopalachari had already constituted an enquiry committee for the purpose of suitably amending the existing Madras Estates Land Act. In view of it, on 23 January, 1938 the Congress Legislature Party in Orissa called an emergency meeting of all its members in the committee room of the Ravenshaw College Hall. The topic of discussion was to decide upon the possibility of deferring further consideration of the bill under discussion in the Assembly till such time when the report of the Madras enquiry committee was made available. After prolonged discussion a decision was, however, reached to authorise Biswanath Das, the Party's Leader in the House, to open a dialogue with the Opposition on the question of putting off further proceedings of the bill in the assembly for the time being, only on a categorical condition that the zamindars would agree to a cut ranging from 4 annas 2 paisa to 6 annas in a rupee, where the rent was being taken in cash, and a remission of 15 to 20 per cent, where it was being taken in kind.

The next day i.e., 24 January, 1938, the zamindars came in deputation under the leadership of Raja of Khallikote and Mandhata Gorachand Patnaik to meet Biswanath Das in this connection at Cuttack. In fact, what they wanted was an immediate compromise-settlement between them and the Ministry over the bill. They were also prepared to start an agitation on this issue unless their request was granted. Thus when it was observed that they were not at all prepared to come down from
their stand, i.e., the half-gross principle. Biswanath Das declined to defer further proceedings of the bill and asked the zamindars in turn, to come prepared for a debate on it to the Assembly instead.

On 25 January, 1938 the bill as reported by the Select Committee came back for further consideration by the legislators. The occasion evoked so much interest that this assembly session was attended by about 300 raiyats, led by Srinivas Kaviratna and Banamali Maharana, belonging mostly to the Atagada estate of the Raja of Khallikote. However, shortly after the presentation of the report on the bill, a point of order was raised by the Raja of Khallikote. He observed that since two bills of similar nature had originally been referred to the Select Committee, one on behalf of the government and another by Mandhata Gorachand Patnaik, the Secretary of the Opposition, the discussion on the government bill alone would tantamount to place the House in an utterly false position. It was because under the circumstances the government bill as reported by the Select Committee could alone be discussed and the one moved by Gorachand Patnaik would be left to languish.

Further proceedings of the bill in the legislature was however postponed for that day at the behest of the Speaker and could only be resumed the next day i.e., 26 January, 1938. On this occasion, Mandhata Gorachand Patnaik whose bill of a similar nature was pending before the Select Committee at the time accused the move of the Congress Ministry alleging that...
a great injustice would be inflicted on him in case the report on the government bill was alone taken into consideration by the House.

Denying this charge of the Opposition, the Premier did not waver from the stand taken by him in this context and observed that it hardly changed the position of the bill whether be it sent to the same members or Select Committee. Having been two different bills altogether, one was far away from the other as regards the norms and principles and hence, they required different considerations and also on different occasions. Therefore, in his opinion, it was not necessary at all that both the bills should be taken into consideration at the same point of time; this not being the mandate of the House too.

The Speaker, following this discussion, expressed his inability to uphold the cause of the Opposition and after pointing out the rules of procedure in this nexus declined to accept the point of order earlier raised by the Raja of Khallikote.

Without losing even a moment's time the Raja of Khallikote again moved to defer further proceedings of the bill in the house until the Madras Estates Land Act of 1908 was amended by the Madras Legislature itself. It was a stirring call to other members of the Opposition to unite and defend their interests and as such, many leading veterans of this bloc viz., Mandhata Gorachand Patnaik, Rama Chandra Debo, Braja Sundar Das,
Vysyaraju Kasi Viswanatham Raju, Govinda Chandra Thatraj etc. came out in open support of this measure.

Biswanath Das took up the attack of the Opposition firmly and contested it by retorting that whenever something was done to touch the Madras Estates Land Act in any manner it evoked the wrath of the landed aristocracy of the province who mainly formed the Opposition. It was since 1922 and that too, as a member of the Madras Legislative Council, he along with a host of co-workers had been agitating to effect these reforms in South Orissa. Hence, there arose no occasion to call the present legislation a hasty one. If at all, a life worth living was to be created for the poor people of the province, then no one could possibly attribute unfairness either to the Congress Party or the Ministry. Moreover, conditions were quite different in Madras in comparison to South Orissa and therefore, it was unfair to impose one line of action on the other at any point of time.

In the face of it, the Opposition became all the more resolute and even raked up the issue of the actual tillers of the soil. According to it, in a large number of cases, the raiyats happened to be just the middlemen standing in between the zamindar and the real agriculturist, not being the actual tillers of the soil in the true sense of the term. An apprehension was raised therefore that the concessions proposed to be granted to the raiyats might not filter down to the bottom and benefit the actual tillers of the soil. The Raja of Khallikote even went a step ahead by making a dig at Biswanath
Das and alleged that the family to which he belonged remained in actual possession of tenancy rights over hundreds of acres of proprietary lands with hundreds of raiyats in their estates who did not till the land but enjoyed the tenancy rights instead.

Dibakar Patnaik at this time stood up to resist the Opposition tooth and nail by way of supplementing his speech generously with facts and figures on the strength of the actual tillers of the soil. First of all, he began by rebuking the Opposition, mainly the Rajas of Khallikote and Parlakimedi, and said that it behoved them to have supported the bill in all its principles since they had been elected by the raiyats to the Assembly. Then he underlined the fact that out of 49,969 leaseholders in the district of Ganjam, the strength of raiyats in possession of 50 acres or more lands was not beyond 80 whereas the strength of the raiyats in possession of three acres or less of lands amounted to 36,553. On the whole, about 95 per cent of the raiyats happened to be the small land-holders who were, in other words, the actual tillers of the soil and they stood to benefit by the proposed legislation. In the capacity of the President of the Ganjam D.C.C. he refused point-blank the allegation of the Opposition that the Congress was at the root of the growth of lawlessness among the peasants and held firmly that it never dissuaded them to withhold payment of rents due to the zamindars in Ganjam.
Then it was the turn of Nityananda Kanungo, the Revenue Minister, to explain the matter in detail. According to him, the Select Committee to whose scrutiny the bill had been entrusted took full nine days to deliberate upon its few sections and on three different occasions endeavoured to take down evidence on it. A huge mass of documents having been put before it, the discussions were held on every sentence, clause, section of this measure which happened to be a very small one at that. By and large, a specific clause was inserted with a view to permit the existing rents to continue till the time of the issue of revised pattas. 

Thereafter, the motion moved by the Opposition to defer further proceedings of the bill in the House till the matter was settled in Madras was put to vote and declared as lost with 13 voting for and 35 against it.

With this the preliminary discussions on the bill were over and then its clause by clause discussion began on the floor of the Assembly. In course of it, several motions of amendments came to be moved to its different clauses by various members of the Opposition but all but one of them were either declared lost or withdrawn or rejected on some ground or other by the House. The only one motion, moved by Govind Chandra Thatraj, which was finally conceded by the government, was in nexus with section 180-A(1) of clause-6. It proposed to add the following at the end of the said section:

provided that an application under this section shall not operate as a suspension of payment of the rent already commuted or settled.
In explaining his stand Thatraj said that he had moved this piece of a motion with a view to prevent the raiyats in future from withholding payment of rent to the zamindar by simply telling that he had filed an application before the authorities for revision of rent. In his view, it would also serve to check the growing feud between the raiyats and the zamindars and thus, he sought the co-operation of all in passing this motion. It was then declared as adopted by the House mainly on the consent given by the Premier on behalf of the government.

The interesting feature of the debate however centred on the issue of fixation of the rents of lands. The Raja of Khallikote as well as Mandhata Gora-Chand Patnaik chided the action of the government in this regard. But the Premier took it in a calm manner and cited the fact that the average land revenue per acre for Cuttack was rupees 3 and 6 annas; for Balasore rupees 2 and 12 annas; for Puri rupees 2 and 8 annas only. In Daspalla and Nayagarh, which were the adjoining feudatory states of Ganjam, the rents ranged between 4 annas and rupees 3 and 4 annas. In the permanently settled districts of Bengal too the rent was not more than rupees 4 per acre. But in the ex-Madras areas of Orissa the rate of rent was quite heavy as it varied from rupees 5 to rupees 16 in case of wet lands and in the case of rain-fed lands from rupees 3 to rupees 8. By telling so the Premier tried to dissuade the Opposition members from making wild charges against the proposed legislation and to justify the stand of the Government in trying to bring about the reduction of rent prevailing in those zamindari areas to the level of rent obtaining in the adjoining raiyatwar areas by way of
allowing a liberal margin of two annas in a rupee.

At the fag end of the discussion on the hill, the Opposition was once again found bent upon making an issue on the question of the actual tillers of the soil. The Premier as well as the members of the Congress were condemned in strong terms for putting the zamindars of South Orissa into terrible distress and not for caring a little for their interests.

Birebar Narayan Dhir Narendra observed:

when the landlords of estates are forced to sacrifice a good portion of their income, is it at all surprising that they should see that their sacrifice should benefit the class who raise the produce by the sweat of their brow and not those only who live in comfort by exploiting the under-reevate ? Here is an ample opportunity for our Congress members to show their active sympathy to the tillers of the soil whose cause they profess to champion. No party discipline should stand in the way of boldly pronouncing their moral conviction and to give solid proof that they stand by their professions and convictions.

At about this time, the nominated member, E.M. Evans, even supported the cause and demanded the holding of an enquiry into the Opposition allegation immediately by the Congress Ministry since the latter always claimed to stand by the poor and downtrodden and worked for their upliftment and progress. The Premier agreed to it in principle and pronounced:

land is the mainstay in our country. Looking to the existing conditions you find that there are four interests now in the land, — the zamindar, the reevat, the under-reevat in certain cases, and the labourer.
Government have had the interest of all these classes of people at their heart, sir, they have organised them, they have thought of them and the Congress Government have worked to relieve them of their distress. So, the idea of appointing an Enquiry Committee was long felt necessary and Government were thinking of suitable persons for the same. They have now practically come to conclusions and a committee will very soon sit to go straight into the question of the land revenue and tenancy, and attempts will be made that the Report of the Committee is made available as soon as possible.

It was finally on 5 February, 1939 that a motion was moved in order to pass the bill as considered by the House. At this stage even the Opposition did not shrink from its attempts at denigrating the measure in the blassest of colours by passing many sweeping remarks on it. In the opinion of the Raja of Khallikote the system of rent in the Palayatwari tracts was fundamentally different from the one obtaining in the zamindari estates and under the circumstances the bill happened to be nothing short of a high-bred mongrel possessing the vices of both the systems and the virtues of neither. Rama Chandra Debo, another Opposition stalwart, charged it to have been rushed through in the Assembly in a hurry and was being forced upon them by dint of sheer numerical strength the Congress possessed in the House. Mandhata Gora-Chand Patnaik, Braja Sundar Das, Krishna Chandra Mansingh Harichandan Mardaraj Bharambar Rai were the names of some other reactionary members of the Opposition bloc who made highly spirited speeches in a most disparaging manner against the proposed bill and lent support to the stand that it be either rejected or deferred.
Delivering his final address Biswanath Das dismissed all the charges and allegations levelled by the Opposition on the bill. The bill actually aimed at conferring certain amount of benefits on the tenants and that happened to be the basic reason behind the growth of wrath and personal animosity among the Opposition members. Some of them, more especially the Raja of Khallikote had even given vent to his pet expressions e.g., "absurd", 'highhandedness', 'indecent' and so on and so forth in course of discussions held on the bill. Further, the personal attack made against Das stood baseless since he was to gain nothing but to lose for more instead. All through it remained the sole purpose of the government to see that in those unfortunate as well as unsurveyed estates the tenants were given relief, and hence, the necessary proviso in the proposed legislation. The talks of expropriation as regards the bill were nothing short of a cry, he opined in view of the fact that in the actual preparation of it the valued opinions as well as suggestions of the Advocate-General, the Legal Remembrancer, the Government Pleader had been sought in advance and duly incorporated. Further, Das made an earnest appeal to the zamindars to adjust themselves to the changing times and conditions. The prenationalist government was bestowing on them many types of privileges but under the changed circumstances it would be well nigh difficult for the present Congress Government to continue it for long, because, it was always being called upon to face an assembly mainly constituted by the popularly elected representatives of the people. The Government, Das made it clear, had come to accept the raiyatward
rates of rent in preference to the one prevailing in the zamindari estates in South Orissa on the ground that the former was found to be more scientific - an outcome of close investigation and enquiry. Apart from it, the reason was that the people in the raivatwadi areas lived more happily and found to be more prosperous than their counterparts in the zamindari estates, he added.

Thereafter, the motion that the bill as considered be passed was put and declared as adopted by the House. The bill was thus cleared by the Assembly on 5 February, 1938.

The Krushak rejoiced at the passing of the bill in the Assembly in spite of the opposition put up by the zamindars and their allies. It had no doubt that it would greatly relieve the raivats from the burden of rent. But at the same time it wanted that something more should be done for them by the Congress Government without any amount of delay.

The zamindars were resorting to many types of tactics of late to suppress the raivati movement. Even at some places they were seen trying their best to implicate the leading Krushak samuh workers in false cases. In view of it, the ministers should try to collect information regarding all these things quite secretly without depending on official reports and take adequate steps to protect tenancy rights, it remarked.

The Samaja on its part welcomed the measure and hoped that it would help the raivats immensely. It chided some Opposition members like Mandhata Gora-Chand Patnaik and Muhammad Latifur Rahman for their attempts at defeating the bill in the
Assembly and held doubts regarding their personal integrity as well as sense of propriety. It was only in 1934 that Mandhata was seen advocating the cause of the tenants and claimed equalisation of the rents in the zamindari estates with that prevalent in the raiyatwadi areas. Thus, it was quite amazing to see that he had changed sides ever since he entered the present legislature. About Rahman, it said, that having been an elected representative of the Muslim raiyats belonging to the districts of Ganjam and Puri, he was, of late, being marked indulging in tall talks and taking sides not with those who championed the cause of the raiyats but with zamindars instead in the assembly. Similarly, it accused the Raja of Khallikote and the Raja of Badakhomedi for their respective roles in opposing the very cause of the raiyats whose representatives they were in the assembly. They opposed the bill, it alleged, mainly because it aimed at blocking their source of income. The editorial of the paper however held the bill in high esteem and depicted it as a very necessary and important reform measure which should be given immediate approval by the concerned authorities.

The Bashakatha was of the view that the amending legislation had struck at the very root of the long preserved rights and interests of the zamindars. But it was befitting the Congress Party which was destined to give special attention to the protection of tenancy rights on the whole. By doing so, the Congress had developed a cause of enmity with the class of zamindars, no doubt about it. Therefore, it called upon the
gaamindars to reckon the changing times and come forward to help the peasants in order to remove any shred of conflict and animosity with them. The Landholders' Journal in giving full-proof publicity to the views of the Raja of Surangi, the President of the Ganjam Landholders' Association, with reference to the bill repeated the charges already levelled against the measure. The charges were mainly two-fold. First, that the bill had been rushed through and second, that it would not benefit the actual tillers of the soil. The real objective behind the attempt to change the character of the Permanent Settlement Regulation XXV of 1802 was only to hit at the gaamindars and not to help the tenants or for that matter the actual tillers of the soil. Otherwise, the very liberal terms offered by the gaamindars to arrive at a compromise-settlement would have been long accepted by the Congress Ministry. In any case, the gaamindars were not prepared to take it lying down. They would certainly put up a strong front to fight against the approval of the bill at the hands of the concerned authorities since it happened to be a measure of expropriatory nature. Further, it called upon Biswanath Das, the Premier, to see for himself that it was the group of Congress Socialists who incited the peasants in the villages to go against the gaamindars for their own political ends.

The matter relating to the approval of the bill was, however, not so easy and continued to drag on for quite a long time. The bill having been passed in the legislature was
with the Governor for his assent but according to a decision taken at the highest level it was referred to the Governor-General for his perusal in the month of May 1938. The bill happened to be the first-ever tenancy reform measure attempted by the Congress Ministry on its assumption of power and hence, it was quite concerned about it. Therefore, it was thought proper to make an appeal to the Governor-General to accord his immediate assent to the bill without any further delay.

The Krushak, which was quite concerned about the sufferings of the poor raiyats in the ex-Madras areas of the province, protested against this action of the Governor. It criticised excessive dilly-dallying with the bill which had been kept pending for approval for so long a time after being passed in the legislature and asked whether it did not mean striking at the very root of the principle of a representative form of government. In its opinion, no useful purpose would be served by heightening the doubts of the public over a measure duly adopted by the legislature. The public opinion in Ganjam had been clearly expressed in favour of the amending legislation. The way the raiyats belonging to the district of Ganjam came to attend the sessions of the Assembly during the discussions held on the bill was enough indication regarding the urgent necessity of the bill. Despite of all these, the Governor in order to please a handful of Rajas and zamindars did not give his assent to the bill and ultimately sent it to the Governor-General. It was nothing but a cruel injustice meted out to this province.
Was not the Governor dispensing with the dignity and respect of his own government by doing so, it asked and observed, that it was but a sample test of the provincial autonomy which Orissa witnessed first of all.

Despite mounting public pressure and writings in the press there was no positive indication from any quarters regarding the approval of the bill in the immediate future. It, in turn, gave rise to many types of speculations, mis-givings and controversies in the process. It also in a way exposed the intra-party rivalry going on inside the Congress Party in Orissa for some time past. The dissidents who were very active during this time tried to malign the image of the Congress Ministry and did not falter to compromise their principles with political expediency. Therefore, it was not at all surprising to find Chintanani Misra, who was then the Secretary of the P.C.C., lodging some serious complaints against the Ministry with the C.P.R. In a letter dated 11 August, 1938 addressed to Sardar Vallabhbhai Patel, the President of the C.P.R., he submitted in writing the various objectionable features of the bill. These are quoted below:

The objection to the Bill is three-fold, namely, (a) that it is too drastic and hence runs the risk of the Governor not assenting to it as being expropriatory (b) that the clause relating to under-ryot was not accepted because it was in the Chief Minister's personal interest not to adopt it and (c) that the Bill was conceived not for the benefit of ryots, but for the personal benefit of the Prime Minister.

The enquiry into these charges were entrusted to Rajendra Prasad who was in charge of party affairs relating to Orissa. In order to
meet the aggrieved people and personally hear their grievances he made certain visits to Orissa.³⁵¹

In the meantime, with the objective of contesting the stand of the vested interests that the hill held no promise for the actual tillers of the soil, the Department of Revenue, Government of Orissa released a press communiqué giving in vivid detail the number of pattadar-railways in the zamindar estates according to the last land revenue settlement operation conducted in South Orissa. The statement illustrated the fact clearly that the number of pattadar-railways having less than three acres of land was 36,553; between three to five acres 50,061; between five to ten acres 3,996; between 10 to 20 acres 1,570; between 20 to 25 acres 220; between 30 to 50 acres 56; between 50 to 100 acres 50; between 100 to 200 acres six and the number of those having above 200 acres or more lands under their possession were only seven.³⁵²

In spite of this clarification and such others, the vilification campaign against the Ministry continued and was further stepped up with the election of Nilakantha Das as the President of the P.C.C. in the month of January, 1939.³⁵³ At this point, the relation of the Congress Ministry with the P.C.C. completely broke down leading to allegations and counter-allegations between the two. Under this circumstance the situation in Orissa got quite tense and it was in order to diffuse the tension and evolve a compromise formula with zamindars a conference was
convened on 1 and 2 February, 1939 at Cuttack which was ultimately presided over by the Governor of the province. The Premier was in no mood to join it since he thought it would frustrate the earlier decision of the Assembly but later on did so along with his other ministerial colleagues on receiving a directive to that effect from the C.W.C. The zamindars were represented by the Rajas of Parlakimedi, Khallikote and Surangi. But it was an irony that there was not a single raiyat to put forth his cause and when an objection was raised against the manner in which the conference was being called without the raiyats in a memorandum submitted by the raiyats belonging to the zamindari estates, their cry was lost in the wilderness. Despite it, the proceedings of the Governor's conference went ahead to discuss the suggestions put up by the Rajas and zamindars and among the important notaries who attended it was Rajendra Prasad on an invitation extended to him by the Governor. The conference, however, concluded when an agreement was reached to the effect that the Premier would place the proposals of the Rajas and zamindars before the Congress Legislature Party and the P.C.C. in order to obtain their views. But it was never an easy task. The Congress Legislature Party and the P.C.C. remained poles apart from each other during this period which besides widening the gap between the two made known the existence of an open rift before the public. In any case, a lot of revealing facts came to surface when leaders belonging to both the camps tried to give vent to their political expressions through the medium of newspapers.
The first of such statements came from Jagannath Misra who was one of the four Parliamentary Secretaries of the Congress Legislature Party. According to him, it was a matter of regret that even after the adoption of the bill in the Assembly some important Congress leaders were seen hobnobbing with the vested interest landlords of the province. What was more, they had even started allying with them in every respect. It was mainly on their complaint lodged with the C.P.S. that Rajendra Prasad came to Orissa to conduct an on the spot enquiry into the matter. The Premier was not to be held guilty since he had dwelt at length on the merits of the legislation during the proceedings of the Governor's Conference held on 1 and 2 February, 1939. Even thereafter, in the night of 2 February, 1939 he had called for a meeting of all concerned in the Secretariat to settle the problem amicably. The meeting was attended among others by Nilakantha Das, Harer Krishan Mahtab, Divakar Chaudhury, Naba-Krishna Chaudhury and the zamindars of South Orissa. Here the Premier explained his Government's and Party's stand on the matter and in turn, asked for the views of Nilakantha Das, the President of the P.C.C. The latter preferred to keep silent then. But surprisingly in one of his recent interviews held with one Anand Das of Puri he did not falter to cast serious aspersions on the bill. Das was believed to have told that the people were not aware of the full contents as well as repercussions of the bill. But this was not true and on the other hand, as Misra said, the bill was quite simple and plain.
he called upon Das to refrain from making such baseless allegations against the bill which was awaiting the approval of the authorities after being duly passed in the legislature.

Following it, Nilakantha Das, the President of the P.C.C., came out with his version of the facts on 3 June, 1939. He took strong exception to the personal vilification campaign launched against him allegedly by the Congress Ministry and pleaded complete ignorance on his part and also on behalf of the P.C.C. so far as the proceeding of the bill was concerned in any manner. He had never been consulted in the past and it was only when a snag had developed in the matter over the compromise-plan that he was being dragged into the picture. But it won’t be possible for him to do a thing, let alone help evolve a compromise-plan, unless and until the Ministry withdrew the campaign of false propaganda against him. In the context of the Governor’s conference, he emphasized that he had completely refused to take upon him any kind of responsibility, but again, it was the premier who intervened and dragged him into the problem.

It was now the turn of Biswanath Das to speak out his mind and clarify the stand of the Ministry on the matter once again. This he did while addressing the people who had gathered in large numbers at Phasi in the district of Ganjam on 14 June, 1939. Here, he said that having been the initiator of this piece of legislation it would be quite hard and difficult for him to withstand its possible disapproval by the authorities.
It was on the firm assurance that the Governor as well as the Governor-General would not interfere in the constructive as well as constitutional functioning of the Congress Ministry that the Party had agreed to accept the responsibility of office. The Madras Estates (Orissa Amendment) Bill happened to be an important measure of great constitutional significance and was primarily aimed at fulfilling one of the several election-eve-promises given to the people at large. Therefore, it would be considered an unnecessary encroachment upon the lawful rights of the Congress Ministry, if the British authorities, either the Governor or the Governor-General, preferred to give his dissent to it. Besides these, Das also narrated how he had been kept waiting for over the last five months or so for the opinion of the P.C.C. led by Milakantha Das on the so-called compromise-plan. At this time, from among the raiyats present at the venue, one Govindratna Dalbehera suddenly got up and expressed the loss of faith and confidence of his fellow brethren in the leadership of Milakantha Das. Following him yet another, Bansamali Maharana stood up and gave a call to the raiyats present amid their thunderous applause to commence Satyagraha all at once over the excessive delay caused in the matter of the approval of the bill and sought the cooperation of the Ministry in this regard. In response, the Premier asked everybody present to maintain peace and not to think of Satyagraha at the given moment but to wait till the Congress Party itself would give a call to them to rise up in large numbers on this issue. In fact the ripe moment would arrive only when the British authorities would make an effort at vetoing this constru-
ctive reform measure in exercise of the special powers conferred on them under the Government of India Act of 1935. In that event, he assured, the Congress Ministry would certainly resign, and after taking due permission from Mahatma Gandhi and the CWC, it would launch upon a course of satyagraha in order to champion the cause of the "raivats".

It was during the last week of July, 1939 Lord Linlithgow, the Governor-General and Viceroy of India, before whom the bill was pending for approval for so many months was scheduled to visit Orissa. The Governor, Hubback, wanted the matter to be settled during this visit of the Governor-General who would put his influence on the Premier to agree to the compromise plan put forward by the zamindars. But Biswanath Das, the Premier, was a hard nut to crack and he sent a communication to the Governor on 26 July, 1939 stating that it would be highly appreciated by the general public if the bill was accorded assent coinciding the tour programme of the Governor-General. But as events proved it later on, this remained a wishful thinking to the last.

Meanwhile, the enquiry proceedings instituted in order to probe into the charges levelled by Chintamoni Misra against the style of functioning of the Congress Ministry came to a close. After examining all relevant papers and even some government records in this connection Rajendra Prasad came to the conclusion that there was nothing to hold the Congress
ministers including the Premier guilty of gross abuse of the pelf and power. The Madras Estates (Orissa Amendment) Bill was certainly wanted and welcomed by Congressmen not only belonging to South Orissa but also by those of North Orissa and above all, Chintamani Misra himself who in a paper printed and published in his own Navabharat Press had even lauded its principles initially. Nilakantha Das, while presiding over a certain conference had even asked for more stringent rules and regulations in this regard by calling the proviso of the bill as too inadequate. There was no occasion for the rights of the under-rajivats to be discussed during this initial stage of the proceedings of the bill. Besides, every possible step was taken only after a careful consideration of almost all the aspects in relation to the bill at party meetings held from time to time. In view of it, the first objection to the bill that it had become too drastic and expropriatory seemed to have occurred as a mere after-thought and did not stand on any valid ground. The second objection was that a motion of amendment relating to the under-rajivats was not accepted by the Congress Ministry at the behest of the Premier during the proceeding of the bill in the legislature. But the matter was entirely different from how it seemed at the first sight. The legal advisers to the government gave their opinions that the original Madras Estates Land Act did not recognise any under-rajivat in the first place. Infact, that became the reason why the socialist members who were pressing it hard at the initial stage gave up and supported the measure during the final reading of the bill. Actually the real motive
of the zamindars in bringing this motion was to scotch further proceeding of the amending legislation in the Assembly. In view of this, the responsibility of not accepting this motion of the Opposition should have to be shared by the entire party and not alone by the ministry. The third objection was that the bill was conceived not so much for the actual benefit of the raiyats but for the personal benefit of the Premier, who, it was alleged owned about 5,000 acres of lands in the zamindari estates of the Raja of Khallikote. Here, it was observed:

It is true that the Chief Minister, himself being the member of a family which holds ryoti lands in the zamindari of Khallikote, will be benefited by the Bill but there were thousands of other tenants who will get the benefit of the Bill. Besides, the Chief Minister does not gain as much by being a tenant in Khallikote zamindari as he loses by being a zamindar of some other villages and inamdar in respect of another village. His family thereby stands to lose about Rs.6000 annually by virtue of the new legislation on account of reduction of rent in respect of villages which they hold as landholders and to gain about Rs.3000 to Rs.4000 annually which they would claim as reduction in their own rent in respect of lands which they hold as tenants. It appears to me that the charge that the Bill was conceived in the selfish interests of the Chief Minister thus appears to be without foundation.

Thus, the Congress Ministry including the Premier was exonerated of all the charges levelled against it. In concluding his enquiry report Rajendra Prasad noted:

The charges that were made were of a serious nature.... My definite conclusion is that there is absolutely no foundation for them. They have been made recklessly without an attempt at
It was on 18 August, 1939, that the report of Rajendra Prasad was duly submitted to Sardar Patel, the President of the C.P.P., who immediately forwarded it to the C.W.C. for suitable action. As a result, Chintamani Misra was blamed and made to apologise before the Premier for his past conduct.

In the same month of August, 1939, Jaya Prakash Narayan, a political figure of all India repute, visited the province in connection with the inauguration of All Orissa Youth Organisation. When he was apprised of the bill and the unnecessary amount of delay caused to it he described the matter as very serious and sought the co-operation of all concerned in getting the bill passed at the hands of the British authorities. He warned those, who were acting but secretly for its disapproval, that they were only causing immense harm to the cause of the poor railway. He also asked the leadership of the P.C.C. to sink all its differences with the Ministry and to work whole heartedly for the speedy approval of the measure by the Governor-General.

Following it, the P.C.C. issued a statement to the press on 23 August, 1939 in order to vindicate its stand on the bill. Despite holding certain reservations regarding the way its opinion had been sought in the past in connection with the bill and other related matters, it, on the whole, supported...
the measure in principle and upheld it as of great constitutional importance. The Governor-General ought to give his assent to the bill if at all the former wanted to preserve provincial autonomy both in letter and spirit. And, in case it was disapproved then the P.C.C. had no hesitation to join hands with the Ministry and abide by the course of action adopted by the latter.367.

The U.P.K.S. and its various branches spread all over Orissa took a keen interest in the discussion being held on the bill from the very beginning. Therefore, it was but natural for them to raise their voice in the absence of any positive indication of the acceptance of the bill by the authorities in the near future. With a view to mount more pressure on the government it even asked the Ministry to step down as a mark of protest and at the same time warned the authorities of the dire consequences that would follow in the wake of its possible refusal.368. On 14 May, 1938 Malati Davi, one of the Sanders' die-hard leaders while presiding over a meeting of the Zamindari Raiyats' Association of the district of Ganjam at Shergarh sent a step forward and gave a call to the raiyats to unite and organise themselves in such a way in order to show it to the authorities that no government would last long in this country which neglected and did not care at all for their cause. She also called upon those present in the venue to immediately convene meetings in the rural areas of the province and to pass resolutions condemning the action of the Governor and demanding for the approval of the bill by the
Professor K.G. Kanga, who was then a key-figure of the A.I.K.S., visited Orissa in the month of June, 1938 and in a statement issued to the press in Cuttack on 26 instant, gave a categorical assurance to the people of the province that his organisation would certainly continue its struggle against the British authorities and make the approval of the bill an all-India issue of major importance.

Following it several meetings were held at places like Bharakote, Kolathia, Susapenta and Khurda where eminent leaders of the Sangha tried to arouse the Rajyata to build a greater public opinion in support of the bill. On the eve of the celebration of All India Peasants' Day on 1 September, 1939 the Cuttack branch of the U.P.K.S. brought out a statement in the press on 16 August, 1939 wherein almost all the important Krushak leaders viz., Gouranga Charan Das, Malati Devi, Naba-Krushna Chaudhury, Surendra Nath Drivedi etc. took strong exceptions to the fact of excessive dilly-dallying caused to the bill for so long and resolved to make a nation-wide stir on this issue by ensuing a constitutional crisis very soon.

The Bharat Sevak Samiti, a public welfare organisation, also took great interest in the matter of approval of the bill by the authorities and its leader Shyam Sundar Mishra made an earnest appeal to the good sense of all involved in the measure not to find fault in it but to unite and demand in one voice for its speedy acceptance lest he feared, it might give a handle to the Government to fish in the troubled waters and reject it ultimately.
Rajendra Prasad, who had become the President of the A.I.C.C. in the meantime and had full knowledge of the matter, in a statement to the press also urged upon the authorities to give assent to the bill forthwith as excessive delay in this context had given rise to grave anxieties in different circles of Orissa e.g., the public and the press. The bill happened to be an important milestone in the path of long awaited tenancy reforms, and therefore, the Governor-General ought to accord his assent to it without providing any scope for a constitutional deadlock to occur on it in future.

These appeals as well as protestations made so far by so many nationalist parties, leaders and press had little or no effect at all since the matter got further delayed for no apparent reason whatsoever. On 4 November, 1939 the Congress Ministry gave up office as a mark of protest against British war efforts, following the directive of the Congress high command to that effect. Nevertheless, even out of office it kept on pressing and pursuing the matter always. On 16 February, 1940 in a party meeting a resolution was adopted thus:

The Assembly Congress Party records its emphatic protest against the unnecessary and unjustifiable delay in giving assent to this legislation, Madras Estates Land (Orissa Amendment) Bill, by the Governor-General and feels that it would be hereafter difficult to exercise its restraining influence on the electorate unless immediate assent is accorded to this Bill.

The Governor-General of India, however, took the important decision in the month of February, 1941 when he preferred
to veto the bill in exercise of the special powers conferred upon him, thus pouring cold water on the high hopes long entertained by the nationalist leaders as well as the innumerable raiyats of Orissa. It was nearly three years after a lawfully constituted Assembly had passed a measure that it got rejected. The promise made by certain zamindars to reduce the high pitch of rent was reported to be one of the major factors for the extreme step taken by the Government. It might, in justification of the veto it was explained thus:

...it was apparent from the proceedings of the Orissa Assembly in respect of the Bill that, though complicated agrarian questions were involved, there had been no general investigation of them prior to the promulgation of the Bill in the legislature, neither had there been any preliminary negotiations conducted by the provincial Government with representatives of the two interests involved, that is to say, the landholders and the tenants.

The curtain was thus finally drawn over a matter which had given rise to much expectations as well as controversies in the process for quite a good length of time. Neither the manifold grievances of the raiyats nor the appeals made by the nationalists bore fruit in the end as both the Governor and the Governor-General were found bent upon interfering with the amending legislation at its every stage of the proceeding apparently at the behest of the rajas and zamindars and finally rejected it. The promise made by the latter to undertake reduction of rent in their estates forthwith was never deemed except to a little extent by the Raja of Khallikote and Atagada. Therefore the agrarian unrest continued to exist and south Orissa largely
burned like a seething cauldron at least till 1946 when the second Congress Ministry took over and made a fresh attempt to pass an important amendment to the Madras Estates Land Act. The situation, however, could be best described in the words of Harekrushna Mahatma, who had very intimate personal knowledge of the entire episode, thus:

... the Governor and the Viceroy interfered and the bill was vetoed. Sir John Hubback, the then Governor of Orissa, boasted in a meeting after his retirement that he had saved the landlords from utter ruin. Is it not the same thing as to hunt with the hound and run with the hare? To try to solve a problem and yet to see that the problem remains ever unsolved has always been the policy of the British. British diplomacy has always tried to encourage the thief for the theft, posing at the same time as the guard against the theft. The net result of this policy has been that neither the landlord nor the tenant has any interest in the land and consequently agriculture has been badly neglected and the province always remains on the border line of famine.

E) Other Tenancy Reforms Adopted by the Congress Ministry:

The district of Sambalpur had been declared as a 'Partially-Excluded Area' - a measure considered quite uncalled for by the local people who wanted application of normal rules of administration in their region as elsewhere in the province. Their main cause of discontent was that occupancy rights in lands were not a marketable property. Hence in the month of November, 1937 with a view to removing their grievances the Ministry took a decision to institute a committee of enquiry and on 15 February, 1938 the appointment of the Sambalpur
Land Laws Committee with B. N. Das as Chairman and four members was announced. The membership was however subsequently raised by five more. The term of reference of the committee was to suggest improvements, after making a thorough enquiry into the land laws in vogue in Sambalpur, on the lines of which, a legislation could be attempted, in order to form a self-contained land revenue and tenancy law for the district. The committee issued an elaborate questionnaire in a printed form in Oriya, Hindi and English languages to which 1,302 persons immediately complied to by providing written replies out of which 1,130 were tenants, 4 zamindars, 6 Malocars, 7 Haufidars, 106 Geontias, 12 co-sharers, 28 Sikmi-Geontias, 67 Thakadars, 3 Patela and 20 others inclusive of officials. Besides, the B.C.C. as well as the Krushak Sabha of Sambalpur also furnished their written replies to the committee. Apart from these, the committee extensively toured most of the places in Sambalpur and examined at least 238 witnesses in all. The recommendations of the committee was then compiled into a report which was duly submitted to the government in November, 1939 which was published only subsequently in the month of May, 1940. But by then the nationalist-led-Congress Ministry had already resigned and the province was under the Governor's rule, the administration being busy over war emergency. Hence, no positive action like an amendment to the land laws of Sambalpur could be effected.

Another important step taken by the Congress Ministry in respect of tenancy reforms was the cancellation of the powers of certification granted to certain landlords under the
old Orissa Tenancy Act "...to pass rent decrees and to get
them realised through courts of law". It was, however, made
effective from the beginning of the official year 1939-39.

The Congress Ministry also greatly realised the
problems emanating from the wide differences existing in the
system of land revenue administration as well as tenancy laws
in operation in different parts of the province. For instance,
in North Orissa the law in force was the Orissa Tenancy Act, at
a time when in Southern Orissa the Madras Estates Land Act
continued in existence even after the creation of the separate
province of Orissa. Likewise, in Sambalpur the C.P. Tenancy Act
in its unamended form was in operation while in backward areas
e.g., Angul, Khondals and the Agency areas of South Orissa some
sort of special rules and regulations were in vogue. Owing to all
these facts the provincial administration was put to a great
handicap in the initial years. Therefore, Biswanath Das, the
Congress Premier, observed on 25 February, 1939 in the Assembly:

It is most regrettable that in a small province like ours there should exist
a number of tenancy laws. Rights in
land have been determined and recognised
under each of these tenancy laws. Govern-
ment have, therefore, decided to unify the
procedure, forms and returns so as to
minimise defects and differences as it is
not easy to harmonise the substantive law
in all these areas by a stroke of pen.

True to his very words in order to set right
various anomalies that had crept into the land revenue admini-
stration of the new province as well as to unify the tenancy laws
in operation in different parts of the province after its creation
in 1936, the Premier by a government order instituted a
powerful committee under a special officer, Uma Charan Das,
who had got a vast experience of working in the revenue field.

In response, The Dashakatha favoured the idea
of codification of a tenancy law on a comprehensive basis and
was not for a patchwork settlement of the matter, which, in its
opinion, would result in endless litigations. The legislation
should be for legislation's sake and should never be attempted
with a view to capturing the popular votes in the coming elections,
it observed.

But before the Das committee could examine the
crux of the problem in detail and submit any concrete proposal
for evolving a more practical and self-contained comprehensive
agrarian code for Orissa as a whole by taking into account and
consideration the peculiarities of different parts of the
province, the Congress Ministry relinquished office in early
November, 1939.
REFERENCES


3. The origin of landlordism in Orissa under the British rule has been discussed in detail in Chapter-II. Vide Supra, p. 112.

4. Vide Supra, p. 119.


9. Ibid.

10. Proceedings of the Lieutenant-Governor of Bengal, Revenue Department, (Land Revenue), December, 1871; Collector of Balasore to the Commissioner of Orissa, No. 332, 30 August, 1871.

11. Ernest Rader while writing an article: 'Latifundia and Agricultural Labour in Latin America' discusses the problem of absenteeism thus:

It is also characteristic of estates that the patron is non-resident and that he 'supervises' the management of his estate only on the occasion of visits of greater or less frequency, leaving the day-to-day management in the hands of his administrator.
(farm manager). Absentee management actually reinforces the autocratic nature of latifundismo because it increases the distance between the patron and the workers.

Here latifundismo means a system of power atop which remained the owner or patron of the estate. Ernest Feder, "Latifundia and Agricultural Labour in Latin America"; Peasants and Peasant Societies (ed.), Teodor Shanin, (Middlesex, 1971), pp.85-86.

12. Discussed also in Chapter-II, Vide supra p.16.


17. But it was no good omen either because under the zamindars the oppressions and exactions on the peasants grew to an alarming scale. For example, to quote from R.E. Frykenberg's article: "Traditional Processes of Power in South India":

The best hope of a zamindar lay in cracking the shell of village solidarity. By dividing a village against itself and driving a wedge between leading communities or factions, he could play upon discord to pry out what he wanted. While one group of village leaders would grow fat, the rest would be picked clean. The favoured would attend darbars, tamashas, and melas, would be flattered with gifts of cloth and jewels, advances for seed, and loans for special need. The recalcitrant would be coerced with ingenious instruments, imaginative tortures, and frightening invocations of evil spirits. There were countless methods of exaction.


19. Ibid.

20. Ibid.


22. Ibid.

23. Ibid.


25. Ibid.


27. Ibid.

28. Ibid.


32. Be it mentioned here that the very idea of distrain of crops was completely alien to the local conditions obtaining in Orissa; it being a mere "offset of English Law". B.K. Mishra, Land Tenure and Land Reforms in Orissa, (Cuttack, 1962), p. 7. It is a government publication and compiled by Mr. B.K. Mishra, who is acclaimed as an authority in revenue matters pertaining to Orissa.


34. Ibid.


36. Ibid.


42. W.W. Dalziel, op. cit., pp. 149-50.


46. Lord Hardinge, My Indian Years, pp. 68-69; Surendra Mohanty, op. cit., The capital was shifted to Delhi and Bihar and Orissa formed into a separate province on 1 April, 1912, vide Supra, p. 45.


49. P.L.C.B.& C., 1913, op. cit., p. 10

50. Ibid., pp. 13-14.

51. Ibid., p. 10.


53. Ibid.

54. S.of U,(Cuttack), 29 July, 1912.


57. U.R., op. cit., 5 October, 1912.

58. Ibid., 1 March, 1913.

59. Ibid., 29 March, 1913.

60. Ibid., 22 February, 1913.
61. Ibid., 1 March, 1913.
62. Ibid., 29 March, 1913.
63. Vide supra, p. 165.
65. R.O. Gazette, 1913, Extraordinary, pp. i-iv.
68. Ibid.
69. Ibid., pp. 8-70.
70. Ibid., pp. 50-51.
71. Ibid., pp. 64-65.
72. Ibid.
73. Ibid., p. 13.
74. Here the reference was made to the pamphlet.
76. Ibid., pp. 21-33.
77. Vide the following page.
79. Ibid., p. 37.
80. Ibid., p. 80.
81. Ibid., pp. 41-42.
82. Ibid., p. 43.
83. Ibid.
84. Ibid., p. 50.
85. Ibid.
86. Bihar and Orissa Acts, 1913, (Patna, no date), p. 1, vide the
foot note. It was a government publication which contained
all the clauses of the Act.

88. An Oriya month corresponding to April-May.

89. The Orissa Tenancy Act, 1913, (B.&.O. Act of 1913) (As modified upto 1944), (Cuttack, 1945), p.3. It is a government publication.

90. Ibid., p.4.

91. Ibid.

92. Ibid., pp.8-18.

93. Ibid.

94. Ibid.

95. Ibid.

96. Ibid., pp.34-36.

97. Ibid., p.2.

98. Ibid., pp.36-40.


100. It posed a big problem and was avoided by the British government.


102. It was therefore a certain amendment was felt necessary by the Congress government in 1937.

103. Ibid.

104. Due to this important reason an amendment was made to the original Act in 1929.


109. Ibid.
110. Ibid., 1929, Vol. xvi, No. 2, pp. 91-92 and Vol. xix, Part-III, p. 510. The number of the permanently-settled estates in Orissa was very few and far between. Vide Supra, p. 134.


112. Ibid.

113. Ibid., pp. 276-77.


116. Ibid.

117. Ibid., p. 283.

118. Ibid., p. 286.

119. Ibid., pp. 286-87.

120. Ibid., pp. 288-89.

121. Ibid., p. 290.

122. U.D., op. cit., 14 September, 1929.


124. Ibid.

125. Ibid.

126. Ibid.


128. Vide Supra, p. 75.

129. Vide Supra, p. 67.

130. An amending legislation to this Act was passed in 1934 in Bihar by which the occupancy tenants among other things got important rights like the right to plant trees, establish brick kilns, dig wells, ponds etc. in their
respective holdings. Besides, they also got the right to send rents as well as mutation fees to the zamindars by moneyorder. 

131. Observing the development of tenancy rights in a neighbouring province like Bihar, the Oriya press especially the Navabharat, since its very inception, demanded for some such rights for the peasants of Orissa. It called upon the public spirited people to understand the plight of the Oriya raiyats caused by the Orissa Tenancy Act of 1913, which was nothing but an undesirable imitation of the laws in force in Bengal and Bihar. 


135. Ibid.

136. Ibid., p.1212.


138. Ibid., pp.1213-16.

139. Ibid., pp.1218-20.

140. Ibid., pp.1220-21.

141. Ibid., pp.1221-29.

142. Ibid., pp.1229-31.

143. Ibid., pp.1233-34.

144. Ibid., p.1234.


146. The Samaiga, op.cit., 30 September, 1937.

147. Ibid., 23 September, 1937.

148. Sri Nityananda Kanungo in a recently held interview at his residence in Cuttack told the author that the zamindars were so much exercised over the bill because it affected their vital interests.
151. Ibid., 12 and 16 January, 1938.
152. Ibid., 12 and 16 January, 1938.
154. Ibid.
156. Sri Biswanath Das in a personal interview held with the author in 1938 at his residence in Cuttack narrated the circumstances under which the zamindars were compelled to meet him and how much irritated they were due to this bill.
158. Ibid., 7 December, 1937; *The Deshakatha*, op.cit., 2 February, 1938; *The Krushak*, op.cit., 9 April, 1938. Dain was the same official with whom the Ministry ran into certain troubles in May, 1938 over the question of the temporary leave of absence of Sir John Austin Hubback, the Governor of Orissa. Vide Supra, p. 108.
159. Vide Supra, p. 67.
160. A glimpse of it can be had in the personal accounts of Surendra Nath Dutwe, *August Vinlabe (Oriya Autobiography)*, (Cuttack, 1972), pp. 53-54.
162. Ibid., 23 October, 1937.
163. Ibid., 21 October, 1937.
164. Ibid., 8 November, 1937.
165. Ibid., 29 September, 1937.
166. Ibid., 13 December, 1937.
167. Vide Supra, p. 79.
169. Refer to Chapter I, p. 79; Also vide Sunit Ghose, *Orissa in Turmoil* (Calcutta, 1978), pp. 36-37.
171. Ibid., 18 January, 1938.
172. Ibid., 24 and 30 September, 23 October and 1 November, 1937.
173. Ibid., 23 November, 1937.
175. The Deshakatha, op. cit., 12 and 14 November, 1937.
176. Refer to Chapter I, p. 47.
179. Ibid., Vol. VIII, p. 211.
182. Ibid.
184. Ibid., p. 842.
185. Ibid., p. 844. The part taken by Braja Sundar Das in the discussion held on the Orissa Tenancy Bill, 1937 also finds mention in his biography. J.B.Mohanty and B.Kar(ed.), Braja Sundar Smarak Grantha (Oriya Biography of Braja Sundar Das), (Cuttack, 1962), pp. 4-5.
187. Ibid., p. 847.
188. Ibid., p. 852.
189. Ibid., p. 856.
190. Ibid., pp. 856-57.
193. Ibid., p. 900.
194. Ibid., p. 901.
195. Ibid., p. 905.
196. Ibid., p. 905.
197. Ibid., p. 907.
199. Ibid., p. 912.
200. Ibid., pp. 931-32.
202. Ibid., p. 1188.
203. Ibid., pp. 1189-91.
204. Ibid., pp. 1192-93.
205. Ibid., p. 1199.
207. Ibid., pp. 1217-22.
208. Sri Biswanath Das described the matter in the same tone and emphasis while discussing the evolution of landlordism in India under the British rule in general. The author held a personal interview with Sri Biswanath Das at the latter's residence in Cuttack in 1983.
210. Ibid.
211. Ibid., pp. 1215-16.
212. Ibid., pp. 1251-52.
214. Ibid., p. 1427.
216. Ibid., pp. 1429-30.
218. Ibid., pp. 1797-98.
220. Ibid.
221. Ibid., pp. 2028-29.
222. Ibid., pp. 2025-27.
223. Ibid.
225. Ibid.
228. Ibid.
229. Ibid., p. 2015.
230. Ibid.
231. Ibid.
233. Ibid.
234. Ibid.
236. Ibid., Vol. II, No. 34, p. 2058.
237. Ibid., pp. 2058-59
238. Ibid., pp. 2071-73.
239. Ibid., p. 2090.
240. Ibid.
241. Ibid.
243. Ibid.
244. The Kusshak, op. cit., 18 June, 1933; The Deshakatha, op. cit., 20 August, 1933.
246. Ibid., 10 September, 1938. The Samaja, op. cit., 1 September and 26 October, 1938.

247. Ibid., pp. 65-69.

249. Ibid., p. 12.

250. Ibid., pp. 68-69.

252. Ibid., p. 29.

253. The Orissa Tenancy Act, 1913 (As modified up to 1944), (Cutack, 1945), pp. 1-76. It was a Government of Orissa publication containing all the proviso of this amending legislation.

254. Ibid., pp. 10-11.

256. Ibid., p. 12.

257. Ibid., p. 29.

258. Ibid.

259. Ibid.


263. Ibid., pp. 68-69.

265. The Krushak, op. cit., 7 May, 1938.

266. Ibid., 13 January, 1938.

268. Out of these 15 belonged to the district of Ganjam and 4 to Koraput. For a detail description and history of these estates vide N.K. Rimmer (ed.), Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, (Calcutta, 1918), Vol. II, pp. 3-95.


270. Ibid., pp.6-9; J.N. Mohapatra, Orissa in 1936-37 and 1938-39, (Cuttack, 1941), p.120.

271. J.N. Mohapatra, op.cit.; N.C. Behuria (ed.), Final Report on the Major Settlement Operation in Ganjam Ex-Estate Areas, 1933-1962, (Cuttack, 1963), p.50. Biswanath Das, who was an active leader of this Association, since its inception and later on became the first Congress Premier of the province, narrated in detail before the author the manner in which the Association fought for the cause of the raiyats in the past. The author held a personal interview with Das at the latter's residence in Cuttack in 1963.


273. The Samaja, op.cit.


277. There was no raiyatwadi tract in the district of Koraput. B.K. Mishra, op.cit., p.33 and p.37.

278. Ibid., p.39.

279. Ibid., p.33; N.C. Behuria, op.cit., p.6.


281. Ibid., p.8.


283. Ibid.

286. K.M. Krishnamachariar, The Madras Estates Land Act (Being Act I of 1908), (Madras, 1929), p. 1. It contains all the clauses of this important legislation.
287. Ibid., p. vi.
288. Ibid., p. 1.
290. B.K. Mishra, op. cit., p. 29.
291. Ibid.
292. Tapan Raychaudhuri in an article: "Permanent Settlement in Operation: Bakerganj District, East Bengal" tells that absentee landlordism was a characteristic feature of the Permanent Settlement in East Bengal. Vide Tapan Raychaudhuri, "Permanent Settlement in Operation: Bakerganj District, East Bengal"; Land Control and Social Structure in Indian History, (ed.) R.C. Frykenberg, (New Delhi, 1979), p. 170. Absenteeism was also a marked feature in the agrarian relations of the coastal districts of Orissa during the British rule. Vide Supra, p. 151.
293. B.K. Mishra, op. cit., p. 31.
295. According to Biswanath Das's own statement published in The Krushak he was the chief architect of the raiyat movement in South Orissa. Vide The Krushak, op. cit., 20 January, 1938. In a personal interview held with the author in 1983, Das narrated in detail about the way he organised the raiyats of Ganjam, Koraput and the adjoining areas. He also admired the role of Prof. Ranga who helped him in all these activities.
297. B.K. Mishra, op. cit., p. 32.
300. The Samaja, op. cit., 14 September, 1937.
301. B.K. Mishra, op. cit., pp. 74-75.

302. For a detailed discussion on the rift in the Congress Party, see S.K. (Note: Missing author), p. 74 and p. 75.


304. Ibid., pp. 1032-45.

305. Ibid., pp. 1046-47.

306. Ibid.

307. Ibid., pp. 1050-51.


309. Ibid., pp. 1197-98.

310. Ibid., pp. 1208-09.

311. Ibid., p. 1209.


313. Estates Land Act Committee, Oral Evidence, (Madras, 1938), Part I, p. 1. It was published under the authority of the Government of Madras and indicated the initiative taken by the Congress Ministry in Madras under C. Raja-gopalachari to amend the Madras Estates Land Act.


319. Ibid., (P.O.L.A., 1938)


321. Ibid., pp. 177-78.

322. Ibid., p. 180.

323. Ibid.
324. Ibid., pp. 180-87.
326. Ibid., pp. 184-98.
327. Ibid.
330. Ibid., pp. 267-69.
331. Ibid., Vol. II, No. 10, p. 689.
332. Ibid., pp. 690-91.
334. Ibid., p. 526.
337. Ibid., pp. 759-60.
338. Ibid., pp. 767-77.
339. Ibid., pp. 717-83.
340. Ibid., pp. 783-814.
341. Ibid., pp. 808-15.
342. Ibid.
348. The Krushak, op. cit., 7 May, 1938.
349. The Deshakatha, op. cit., 10 February, 1939.
350. N.M.M.L. (New Delhi), A.I.C.C. Files, Sl. No. 137, PL-21, 1187 (1939-40) Orissa, p. 307. Here the Premier has been referred to as Chief Minister and Prime Minister.

351. The Deshekatha, op. cit., 1 and 3 February, 1939. Rajendra Prasad later on became the first President of the Indian Republic.


353. Vide Supra, p. 80. Sri HareKrushna Mahtab also accounts for it in his autobiography, H.K. Mahtab, Sachcherara Patha (Oriya Autobiography), (Cuttack, 1972), p. 204.


355. Ibid., 5 June, 1939.

356. Ibid., 8 June, 1939.

357. He was one of the leaders, under whom, a group of raiyats belonging to South Orissa had gone to attend the assembly session on an earlier occasion to watch the proceedings of this important bill in the House. Vide Supra, p. 248.


359. N.A.I. (New Delhi), Reforms Office, Files No. 32/4/39, Hubback the Governor to Linthgow, the Governor-General, dated 15 July, 1939.

360. Ibid., Biswanath Das, the Premier to Sir John Austin Hubback, the Governor, dated 26 July, 1939.


362. Ibid.

363. Ibid., p. 309. Here the Premier is referred to as Chief Minister.

364. Ibid., p. 317.

365. Shri Biswanath Das narrated the entire episode relating to the charges levelled against him and told that his final acquittal gave a boost to his image in public life. The author's exclusive interview was held with Shri Biswanath Das at the latter's residence in Cuttack in 1983.


367. Ibid., 28 August, 1939.
The Krushak, op.cit., 7 May, 1936.

The Krushaka, op.cit., 21 May, 1938.

The Sanaja, op.cit., 6 July, 1936. Professor Ranga also recounted the way he along with Biswanath Das worked for the cause of the raiyats in the zamindari estates prior to 1936. The Deshakatha, op.cit., 29 June, 1936.

The Sanaja, op.cit., 1 March, 18 April, 16 August and 1 September, 1939; The Krushak, op.cit., 9 July and 1 September, 1939.

The Sanaja, op.cit., 16 August, 1939.

Ibid., 31 August and 2 September, 1939.

Ibid., 13 September, 1939.

Infra, p. 374.

Infra, (New Delhi), Reforms Office File, op.cit.; Biswanath Das, the Leader of the Congress Legislature Party to Sir John Austin Houbback, the Governor, dated 17 February, 1940.

K.M. Patra, Orissa State Legislature and Freedom Struggle, (New Delhi, 1979), pp.133-34.

N.C. Behuria, op.cit., p.50.


B.K. Mishra, op.cit., p.75.

The second Congress Ministry was formed under the leadership of Sri Harikrushna Mahat and it remained in power from 1946 to 1950. An important amending legislation to the Madras Estates Land Act of 1908 was passed during its tenure in office. Orissa 1949, (no mention of the place and year of publication), pp.85-86. It was a government of Orissa publication.


Vide Safra, p.104.

386. J.N. Mahapatra, op. cit.
390. The Samaj, op. cit., 6 November, 1939.

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