Chapter IV

ASSEMBLY RULES AND CONDUCT OF THE MEMBERS

The members of the legislature are expected to observe certain norms of behaviour for the smooth conduct of business of the House since their activities inside the House as the representatives of the people have a great bearing on their image outside. The members are also required to perform their legislative duties in accordance with the rules of procedure and conduct of business in the House. The rules of the House are amended from time to time. For instance, the Assam Legislative Assembly passed a resolution on 5 July 1957 with a view to examining the rules of the Assembly then in force. Accordingly a Rules Committee headed by the then Speaker, Dev Kanta Barooah, was appointed. The Committee prepared a report and it was accepted by the House on 12 November 1957. The report was subsequently published in the Assam Gazette on 18 December 1957.

During the period of our survey, i.e., 1962-1972, the rules of the House were amended further in view of the amended rules of the Lok Sabha. A Rules Committee under the Chairmanship of the Speaker, Hareswar Goswami, took up the work in 1969 but before the completion of the work the Speaker died and the work was completed under the Chairmanship of the subsequent Speaker, Mohikanta Das. The rules of the House were modified up to April 1969 and these were placed on the table of the House on 2 April 1969. The House accepted the report on 9 April 1969.1

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1. The Assam Gazette, 16 April 1969
The Rules of Procedure and Conduct of Business of the Assam Legislative Assembly are divided into 27 chapters and they cover systematically all aspects of business of the Assembly as follows:

Chapter I is devoted to short title and definitions used in the rules of the Rules of Procedure and Conduct of Business in the Assembly. Chapter II deals with the rules relating to summons to the members, seating, oath or affirmation and Rolls of the members. Chapter III provides for rules in regard to election of the Speaker and the Deputy Speaker and the Panel of Chairmen. Chapter IV covers the rules of the House regarding the sittings of the Assembly. Chapter V of the rules deals with Governor’s Address and Message to the Assembly. Chapter VI deals with the arrangement of business, provisional programme and list of business. Chapter VII is devoted to the rules relating to meeting, quorum and language of the Assembly. Questions and Short-Notice Questions are governed by the rules in Chapter VIII. Chapter IX deals with Half-an-hour discussion on matters arising out of answers to questions. Chapter X deals with rules regarding discussion on a matter of urgent public importance for short duration. Chapter XI incorporates rules in relation to the Statement made by a Minister on a matter of public importance with the consent of the Speaker. Rules relating to the Motions for adjournment on a matter of public importance are incorporated in Chapter XII. Chapter XIII covers rules relating to Legislation. Chapter XIV deals with Petitions. Chapter XV A is devoted to the rules in relation to special motions to get precedence over other motions. Chapter XVI provides for rules with regard to Motions to raise discussion on a matter of public interest and to raise
discussion before Tribunals and Commissions. Chapter XVII, Chapter XVIII and Chapter XIX cover rules regarding Motion of no-confidence in the ministry, Removal of Speaker and Deputy Speaker and the Budget respectively. Rules relating to the Question of Privilege, Subordinate legislation and Resignation and Vacation of seats in the House are laid down in Chapters XX, XXI and XXII respectively. Chapter XXII A deals with Leave of absence for the sittings of the House and resignation of seats in the Assembly. Chapter XXIII is devoted to rules regarding Communication between the Governor and the Assembly. Chapter XXIV and Chapter XXV deal with Secret Sittings of the Assembly and the Assembly Committees respectively. Chapter XXVI deals with General Rules of procedure while Chapter XXVII covers the rules in relation to Interpretation of Rules. These rules regulate the activities of the members inside the House. Besides these rules, the behaviour of the members as well as the inter-relationship among the members are governed by a certain code of conduct which is as important as the rules of the House. On this matter of code of conduct for the members the 7th All-India Whips' Conference held at Madras in 1973 also laid special emphasis. The conference mentioned two points, viz., prevention of disorder and maintenance of decorum in the House. With the aim of achieving these two ends the conference made a number of recommendations. Some of its recommendations are as follows:

(i) The Ministers should give immediate attention to the queries of the members both within and outside the legislature. Their replies to the questions should not be evasive. This method is expected to check avoidable disorder in the House.
(ii) At least one hour should be provided in every sitting to the members for airing their views and for discussion of matters of urgent public importance.

(iii) Provision of full freedom of debates to the members and holding of regular consultations among the Whips of different political parties in the House should be there. The consensus of that conference was that such measures would go a long way in keeping the members satisfied as well as maintaining decorum in the House.

Further, the conference reiterated its earlier recommendation that a Member should conduct himself in such a way that it adds to his dignity and prestige in the eyes of the public and, in particular, he should not indulge in the use of unparliamentary language or any personal criticism which vitiates public life and morale. He should not associate himself with communal, disruptionist or sectarian organisations or causes. Finally, the conference emphasised the performance of activities in accordance with the rules and conventions of the House, so that the members could play the role of dignified and accredited representatives of the people.

In this Chapter an attempt is made to show how the members of the Assam Assembly conducted themselves vis-a-vis the rules and conventions of the House.

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(a) **Terms of Expression**: The rules of the House provide for expression in decent language. It has also been accepted as a code of conduct. However for acting contrary to the rules, some commotion on occasions took place in the House during the period of our review. Some of these instances are as follows:

(i) On 7 August 1962 Devendra Nath Sarma (Cong) put the following question on scanty supply of fish.

*132. will the Minister-in-charge, Fisheries be pleased to state -

(a) Whether it is a fact that as a result of expansion of the Fishery Department fish is getting scarce and rare day by day in our State?

(b) If not, the reasons for scanty supply of fish and rising of prices of the same?

Moinul Haque Choudhury (Minister, Fisheries) replied to the question No. 132 (a) in the negative and in reply to 132 (b) he stated that production of fish had not increased commensurate with the rise in population and improvement of general economy of people and hence, it had resulted in the rise in price of fish. The Minister objected to the ironical language of question No. 132 (a) as according to rule 37(3) questions must not contain arguments, inferences, ironical expression or defamatory statement. He refused to reply to another supplementary of the same member which was as follows, "in view of the reply to 132(a) may I know from the hon'ble Minister...

that the fish supply has not increased throughout Assam," The Speaker asked the Minister to ignore the 'expression' which the Minister complied with.

(ii) On 7 March 1963 participating in the debate on the Address of the Governor, Lakshmi Prasad Goswami (Leader of the Opposition) spoke on the prevailing situation in Assam in the wake of the Chinese aggression necessitating the immediate evacuation of people from the forward areas and especially from Tezpur. He alleged that the ruling party sought to utilize that opportunity to mobilize popular opinion for the political advantage of the party. He said thus: 'so far as my friends in this side are concerned they are very serious since the beginning of the emergency and offered services seriously, but the hon'ble members of the ruling party have most shamelessly used this opportunity in mobilizing their verdict.' The use of the word 'shamelessly', however, was overlooked by the ruling party and nothing untoward happened in the House.

(iii) During the discussion on a motion of no-confidence moved under rule 6 of the House expressing want of confidence in the ministry, Dulal Chandra Barua (Ind) castigated Moinul Haque Choudhury (Minister, Agriculture) as a liar and after that a verbal duel ensued between the member and the Minister. The Minister concerned complained that he was accused by the member of preferring a Bengali, i.e., one belonging to the race of the Minister, for appointment to the post of the Director of Agriculture. The member concerned denied this outright and dubbed the Minister as a liar. There were protests

5. A.L.A.D., 7.3.63, p. 217
6. Rule 133(1), Assam Legislative Assembly, 1969, p. 75
from all sides of the House demanding the withdrawal of the offending word. The member obeyed and withdrew the word at the direction of the Speaker. The member denied the charge that he mentioned anything about Bengalees in a chauvinistic spirit. The Speaker held that when the member clarified his position the Minister must accept it and the matter ended there.

(iv) On another occasion, Hiralal Patwary (Ind) used the word 'Chup' (hold your tongue!) which was followed by voices of protest demanding its withdrawal. The member did not withdraw the word. The Speaker intervened and expunged the objectionable expression from the proceedings. The same member used the word 'conspiracy' while putting a supplementary to a question. The Speaker directed the member not to use the word as it was unparliamentary.

(v) On 12 June 1970 when the House was discussing a short notice question Promod Chandra Gogoi (C.P.I.) accused Kandarpa Narayan Banikya (Ind) as a 'deserter'. He was interrupted by some members and Sadhan Ranjan Sarkar (Cong) objected to it as an unparliamentary word. The Speaker ordered for the expunction of the word on the ground that though 'deserter' was not an unparliamentary word, its use was not liked by some members. He also did it in order to preserve the spirit of decorum in the House.

8. During the discussion on Appropriation Bill No. II, A.L.A.D., 31.3.69, p. 81
9. Starred Question No. 370, A.L.A.D., 1.4.69, p. 8
10. A.L.A.D., 12.6.70, pp. 18-20
(vi) Dulal Chandra Barua (Ind) used the word 'cunning' against Kamakhya Prasad Tripathy (Minister, Finance) during the discussion on a question on the Draft Master Plan for the development of Jorhat Town. The Minister jokingly remarked that the town of Jorhat needed development not because it was once the kingdom of the Ahom kings but because it was represented by Dulal Chandra Barua. The member retorted that he was 'not so much cunning' like the Minister. The Minister objected to the word 'cunning' and at the intervention of the Speaker it was dropped.

(vii) For the use of irritating words during the discussion of a no-confidence motion commotions took place in the House which necessitated the intervention of the Chair. Participating in that debate, Biswanath Upadhyaya (Cong) praised the qualities of the Chief Minister which was, however, disliked by the Opposition. Phani Bora (C.P.I.) criticised Upadhyaya (Cong) and alleged that 'sycophancy' spoiled the Chief Minister of Assam to the extent of killing politics of the State and disrupting the whole of Assam. There was an uproar on both sides of the House. The Speaker restored order with a request to the members not to use 'unpalatable and irritating' words. He further held that members had freedom of speech in the House but, then, they should facilitate participation by other members as well in the debate. The matter did not end even with intervention from the Chair. Thereafter a direct dialogue took place between Dulal Chandra Barua (Ind) and Sadhan Ranjan Sarkar (Cong) though rules of the House provide for addressing each other through the Speaker.

11. Starred Question No. 140, A.L.A.D., 30.4.70, pp. 8-9
12. A.L.A.D., 4.8.69, p. 22
Dulal Chandra Barua (Ind) without addressing the Chair said, "We warn him through you". Sadhan Ranjan Sarkar (Cong) asked without addressing the Chair, "who is he to warn?" The Speaker restoring order in the House, observed that warning was a matter for the Chair to administer. He directed the members not to use such language as might spoil the atmosphere of the House. He also reminded the members to address each other through the Chair and not directly. After this ruling also the members continued to use defamatory and undignified language against each other on different occasions in the House, as is evident from the following instance.

(viii) Dulal Chandra Barua (Ind) moved an adjournment motion\textsuperscript{14} to discuss the indefinite strike launched by the Gauhati City Bus Employees' Union which paralysed the normal communication system of the city of Gauhati. Syed Ahmed Ali (Minister, Parliamentary Affairs) held that the Government was quite unaware of the serving of the notice of the adjournment motion. Harendra Nath Talukdar (Minister, Transport) supporting the Minister for Parliamentary Affairs said that he got the notice just then only. Dulal Chandra Barua (Ind) stated that he gave the notice to the Secretary and asked whether it was his duty to act as a 'peon'. The Minister concerned wanted some time to collect the facts before speaking on the admissibility of the motion. The Speaker allowed the Minister to speak on the admissibility of the adjournment motion the following day after the question hour was over. Dulal Chandra Barua (Ind) expressed his doubt as to whether he was in the House at all since the usual procedures were not followed\textsuperscript{15} and said that the House seemed to

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\item \textsuperscript{14} A.L.A.D., 20.7.72, pp. 17-18
\item \textsuperscript{15} The usual procedure of the House is written in Rule No. 58, Assam Legislative Assembly, 1969, p. 40. According to it notice
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have adopted a new precedent. The Minister for Parliamentary Affairs objected to the expression of the member since according to the Minister such expression affected the decorum of the House. The Minister was allowed time till the next day and the matter ended there for that day.

It is not that the Opposition members were always captious in their attitude towards the ruling party and that they enjoyed using unparliamentary language in season and out of season. On the contrary, they at times had words of appreciation about the performance and personal qualities of the Ministers. Thus, speaking on the occasion of the fifty-first birth-day of B.P. Chaliha (Chief Minister) on 2 April 1963 Lakshmi Prasad Goswami (Leader of Opposition) appreciated the role of the Chief Minister during certain troublesome periods in the life of Assam. He praised the Chief Minister for being a true believer in democracy not only in policy but in life as well. He held that when the Opposition approached the Chief Minister with their problems they found a sympathetic response from him. Similarly, during the discussion on a

of an adjournment motion shall be given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the following:

(i) the Speaker,

(ii) the Minister concerned, and

(iii) the Secretary.

Rule 60(1) The Speaker, if he gives consent under Rule 56 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House.

no-confidence motion, on 12 November 1970, Gauri Sankar Bhattaoharyya (Ind) praised Maulana Abdul Jalil Choudhury (Cong) for his views on making the administration clean with competent representatives of different communities.

(b) Observance of rules: The members of the House have to observe certain rules while the House is in session. These rules are as follows:

Members cannot read any book, newspaper or letter except in connection with the business of the House; they cannot interrupt any member while speaking by improper expression or noises or in any other improper manner; they have to bow to the Chair while taking or leaving the seat and cannot pass between the Chair and any member who is speaking. The members cannot leave the House while the Speaker is addressing the House. They have always to address the Chair, keep to their usual seats and maintain silence when not speaking in the House. They cannot obstruct the proceedings of the House. The Ministers cannot leave the House when their portfolios are under discussion in the House without previous permission from the Speaker. A member can speak only when he is called upon to do so by the Speaker. A member desiring to make any observation on any matter before the House has to rise and address the Speaker. At any time if the Speaker rises, any member speaking has to resume his seat immediately. The rules of debate provide that a member while speaking cannot refer to any matter on which a judicial decision is pending, make a personal

17. A.L.A.D., 12.11.70, p. 88
charge against a member, use offensive expression about the conduct
or proceedings of Parliament or any State legislature, reflect on
any determination of the House except on motion for rescinding it
and reflect upon the conduct of persons in high authority unless the
discussion is based on a substantive motion drawn up in proper terms.
Members cannot use the President's or a Governor's name for the
purpose of influencing the debate, utter treasonable, seditious or
defamatory words and use his right of speech for the purpose of
obstructing the business of the House. They cannot bring allegations
of a defamatory or incriminatory nature against any person unless the
members have given previous intimation to the Speaker and also to the
Minister concerned so that the Minister concerned may be able to make
an investigation into the matter for the purpose of a reply. Questions
are to be asked through the Speaker. Members may make personal
explanation with the permission of the Speaker but in this matter no
debatable matter may be brought forward. However, in our survey it
was found that want of conformity with these rules often led to
disorder in the House and affected its decorum. The following instan-
tences may be cited to substantiate the observation:

(a) During discussions on the budget^{19} Dulal Chandra Barua (Ind)
alleged that Moinul Haque Choudhury (Minister, Parliamentary Affairs)
met some Mizo rebels in the house of his brother-in-law, S.D.O., P.W.P.
who was under suspension and encouraged the Migos in their political
movement. The member wanted to know whether the S.D.O., whose car
was detected in use by some Mizo rebels, was detained under the P.T.
Rules. The member also alleged that the Minister concerned, when he

19. A.L.A.D., 17.3.66, p. 841
was previously in-charge of the supply department allowed the transfer of a rice mill from Upper Assam to Silchar in favour of a 'convicted person'. The Minister refuted the charges as 'motivated', 'irresponsible', and 'baseless'. He regarded the statement of the member as 'deliberate distortion' of facts and 'misrepresentation' to the august House. He appealed to the House to judge the conduct of the member. The Minister asked the member concerned to bring a motion against him to discuss his activities and warned him not to abuse the privileges of membership of the House. An uproar followed and at that stage the Speaker restored order in the House.

(b) Dulal Chandra Barua (Ind) moving a cut motion brought another serious charge against Moinul Haque Choudhury (Minister, Parliamentary Affairs) that many of the relatives of the Minister including his father-in-law were constantly visiting Pakistan not only at other times but even during the emergency. The Minister concerned refuted the charge and regretted the dragging of his name which amounted to personal vilification. He submitted that the member could do so only with prior intimation to the Speaker and the Minister concerned. The Speaker asked the member to refrain from making personal attack or reflecting on the conduct of the Minister under rule 279(v) of the House and ordered for the expunction from the proceedings of that portion of the speech which contained unsubstantiated allegations against the Minister.

(c) During the discussion of a motion on 6 September 1966 for discussing the law and order situation in the State, Pulal

20. A.L.A.D., 18.3.66, p. 899
21. On Grant No. 12, Major head "23-Police" A.L.A.D., 26.3.66, pp. 54–56
22. A.L.A.D., 6.9.66, pp. 94-97
Chandra Barua (Ind) alleged that the statement on the subject made by B.P. Chaliha (Chief Minister) was most disappointing in that the Chief Minister supported indiscriminate police firing and arrest of people in the name of maintaining law and order in the State. The member alleged that the Chief Minister seemed to support police firing because it was done under his administration. The Chief Minister denied that he made such a statement as alleged by the member and sought the protection of the House. He said that in his statement he said that to maintain law and order police firing had to be resorted to and not to demonstrate the existence of the police force. The Speaker intervening said that the Chief Minister did not make the statement as alleged by the member. The member was not the only person to have heard the statement of the Chief Minister who said that to maintain law and order firing had to be resorted to. The member wanted from the Chief Minister the dossiers prepared by the district officials against the persons who were put behind the bars and alleged that the dossiers could be tampered with. However, after this there was no further discussion on this point.

(d) While on 20 May 1971 the discussion on Demand for Grants was proceeding, Gobinda Kalita (C.P.I.) charged that Ranendra Nath Basumatary (Minister, Tribal Zone and Welfare of Backward Community) was 'purchased' by the Government of Assam and so he agreed to the abolition of the tribal belt and was interested in possessing land in greater Gauhati. The Minister took strong exception to the 'reckless utterances' of the member. He clarified

23. A.L.A.D., 20.5.71, p. 38
the position that the abolition of the tribal belts and blocks was advised by the Tribal Advisory Council as far back as in 1965 in the interest of the development of greater Gauhati and also the town of North Lakhimpur. In pursuance of that advice the Government of Assam adopted a resolution in a Cabinet meeting held in December 1968 and decided to abolish the operation of the tribal belts and blocks around greater Gauhati and North Lakhimpur. The Government of Assam also decided that in the matter of settlement of land in and around greater Gauhati, preference should be given to the Scheduled Caste and Scheduled Tribes people. After this clarification of the Minister no further discussion took place on that matter.

(e) On 9 November 1971 when the House was taking up the discussion on a no-confidence motion Dulal Chandra Barua (Ind), participating in the debate, referred to cases of misappropriations of different Government Departments and made an allegation about the reported construction of a palatial building at Safdarjung by V.P. Tripathy (Minister, Finance). The Minister regarded the statement as 'absolutely false' and an 'absurd allegation'. The Speaker requested the member concerned not to bring in personal charges. The member challenged the statement of the Minister and continuing his allegations stated that one Mr Kapur had constructed twelve palatial buildings at Gauhati with the 'connivance of the Finance Minister'. The Speaker intervened and ordered for the expunction of this portion of the speech of the member and the matter ended there.

(f) Dulal Chandra Barua (Ind) brought up another personal charge against Altaf Hussain Mazumdar (Minister, P.W.D.) in that

24. A.L.A.D., 9.11.71, p. 56
debate on the no-confidence motion. He complained that the Minister concerned gave big contracts to his own relatives. He further alleged that one Executive Engineer (R & B) who had constructed nine palatial buildings in Shillong was given Rs 1,40,000/- by the Minister and through the Engineer the Minister gave contracts to his brothers and relatives. The Minister denied the charge and said that he did not have any brother doing contract business. He demanded withdrawal of the charge. The Chair asked the member not to indulge in such allegations of a personal nature against the Minister without sufficient evidence to substantiate the allegations. The member concerned held that he already informed the 'authority concerned' according to convention and challenged the denial of the Minister. The member, however, did not stop there; rather he referred to another complaint made by him in the budget session of that year. The contention of the member was that he brought the matter to the notice of the Chief Minister about giving of a contract of the refugee camps at Bahalpur to the Lahoty Brothers. Although the Minister for P.W.D. denied the allegation, the member held that it could be proved beyond doubt that the contract was given to the Lahoty Brothers and the matter was handed over to the Anti-Corruption Branch for investigation. The member expressed surprise at the denial of facts by no less a person than a Cabinet Minister. The Chair at this stage ordered for the expunction of this portion of speech of Dulal Chandra Barua (Ind) which contained allegations of a personal nature against Altaf Hussain Mazumdar (Minister, P.W.D.).

(g) The following instance also shows that inability to prove allegations resulted in the expunction of the speech of a member. This took place on 10 December 1965 during the discussion of a motion moved by D.D. Nichols Roy (A.P.H.L.C.) on the deteriorating economic condition of the people living near the border of East Pakistan (now Bangladesh). Dulal Chandra Barua (Ind) in the course of discussion referred to alleged unabated smuggling in different parts of the State specially in the Khasi and Jaintia Hills, Garo Hills and in Mizo Hills. He alleged that essential food-stuffs like rice and sugar sent for relief to the border people were smuggled to Pakistan by some agents. He alleged that he had information about some instances in which materials were sold even with the help of police. He regretted the inactivity of the Government in those matters. The member spoke about other matters like inadequate medical facilities and lack of industrial development in these areas. Supporting Rathindra Nath Sen (Ind) who spoke about throwing some people out of employment due to border conflicts with Pakistan, Dulal Chandra Barua (Ind) charged that when Pakistan stopped fish supply, the Government of Assam gave the monopoly for fish supply to a certain co-operative which fulfilled the interests of a certain individual at the cost of the common people. He complained that at the time of giving the monopoly to a certain co-operative the Government should have considered the case of those people who depended for their livelihood entirely on the fish trade. B.P. Chaliha (Chief Minister) refuted the charge as 'wild allegation' and held that the member was 'absolutely wrong'. The members

concerned gave an assurance to submit all facts regarding the matter to the Chief Minister after the proceedings of that day were over. The Chair stated that allegation should be supported by facts and documents. Moinul Haque Choudhury (Minister, Parliamentary Affairs) referred to rule 27 of the House under which no allegation of a defamatory or incriminatory nature could be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply; further the rules stated that the Speaker might at any time prohibit any member from making any such allegation if he was of the opinion that such allegation was derogatory to the dignity of the House or that no public interest was served by making such allegation. At this stage the Chief Minister suggested to the Chair that portions of the debate containing unsubstantiated allegations be expunged from the proceedings of the House. The member concerned requested for some time to produce documents in support of the charges made. After this, a hot altercation took place between Dulal Chandra Barua (Ind) and Moinul Haque Choudhury (Minister) in which the Minister said that they 'would like to educate the hon'ble members'. The member replied; 'You should not educate the hon'ble member. You should educate yourself'. The Chair had to restore order in the House at this stage. However, the member concerned could not prove the allegations as promised. On 11 December 1965 not only the offending portion of the speech of Dulal Chandra Barua (Ind) was expunged, he was also expelled from the House for the remaining

27. Rule 279 A, Assam Legislative Assembly, 1969, p. 145
period of the day by the Chair for the unpleasant remarks made by him against the Government during the discussion of the non-official motion moved by D.D. Nichols-Roy (A.P.H.L.C.).

(h) On 7 April 1972, during the discussion raised by Gauri Sankar Bhattacharyya (Ind) on cement scarcity in the State, Dulal Chandra Barua (Ind) complained that in Jorhat complaint after complaint had been lodged about cement scarcity and the matter was explained with facts and figures to the District Commissioner, but nothing was done. The member alleged that the black marketeers and the profiteers were indulging in that sort of activity in collaboration with the Government machinery and so the Government was not in a position to punish them. He further alleged that even the head of the Government was 'purchased' by the black marketeers by giving money during the elections. The Chief Minister expressed regret over the 'unkind' remark of the member. He said that by uttering big words those people could not be punished, the proper forum for punishment was the court of law. After that no further discussion on the matter took place.

(c) **Attitude of the ruling Party:** This brief survey shows that while the Opposition was alert in launching broadsides, the attitude of the ruling party towards the members of the Opposition was also responsible to a great extent for the creation of occasional commotions in the House. For instance, during the discussion on a motion on ratification of amendments to the Constitution of India

29. A.L.A.D., 7.4.72, pp. 40-44
(Fifteenth Amendment) Bill 1963 as passed by the Parliament. Hynniewta (A.P.H.L.C.) mistook the motion for a Bill and so raising a point of order sought clarification on two points - that (a) leave for introduction of the Bill had not been sought for, neither was it granted by the House and, that (b) if that was treated as a motion it could also be objected to by the members since there had not been any provision laid down in the rules for the ratification of any Constitution amendment Bill. The member concluded that the Bill had to be treated as an ordinary Bill brought before the House. The Speaker clarified that that was a resolution; Article 368 of the Constitution of India required ratification by the legislatures of not less than one-half of the States by resolution to that effect passed by those legislatures before the Bill making provision for such amendment is presented to the President for assent. Ahmed (Minister, Finance) remarked that the member had once been a member of Parliament and so he 'should know this'. The member felt slighted at this remark. He contended that for five years he was an M.P. and was accustomed to the rules and procedures of Parliament. In the Assembly he was 'worse' than a new member. He regretted the 'unfortunate' remark of the Minister who was once his old colleague. At this stage the Chair restored order and prevented the situation from turning worse.

Another instance shows that the attitude of the ruling party towards the Opposition also resulted in lack of harmony in the House. This happened on the eve of election of the Deputy Speaker of the House. The Opposition wanted a member of their side to be
selected as the Deputy Speaker as they were not a negligible minority in the House. The ruling party had 72 members and the Opposition 52 members in the Assembly. However, the ruling party put up its candidate and did not even inform the Opposition of its decision on the candidature. The Opposition was displeased and decided not to take part in the election of the Deputy Speaker; further, they walked out of the House. In that election the candidate of the ruling party, Mohikanta Das, was elected with 63 votes in his favour.

On another occasion quite a furore was created in the House when the Opposition alleged that the Government invited some officials of the Department of Education to a party meeting of the Congress. Dulal Chandra Barua (Ind) wanted to know from the Chief Minister why the Government machinery was dragged to the party meeting. He asserted that he saw the D.P.I. and the A.D.P.I. going to the Congress Party meeting on 28 March 1968 with confidential files which contained papers regarding distribution of grants. Though he was interrupted in his speech he demanded that the list of non-recurring grants and Hindi grants with the recommendation of the district authorities be placed on the table of the House. Gauri Sankar Bhattacharyya (Ind) supported the statement of Dulal Chandra Barua (Ind) and stated that he also saw the said officers with his own eyes going to the Congress Party meeting. He complained that there was not only discrimination but also 'the murder of parliamentary democracy'. He suggested the desirability of having a code of conduct for everyone 'including the Ministers'. If the Congress members got whatever grant they wanted and others did not, the

32. A.L.A.D., 30.3.68, pp. 20-25
Opposition would 'make their lives in danger', the member added. His speech was followed by noises in the House. The Speaker also felt the necessity of holding a meeting of all the members to adopt a code of conduct both as regards the Ministers as well as the members. 33

A sort of 'minority psychosis' obtaining among the Opposition at times appeared on the surface. It was also a fact that during the period of our review it was found that the Opposition was composed of a minority of the total number of members of the House. The Assembly of 1962-66 had 26 members in the Opposition though after the election of 1967 their strength increased in comparison with that of 1962 and 1972. After the election of 1967 the Opposition had 52 members in the House. After the election of 1972 only 19 members formed the Opposition. The 'feeling' of minority was evident from their behaviour inside the House. For instance during the discussion on a no-confidence motion 34 L.P. Goswami (P.S.P.) referred to the election campaign of the Congress Party at Nowgong and remarked that the election campaign of the Congress Party deserved thorough examination. Md. Umaruddin (Cong) reported that the election campaign of the P.S.P. also deserved thorough enquiry. However, none of them mentioned anything about the nature of the enquiry demanded. L.P. Goswami (P.S.P.) contended that he expected the report of the Congress member as 'they were in a minority'. The reply of the P.S.P. member appeared to be only for the sake of record, a sort of

33. No such meeting was held for the sudden death of the then Speaker, Hareswar Goswami.

34. A.L.A.D., 5.3.64, p. 86
sentimental gibberish. On another occasion, while Baidya Nath Mookherjee (Minister, Medical) was making a statement on the Gauhati and Dibrugarh Medical College and about the matter that the Ministry of Health was moved to take up the matter with the Ministers concerned at the Centre to release vehicles at least for medical use, the Opposition wanted to know about the exact date of moving the matter with the Central Ministers. The Minister could not mention the exact date but stated that it might be during the later part of 1963. The Opposition held that the Minister concerned did not care to give the exact date as he could not take the question of the Opposition 'in the right spirit'. The instances cited may not be of much import. Still these are indicative of the state of mind of those composing the House.

The Opposition appeared to brand party colour to certain things done by the Government. For instance, in the discussion of the Assam Panchayat (Amendment) Bill 1964, Madhusudhan Das (P.S.P.) remarked that if the words 'public interest' were substituted by the words 'Congress interest' in the Bill, that would have been better. The reply of F.A. Ahmed (Minister, Panchayat) was that the members of the Opposition were suffering from 'inferiority complex' and so they opposed everything that came from the Treasury bench or from the members behind it.36

(d) Attitude of the Hill members: Committed as they were to the ethos of a separate existence, the attitude of the members from

35. A.L.A.D., 5.3.64, p. 86
36. A.L.A.D., 26.3.64, p. 91
the Hill areas also created situations of commotions in the House on certain occasions. They seized every available opportunity to criticise the ruling party. They seemed to be solely interested in the welfare of the Hills people only and criticised the Government on the ground that the Government had done nothing substantial for the improvement of the conditions of the Hills people. For instance, participating in the debate on the Address of the Governor, Hooper Hynniewta (A.P.H.L.C.) charged the Ministers for their alleged indifference to the Hills people. He complained that the Ministers ignored the Hills people and left them to suffer in their unfortunate position. All the members of the A.P.H.L.C. criticised the attitude of the ruling party towards their proposal for a Hill State in the discussion on the Prime Minister's proposal in this regard. In that discussion the Congress members criticised the Prime Minister's scheme leading to the establishment of a Hills State. Hooper Hynniewta (A.P.H.L.C.) seized the opportunity and made a slashing attack on the ruling party; he said he was not surprised over the attitude of the Congress members as their stand in that regard had never been 'a morally sound one'. Baidya Nath Mookherjee (Minister, Medical) objected to this statement. The member, however, repeated his statement.

The Hill members felt that adequate money was not spent for the development of Hill areas and so during the budget discussion of 1964 Captain W.A. Sangma (A.P.H.L.C.) wanted to know from the Finance Minister the amount that was spent for the benefit of the

37. A.L.A.D., 2.3.64, pp. 32-35, 86
39. A.L.A.D., 19.3.64, pp. 92-94
Hill areas under Article 275 of the Constitution of India and also the amount spent for those areas under the State's General Plan.

The reply of F.A. Ahmed (Minister, Finance) was that the per capita expenditure in the autonomous areas was Rs 18.00, that the Government did not discriminate in the matter of expenditure in the autonomous Hill areas and that the Government of India did not sanction the entire amount as grants. The member concerned demanded that the statement of the Minister must not be recorded as he could not give the break-up of expenditure in the Hill areas. The Minister regretted the observation of the member and held that not only in the plains but in the autonomous Hill areas also large-scale schemes of development had been taken up by the Government of Assam.  

The Opposition in the House had occasion to make the point that the rights and privileges of the members were infringed upon by the Government. This happened when the Gauhati Corporation Bill 1969 was rejected by the Governor. Gobinda Kalita (C.P.I.) gave a notice to introduce the Gauhati Corporation Bill 1969 on 10 July 1969. A financial memorandum was also submitted along with the Bill. But the Government did not send the Bill to the Governor for his approval as required under the rules of the House. The Opposition alleged that having got possession of the private members' Bill the Government prepared another Bill and when the private member's Bill was in the process, the Government also brought its Bill on the same subject and sent the private member's Bill to the Governor for

40. Details about the Hill State and the attitude of the Hill members are written in Chapter IX - Legislation.

41. Rule 65(2), Assam Legislative Assembly, 1969, p. 43
'rejection'. The Opposition criticised the Government for its rather crude 'behaviour' and came to the conclusion that the Government infringed upon the rights and privileges not only of the private members but also of the House as well. Gauri Sankar Bhattacharyya (Ind) wanted to know why the ministry withheld recommendation or refused recommendation to the Bill. Mahendra Mohan Choudhury (Revenue Minister) made a statement that the House allowed the introduction of the Gauhati Corporation Bill of Gobinda Kalita (C.P.I.) and the Bill was referred to a select Committee. At this stage the Bill was found to be redundant and the ministry advised the Governor that it was not necessary to give recommendation to the Bill. The Opposition was not satisfied with the explanation given by the Government side. Gauri Sankar Bhattacharyya (Ind) threatened to bring in a formal privilege motion on the matter. However, no such motion was tabled in the Assembly afterwards.

During the period of our survey the members of the Opposition were found to be ever alert to every happening in the House. Santi Ranjan Dasgupta (Ind) raised a point of order after the question hour on 7 March 1964 on the words 'un-Islamic' that occurred in paragraph No. 2 of the Budget Speech of F.A. Ahmed (Finance Minister) of 1964. The member objected to the word on the ground that while presenting the budget the Finance Minister placed himself as a member of the Islamic Community and did not think himself as a Finance Minister of a secular State. He demanded the expunction of the word 'un-Islamic' from the budget speech. The Chair held that

42. A.L.A.D., 11.5.70, pp. 24-26
43. A.L.A.D., 7.3.64, p. 18
that was not a point of order but a point for personal explanation. He did not allow the point to be discussed on the ground that the member would get sufficient time to discuss the point during the debate on the budget.

Conclusion: The above study shows that members of the Opposition as well as those belonging to the ruling party generally conducted themselves in conformity with the rules of the House. On occasions, however, there were aberrations and members from both sides of the House fell victim to the temptations of a certain deviation from rules, as evidenced, by indulging in personal attacks and use of unparliamentary words. Sometimes unsubstantiated allegations against the Ministers also resulted in pandemonium. The attitude of certain Ministers towards the Opposition was also responsible for the creation of occasional disorderly atmosphere. As far as the members from the Hill areas were concerned, they mostly limited themselves to focussing attention on problems of the Hill areas and their major theme regarding the creation of a separate Hill State. The cumulative result of all this was generation of a certain feeling of ill-feeling and bitterness in the House. However, the House could come back to its normal self remarkably quickly on practically all occasions due largely to the commendable role of the Speaker. And in this he received the unstinted co-operation of all members. Herein lay the merit of functioning of all concerned in the smooth conduct of business in the House.