
**Role of Dr. Bidhan Chandra Roy in Protecting the Interest of West Bengal
with Special Reference to ‘Berubari Movement’**

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Abstract: *It is an undeniable fact that the partition of India as well as Bengal in 1947 has created many permanent problems and thereby we, the people of India particularly the Bengalese are experiencing with anxieties, pain of lose and hoping to solve many unsolved issues till to-day. The Berubari issue is one of such event which was created due to partition of Bengal. Actually, Berubari was treated as a part of West Bengal and of course of India. The dispute over Berubari Union is the culmination of events going as far back as 1947 when the Radcliffe Award was made and demarcating the boundary between the two newly created provinces of West and East Bengal. In accordance to the Radcliffe Award Berubari Union No. 12 comprising an area of 8.75 sq. miles situated in Jalpaiguri district and was described as part of West Bengal and allotted to India. But the map annexed to the Radcliffe Award, however, showed this area as part of East Pakistan. In that context, the Government of Pakistan started claiming that area and in order to solve the problem finally the much talked ‘Nehru-Noon Agreement’ was signed in 1958. By centering this issue from local level to State level along with the National level leaders of almost all political parties and different organization raised their voices against the un-Constitutional move of Pundit Jawaharlal Nehru in terms of ‘Transferring Indian Territory to Foreign Country’ and ultimately as a mark of victory of mass movement the Central Government was forced to stop the matter from further proceed.*

Key words: *Award, Boundary, Demarcation, Foreign ,Transfer, Territory, etc.*

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Introduction

It is widely known to that entire boundary between India and Pakistan was fixed by Sir Cyril Radcliffe and the boundary line is known as Radcliffe Line. In that case some dispute was raised

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on account of inaccurate depiction of the maps drawn by the Radcliffe Award and out of which one such dispute was Berubari Dispute. This dispute was raised due to omission in the written documents. Actually, Radcliffe had divided the district of Jalpaiguri in between India and Pakistan through awarding some thanas i.e. Police Station to one country and others to another country. It may be noted here that at the time of drawing boundary line Sir Cyril Radcliffe kept in mind some thanas namely Tetulia, Panchagar, Debiganj and Patgram but somehow ignored the name of Boda thana. The abovementioned thana areas were included to East Pakistan presently Bangladesh. Incidentally, Berubari Union No. 12 lies within the jurisdiction of Kotowali Police Station in Jalpaiguri district and that was awarded to India. The omission of the thana named Boda along with the erroneous depiction on the map enabled Pakistan to claim that a part of Berubari belonged to it. As a result of that border problem between India and Pakistan started due to the difference between the boundary line and partition report made by Sir Cyril Radcliffe. It was in 1952 that Pakistan for the first time alleged that under the ‘Radcliffe Award’ the Berubari Union should have formed part of East Bengal and that it had been wrongly treated as part of West Bengal.¹ After that, some correspondence took place between the Prime Ministers of India and Pakistan, and finally in order to resolve the boundary dispute between the two countries on 10th September, 1958 a agreement known as ‘Nehru-Noon Agreement’ was signed by Pundit Jawaharlal Nehru, the Prime Minister of India and Feroz Khan Noon, the Prime Minister of Pakistan and thereby created ‘Berubari Union Dispute’ into the minds of the people of India as a whole and West Bengal in particular.²

Nehru-Noon Agreement and Creation of Berubari Union Dispute

A tiny part of the northern district of Jalpaiguri in West Bengal comprising an area of 8.75 sq. miles where 12,000 people lived among which Muslims were only 100, suddenly hit the banner headlines of news papers and thereby as many as four adjournment motions were moved by the opposition members on 15th December, 1958 at the commencement of the winter session of the West Bengal Legislative Assembly on the statement of Pundit Jawaharlal Nehru, the Prime Minister of India in the Lok Sabha on the 9th December, 1958, over the decision to transfer

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Berubari Union of Jalpaiguri district in West Bengal territories to Pakistan on the basis of the “opinion of Revenue officers of West Bengal”.³

Opposition Demand for Discussion in WBLA and Government Strategy

Due to the repeated demand of the opposition leaders namely Jyoti Basu, Deben Sen, Hemanta Basu, Apurbalal Majumder etc. for discussion on this significant issue in the Assembly, the Congress party as well as Government of West Bengal followed strategic policy of inertia and taciturnity. The Speaker of the House informed the opposition leaders that as the matter is under the purview of Lok Sabha and as a result of that at the time of enactment, the opinion of the concerned State might be sought and in that opportunity the members of the West Bengal Legislative Assembly will get opportunity to express their opinion on it.⁴ As the opinion of two Highest Government Officers of West Bengal with this sensitive matter therefore, there must be an open discussion in the Assembly House. In principle the Congress members of the House had the similar opinion as like as the opposition demands, but as per the directives of the party High Command, they had nothing to do but followed the strategic policy of inertia. In the meanwhile, Dr. Bidhan Chandra Roy, the Chief Minister of West Bengal received the clarification from the Prime Minister of India in the form of telegraphic reply in connection with the involvement of two highest officers of West Bengal. It would be appropriate to quote the full text of reply of Pundit Jawaharlal Nehru:

“I was referring to the boundary problems and said that we considered those at the official level first with Secretaries and Revenue authorities advising us. The Prime Minister of India and Pakistan met and considered the matter. Among the matters was that of the Berubari Union which both sides claimed as a whole. Thereafter, I am reported to have said ‘we accepted the advice chiefly of the Revenue authorities and others of West Bengal that this might be done’. As reported this might create some misapprehension. I used this phrase broadly in the sense that we were consulting those people for all these problems. I was not thinking at the time of the Berubari Union only. It is certainly not true say that we took the decision to transfer parts of Berubari Union on the basis of the opinion of Revenue officers of West Bengal. Revenue officers had nothing to do with this particular matter. This was an ad hoc decision taken after consultation

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between our officers and West Bengal officers. Responsibility was on us, not on the Revenue officers. I am speaking in Rajya Sabha today (16th) and shall try to clear this up”.⁵

Dr. Bidhan Chandra Roy Reveals the Fact of Alleged Opinion of Govt. Officers

After sufficient enquiry in Government level as well as personal level the Chief Minister of West Bengal Dr. Bidhan Chandra Roy further informed the House that at the time of Nehru-Noon conference, ‘State Government revenue officers, Chief Secretary S. N. Ray and director of Land records, Raghu Banerjee, were among the Bengal team who were present in the ante-room but did not give any opinion regarding the matter of ‘transfer of parts of Berubari Union’ because they were not authorized to do so’.⁶ It is fact that at the time of signing of the ‘Nehru-Noon Agreement’ the Chief Secretary of West Bengal as well as some State Revenue Officers were present and that they were asked how division of the Berubai Union could best be effected, whether vertically or horizontally. But the view of the State Government is that such officers were obviously not empowered to concur in decisions as to policy. They assumed that they were merely to suggest how a policy decision, if made, could best be implemented. On the other hand the Prime Minister thinks that although Berubari did not stand out in the talks relating to the general agreement, the impression given by the West Bengal officials’ one of tacit approval.⁷

United Resolution of WBLA on Berubari Union

On 20th December, 1958, Dr. Bidhan Chandra Roy, the Leader of the House in consultation with Sri Jyoti Basu, Leader of the Opposition drafted the text of the special motion on Berubari issue which reflected the popular opinion on this matter. All section of the House forgetting their party colour united in passing the motion that “without prejudice to the right of this Assembly to express its opinion on any Bill that may be brought in the Union Parliament for the purpose (re-adjustment of boundaries between West Bengal and East Pakistan) and in view of the fact that the area known as Berubari Union in the district of Jalpaiguri has been all along under the lawful control and possession of the State of West Bengal, in view of the fact that any readjustment of boundary which may result in the transfer of any part of the territory of the Berubari Union to

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East Pakistan will adversely affect the economic life and security of the people of the area, This Assembly is of opinion that the said Berubari Union should remain a part of the territory of the Union of India”.⁸

Stand of Dr. Bidhan Chandra Roy and His Government

The very concrete and clear stand of Dr. Bidhan Chandra Roy and his Government on the issue of transfer of parts of Berubari to Pakistan by the ‘Nehru-Noon Agreement’ was an unambiguous with the following remarks: “So far as this Government is concerned, we have spent money in that area for construction of roads, bridges, etc. and also have settled some refugees for which money has been spent by the Government of India. We are, therefore, very keen that the Berubari union should remain with West Bengal which has been controlling and administering this union”.⁹

Emphatic Protest and Reasons behind the Place of the Matter before the House

As demanded by the opposition, explaining why Dr. Bidhan Chandra Roy had agreed to place the issue of Berubai Union before the House, as the Chief Minister of West Bengal said: “The reason why, when the matter was placed before me, I thought of bringing it before the House for discussion, is that I thought it would be better for the Government of India to know the feeling of West Bengal, of the people of West Bengal, of all shades of opinion and that we should lay before them our emphatic protest against the re-adjustment of boundary in the manner suggested by the two Prime Ministers.”¹⁰ It was agreed that half of the Union amounting to more than four square miles would be transferred to Pakistan.

Question on Federal Structure in Regard to Central-State Relationship

The Berubari question has not merely affected relations between the Union Government and the Government of West Bengal. The manner in which it is likely to be settled will have significant effect on the fortunes of the party in power in the State at the next election also. In that context, it might be observed that for smooth functioning of the federal system it is essential to develop

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certain healthy conversations. The power to enter into treaties is undoubtedly with the *outré*; as a matter of law, the consent of the State affected by action on the part of the Central Government, is not necessary. Nevertheless, it is in the ultimate interest of the country that power should be exercised as far as possible in a democratic manner. It can, of course, be said that the State Government, having been apprised of what was happening, should have taken steps at the earliest possible stage. On the other hand, as the responsibility for the exercise of paramount power is with the Centre to take formal steps to ascertain the wishes of the State Government in a matter which affects that State vitally.¹¹

Fearing of Fresh Refugees and Re-habilitation out of the Agreement

It might seem at first sight that the proposed transfer of only 4.37 sq. miles to Pakistan is not a matter of great importance. It will however, mean the uprooting of some 6000 (six thousand) persons in the area, of whom again a large proportion are refugees from East Bengal. The transfer would thus add to or aggravate the already very serious problem of refugees assailing the State. Moreover, over the last 13 years, Government has spent large amount of money, including over a lakh of rupees in the form of loans, on the area to develop its resources and improve the condition of life of the people living there.¹²

Further Unanimous Resolution of WBLA on Berubari Union

Again, on 29th November, 1960, demanding retention of the said territory within the Indian Union the unanimous voice was resounded in the House of the West Bengal Legislative Assembly opposing the transfer of Berubari as envisaged under the ‘Nehru-Noon Agreement’. Moving the special resolution Dr. Bidhan Chandra Roy, the Chief Minister of West Bengal emphatically stated that “we have every right to tell the people of India that we do not want to part with Berubari Union not merely because of sentiment, but because it is an integral portion of the Country”.¹³

Opposition’s Pressure on the Contradictory Statements of Prime Minister- Chief Minister

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It is unfortunate that on the same day as Berubari was being debated in West Bengal Legislative Assembly, going against of his earlier telegraphic reply, Pundit Jawaharlal Nehru asserted in Parliament that during talks with Pakistani representatives the officials of the West Bengal Government were present in Delhi and the External Affairs Minister had consulted them on the points concerning the State. The Commonwealth Secretary had reported to him (Prime Minister) the concurrence of the Bengal representatives of the transfer.¹⁴

Naturally, this type of statement of the Prime Minister of the country gave the opportunity of the opposition parties in the Assembly House and thereby they termed it as ‘contradictory statements of the Prime Minister and the Chief Minister regarding prior consultation with the State Government on the issue of transfer of Berubari’. In response to the pertinent points raised by the oppositions, Dr. Bidhan Chandra Roy in a brief statement on the floor of the Assembly House openly contradicted the statement of the Prime Minister and boldly reiterated that “the decision to partition Berubari was entirely done at the Prime Minister level and not on the advice of the Revenue Officers, and certainly not on the advice of the West Bengal Government”.¹⁵

Prime Minister’s Indication to Pakistan Pressure

It is needless to say that by centering the Berubari Union issue whether the Government of West Bengal had the prior approval or not, the two top leaders of the country publicly contradicted each other. Under the circumstances, in course of a letter to Dr. Bidhan Chandra Roy on 10th December, 1960, the Prime Minister indicated that ‘Pakistan President General Ayub Khan’s reaction to any change on Berubari was not favourable and his letter to the Indian Prime Minister was “rude and objectionable in tone” and, therefore, he had no other alternative but to proceed with the Bills’.¹⁶

Local Problem to National Problem

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A national convention was held on 22nd March, 1959, at Manikganj, a border area, where about 8-10 thousand people were assembled to show their protest against ‘Nehru-Noon Agreement’ and its possible consequences. The convention was presided over by Shri Nirmal Chandra Chatterjee, once classmate of Sir Cyril Radcliffe during his study in England. Criticizing Jawaharlal Nehru’s role, in his presidential address Shri Nirmal Chandra Chatterjee compared ‘Nehru-Noon Agreement’ with the ‘Munich Pact’ of 1938 where in order to protect their interest British and French Prime Ministers sacrificed the interest of Czechoslovakia. Mr. N. C. Chatterjee further stated that the character of the Berubari problem was not a local one but it assumed the shape of national one also. As a mark of protest, against the signing of ‘Nehru-Noon Agreement’ a ceremonious Oath was taken by the *Arya Natya Samaj*, a local drama society, on 23rd March, 1959, under the Presidentship of Pritinidhan Roy to start all India basis active movement if the initiatives of transferring Berubari to Pakistan was not withdrawn.¹⁷

Role of Hindu Mahasabha and Janasangha

In the pretext of the Berubari dispute, Shri Nirmal Chandra Chatterjee, leader of the Hindu Mahasabha and a well known pleader commented that by ‘Nehru-Noon Agreement’ a conspiracy has made to give half of Berubari Union to Pakistan and as consequence of that the national consciousness and protest has echoed. Finally, Shri Nirmal Chandra Chatterjee appealed to Pundit Jawaharlal Nehru to withdraw his plan of transferring Berubari to Pakistan.¹⁸ Pundit Dinadayal Upadhyay, the then General Secretary of the Janasangha at the time of delivering his speech at a Press Conference in Lucknow on 21st March, 1959, said that a protest movement will be starting on all India basis.¹⁹

Berubari Defence Committee

In the meanwhile, under the banner of the ‘Berubari Defence Committee’ (in Bengali, it was ‘Berubari Pratiraksha Committee’, founded on 14th September, 1958)) a vigorous movement started against the anti-Bengal stand of Pundit Jawaharlal Nehru and thereupon the Berubari issue subsequently became the basis of mass movement in West Bengal as a whole and the

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district of Jalpaiguri in particular. The prominent local leaders of the ‘Berubari Defence Committee’ were Satish Roy Pradhan, Sudhangushu Majumdar, Nirmal Basu, Amar Roy pradhan, Rama Prasanya Roy, Dharani Mohan Roy, Devi Kanta Roy etc.²⁰

It is noteworthy that on 26th January, 1961, the day of the celebration of 10th ‘Republic Day’ of India, as many as twelve thousand people of South Berubari under the banner of ‘Berubari Pratiraksha Committee’, gathered at Manikganj and took Oath i.e. ‘*Sankalpa*’. Giving signature with their own blood and establishing ‘*Sankalpa Bedi*’, the agitators told that ‘*Rakta Debo, Pran Debo, Berubari Chharbona*’ i.e. if needed we are ready for giving blood and sacrifice our lives; we will not leave Berubari under any circumstances.²¹

Un-Constitutional Bill and the 9th Amendment of the Constitution of India

It has already been stated that crossing across the party line the general public opinion were consolidated against the Government of India’s stand in relation to the transfer of a part of Berubai Union to Pakistan. In that context, the question arose in regard to the power of the parliament to transfer of a portion of territory of Berubari to Pakistan. In that context, as a follow up of a litigation filed by one Nirmal Basu in the Supreme Court of India, the Constitutional Bench was formed by the Judges of the Supreme Court of India namely Justice S. K. Das, Justice Gagendra Gadkar, Justice A. K. Sarkar, Justice Subba Rao, Justice Hidayetullah, Justice K. C. Dasgupta and Justice J. C. Shah.²² On behalf of the Government of India, Mr. M. C. Sitalbad, Attorney General of the Central Government argued that the transfer of Berubari as per the ‘Nehru-Noon Agreement’ was only a simple matter of changing border. Therefore, it might be done by administrative decision. But, Mr. S. M. Basu, the advocate General of West Bengal counter argued that in accordance to the Article No. 3, only the area can be changed in case of internal part of different States and Constitution should have to be amended for giving any portion of territory to foreign country.²³ The detail examination of Article 3 was done by the Supreme Court Constitutional Bench as per the reference made by the President in 1960. The Supreme Court held that the parliament of India is not competent to make a law under Article 3 for the implementation of the Nehru-Noon Agreement and thereupon the conflict in judiciary and

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legislature was inevitable. However, observing the turmoil situation and mood of the people as a whole the Hon’ble Supreme Court of India in a historical verdict on 14th March, 1960, stated that according to Article 3, it cannot be possible to ‘transfer of any territory of India to foreign country’ So, in order to put in practice this agreement, Article No. 368 or Article No. 3 must have to be amended. In a nutshell, this transfer of portion of Berubari Union No. 12, is quiet impossible as per present Constitution. However, after the verdict of the Hon’ble Supreme Court of India the Central Government through the Ninth Amendment Bill of the Constitution made the ‘transfer of territories’ constitutional.²⁴

Therefore, it is found that many front ranking leaders from various political parties across the country moved violently towards the Berubari. The direct involvement of different fire brand leaders crossing across the party colour undoubtedly gave an enthusiastic sprit to the movement. However, due to the mass movement by the local agitators along with the participation of all the political parties of West Bengal and finally the intervention of the Hon’ble Supreme Court compelled the Government of India under the Prime Ministership of Pundit Jawaharlal Nehru to leave the matter from further proceed. In addition to that due to sudden change of contemporary political situation in national and international level along with the drastic deterioration of Indo-Pak relation are also be considered as the reasonable excuse not to implement the ‘Nehru-Noon Agreement’ at that moment of time.

Conclusion

It has already been discussed in many ways in various occasion that Dr. Bidhan Chandra was took the responsibility as the Chief Minister of this ‘problem state’ of West Bengal, leaving his ‘first love’ and very lucrative medical profession in which he had the opportunity to earn money as much as he want. As the Chief Minister, Dr. Bidhan Chandra Roy always tried his best to be impartial across the party politics and in regard to discharge his administrative duties. To him, protection of the interest of West Bengal and its overall development was the prime concern and for that he had fought even against the Government of India headed by the most charismatic political personality of post-independent era i.e. Pundit Jawaharlal Nehru. This was not the only

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occasion that the Dr. Bidhan Chandra Roy had raised his voice against the decision of the Government of India and the Prime Minister publicly. It is mention worthy that whenever the interest of Bengal demanded he had raised his head or registered his protest against any unjust treatment meted out to his beloved State of West Bengal. In case of Berubari Union, his role is one of such glowing examples.

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