CHAPTER - IV

ODISHA AT THE TIME OF
NABAKRUSHNA CHOUDHURY
PHYSICAL FEATURES

Orissa now known as Odisha, geographically, located in the eastern part of the Indian sub-continent is a ‘maritime state’ with a coast-line of over 482 km, along the east-coast of the bay of Bengal. Presently, Orissa is bounded in the north-east by West Bengal, in the north by the state of Jharakhand, in the West by Chhatisgarh and in the south by Andhra Pradesh. The present area of the state is of 1,55,707 sq kms which is slightly bigger than the total area of England. Population of Orissa as per 2011 census has swelled up to 419 cores indicating 13.97% rise in decennial population growth rate against that of 2001.

The state of Orissa has been constituted of four broad physical regions, the coastal plain covers the undivided district of Cuttack, Puri, Balasore and Ganjam. To the west of the coastal region lays the stretch of hilly regions, called the eastern ghats, beyond this comes the third region, northern plateau, covered with dense forest and hills. Next to the northern plateau come the erosional plains and river valleys of central table land of peninsular India (Rath 1977 25-26).

Orissa is also a riverine state having several important rivers like, the Mahanadi, the Brahmani, the Baitaranı, the Subarnarekha, the Budhabalang and the Rushikulya, which flow south-east bound, from the west, the northern plateau and eastern ghat, before they meet the bay of Bengal on the east-coast.
While the coastal region is thickly populated, thinner population is recorded mostly in the other three regions. But these regions are rich with abundant mineral and forest resources which have attracted huge investment for industrial growth, indicating Orissa’s rapid industrial prosperity. The mineral resources which have a positive contribution to Orissa’s industrial as well as economic growth include coal, iron ore, chromite, bauxite, mica, graphite and manganese. Orissa also known for its rich forest resources and products.

The climate of Orissa is tropical and her average rainfall varies between 40" to 60", annually, but it is not always consistent. Severe floods mainly during the month of August and September often brings untold miseries in the coastal districts, when heavy rainfall is recorded in the highland.

The summer heat all over the state is unbearable in the month of April to mid of June, when normally monsoon breaks out. The rise in temperature (touching 45°C and above) in the western Orissa is due to loss of forest cover caused by mining and industrial growth in those areas. However, being nearer to the bay of Bengal of the coastal region, temperature gets reduced usually.

The average density of population in the state as per 2011 census is 269 per sq km against the all India average of 382. Orissa has a substantial tribal population as well as scheduled caste. As per the census data of 2001, this indicates 22.13% of tribal (scheduled tribe) and of 16.53% scheduled caste population in the state of Orissa.

The tribals, like Savaras, Juongas, Panas Kondhs, Parajas, Santhals, Koyas, Bhuians, and Gadava, live in the contiguous belt, the undivided districts of Koraput,
Kalahandi, Balangir, Sundargarh, Sambalpur, Phulbani (Kandhamal), Ganjam, Dhenkanal and Mayurbhanj. The coastal region does not have much tribal population.

**ORISSA’S HISTORICAL BACKDROP**

A study of Orissa’s political development needs a study of its historical past since early 4th century BC. Orissa or Odra desh (the land of Odras) derives her name from the tribal word ‘Odra’, a name of a flower of ‘red-rose’ grown in forest and hilly regions, called ‘mandara’, a heavenly flower. It is believed that the tribals were the early settlers in the hilly region and forest areas of Orissa. The non-Adivasi (non-tribal) population, concentrated on the coastal regions claim to have cultural links with the ‘Aryan’, who had migrated to Orissa from north-India in the past.

Culturally speaking, Orissan culture has links with both north and south India, and the Orissan language, culture, arts and architecture bears indelible mark of both ‘Aryavarta’ (Northern) and ‘Dakhinatya’ (Southern) culture (Rath 1977: 27).

**ORISSAN POLITICAL HISTORY**

Orissan political history which spreads over a long stretch of nearly 2200 years (starting from 400 BC to 1803 AD, when the British occupied it) is indicative of various invasion and counter invasions, the most important one, being Mauryan emperor Ashoka’s conquest of Kalinga (in 216 BC), which, then, had stretched into a vast area, from Ganga to Godavari. The people of Kalinga, fought bravely but suffered heavy loss of human lives.
ORISSA UNDER THE BRITISH RULE

The British occupation of Orissa marked a new era in the history of Orissa. It was after the second Maratha war, the British occupied Orissa in 1803 from the Maratha rule. The East India Company ruled Orissa for 55 years and after that it was directly ruled by the Crown. They introduced altogether a new system of administration which was based on the direct subordination of the colony to the interest of the colonial power. Thus in the process of development and consolidation of power, this new system had helped the Britishers to extract maximum revenue from the provinces (Das 1994 95).

The far reaching measures were introduced in social, economic and political spheres of the province. The British made their first appearance in Orissa in 1766, and little by little they infiltrated into all parts of this state by mobilizing their military forces to their advantage. They found the political condition of Orissa quite conductive to their expansionist strategy because there was no central administrative mechanism backed up by a well-trained army with advanced weaponry to withstand their onslaughts though their forces were numerically thin (Samal, Nayak 1996).

Observing the true character of the Britishers, WW Hunter says, “True to our national character, we settled in Orissa as merchants long before we made our appearance as ruler” (Hunter 1872).

The British conquest of India was carried out according to the prevailing political situations as well as military conveniences of the conquering power. In the process of territorial conquests the traditional compositions of the socio-cultural affinities
of the various Indian people were very much neglected. As one of the major linguistic communities of the Indian sub-continent, but placed, under several administrative jurisdiction, the Odias suffered the injustice of dismemberment for nearly a century since the British conquest of Orissa in 1803. Ganjam and other Odia-speaking areas situating in south of Chilika lake remained tagged to Madras, Midnapore to Bengal, Singhabum, Sarakella and Kharaswan to Chhota Nagpur division, Sambalpur and Chhatisgarh feudatory states in the west to the central provinces. Thus, when the British occupied Orissa in 1803, it was confined to the three coastal districts of Puri, Cuttack, and Balasore.

After the occupation of Orissa, British Government introduced various economic and social policies which furthering the revenue collection of the government, antagonized the native people. These antagonisms and displeasure resulted in several resistance movements against them. These resistances in Orissa came from the people from the grass-root level. The Paik Rebellion of 1816 or Ghumsor Revolt or other Sporadic Movements, exposed the weak foundation as well as the inherent defects of the British Administration. No doubts, some attempts were made after the historic Paik Rebellion to introduce some reforms in economic and administrative field but these reforms were very negligible to contribute to the general welfare of the people of Orissa. It was not until the “Orissa Famine” of 1866, when Orissa received some special attention of the British Government. Fresh attempts were made to do justice to the people of the province who had been neglected badly. Thus, a new period in the history of Orissa began with the famine (Das 1994).
EFFORTS TOWARDS MAKING ORISSA A SEPARATE PROVINCE

Earlier to 1912, the demands of Odias for a separate province, uniting together the Odia speaking tracts, which were lying scattered as part of the Bengal and Madras presidencies and central province found a vocal expression in 1903. For the realization of this demand, Utkal Gourav Madhusudan Das (popularly know as Madhubabu) became instrumental in the formation of Utkal Union Conference.

Being convinced of the genuineness of the demands of Odias, the Simon Commission that visited India in 1927 strongly recommended for the creation of a separate province of Orissa. The British government accepted the recommendation and gave it a final shape on April 1, 1936. Orissa has the credit of being the first state to be established on linguistic basis in India. The newly created province of Orissa, which came into being as the eleventh state of British India by the Act of 1935 was born in pursuance of the order-in-council of March 03, 1936, otherwise called the government of India (constitution of Orissa) order 1936.

On 1st April 1936, Orissa became a separate province as a result of the persistent demand of the people, movements and agitations as well as due to the untiring efforts of Utkal Gourab Madhusudan Das, Maharaja Krishna Chandra Gajapati, Pandit Nilakantha Das, Bhubanananda Das and many others for long three decades. The newly formed Orissa consisted of six districts namely Cuttack, Puri, Balasore, Sambalpur, Koraput and Ganjam having its capital at Cuttack. Sir John Austin Hubbak took oath of office and became the first governor of Orissa province. The long cherished dream of Odia-speaking people for a pretty long time at last came to a reality. The first sunrise of the independent Orissa province on 1st April.
1936 morning brought new hopes and enthusiasm for the people for which they have been fighting for years together (Das 1994)

**ORISSA AS A SEPARATE PROVINCE**

The new province of Orissa, born with aforesaid six districts on 10 April 1936 covered an area of 32965 sq miles with a population of 80.43 lakhs. Sir John Austin Hubback was sworn in as its first governor. The formation of new province of Orissa was ceremonially inaugurated by Sir John Austin Hubback, in a public meeting held on 01-01-1936 in historic Ravenshaw College, Cuttack amidst unprecedented jubilation of the people (Ghosh 1991: 24).

Between April 1, 1936 and March 31, 1937, Orissa, like the other new province, Sindh, was administered by the governor being assisted by an advisory council, consisting of 20 members who were nominated by the governor. PT Mansfield, the then finance secretary became its ex-officio member. Bahadur Lakshmidhar Mohanty was nominated as the vice president of the advisory council, the president of which was the governor, himself. Administration of Orissa continued under the direct supervision of the governor and assistance of the advisory council till the election was held in January 1937.

**FIRST ELECTED GOVERNMENT OF ORISSA OF 1937**

The first election for the 60 members of the provincial legislative assembly was held in January 1937 on the basis of limited franchise. Out of 60 seats, 56 seats, as distributed community wise, were open to election and the rest four seats were reserved for the backward tribes who were nominated by the government. The
break up of the 56 seats opened to electoral contest was as follows: General seats - 41, Scheduled caste seats - 06, Women seats - 02, Land holders seats - 02, Mahammedans seats - 04, and Christians seats - 01. Out of the total of 4,90,381 voters in the 56 contested constituencies, 2,65,261, about 54% recorded valid votes (Ghosh 1991).

The outcome of the election was unbelievably outstanding. The congress party emerged with flying colours bagging 36 seats out of 40 it had contested. The rest seats went to the union party (06), nationalist party (04) and the independents (10) (Ghosh 1991 31-32).

**THE FIRST MINORITY MINISTRY 1937**

As the leader of the congress legislative party, Biswanath Das accepted the offer of the governor to form the ministry, as the prime-minister, (at that time, the office of the chief minister was known as prime minister) But since the governor was not prepared to give his assurance that he would not exercise his special powers of interferences, in pursuance of the directives of the AICC, on the basis of its resolution, of March 18, 1937. The governor, later, to meet the formalities, invited the leader of the nationalist party, K C Gajapatı Narayan Dev, Maharaja of Paralakhemundi to form ministry as the prime minister (Ghosh 1991).

The Maharaja, having accepted the invitation, formed a three member cabinet, he himself as the prime minister and Mandhata Gorachand Patnaik and Maulavi Muhammad Latifun Reheman as the other two ministers who were sworn in April 1937. But this minority ministry was short lived and resigned on July 1937, only
after 3 months and was replaced by the first popular ministry led by Biswanath Das of the congress, on July 1937. The Das ministry consisted of, besides Biswanath Das as the prime minister, two other ministers, Nityananda Kanungo and Bodhram Dubey. Besides the ministers, four parliamentary secretaries were appointed to assist the ministry and they were Jadumani Mangaraj, Jagannath Das, Rajkrushna Bose and Radhakrushna Biswasray.

The Das ministry resigned from office in 1939 as a protest against British-India government’s decision of India’s join in the second world war without people’s consent and there was a short-spell of governor’s rule in Orissa under section 93 of the Government of India Act, 1935, from 1939 to 1941 which was followed by another minority ministry once again headed by the Maharaja of Paralakhemundi from 1941 to 1944. The province came under the second spell of governor’s rule from 1944 to 1946 and the 2nd election to the provincial assembly was held in 1946.

In this election of 1946, the congress party secured a comfortable majority with 47 seats in a house of 60 seats and formed government with Dr Harekrushna Mahatab heading the ministry as the prime minister of Orissa, who by then had proved himself as the undisputed leader of the congress party. The Mahatab ministry of 1946, which had incorporated Nabakrushna Choudhury as the revenue minister had many achievements to its credit such as, Merger of princely states, construction of Hirakud dam, establishment of new capital at Bhubaneswar and establishment of several big and small industrial units at places like Joda, Barabil. Appreciable progress has been made in various fields particularly in transport, trade and commerce.
MERGER OF PRINCELY STATES, 1948-49

After India achieved her independence on August, 15, 1947 the other major achievement for the whole of India was the merger of around 600 princely states with India, including the merger of 24 garjats (princely states) with Orissa during 1948-49.

On being advised and persuaded by the then home minister of independent India, Sardar Patel, who met the rulers of the princely states (garjats) in a conference at Cuttack on December 14, 1947, the rulers of 23 princely states, with the lone exception of the princely state of Mayurbhanja, signed the Instrument of Merger Agreement on December 14-15, 1947. The merger of these 23 princely states came into effect on January 1, 1948. Those 23 princely states which got merged with the province of Orissa in as on Jan 1, 1948 were (names alphabetically arranged) Attagarh, Althamalick, Bamra, Baramba, Boudh, Bonai, Daspalla, Dhenkanal, Gangpur, Hindol, Kalahandi, Keonjhar, Khandpara, Narasinghpur, Nayagarh, Nilgiri, Pal-Lahara, Patna, Raïrakhol, Ranpur, Sonepur, Talcher, Tīgiria. The Maharaja of Mayurbhanja, Signed the Merger Agreement on October 17, 1948 as a result of which, Mayurbhanja state got merged with Orissa on 1st January, 1949 and thus the princely states of Orissa rose to 24 (Patra 1979).

The merger of 24 princely states added a new leaf to the political and administrative history of Orissa. The merger added 27445 sq miles of extra area with the province's original area of 32695 sq miles, thus increasing the total area of the province to more than 60 thousand sq miles. The total population also got swollen up to 40% (from 8 Million in 1936 to 15 million in 1949), adding a lion-share to the
earlier tribal population of Orissa. With the merger of such a vast area with large population, the government was compelled to redraw the territorial map by casting seven more districts by which the number of districts has been enhanced to thirteen. These are Cuttack, Puri, Balasore, Ganjam, Dhenkanal, Keojhara, Sambalpur, Balangir, Mayurbhaja, Phulabani, Sundergarh, Kalahandi, and Koraput.

**SOCIAL WELFARE POLICY IN ORISSA (1936-1950)**

The concept of a welfare state to be implemented in independent India found its access in the deliberation of the constituent assembly which met in its inaugural session on December 9, 1946. The constituent assembly had been assigned with the responsibility of framing a new constitution for India’s democratic polity. The constitution guarantees every citizen certain rights, liberties and aims to promote the welfare of the people by imposing certain obligation on the government.

The Directive Principles of State Policy (DPSP), as laid down in our constitution in part IV (Article 36 to 51) requires the government to promote the essential principles of welfare, which were regarded as “fundamental in the governance of the country”, for the common good and welfare of the people of India.

In early 1950s, the government of India had enacted several ‘social welfare legislations’ which can be grouped under following four head, such as (i) Laws seeking to abolish social evils like untouchability (Abolition of Untouchability Act), or economic evils like Zamindary system of land tenure and revenue (The Estate Abolition Act) (ii) Laws providing essential social services to the people such as education, health, housing town planning etc (iii) Laws related to social security.
and social insurance (Employees State Health Insurance Act, 1948, Employees Provident Fund Act, 1952) (iv) Laws providing certain social welfare measures for the benefit of certain sections of the population, particularly women, such as Hindu Marriage Act of 1955, Suppression of Traffic on Women and Government Act of 1956 etc (Rath 1977 19-20)

SOCIO-RELIGIOUS REFORMS

The origin of social welfare policy in Orissa can be traced to the first popular congress ministry of the province from 1937 to 1939, led by the prime minister Biswanath Das. The government, following the policy of the congress party and being influenced by the ideals of Gandhiji, adopted several socio-economic measures with aim of establishing a welfare government in the province. Special emphasis was given on the programmes like the removal of untouchability and enforcement of prohibition. A special fund was allocated for the education of the scheduled castes and scheduled tribes. Gandhiji made an attempt in 1938 to convince the orthodox Hindus to open the doors of their temples for the harijans (untouchables). Another important social programme of the congress ministry was to introduce prohibition in the province. By the Act of 1935, excise was made a provincial subject and that opportunity was utilized by the congress to introduce a new excise policy aiming at total prohibition in the state. Two Acts were passed in the assembly by the first congress ministry for this purpose of prohibition. The Opium (Orissa Amendment) Act, 1939 was adopted in the assembly without much discussion on 25th February 1939. It empowered the excise officer to investigate the offences coming under the cognizance of the Opium Act. Such an enactment was needed for effective supervision, direction and control of the prohibition laws in the district of Balasore.
The Orissa Prohibition Act of 1939 was piloted in the assembly which was more comprehensive in nature. Another laudable attempt of congress ministry was to streamline the management of the Hindu religious endowments in 1938 and it was finally passed in the assembly in February 1939. It marked the beginning of a new chapter in the history of the management of religious endowments in the province. Some of its important provisions were the appointment of a single commissioner of endowments for the whole province and diversion of the extra funds of the endowment for secular purposes especially for educational programmes, etc.

**SPREAD OF EDUCATION**

The congress ministry also introduced a new scheme for the spreading of primary education on an experimental basis. That was known as the basic system of education. It was meant to generate the spirit of self-help among children and to remove their distaste to do manual labour. Congress government has taken another laudable step in the direction of wiping out illiteracy from the province. Massive campaign was made to make the people conscious by which they would take steps to make their children educated.

Among the regional development programmes of the congress ministry the most important was the introduction of local self-government in Sambalpur. The Sambalpur Local Self-Government Bill, 1939 was adopted in the assembly on 8th December 1939 by which grass-root democracy could be realized on the same line as the coastal district of Orissa. Bodhram Dube, as the minister for local self-government, assured the House to prepare a consolidated local self-government.
Bill for the whole province by co-coordinating various local board laws prevalent in different parts of the province.

Another political achievement of the congress ministry was relating to the implementation of the Princes Protection Act. The Governor of Orissa was willing to extend all kinds of help to the rulers for suppression of the popular movements whenever they arise in their states but the congress ministry decided otherwise. Under the Government of India Act 1935, the power to enforce the Princes Protection Act was transferred to the provincial government.

Other significant administrative steps of the government can be analysed as follows:

(i) The Orissa Tenancy (Amendment) Act, 1938 granted the right to landholding raiyats in Zamindari areas of the northern districts to transfer occupancy holdings. This Act abolished mutation fees, reduced the rate of interest on rent arrears, and recognized the legal right of occupancy. Thus, the raiyats were able to enforce their claims over the fruits of the trees and fish of the ponds situated on their holdings.

(ii) The Orissa Small Holders Relief Act of 1938 intended to prevent the illegal eviction of small holders of land by the Zamindars.

(iii) The Orissa Money lenders Act 1939, controlled the malpractice in the rural money-lending business and reduced the oppressive rate of interest commonly charged by the village money-lenders.
The congress ministry of Biswanath Das (during 1937-39) initiated social campaigning against the use of liquor even though this measure was likely to have negative impact on the collection of excise duties. However, the campaign against illiteracy had a very positive impact on the society. People could realize the value of education in their life. The Biswanath Das government also accepted the recommendations of the Thakkar Bapa Committee by initiating certain tribal welfare policies in 1946-1950.

The Biswanath Das ministry before submitting his resignation moved a long resolution in the assembly on 3rd November 1939. It was initiated to protest against the declaration of the British government involving India in the war (war against Hitler of Germany on 3rd September, 1939 by England and France led to the World War II) without the consent of the Indians and also against the right to self-determination and principle of provincial autonomy. The resolution wanted that all war measures in the province should be undertaken with the consent of the provincial government. The debate continued for two days and the resolution was accepted by the Assembly on 4th November. Immediately after its acceptance, Biswanath Das announced the resignation of his ministry. The assembly was prorogued. Thus, the tenure of the first congress ministry, which had continued in office from July 1937, came to an end in October 1939 (Rath 1977).

THE SECOND MINISTRY OF MAHARAJA PARALAKHEMUNDI
(DECEMBER 1941 – JUNE 1944)

The coalition ministry, with the Maharaja of Paralakhemundi, as the prime minister, with Pandit Godavarish Misra, an eminent poet and nationalist leader and
Maulabi Abdus Sobhan Khan, an important Muslim leader, as ministers. This ministry, particularly its most enlightened minister, Pandit Godavansh Misra, is remembered for establishing the Utkal University at Cuttack in 1943. Thereafter, this ministry had opened up government colleges at Puri, Balasore and Sambalpur, in 1944 for the spread of higher education in the province. In the same year, for better medical and health care, this ministry also established the first medical college in Orissa — the Shriram Chandra Bhanja Medical College at Cuttack, popularly known as S C B Medical College and Hospital.

The congress ministry headed by Dr Harekrushna Mahatab which was formed after the election, held in 1946, also followed the social welfare policy of the predecessor, i.e., the welfare policy of 1938 initiated by Biswanath Das ministry. This government had enacted a number of vital legislations with the aim of bringing socio-economic upliftment of the common people. One such law was the prevention of Social Disabilities Act of 1946 (as amended soon) which was enacted to eradicate the social disabilities suffered by the harijans, (the Untouchables), the depressed classes and the like through ages. The practice of untouchability in any form was legally prohibited. The other two Acts passed in 1947 and 1948 needed special mention. The first one was the Ganjam Small Holders’ Relief Act of 1947, which protected the small land holders of Ganjam district against the oppression by the money lenders. The second one, was the Orissa Tenants Protection Act of 1948 that provided protection to certain classes of sharecropper tenants (Bhag-Chasi) from illegal eviction by their landlords (Rath 1977: 71).

Another memorable achievement of this ministry was the appointment of the Land Revenue and Land Tenure Committee, 1946, headed by the then revenue...
minister, Shri Nabakrushna Choudhury, who submitted his report (published in 1949) suggested several land tenure reforms, including abolition of Estates (Zamindary).

For taking care of the tribal welfare a new administration department was formed, called the backward classes welfare department, later named as ‘The Tribal and Rural Welfare Department’. This department was responsible for all welfare activities relating to the tribal people, the scheduled castes and other backward sections of the community. However, the financial crunch during 1950-51, the beginning of the first five year plan for Orissa (1951-1956) and the earnest preparation by the political parties for the first general election to be held in 1952, brought a halt to all social welfare programmes up to 1952.

The congress ministry from 1952 to 1957 started the implementation of the first five year plan (1951-56) in Orissa. It enacted several welfare legislations, such as, Orissa Secondary Education Act and the Orissa Mining Areas Development Fund Act, adopted in 1952. The Orissa Maternity Benefit Act and the Orissa Bhodan Yagna Act were passed in 1953. The Orissa Prevention of Gambling Act of 1954, the Orissa Anchal Shasan Act, the Orissa Shops and Commercial Establishment Act and the Orissa Tenants’ Relief Acts, were enacted in 1955 and further, the Orissa Prohibition Act of 1956 was also passed (Rath 1977 42).

### WELFARE OF THE PEASANTS (1936 - 50)

#### Protection and Relief of Tenants

The first phase, in the evolution of tenancy legislation in Orissa, in the present century extended from 1913 to 1945. This phase marked the enactment of the following four tenancy laws, to the benefit of the tenants and these were...
Orissa Tenancy Act 1913 as amendment from time to time

The Orissa Small Holders Relief Act of 1938

The Orissa Tenancy (Amendment) Act, 1938

The Orissa Money-lender’s Act 1939

These laws, with their progressive outlook, made the raiyats of Orissa fairly secure their occupancy rights, in the enjoyment of fruits and fish in their land and tanks lying on their holdings and made them free from the arbitrary eviction by their landlords. The raiyats also got relief and protection from the oppression of the greedy money lenders.

During the second phase from 1946 to 1950, several protective legislations for the benefit of the tenants were made and steps were also taken to initiate structural changes in the land tenure and land revenue system of Orissa.

The Orissa Tenancy Act was amended in 1946 and 1947 to give adequate protection to the tenants, service tenure, jagir holders and non-agricultural tenants in respect of their rights over home-stead. Relief for small holders in the district of Ganjam in respect of areas of rent was provided for in the Ganjam Small Holder Relief Act (30) of 1947. The Orissa Tenants protection Act of 1948 gave wide protection coverage to the Bhaga Chasis or share croppers, within the state of Orissa. This Act provided a broad definition of the term ‘Bhag’ or ‘Sanja’, or ‘Kata’ including those who cultivated other’s land on the condition of delivering to the owners, a share of the produce or the estimated value, of a portion of the produce of land cultivated by them. This Act also imposed several restrictions on
(a) A land holder (with more than 33 acres of land) evicting the cultivator-tenant (at his sweet-will)

(b) Payment of not more than one-third of the gross produce as rent to the superior land holders, under produce-rent system, if the tenant was enjoying 'Occupancy Right'

(c) Tenants, without security of tenure, to pay more than 2/5th of the gross produce as rent to the land owners

The Act further provided that, any dispute between a 'Bhag Chasi' and landlord was going to be settled by the collector or any officer, so authorized on his behalf. Thus, the Orissa Tenant’s Protection Act, 1948 was a statutory welfare measure, authorizing the state, to interfere and regulate the extraneous relationship between the tenants and the landlords.

Another welfare measure was the Orissa Merged State (Laws) Act 1950, which extended the benefit of Orissa Tenant Protection Act to the persons cultivating ‘Khamar’ (personal) land of the rulers of merged states. This Act of 1950 also protected those tenants, who were holding lands under service tenure (jagir lands) from the arbitrary eviction by the rulers. Subsequently, the government amended Sec 235 of (OT) Orissa Tenancy Act 1913, by the Orissa Amendment (Act XVIII) of 1950, which stated that, if a service tenure holder ceased to perform service for any reasons, he should have the right to acquire occupancy right on his service tenure land.

This Act has a remarkable impact on the Zamindary system and the respectable position of the Zamindars in the Society with the discontinuance of the personal service (jagir) rendering system, in lieu of the service lands and benefiting the service tenures with grant of tenural security.
First Phase of Agrarian Reform in Orissa for the Welfare of Peasantry by the Popular Government (1947-52)

After the independence, the popular government in Orissa emphasized the land reform measures with the intention of abolishing the system of intermediary tenure existed between the tiller and the state, the tenancy reforms, the fixation of ceiling in agricultural holding, and the Debt Bandage Act to free the bonded agricultural labourers from the clutches of money lenders and feudal lords. Further, it was observed that, behind such an enactment, the intention of the government was to liberate the peasants from the feudal burn, to ameliorate agricultural growth and to bridge the gap between the rich and poor. Thus, the popular government in Orissa in 1947 took a revolutionary step to bring an agrarian reforms by amending, the then existing tenancy laws, as the revenues made in these tenancy laws between 1937 to 1947 did not benefit the tiller of the soil and also did not provide the tillers adequate safety and security along with the passage of time.

It may be recalled that by 1950, along with the merger of princely states in Orissa (during 1948-49) several revenue laws, each different from the other, such as the Orissa Tenancy Act, The Madras Estates Land Act of 1908 and Central Province Tenancy Act were in force in Orissa (Das 1989 130).

To streamline the anomalous situation of this type, relating to discrepancies in tenurial laws in Orissa, the provincial government, appointed a committee in November, 1946, known as the Land Revenue and Land Tenure Committee, headed by the then revenue minister, Shri Nabakrushna Choudhury (This committee was formed under the Orissa Government resolution No 7533/R dated 15 Nov 1945)
The committee under his chairmanship was given the responsibility of recommending legislative and other measures for reforming the different land tenure systems prevailing at that time in Orissa. The Nabakrushna Choudhury committee submitted its report on 7th July, 1949, (although in April 1948, Shri Nabakrushna Choudhury resigned from his ministry as the revenue minister) recommended in clear term for the abolition of Zamindary system in the province, as the first phase of land reform or agricultural reforms, in the best interest of the common good of the peasants and tillers of the soil.

Before we dealt upon a little later the details of the Nabakrushna Choudhury committee report, it appears relevant to examine the provision of the Orissa Preservation of Private Forest Act in 1947, in order to save the private forests from destruction by the Zamindars who had by then, sure of the abolition of Zamindary system. Penalties were also provided for them who violated this Act. Further, when it came to the notice of the government that the landlords were also resorting to large-scale alleviation of communal, forest and private lands in receipt of higher premium, the Orissa Communal-Forest and Private Lands (Prohibition of Alleviation) Act 1948 (Act 1 of 1948) was passed, with the retrospectively effective from 1st April, 1946. The Act prohibited sale, mortgage, and lease or otherwise assigned or alleviation or conversion into Raiyat’s lease of any communal forest or private land without previous sanction of the Collectors of the district.

The Existing Land Tenure System in Orissa (Prior to 1950)

The province of Orissa, between April 1937 and May 1950 experienced varieties of land tenure system. The land tenure system in the coastal districts of Orissa
(Cuttack, Puri, and Balasore) was regulated by the Orissa Tenancy Act, 1913, subsequently amended in 1938, 1946 and 1947. In these districts there were 305 permanently settled estates (each headed by a Zamindar), regulated by the Permanent Settlement Regulation of Bengal or Cuttack Settlement Regulation XII of 1805. The revenue of these estates were fixed permanently under the aforesaid regulation and each zamindars (who were the proprietor of the states) paid every year to the government, permanently fixed amount, as ‘Peshcus’ (Peskish), a small share of his income in respect of the 305 permanently settled estates. The proprietors or the zamindars of rest 12706 temporarily settled estates, used to pay 50% to 55% of gross assets of the revenue (the revenue of such estates being fixed in each periodic settlement) to the government, annually on the fixed dates. There were also a large number (about one Lakh) of revenue-free-estate (La-Khiraj), the holder of which enjoyed the estate free of cost. The areas which were not in the category of estates were called ‘Khasmahals’ the land held or directly leased, or otherwise directly managed and controlled, by the government. In Orissa, there also existed a large number of revenue intermediaries, recognized as minor revenue officials and village headman like ‘Pradhans’, ‘Mukadam’ and Surbarakar’s at the settlement of 1837, who had obtained legal rights as subordinate proprietary tenure holder, in land under the Zamindars, to whom these subordinate property holder paid the rent to be deposited in the State Treasury by the Zamindars.

In the districts of Ganjam and Koraput, the land revenue and landlord-tenant relationship was governed by the Madras Estates Land Act of 1908. The three broad systems of land tenure which prevailed in Ganjam district included, first, Zamindars of permanently settled estates, held land under sanads or government grants, the
land dues of such were fixed and their proprietors were under legal obligation to enter into written agreements with their tenants, in matters relating to rent. Second, the ‘Inam’ lands comprising those granted by the ‘Zamindars’ and recognized as ‘Inam’ by the Inam Commissioner appointed in 1862. Third, raiyats, who held land in raiyatwan areas, in which the raiyats held, land directly under the government and enjoyed permanent occupancy rights (Rath 1977 80).

The (MEL) Madras Estate Land Act, 1908 was also made applicable almost to the entire district of Koraput, the ancient Zamindari of Jeypore, whose participation was prohibited by law, extended over most of the district. Smaller Zamindari, Pachipenta also, held land in the district. Rar yatwar system prevailed in the Rayagada Subdivision, along with Mustajar system, in which a Mustajar (enjoying rent free land), served as an agent of the Zamindar for the collection of land rent for a village (Rath 1977).

“The important difference between the Orissa Tenancy Act and the Madras Estate Land Act in regard to recording encroachment over waste land is that the person encroaching upon raiyat land for a continuous period of 12 years automatically becomes a raiyat, under the Madras Estate Land Act, unless in the meantime, the land holder (i.e., Zamindar) initiate a suit for eviction, whereas under section 61 of the Orissa Tenancy Act, a raiyat who unauthorizedly occupies waste land for a continuous period of four years, the consent of the land holder (proprietor) is deemed to have been given to the occupant, unless in the meantime, he makes an application to the collector for his ejectment” (Ganjam Major Settlement Report 21-22). In Ganjam Settlement Operations (1938-1962), 2,345 95 acres were recorded.
as encroachment on communal lands. The encroacher was liable to eviction, if no permission was taken from the collector for encroaching upon communal lands.

For revenue administration, the Sambalpur district was divided into two categories of tracts:

(a) ‘Khalsa’ the land held by village headman directly from the government,

(b) The ‘Zamindars’ of which there were 17, covering an area of 3,248 square miles.

In Sambalpur, the district recognized as proprietors and sub-proprietors as six classes of people:

1. Zamindars
2. Malguzars (traditional village level revenue collector)
3. ‘Gauntias’, headmen in Khalsa Villages, who were responsible for the payment of a lump sum assessed on their villages,
4. The bhogra-bhogis, generally belonging to junior branches of the gauntia families and enjoying parcels of land in Malguzari villages,
5. Malik-Makbuzas, a very small class, holding small parcels of land in Malguzari village,
6. Brahmottars, land or plots granted in perpetuity to Brahmins and others for Hindu religious purposes.
In the feudatory states, (merged with Orissa in 1948-49) there was no uniform revenue system. The landowner class in these territories comprised the Rulers, the Zamindars, the Thikadars, or revenue collecting agents. There were also revenue free land tenure, held by village servants and artisans, ‘Kharpos’ or maintenance grants or service jagirdars, debottar grants or grants in favour of Hindu deities, particularly of Jagannath Deba of Puri. However, after the merger of princely states, the tenancy rights of occupancy raiyats were stabilized (Rath 1977 81 82).

This was, in brief, the picture of the diverse land tenure and tenancy system in the different part of Orissa.

The Outcome of the Land Revenue and the Land Tenure Committee

The Land Revenue and Land Tenure Committee (commonly known as Nabakrushna Choudhury Committee) submitted its report in July 1949. Its recommendation was as follows -

(i) Abolition of all estates and intermediaries (as existed till 1949) in the land tenure and land revenue system in Orissa, with “regulated compensation” paid to them.

(ii) It proposed for the introduction of uniformity in all parts of Orissa, the raiyatwari system of direct relationship between the cultivator-owner of the land and the government representing the community interest in land.

(iii) The committee also proposed a system of decentralized revenue administration, under which, local bodies, to be called ‘Anchal Shasans’, were
to be entrusted with the collection of land revenue as well as administration of welfare schemes

The Orissa government accepted the recommendation of the committee elaborated in the report, and the first step, taken for the abolition of estates in Orissa

The Orissa Estate Abolition Act, 1952

The Orissa Estates Abolition Bill was introduced in the state legislature on 17th January, 1950 and was passed by the state legislature on 28th September, 1951. The Bill after getting President’s assent on 23rd January, 1952, was published in the Orissa Gazette on February 9, 1952 as the Orissa Estates Abolition Act, (Act I of 1952)

The Act precisely provided for the abolition of all rights, title and interest in land of intermediaries by whatever names it was known, including the mortgages and leases of such interest between the raiyat and state of Orissa, for vesting in the said state of the said right, title and interest. The aim and objects of the Act largely correspond to the basic ideas of our constitution, laid down in Article 39 A and Article 39 B in Part IV, entitled (DPSP) Directive Principle of State Policy, which directed the state “to secure economic justice for all and to that end, to secure the ownership and control of all material resources of the community”, for the interest of common good and prevention of concentration of wealth and means of production to the common detriment. The primary purpose of the Act was to abolish all Zamindaries and other proprietary estates as laid down in the preamble had been accepted by the Supreme Court in the case of K C Gajapati Narayan Dev and others Vs state of Orissa (ILR, 1954, Cuttack 353). The delay in implementation of the Act and vesting
of estates as provided in the Act was because of several litigations in which the Act was involved. Finally, with the disposal of all writ petitions, challenging the Act, the notification relating to the vesting of estates in the government with effect from 10th November, 1953 was made in the official gazette.

Briefly speaking the main purpose of the Act was to abolish all Zamindars and proprietary estates and intermediary interests on the state of Orissa and to vest them with the Government of Orissa and finally, to bring all raiyats or the tiller of the land in direct touch with the government.

The Orissa Estates Abolition Act 1952, contain seven chapters and the Act had been amended 26 times, subsequently between September 6, 1952 and May 17, 1986, to meet the changing need of the time (Das 1989 202 203) The Act also provided for payment of compensation to all estate-owners, on a sliding scale computed on the net income of the estate. The amount of compensation, along with 2.5% interest per annum was to be paid in 30 equal, annual installments. The Act further provided for establishment of “Anchal Sasan” which was never actually introduced, as by 1957, the state had changed its policy regarding revenue administration (Rath 1977 84).

In between November 1952 and April 1956, 14,347 estates out of the total of 2,91,382 estates of different categories in Orissa were vested in the state (Government of Orissa 1952 53)
In the 2nd phase, up to November 14, 1957, the total no of vested estates had risen upto 18, 926, leaving behind 2, 72,456 minor, revenue free estates and tenures, awaiting abolition under the Act of 1952 (Government of Orissa 1957)

The Estate Abolition Act faced many difficulties, in time of its implementation The intermediary interests produced technical difficulties for government servants by refusing to submit or transfer papers and records But the most significant obstruction against the Act was raised in the Law Courts Big Zamindars of Ganjam district filed many writ petitions in the High Court of Orissa and obtained stay order of the High Court against the abolition procedure But on 30th January 1953, the High Court delivered its judgment and rejected the plea of the Zamindars that the Estates Abolition Act of 1952 was an infringement of the rights of property, guaranteed by the constitution Then after, the Zamindars took it to the Supreme Court, Challenging the Constitutional Validity of the Act But, in May 1953, the Supreme Court disallowed the appeal of the Orissa Zamindars and upheld government proceedings and acts regarding Zamindari abolition (Government of Orissa 1962)

At the end of 1947, 36 writ petitions to the Orissa High Court and 48 appeals to the Supreme Court of India, all relating to the ‘inam’ estates in Koraput and Ganjam districts were still undecided (Rath 1977 86)

As the Orissa Board of Revenue concluded in their Administrative Report of 1956, all that the law makers had intended by the Estates Abolition Act of 1952 was not achieved by 1956 “A vast leeway still remained to be covered A beginning was, however, made to bring the raiyats directly under government For nearly two
hundred years in the recent past, Government had been out of touch with them. Their welfare could be looked after directly after the elimination of the intermediaries” (Government of Orissa 1952)

POLICY FOR THE WELFARE OF WEAKER SECTION OF THE STATE: (Scheduled Castes, Scheduled Tribes, Other Backward Class-1937-1950)

Prior to the inauguration of our constitution in 1950, that provided for abolition of untouchability and prohibited its practice in any form, the Scheduled Castes were treated by the traditional caste Hindus as ‘untouchables’ Their condition in several areas was quite miserable and they had bound to lead a scheduled life in their small huts, which were lying separated from the main part of village, where lived the upper-castes, the four higher castes of Hindus like, the Brahmans, the Kshatriyas, the Vaisyas and the Sudras. In town, also the untouchables (called Panchamans as they belonging to the fifth caste, the lowest rung of the social ladder) lived not in the main locality but in the outskirts.

When Gandhiji (Mahatma Gandhi) visited Orissa in 1921, in his speech, called the congress workers to wipe-out completely the social evils of untouchability. He also called the untouchables as Harijans (Children of God). Complete irradiation of untouchability was made an integral part of the social objective of the Indian National Congress Party. The Congress Party’s Election Manifesto of 1936 clearly declared “It (the congress) holds that they (the Harijans) should be equal citizens with others, with equal rights in all civic matters” (Nehru 1941)
The first popular congress ministry of the province, headed by Biswanath Das in Orissa from July 1937 to October 1939 took several welfare measures reflecting a welfare ideal government as under

The Orissa Tenancy (Amendment) Act 1938 granted to the landholding raiyats in Zamindari areas, the right to transfer of occupancy holdings, recognized the legal right to enjoy the fruits in the trees and fish in the ponds situated in their holdings. Further this Act abolished mutation fees, reduction of interest on rent.

The ministry also passed “The Orissa Small Holders Relief Act of 1938” that was designed to prevent the eviction of small holders from attachment and sale of their movable property after obtaining court order by Zamindars.

Further, the Orissa Money-lenders Act of 1938, introduced to check the malpractices in rural money lending business by the village money lenders of charging oppressive rate of interest from the villagers.

The ministry also initiated prohibition and literacy campaign in all parts of the province. It also appointed Partially Excluded Area Committee under the chairmanship of Thakkar Bapa, for recommending measures for abolition of age old system of ‘Bethi’ and ‘Begari’ or unpaid labour exacted from the tribal people by the landowners in excluded area. The committee also recommended legal measures for the promotion of public health, medical aid and education among tribal people of the province.

The second congress ministry (1946-49) headed by Dr Harekrushna Mahtab initiated progressive legislations to remove civil disabilities among the Harijan and
to ameliorate the social condition of the Harijans in the province. One such law was the Orissa Removal of Civil Disabilities Act, 1946 that made unlawful any discrimination against the Harijans in entering any 'secular institution' including a public place like schools, college, hostel, restaurants, and parks. In Orissa Legislative Assembly there was hardly any opposition to this legislation, rather there was a strong demand for the strict enforcement of the Act (Government of Orissa 1946). Soon after the adoption of the Act, order was issued by the government that no discrimination was to be made in the admission and seating of aboriginal and scheduled class children in school and hostels (Government of Orissa 1950).

Another law, entitled, The Orissa Temple Authorization Act (1948) was also empowered the government of Orissa to allow the entry of all Hindus, including the Harijans to all Hindu temples. This Temple Entry Authorization Act, removed the age-old social inequalities among the Hindus and made the social attitude of caste-Hindus much more flexible in favour of the removal of untouchability. However, in the 1950's the Government of Orissa had implemented several schemes for the advancement of Harijans and for the welfare of tribals in the province of Orissa.

The newly created province of Orissa, in 1936, several areas was earmarked as tribal areas called “The Partially Excluded Areas’ which included (i) District of Sambalpur (ii) Angul Subdivision of Cuttack district, (iii) The Ganjam Agency Areas including Kandhamal Sub-division, (iv) the district of Koraput.

In order to understand the problems relating to the tribal backwardness in the province of Orissa and to sort out their problems, the government of Orissa appointed ‘The Partially Excluded Area Enquiry Committee’, headed by A V Thakkar.
and its report (1940) univocally stated that the tribal people of the partially excluded areas would need special protection against their exploitation by the non-tribals. The committee further recommended as follows:

(i) Protection against exploitation by the professional money lenders

(ii) Abolition of ‘Gothi’ system (then in practice) or the debt bondage system, by law

(iii) Establishment of credit institutions like co-operative credit societies and grain ‘golas’ (stores) to advance loans to the needy (Adivasis)

(iv) Prevention of alienation of land made in payment of loans or debts to the money lenders by way of legal protection

(v) Abolition of Bethi system (a system of forced and unpaid labour in the partially excluded areas of Koraput, Ganjam Agency Tracts & Khandhamals

(vi) Introduction of cottage industries such as spinning, weaving, bee-keeping, poultry-breeding, lac-growing and the like

(vii) Establishment of the hospitals and health centre for proper treatment of diseases of tribals

(viii) Opening of large number of primary schools, higher elementary schools for children’s and evening school for adult in tribal areas

(ix) Enfranchisement of tribals and their representation in the provincial legislature
(x) Revival of village panchayats in tribal areas for promoting adivasis training in self-government at the grass-root level

(xi) Establishment of backward class welfare department in the state to monitor the tribal department programme

The provincial government of Orissa implemented the recommendations of the Thakkar committee for the welfare of the tribals. Those recommendations were as follows

(i) The government in 1947 created the new Department of Backward Classes Welfare Department, which was renamed as Rural Welfare Department in 1949

(ii) As required under the new constitution, a ministry for Tribal and Rural Welfare (TRW) was appointed by the governor of Orissa in 1950 to look after the tribal welfare in particular

(iii) The Rural Welfare Department was recognized as TRW Department (Tribal Rural Welfare Department) having an enlarged scope of adopting several schemes for the welfare of tribals in 1950

(iv) To advise the government pertaining to tribal welfare and advancement of the scheduled tribes (STs), the governor of Orissa constituted in 1950, a ‘Tribal Advisory Council’ consisting of 20 members. The council had the chief minister of the state as its chairman, the minister for Tribal and Rural Welfare, 5 members of legislative assembly and 13 members belonging to the tribal community
A systematic planning for the welfare of backward classes, mostly the scheduled caste and scheduled tribes beginning from 1951-52, in pursuance of the guideline of 1st Five year plan, government of India and the government of Orissa implemented several special schemes for the welfare of the backward classes, mostly the tribal of the state. The welfare scheme adopted during the period 1951 to 1956 fell into four brand categories, (i) educational advancement, (ii) economic upliftment, (iii) improvement of health and sanitation and (iv) social and miscellaneous (Government of India 1956-57).

The government also adopted different protective measures in order to improve the status of the scheduled castes and scheduled tribes in the society and for the welfare of other backward classes by introducing and implementing policies like (a) Abolition of Gothi or Debt Bandage in 1948 (The Orissa Debt Bondage Abolition Regulation, 1948 to abolish the age old goti system and its continuances in future) (b) Prevention of Alienation of Tribal Lands (The Agency Tracts Interests and Land Transfer Act of 1917 was amended by Orissa government in 1948 and it was given effect to the tribal areas in 1949).

As, the aforesaid discussion reveals that, it was the foremost policy of the provincial government of Orissa to introduce and implement social welfare policies mostly for the peasants in the agricultural sector and for the tribal and backward classes in their social development and economic advancement. With the inauguration of the new constitution on January 26, 1950 and formation and implementation of the first and second five year plans of Orissa during 1951-1956 and 1956-61 in the congress government in Orissa (April 1946 to Oct 1956) aimed...
at the social development in general and development of material and human resources of Orissa in particular, through state initiation in diverse fields of socio-economic activities, as a part of progress and welfare of Orissa
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