

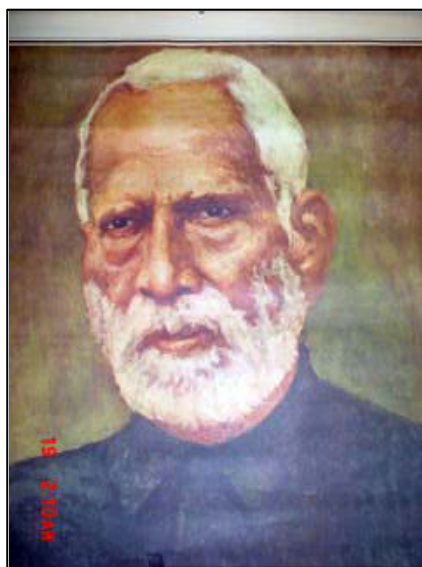
Pioneer of Law Madhubabu and Its Legacy in the Domain of Odisha

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“Though the truth is open to all, many do not feel any urge to seek. Of those who have the urge, many suffer from doubt and vacillation. Even if they do not have doubts, many are scared away by difficulties. Only a few rare souls succeed in braving the perils and reaching the goal”.

BHAGAVAD GITA.

Social change is the immutable reality of history, speaks of no laws, no directions and no continuity. On the theoretical plane, major analytical models pertaining to social change lays stress on explaining the change rather than engineering it. The urgency of engineering social change in India is evident from the fact that mainstream social system is subversive to the interests of the masses. Social change is, as a theoretical concept, a neutral notion, It, by itself, speaks of no laws, no directions and no continuity. It may be regressive and progressive. it may simply be a process or a movement in the form of a continuous determinate change.



Each social system has its own peculiarities and its own requirements. Hence, no unilinear theory can be scientifically applied to all situations. Much of Odisha’s social peculiarities have been generated by complex historical realities, dating back to the ancient past. Moreover the eminent personalities like Madhubabu the legend of Odisha better known to all as Madhubabu is Odisha and Odisha is Madhubabu. It is quite pertinent to discuss here some background of the legal luminary for his eminent personality not only inside Odisha but also in India.

Madhu Sudan was born on 28th April in the year 1848 in the village Satyabhamapur in the District of Cuttack. He was the son of an affluent peasant of the area named Raghunath Das. Since childhood Madhusudan had a keen interest for higher education in his village. He came down to Cuttack and passed the entrance, now called Matriculation examination from the Ravenshaw Collegiate School, in the year 1864. When Madhubabu was reading in Ravenshaw Collegiate at Cuttack there were a

few Odia students and mostly it was a school of Bengali boys. Seeing Madhubabu wearing Mufassil dress they were tittering him. Thinking of past history of Odisha which was extended from the Ganga to Godavari by the valour of the brave Odia soldiers Madhubabu had cherished in his mind since then that he would in his life time unify the Odisha State which had been truncated by Britishers to several parts and each part had been amalgamated to either of the neighbouring provinces Bengali, Bihar Madhya Pradesh and Madras. Britishers had been able to conquer Odisha only by dubious methods after conquering all other parts of India with a view not to give any chance to that chivalrous Odia Nation to rise against. They broke its back bone by splitting the State into several parts and merging those to different provinces.

After passing Matriculation Madhubabu wanted to get higher studies at Calcutta as Britishers had not established any College in Odisha with a view to keep the Odias in dark for ever. But father of Madhubabu had no capacity to spend money to send Madhubabu to Calcutta for higher studies. So with a daring mind so to say in empty hand he went to Calcutta and by dint of strong desire and undaunted will he could manage to read there and became first B.A. first M.A. first B.L in the year 1878, who was the first Advocate of Odisha. By dint of his intelligence, bravery and strong determination Madhubabu could have earned a lot as a lawyer at Calcutta. But his heart was always crying for his neglected and suffering of birth place dominion.. So at last he came to Cuttack in 1881 to have legal practice as a lawyer. Bengali and Madras lawyers had made monopoly of the legal profession in Odisha. Madhubabu was not allowed to enter into Bar Association common room. However in course of time he proved his merit and became the leading lawyer. Very soon he earned reputation

in the field of legal profession for his exceptional intelligence and keen foresightedness. He contested and won a number of famous and complicated cases. Even if European judges of the High Court held his in high esteem and popularly called him as Madhu Barrister.

Madhubabu had the rare distinction of becoming First Odia in a number of fields and some narration are given below which would definitely surprise the readers.

1. First Odia Graduate
2. First Odia M.A
3. First Odia Law Graduate
4. First Odia Advocate
5. First Odia to visit Europe.
6. First Odia to become a member of Provincial and vice regal Legislative Council.
7. First Odia Minister.
8. First Odia Minister to resign for not taking salary meant for Ministers.

By that time he came to Cuttack in 1881 Ravenshaw College had been started and Law Class had been opened there. But due to want of good teacher no student was able to pass the B.L Examination. So the law class was going to be closed. Hearing this Madhubabu went there as an honorary teacher with a view to create law graduates and Advocates so that monopoly of outsiders would be quashed. He made students pass and the law class continued. But when he became Vice Chairman of local Board he could not afford to give time for law class and it was closed. But subsequently by his unturned steady striving he could get the Law College established at Cuttack which is now named as Madhubabu Law College. By this he could succeed in his idea

of creating sufficient number of Odia Lawyers and as a result today many Law Colleges had come up and Odia Lawyers are found in all parts of Odisha and their bar council stands majestically in Cuttack. Legal professionals are under a moral obligation towards such sections of the society who are unable to protect their lawful interests. Madhubabu had brought Railway to Odisha and High Court Bench to Odisha for getting relief by Odias at door step and the Lawyers reaped the benefit.

When all political hierarchies were deliberately trying to erase the memory of Madhubabu from public mind with a view to beat their drums. I hope, in grieved heart, that Odisha Bar Council and All Odisha Lawyers Association should strive hard to make the residential building of Madhubabu as a National Memorial and name the road in front of his residence after his name and moreover make the Law College established at Cuttack named in the name of Utkal Gourav Madhusudan Das.

Breaking of Monopoly of outsiders in legal practice is one aspect of life of Madhubabu. Legal professionals constitute an enlightened section of the society who wields knowledge of law as a very potent weapon. But he is great in Odisha and also in India for so many other benevolent works.

A lawyer is not merely a craftsman, or even an artist. He has a special role in our society. He is a professional especially ordained to perform at the crisis time of the life of other people and almost daily, to make moral judgements of great sensitivity. He is an important hand at wheels of our economy and of course as the custodian of the flaming world of individual and professional liberty, as well as of the public order.

In his view Law is not only instrument to usher in social change. Education, consensus by

negotiation and convincing, voluntary action, public opinion, principles of morality that herald social transformation in the system. Shortly Madhubabu got himself established in practice. Thereafter he wanted to give shape to his desired dream that he would raise the financial condition of downtrodden Odias infusing a new life into them. So he constructed a workshop in his residential site for fine Art filigree workers and sumptuously gave money to purchase gold and silver and produces fine ornamental materials. He paid them daily wages before those were sold. The products were highly appreciated and welcomed. He had made exhibition of those articles in London when he had gone there for purpose of taking steps for making Odisha province and had wondered the people there about the dexterity of the articles. He spent money to purchase Charaka and distributed those freely to people to spin thread and freely donated looms to make cloth and become self sufficient. Like this he started many Cottage Industries for the people. He was the first man to start Swadeshi Industry and it was Utkal Tannery which gave employment to the depressed and downtrodden Mochies (cobblers) and many others. The purpose was also to arrest the economical exploitation of our country by the foreign colonial Government. Most of the Odisha people were dependent on agriculture. So for the first time, he made a democratically elected body of the cultivators namely Praia Prarisad and made different demands against the tyrannical torture and financial exploitation of Bengali Zamindars and claimed many reliefs for the cultivators who were the backbone of the society.

He had established "Utkal Sabha" in 1882 for political rise of the Odia speaking people. He was elected member from Odisha to the Bengal Bihar Odisha State Council. He was the first Odia to become a Minister. When

Madhubabu was Minister he had prepared local self government Act (Municipality Act). Sir Henry Wheeler of England had said “The Silt Mr. Das had passed had powers in local bodies to far greater extent than in England”. This shows Madhubabu was a great Jurist, legislator and democrat. He was the first Odia who had resigned from Ministry to work for the people freely without taking any salary, and perhaps he remains the first person like this in India till now. He was the first man in Odisha who had been elected to the Viceroy Council in Delhi. He was the first man in Odisha to get the highest honorary title of CIE from British Government along with Gokhle in all India basis.

The connotation of the word ‘Nation’ is congeries of people of common descent, language and history inhabiting in a territory bounded by defined limits. ‘Odia’ is an old historic language of a warrior race of Odias which had conquered and carved out a great empire from Ganga to Godavari and even, in the First Century B.C Kharavel the Great Emperor of Kalinga had almost conquered whole of India.

Madhubabu started working for his cherished idea since his childhood of reviving Odisha State unifying all spotted parts of it. He was the first member of All India National Congress along with Gourishankar Roy from Odisha. There he raised the question of making the Odisha province on linguistic basis unifying all its shattered parts bringing from the neighbouring provinces. But the majority of all India level Congress Leaders was from Bengal, Bihar, Madras and Central province who did not agree with the sinister view of not losing the Odia speaking areas from their provinces. Of course later when Gandhijee was convinced about the need of formation of linguistic States after interaction with Madhubabu, the Congress had

passed a resolution in favour of creating linguistic provinces. But they did not take any initiative to put into action this approved resolution.

Madhubabu organized a separate organization namely Utkal Union Conference i.e. Utkal Sammilanee for the purpose of creating a separate Odisha province unifying all Odia speaking tracts. The aims and objectives of Utkal Sammilanee or Utkal Conference was not only to fight for formation of a separate State of Odisha, but also to give political training to budding potential leaders like Gopabandhu Das, Nilakantha Das, Brajasundar Das, Laxminarayan Sahu and others. For the purpose of creating Odisha State he had even gone twice to London at his own cost and had been able to influence the M.Ps there about his cause and had even addressed the British Parliament for that purpose. He was the third person by that time to get the prestige and credit of addressing the British Parliament.

Though Congress leaders of Odisha at the instance of those big leaders of other provinces, unfortunately had gone against and fought with Madhubabu tooth and nail to deter him from growing success in his mission for achieving a separate province for Odia speaking people, ultimately Madhubabu was able to get Odisha province created although in incomplete form. After that those leaders who were opposing Madhubabu enjoyed the benefit of becoming Chief Minister and Minister of Odisha and later as Minister of India also. It is a disgrace that those people enjoying the fruits of toil of Madhubabu had tried and also trying now their utmost to dump his memory in the abyss of oblivion. The Congress which had opposed Madhubabu for creation of a linguistic State followed that principle later after independence and now India comprises of so many linguistic States.

Madhubabu was the first man in India who started Charakha movement and got prepared country made cloth much before Gandhiji's movement for Charakha and Khadi. Madhubabu was the first man in India who had started cottage industries like filigree work, horn works and other traditional village and cottage industries in India.

He was first in India to start Swadeshi Industry like 'Utkal Tannery' which had spread its name and fame all over the world to its credit particularly during the First World War. He was the first man in India who had started the agitation for the right of people for processing salt from sea water and demanded to exempt Tax from it much before Gandhijee started his salt movement. He was the first man who had started cooperative societies in Odisha and in India. He was the first man who had fought for the right of ladies to practise as lawyer in Court and had got such right enacted, in form of a legislation for which now we have got ladies as judges even in Supreme Court. He was the first man who had opposed the caste system and started untouchability movement which later inspired Gandhijee to follow it up. He was the first man who had tried to introduce agriculture and Handicraft in the School Education before Gandhijee thought of Basic Education. He was the first man in India to use mother tongue Odia in nothing minutes and proceedings of Utkal -Sammilanee and had tried to introduce Odia as official and Court language. He had created Odisha Deputy Collector Cadre' and 'Odisha Police Cadre' and Judicial Cadre with a view to have Odia Officers to run the administration when Odisha province would be formed as a separate Provincial Unit.

Madhubabu had helped people of Odisha in almost all fields. His help to flood hit and drought hit people of Odisha was unique. He had

attempted to preserve and keep alive the originality of melodious Odissi music organizing weekly Music symposium at his residence. He had formed Odisha Sports Association to keep alive the local sports and had also created all possible facilities for foreign games like Tennis, Billard etc in his residence. He had tried to preserve old heritage of Odisha and had influenced Viceroy Lord Curzon to preserve the dilapidated Sun Temple at Konark and for that only the sculptural marvels of Konark Temple has now placed Odisha eminently in the world Map of Tourism. He preserved the right of Gajapati King (Maharaja) of Utkal along with the sanctity of Jagannath Temple from treacherous attempt of Britishers to spoil these traditional institutions of 'Odia' nation by grabbing the control of the both.

Madhubabu had made so many good and benevolent works for Odisha and saved the Odia people in so many ways that there would be no end to it if narrated one by one. When Pandit Gopabandhu Das returned from Hazaribag Jail, a hearty felicitation was given to him by people of Odisha in a great well attended public meeting. Bengal people called their provincial leaders as Desabandhu Desapremi etc. But in that public meeting Acharya Prafulla Ch. Roy, a leader of Bengal, was present there to give standing tributes to Gopabandhu Das and adorned Pandit Gopabandhu Das in the public meeting as 'Utkalmani' and not as "Bharatmani". So in the same analogy Madhubabu is 'Utkal Gourav' not 'Desa Gourav' or 'Bharat Gourav' since he was an Odia.

Already it is discussed the achievements but he is notable in every respect, Madhubabu is the first man in sponsoring so many pioneering works and activities in India which stand for his greatness and acumen. Besides all these I now

point out one or two facts which would show that Madhubabu was a personality of all India stature and not confined to Utkal or Odisha. In the last part of 19th Century and first part of 20th century many educated luminaries in India had been converted to Christianity by missionaries, besides Anglo Indians. Madhubabu had been elected consecutively twice as the President in All India Christian Association. That goes to show his all India status as a leader and eminent personality. Pandit Nehru had said Madhubabu was a great luminary not only of Odisha but also of India. He had further stated that many times Madhubabu was offered Presidentship of Indian National Congress, but he did not show any interest for such an elevated dignified post. It is evident that he had not become President of National Congress apprehending that his much cherished Odisha State could not be formed as he had to be abided by the resolution that passed by majority of Congress men not to proceed for a linguistic province of Odisha. Had he become the Congress president most probably the Odisha State could not have come into existence. But had he become President Odisha Congress men would have been humming his name every now and then and even his photo would have been adorning in the Central Hall of Parliament.

It is indeed quite evident to mention here one instance about the great magical personality of Madhubabu. Once difference of opinion cropped up between Gandhijee and Chittaranjan Das a Bengali Leader, to such an extent that Chittaranjan babu had to shun the Congress Organization, as a result of which Congress suffered a lot. Big congress leaders could not find out way to mitigate the difference. Ultimately Rabindranath Tagore thought of Madhusudan Das, whom Chittaranjan Das was respecting as his 'Guru' and Gandhijee was also vociferous in praising Madhubabu in his 'Young India'.

Personality like Tagore requested Madhubabu to use his good office in mitigating misunderstandings between Gandhijee and Chittaranjan Babu. Madhubabu obliged and became successful in mitigating the differences between Gandhiji and Chittaranjan Babu.

Madhubabu had a most respectful ascetic character and was having a body charged with occult power, coming in touch of which the pain and suffering of people were alleviated. Rarely, such people in political area of India are found. I refrain myself from dealing with that aspect of Madhubabu because of want of space.

Madhubabu had started all the works first by spending money from his own pocket before Gandhijee started to advise people to do those works form the platform of Congress organization. Therefore 'Gandhijee had said that Madhubabu was a pathfinder for him like Tolstoy. For the works and achievements of Gandhijee he has been called as 'Father of the Nation'. If Gandhijee had said that Madhubabu was his pathfinder, then at least it can be said that Madhubabu is not only Utkal Gourav, but also Bharat Gourav, for all these unique qualities and towering personality he has rightly called as utkal Gourav" or pride of Odisha. The great soul breathed his last on 4th February 1934. The great hero brought up and with bravery fight for his motherland tried his legal best to contribute that the common people can stand, speak, and feel proud privilege that we are Odias.

Conclusion

Maximum freedom fighters are belonging to one community that is advocacy and the religion is law, their caste, colour, creed and thought has no difference at all in response to achieve the noble purpose. Persons belonging to legal profession are concededly the elite of the society. They have

always been in the vanguard of progress and development of not only law but also the polity as a whole. Common citizen look at them with high hope and expectations for traversing one the new paths and virgin fields to be marched on by the society. This professional activism and the pioneer of law has undoubtedly performed its duties and obligations have never hesitated to shoulder its responsibilities in larger interests of mankind.

The basic quality is that a legal professionally person must demonstrate include not only his knowledge of law but also analytical and intellectual ability coupled with a total commitment towards the obligations of the profession vis-à-vis the society. So the legal experts like Madhubabu are expected to be driven by compassion and humanitarian approach in collaboration with the State policy for the greater interest of the society. Profession is noble in every respect but founded with great traditions. It is neither a trade or commerce nor a quest for pelf. It is apart of the larger scheme of the welfare state that we have spoused, where the larger public good takes precedence over all narrow personal or parochial interests. Legal fraternity, which includes members of the bar and bench, academicians involved in teaching and research of law, legislative draftsman, those advising the business activities or working as law officers, whether in Government or private sector, is answerable to the social conscience of the society. It is crystal clear that legal pioneers have a glorious past. It is important to remember the great visionaries in the profession who enriched the field of law with their acumen and erudition. Their contribution has to be kept in mind the dignity of State is above the law. So to say feel inspired and motivated and do utmost welfare work with in ethics to achieve the goal with the existing system.

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