Chapter VIII

ROLE OF THE OPPOSITION

The role of the Opposition in a democratic form of government of the parliamentary type is very important. Without an effective Opposition the ruling party tends to lose much of its effectiveness. The Constitution of India has provided for a parliamentary form of government on the British model but the two-party system, the 'salt of the British democracy',\(^1\) has not evolved here. One notable feature of our party system is that even the Congress Party which has been in power since independence is not a homogeneous party. Very often the oppositional forces with intra-party passive resistance delay the execution of the decisions of the party leaders.\(^2\)

As for the Opposition in the Assam Legislative Assembly, throughout the period of our survey, a strong Opposition was conspicuous by its absence. Many of the Opposition Parties of the State could better be characterized as groups only as they failed to send up a sizeable number of members to the Assembly.

Development of the Opposition from 1909 to 1961

Under the Morley-Minto Reforms Act, 1909, there was no scope for the formation or functioning of a real parliamentary Opposition in the Legislatures of India. Assam was administered by a Chief Commissioner from 1912 and in the Council of this time there was no

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1. Hansard Society, Parliamentary Reform, p. 109
scope for the development of Opposition. The members of the legislature could do nothing except raising some thin voice which for the most part remained unattended. The Government of India Act 1919 provided for the establishment of partial responsible form of government in the provinces. It also provided for the inclusion of some elected members in the legislatures who sat in the Opposition. It can be said that since this time the Opposition came into existence in the Legislature of Assam as well as in the legislatures of the Indian provinces. The elected members of the Legislative Council of 1921-23 were moderate in their policies and principles and believed in co-operation with the Government. As they preferred to work through constitutional methods, they never came into any clash with the Government. After 1923 the Council consisted of the Swarajists and they formed the Opposition in the Council. Their main principles were destruction of the dyarchical form of Government and establishment of responsible form of Government in Assam. This party successfully carried out the policy of obstruction in the Council, criticised Government activities, voted down unpopular measures and passed motions and resolutions of popular import. In 1929 the Opposition carried out six censure motions against the Minister for Local self Government and in the budget session of that year tabled a motion of no-confidence against the same Minister. One notable feature of the period was that in the Council there were members belonging to different political parties like the Congress Party, the Swarajya Party (formed in 1923), the Congress Nationalist Party (formed in 1934) and

3. The Swarajya Party in India was formed in 1923 with Chittaranjan Das, Pandit Motilal Nehru and Tarun Ram Phookan from Assam to fight the reforms from within by entering the Councils. The members of the Swarajya Party, eight in number, entered the Assam Legislative Council in 1924 including Tarun Ram Phookan; Dutta, Landmarks of the Freedom Struggle in Assam, pp. 61-62
the United Peoples' Party (formed in 1956). These parties had different policies and programmes but entered into cooperation in the sphere of the legislature. During the period of provincial autonomy, established under the Government of India Act 1935, the Congress for the most part was the main Opposition in the legislature of Assam. In the first budget session of 1957-58, the Congress under the leadership of Gopinath Bordoloi defeated the Saadulla ministry on as many as eleven occasions. From 19 March 1958 to 17 November 1959, having formed the Ministry, the Congress was not in the Opposition. After tendering resignation in the wake of the Second World War, the Congress members were absent from the Assembly, and, therefore, there was practically no Opposition in the House. From 1942 to 1944 the Congress members were in jail. In that period the Congress Nationalist Party was in the Opposition. There were the Muslim League, the European group, some Independents and the United Peoples' Party in the Assembly. After 1946, the Muslim League and the European group formed the Opposition. The Congress Party could impress the House as well as the public with its progressive views on opium prohibition and the 'line system', reduction of land revenue, abolition of the Upper House of the Assam Legislature, abolition of the office of the Commissioner and on similar burning issues of the day. The different political parties in the Assembly


5. Syed Sir Saadulla, the Prime Minister tendered the resignation of his Ministry on 15.9.38; Dutta, Landmarks of the Freedom Struggle in Assam, p. 83

6. Line system was introduced by the Government of Assam to restrict the flow of immigrants into Assam and to prevent clash between the immigrants and the indigenous people; ibid., p. 81
did not form a united Opposition. The Muslim League remained in the
Opposition even after the independence of India although its leader
Syed Sir Saadulla joined the Congress. The Muslim League under the
leadership of Dr Emran Hussain Choudhury and the Praja Party led by
Haladhar Bhuyan worked in cooperation with each other in the House.

During 1952-56 a composite Opposition known as the United
Opposition Bloc was formed in the legislature of Assam. It consisted
of the Communist Party of India (C.P.I.), the Socialist Party, some
Independents and the Krishak Majdoor Party. The programme of the
Bloc sought to bring some radical changes in the social and economic
field. The programmes of the Bloc included abolition of the zamindari
system, making cultivators the owners of the land, adoption of
flood control measures, distribution of land among the border people,
state-aid to the cultivators, abolition of short-term annual patta
system, fair and equal treatment to agricultural labour, rationing
of food grains in the deficit areas, removal of unemployment, aboli-
tion of monopoly in trade and commerce, starting of major industries,
free, compulsory and universal primary education, removal of housing
problem and the top-heavy administration, tax relief to common people,
maintenance of civil liberties, facilities for minority communities,
non-interference with the culture and custom of the hills people,
removal of corruption and nepotism from administration, improvement
of communication, and adoption of sound constitution for the success-
ful working of the local bodies.

During 1957-61 the Praja Socialist Party (P.S.P.), the Socialist Party and the Communist Party of India made an electoral alliance against the Congress Party. However, after the election they did not form a united Opposition in the House. The Tribal Union Party under the leadership of Captain W.A. Sangma was another Opposition in the House. Some of the demands of the Opposition parties during 1957-61 were - removal of corruption, removal of unemployment, establishment of industries, proper distribution of wealth, implementation of the Acts passed by the Assembly, better understanding of the Hill problem, integration of Nagaland, N.E.F.A., Manipur and Tripura with Assam, holding of price line, passing and implementation of land reform measures.10

Opposition during the period 1962-72

The following table shows the party-wise strength of the Opposition in the Assembly after the Third, Fourth and Fifth General Elections to the Assam Legislative Assembly.

Table No. 1

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10. Manifestoes of the Parties, 1957-61
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<td>6. All Party Hill Leaders' Conference (APHLC)</td>
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<td>8. Swatantra</td>
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<td>1</td>
</tr>
<tr>
<td>9. Plains Tribal Council</td>
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<td>26</td>
<td>52</td>
<td>19</td>
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Source: Reports on the Third, Fourth and Fifth General Elections to the Assam Legislative Assembly, 1964, 1968, 1974

In the Third General Election of 1962 the Opposition parties suffered a miserable defeat. In a House of 105 seats, the Opposition occupied 26 seats only. On 18 June 1962 the P.S.P. members and the Independents totalling 14 members formed a United Opposition under the leadership of Lakshmi Prasad Goswami (P.S.P.). The Front was formed for legislative purposes as well as to get the facilities of a recognised body in the House. Five members of the A.P.H.L.C. joined the Front formally and the remaining six members resigned their membership of the House on the issue of a separate Hill State. However, the Front did not have a common programme. The A.P.H.L.C. members were concerned with the Hill State and the Independents were independent of one another while expressing views. Five out of six P.S.P. members including the leader of the Front later joined the Congress and so from the winter session of 1964 the United Opposition Front practically ceased to exist. Khagendra Nath Barbarua (R.C.P.I.)
the lone R.C.P.I. member joined the Front as an associate member
and with him the total strength of the Front numbered eight members
only.11 The Front was, however, reconstituted, on the entry of five
members belonging to the A.P.H.L.C., with Captain W.A. Sangma as its
leader and the Front had thirteen members after its reconstitution.
The reconstituted Front also remained weak for lack of common views
among its members. The period between 1962-67 may be regarded as
rather a dark period for the Opposition. Floor-crossing by many
members including Lakshmi Prasad Goswami (P.S.P.) left practically
nothing for the Opposition save the lone but strong voice of Dulal
Chandra Barua (Ind).

In the Fourth General Election of 1967 the Opposition came
to the House with a considerable majority. In the House of 126
seats the Opposition occupied 52 seats. Two seats of the House
remained vacant as no nomination paper was filed in No. 1 Lungleh
Assembly Constituency and the other in No. 2 Aijal East Assembly
Constituency where the same candidate was elected from two consti-
tuencies.12 The Opposition during this period may be regarded as an
effective Opposition, because at times it dared to challenge the
ruling party on various issues. In the Opposition there were three
district groups, namely, the United Legislature Party (U.L.P.) with
Gauri Sankar Bhattacharyya (Ind) as its leader. It had 22 members.
The second group was the United Democratic Front (U.D.F.) with 20
members. Phani Bora (C.P.I.) was the leader of this Front. The

11. A.L.A.D., 8.10.64, pp. 821-822
12. Report on the Fourth General Election to the Assam Legislative
Assembly, 1968, p. 27
third group consisted of 9 members. They belonged to the A.P.H.L.C. This group could not be recognised as a party in the House as its number fell short of the quorum of the House which was 13. It was recognised as a group. Both the U.L.P. and the U.D.F. had more independent members and both were like heterogeneous fronts as none of them had more than seven members belonging strictly to a single political party. The U.D.F. had a greater coherence than the U.L.P. and it functioned more distinctly as a political party outside the House. The U.L.P. had a bigger membership. Since its formation it functioned as a political front both inside and outside the House. All the members of the A.P.H.L.C. resigned their membership of the House in writing to the Speaker on 1 June 1968, on the issue of a separate Hill State.

The Fifth General Election of 1972 found the Opposition very much divided among themselves. In the House of 114 seats the strength of the Opposition was only 19. One of the notable features of the Opposition was that the number of Independents was greater than the number of members of the Opposition parties taken singly. The Independents and the Peoples' Democratic Party combined into the United Legislature Party (U.L.P.) for legislative purposes with Gautam Sankar Bhattacharyya (Ind) as its leader. The Swatantra Party stayed out of the U.L.P. The C.P.I., the Socialist Party and the U.L.P.

13. The Rule of the House contained no guidelines in the matter of recognising party or group as the Opposition party or group. So Speaker Hareswar Goswami came to his own decision in giving recognition to different groups in the House; A.L.A.D., 13.3.68, p. 45


15. Report on the Fifth General Election to the Assam Legislative Assembly, 1974, p. 17
worked together as a Front in the House. The C.P.I. members seemed to have supported the ruling party on matters of policy but in matters of detail voted with the Opposition, i.e., this party opposed the Government only in form but not in content.

A study of the activities of the Opposition in the Assembly in 1962-72

During the period of our survey the Opposition seized every available opportunity to criticise the Government. The avenues of criticism were: (a) cut motions, (b) adjournment motions, and (c) no-confidence motions.

(a) Cut motions: Cut motions are moved to reduce the amount of demand for grant submitted by the Government. The cut motions are governed by the rules of the House. All the cut motions moved during 1962-72 were either lost in vote or withdrawn with the consent of the House. Through the cut motions the Opposition criticised the policies of the Government. However, on one occasion the Opposition walked out of the House when they saw that the Minister concerned did not follow the rules of the House. This happened on 9 March 1964 when discussions on cut motions were going on in the House. Lakshmi Prasad Goswami (P.S.P.) speaking on a cut motion pointed out that the Minister for Medical moving the demand for the token grant of Rs 1, wanted to keep the door open for spending more money. The demand for grant should fulfil all the conditions laid down in the

16. Rules 145, 146, 147, 148, Assam Legislative Assembly, 1969, pp. 82-86

17. Cut motion on Supplementary Demand No. 8 - Major head - 29-Medical, moved by Baidyanath Mukherjee (Minister, Medical); A.L.A.D., 30.3.64, pp. 24-62
rules of the House. The Deputy Speaker who was in the Chair interven­ing stated that the nature of the demand was already there. The demand was made to raise the number of seats in the Assam Medical College, Dibrugarh, from 100 to 150 and the grant had already been given seven days back. As the Government was not in a position to give the details at that moment, demand was made for a token grant. Lakshmi Prasad Goswami (P.S.P.) could not be satisfied with the ruling of the Chair. Dulal Chandra Barua (Ind) contended that though the word 'demand' was interpreted in different ways, it was concerned with the Demand for Grant given in the explanatory note. The observation of the Opposition on the whole was that the procedures laid down in the rules of the House were not followed by the Minister concerned and the Opposition was deprived of the opportunity to discuss the matters fully. At this stage the Opposition walked out of the House as a mark of protest.

The Government invariably defended their proposals in the face of cut motions. On 30 March 1964, moving a cut motion on Grant No. 9 Major head "19-General Administration" at Page 43 of the budget, Dulal Chandra Barua (Ind) alleged that a large number of posts had been created just to accommodate some of the favourites of high Government officials and Ministers. He pointed to the creation of some posts of special officers and Joint Directors in the Co-operative and the Supply Departments. The member submitted that those officers appointed to those posts were functioning without any work. Bimala Prasad Chaliha (Chief Minister) refuting the charges said that since his assumption of office in 1957 till that day not a single appointment was made without the recommendation of the Assam Public Service Commission. He further held that the
information of the member concerned was not correct. The member thereafter did not contradict the statement of the Chief Minister. 18

The Opposition also appreciated the Government during the discussion on a cut motion. 19 For instance, Hoover Hynnie (A.P.H.L.C.) made appreciative remarks with regard to the Education Department. He also praised the Minister for Co-operation because the Minister concerned started the discussion on a note of co-operation and thus stood to conquer the hearts of the members of the Opposition. 20

A serious allegation was brought on 15 June 1967 by Dulal Chandra Barua (Ind) in course of supporting a cut motion on General Administration, against Lakshmi Prasad Goswami (Minister, Agriculture). The allegation of the member in short was that political corruption was deep-rooted in the administration and more so in the Department of Agriculture where the officers also had to cater to the whims of the Minister. In support of his allegation the member held that Lakshmi Prasad Goswami (Minister, Agriculture) by taking illegal gratification of Rs 30,000.00 from a firm called Messrs Rallis (India) stationed at Guwahati, ordered for pesticides, where prices were fixed and orders were given without calling for tenders. The firm got money without supplying the materials and though 25 tons of pesticides were sufficient for Assam more than that quantity was indent. 21

The member concluded by saying that the House wanted an enquiry into

18. A.L.A.D., 30.3.64, pp. 24-62
20. A.L.A.D., 29.3.65, p. 1367
the truth or otherwise of the allegation. Speaker Hareswar Goswami himself took up the enquiry into the matter. After the enquiry the Speaker came to the conclusion that he had no proof that Lakshmi Prasad Goswami (Minister, Agriculture) took Rs 30,000.00 as illegal gratification from Rallis (India) and the allegations were baseless and false. He, however, wanted the Minister to make a thorough probe into the matter of the supplies of pesticides and let the House know whether there was any truth in the allegation that Rallis (India) was paid even though goods were not supplied for the period upto March 1967.22

(b) Adjournment motions: Moving of an adjournment motion is a powerful weapon in the hands of the Opposition. It is a substantive motion in technical form, devised for the purpose of enabling the House to discuss matters without recording a decision in terms of vote.23 Such motions are brought for the purpose of discussing a definite matter of urgent public importance. The Speaker decides whether the matter proposed to be discussed is definite, urgent, recent and of public importance.24 The adjournment motions are governed by the rules of the House.

Rule 56(1) provides that a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.25 The Speaker decides whether the matter to be discussed is definite and whether it is of urgent public importance.

_22. Decisions from the Chair, 1967, pp. 21-41_  
_23. May, Parliamentary Practice, p. 298_  
Rule 57 provides for restrictions on the right to move adjournment motions. The right to move the adjournment motion for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely,

(i) Not more than one such motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence;

(iii) the motion must not revive discussion on a matter which has been discussed in the same session;

(iv) the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time;

(v) the motion must not deal with a matter on which a resolution could not be moved;

(vi) the motion shall not deal with any matter which is under adjudication by a Court of Law having jurisdiction in any part of India;

(vii) the motion shall not raise a question of privilege; and

(viii) that it must not relate to a matter which is not primarily the concern of the Government of the State.

Rule 58 provides for the method of giving notice of adjournment motions. Notices are to 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.

As the prearranged programme of the House is upset by an adjournment motion, it is subject to strict conditions. The power of the Speaker to allow such motion is final.\(^\text{26}\) The rules relating to the adjournment motion of the State Assembly of Assam are almost similar to those of the Lok Sabha.\(^\text{27}\) Adjournment motions moved in the House during the period of our survey did not become subject to political controversy, judicial decisions and public criticism.

A look at the historical background of the adjournment motion shows that the right of the members of the legislature to move adjournment motions was first conceded by the Government of India Act 1919 and the first adjournment motion was moved in 1924.\(^\text{28}\) During the period of provincial autonomy the members of the legislature frequently resorted to moving of adjournment motion.\(^\text{29}\) After independence it has been observed that members did not move such motions often as other avenues were open to discuss issues. For instance, members could raise discussion through short-notice question, calling

\(^{26}\) Kaul and Shakdher, Practice and Procedure of Parliament, pp. 145-146

\(^{27}\) However, there are certain differences between the procedures adopted in the Lok Sabha and in the Assam Assembly in the matter of moving adjournment motion. In the Lok Sabha adjournment motions are allowed to be discussed only when it is found to be in order. In the Assam Assembly a convention has been developed to allow the members to speak on the admissibility of the adjournment motion; A.L.A.D., 23.3.72, pp. 1-4

\(^{28}\) Reports on the working of the Reformed Constitution, 1927, p. 513

\(^{29}\) A.L.A.D., 7.4.37, Vol. I, pp. 13-14
attention notice, half-an-hour discussion, budget discussion and on the discussion on the Address of the Governor. During the period of 1962-72, 162 notices of adjournment motions were tabled and out of them only six motions were admitted. The number of adjournment motions moved year-wise was as follows:

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<td>5</td>
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<td>1963</td>
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<td>7</td>
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<td>1972</td>
<td>12</td>
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Total: 162 notices of adjournment motions

The following summary provides an account of the adjournment motions admitted during 1962-72:

(1) The first ever adjournment motion admitted during the period of our survey was tabled on 23 October 1967 to discuss the planting of a bomb in the Assam Secretariat Building and the explosion that resulted in the damage of the building. The adjournment motion was moved by Dulal Chandra Barua (Ind). The Speaker found that the adjournment motion fulfilled the conditions laid down in the rules of the House and so he admitted it.

(2) On 1 April 1968 Dulal Chandra Barua (Ind) tabled a notice of an adjournment motion on "curfew in Tinsukia town since 4 P.M. of 30 March 1968". He was supported by Giasuddin Ahmed (Ind), Kamini
Mohan Sarma (C.P.I.) and Sailesh Medhi (Ind). The issue involved in it was a communal problem relating to Hindus and Muslims. The trouble in that town began when a man who carried beef was beaten by a group of people. The matter became so serious that it resulted in the burning down of a stationery shop belonging to a Muslim. A mob set fire to the furniture of a local Madrassa defying tear gas.

Bimala Prasad Chaliha (Chief Minister) giving an account of the incident said that the situation was under control after ourfew clamped in the town. The incident was a question of law and order and the Government was taking adequate steps. The Speaker reserved his ruling on the adjournment motion and sent a team of members of the Assembly to Tinsukia to make an on-the-spot study of the situation.

On 2 April 1968 the Speaker observed that the matter was definite and of public importance and the situation at Tinsukia town was grave and serious. He found that the adjournment motion satisfied all the conditions laid down in the rules of the Assembly. The Speaker admitted the motion with the hope that the members would help towards easing the tension and maintaining communal harmony by giving concrete suggestions. Discussion on the matter took place in which nine members from both sides of the House took part. The Chief Minister welcomed the suggestions offered by the members.30

(3) The third adjournment motion admitted during the period of our review was tabled on 24 March 1969 and it was the subject matter of as many as three separate notices; one was tabled by Gauri Sankar Bhattacharyya (Ind) and six others; another was tabled by Phani Bora (C.P.I.) and the third was tabled by Atul Chandra Goswami (S.S.P.)

30. A.L.A.D., 2.4.68, pp. 18-19
and two others. The subject related to the 12-hour hunger strike resorted to by a large number of persons all over the State on the issue of establishing a second oil refinery in Assam and specially for the hunger-strike undertaken by a large number of members of the House. Mahendra Mohan Choudhury (Minister, Parliamentary Affairs) said that in view of the great importance of the matter, it would not be proper for the Government to stand in the way of discussing such an important matter. The Speaker allowed the motion to be moved as a special case under Rule 144(2) of the House and held that it should not be taken as a precedent. Seventeen members including the Minister for Industries took part in the discussion. As a follow-up of the discussion the Speaker announced the constitution of a delegation of five members of the House, as desired by the House, to visit New Delhi in connection with the establishment of the second oil refinery in Assam. 31

(4) The fourth adjournment motion was admitted on 5 December 1970 through which an important matter on 'Decamping by Pakistani Spies with secret maps and documents from the survey of India Shillong Office' was sought to be discussed. 32 The notice tabled by Dulal Chandra Barua (Ind) was found to be in order by the Speaker. The problem was connected with the security of the State wherein it was alleged that two Pakistani ladies came to the capital and entered into an office where the secret documents concerning the security of the country were kept. The two ladies slipped off to Pakistan with secret documents concerning the international

31. A.L.A.D., 24.3.69, pp. 14-21
McMahon Line in a local taxi No. ASA 6981 and in this case no less a person than one Major S.K. Kohli, Officer-in-charge of No. 5 party which was operating in N.E.F.A. sector on the international border was involved. The incident took place on 21 November 1970 and the two ladies stayed in the office from 11 P.M. to 5 A.M. The member submitted that the State Government and the Government of India were informed of the matter but no action seemed to have been taken and the matter proved the failure of the State Government to prevent such incidents which endangered the security of the State. Wimal Haque Choudhury (Cong) made a statement on 7 December 1970 which was in conformity with the contention of Dulal Chandra Barua (Ind). Bimala Prasad Chaliha (Chief Minister) stated that the two ladies who decamped with secret maps and documents from the Survey of India office might not be Pakistani spies. He also indicated about the police enquiry into the matter, departmental enquiry instituted by the Survey of India Authorities and another high-power departmental enquiry that was scheduled to start with effect from 7 December 1970. Considering all the submissions made by the members the Speaker found the adjournment motion to be definite, recent and of public importance. He considered the matter to be of serious nature affecting the security of the State. He found that the adjournment motion fulfilled all the provisions under Rule 57 of the House and declared the same to be in order. Discussion took place on the matter on 11 December 1970 after the question hour in which six members from both sides of the House took part. The Chief Minister replied to the points raised. At the end the mover withdrew the adjournment motion.  

(5) Phani Bora (C.P.I.) tabled an adjournment motion on 30 March 1971 to discuss the situation arising out of mass killing in the neighbouring State of East Pakistan. The Speaker suspended Rule 62 of the House with the consent of the members and allowed discussion on the matter. Twenty five members from both sides of the House participated in the discussion. They expressed deep shock and horror at the attack launched by Pakistani Government and condemned it in strongest language. At the end of the discussion, Mahendra Mohan Choudhury (Minister, Revenue) made a statement associating himself with the sentiments expressed by the members. He moved a resolution condemning the atrocities on the people of East Pakistan committed by the Government of Pakistan in violation of the 'Universal Declaration of Human Rights' proclaimed by the United Nations in December 1948. The Assembly urged upon the Government of India to take steps in giving recognition to the provisional Government of 'Bangla Desh'. It conveyed the sincere sympathy of the House to the people of East Pakistan. The resolution was unanimously adopted by the House.35

(6) On 25 November 1971 two notices of adjournment motions were submitted separately to discuss: (a) the situation arising out of increased Pak sabotaging activities in Assam specially in the border districts of the State; and (b) the abnormal situation arising in the State out of Bangladesh movement.36

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34. Rule 62 - The Speaker may, if he is satisfied that there has been adequate debate, put the question at such hour as he decides, but such debate will not continue for more than four hours; Assam Legislative Assembly, 1969, p. 42

35. A.L.A.D., 30.3.71, pp. 11-49

were tabled by Dalai Chandra Barua (Ind) and Lakshyadhar Choudhury (P.S.P.) respectively. The Speaker admitted the motions. Discussions took place on the motions at the same time on that very day from 2-30 P.M. to 5 P.M. The Chief Minister made a statement giving a detailed account of the situation in the State in the wake of Bangladesh movement. Ten members of the House took part in the discussion. After the discussion a resolution was moved jointly by Dulal Chandra Barua (Ind) and Dr Bhupen Hazarika (Ind) which was adopted unanimously by the House. Through the resolution the Assembly recommended to the Government to take immediate measures to strengthen civil defence, improve transport and communications internally as well as with the rest of India by road, air and rail. It also recommended to the Government to control price line by building up buffer stock with necessary imports, take suitable action against the hoarders and profiteers of foodstuff and essential commodities, punish the fifth columnists and saboteurs and to improve intelligence services. The House appealed to the people and urged upon the Government to create a proper atmosphere to maintain the unity and communal harmony in the State.

(c) No-confidence motions: Moving of no-confidence motion against the Council of Ministers is the most important constitutional right in the hands of the Opposition. Rule 133 of the Assembly provides for the moving of no-confidence motion against the Council of Ministers. It states that a motion expressing want of confidence in the whole ministry or a group of Ministers or a motion disapproving of the action or actions of a Minister may be made with the consent of the Speaker. Such motions are subject to certain restrictions like: (1) no motion expressing want of confidence shall
be made against an individual Minister or a group of Ministers:
(2) no motion expressing want of confidence in the ministry shall be allowed to be made if, a similar motion has been made in the same session. Besides these restrictions the motions of no-confidence have to fulfil certain conditions. The conditions are - (a) the member desiring to move the motion has, before the commencement of the sitting of the day, given a written notice to the Secretary of his intention to move the motion together with a copy of the motion; and (b) leave to make the motion has been asked for after the Question Hour and before the list of business of the day is entered upon. If not less than one-tenth of the total number of members of the House rise in favour of the motion, the Speaker shall intimate that leave is granted and the motion will be taken on such day not being more than ten days and not less than twenty four hours from the time at which leave is asked as he may appoint.

During 1962-1972 twelve no-confidence motions were tabled by the Opposition and all of them were lost. The following is an account of the no-confidence motions tabled in this period:

(1) The first no-confidence motion was tabled against the Council of Ministers on 19 August 1963 under Rule 133 of the House by eleven Opposition members of the House. This no-confidence motion was significant in that this was the first ever no-confidence motion brought after independence. The main grounds on which this motion was tabled were: the failure of the Government to protect

37. Rule 133, Assam Legislative Assembly, 1969, p. 75
life and property in the communal disturbances in Cachar; failure to check Pakistani infiltration; favouritism shown by the Government to the persons who had good terms with the high ups etc. Tarapada Bhattacharyya (Ind) spoke about industrial raw-material scandal, imported betel-nut scandal, milk powder scandal, fertiliser scandal, embankment, drainage and flood control scandal, passport and visa scandal and alleged that unauthorised persons were authorised to do business in Assam and the Government officers were involved in giving contract to the undeserving persons. Captain V.A. Sangma (A.P.H.L.C.) supporting the motion pinpointed the failure of the Government to maintain security of the State particularly during the emergency. Stanley D.D. Nichols Roy (A.P.H.L.C.) alleged that the Government was callous to the Hill areas. Santi Ranjan Das Gupta (Ind) criticised the Government for introducing politics in the sphere of Co-operation, Panchayats and Education, for its failure to tackle food problem and root out corruption. Nineteen members including five Ministers participated in the debate. Fakhruddin Ali Ahmed (Minister, Finance) and Bipin Prasad Chaliha (Chief Minister) refuted the charges. The Chief Minister gave an assurance to improve the law and order situation in the State. After three days' discussion on the motion, the House divided and the motion was lost by 73 to 17 votes.  

(2) The second no-confidence motion was tabled on 2 March 1964 by Hoover Hynniewta (A.P.H.L.C.) against the Council of Ministers. Sixteen members stood up in support of the motion. The motion was moved on 5 March 1964 by Hoover Hynniewta (A.P.H.L.C.). The member

spoke about insecurity of the people, about the firing incident at Shillong on 17 February 1964 which he regarded as the worst form of Indian chauvinism and Pakistani subversion and intrigue. He alleged that the Government was hostile to the Khasi people. Dulal Chandra Barua (Ind) spoke on the Government's failure to stop Pakistani infiltration. They pointed out that though the Government assured the House to improve the law and order situation, nothing was done and people were much more insecure both internally and externally. Lakshmi Prasad Goswami (P.S.P.) alleged that the Government had adopted a very fallacious policy of discriminating people on caste basis without taking into consideration the economic basis for giving privileges to the down-trodden people. He drew attention to the presence of 75,000 Pakistani infiltrators in Assam and the impending Pakistani attack. He remarked, "this state has gone to dogs ... Here we are surrounded by Congress members 90% of whom do not have faith in democratic socialism." The Government replied to the points raised and at the end the motion was lost in voice vote.

(3) The third motion of no-confidence was moved by Hynniewta (A.P.H.L.C.) and ten other members against the Council of Ministers on 8 September 1966. This motion was brought with a view to discussing the police firing that took place at Shillong on 10 and 11 August 1966. Leave was granted as the requisite number of members of one-tenth of the total number of members rose in support of the motion. Hynniewta (A.P.H.L.C.) moving the motion alleged that many of the problems were caused by manifold omissions.

41. A.L.A.D., 5.3.64, pp. 86-98
and commissions on the part of the Government. He held that the police firing in Mulki (Shillong) on 10 and 11 August 1966 was uncalled for and it aimed at nothing but to strike terror among the Khasi people of Shillong, the majority of whom decided to launch a 'Direct Action Movement' sometime before the end of the year. 42

He regarded the prevailing food position and water supply of Shillong as unsatisfactory and criticised Government's indifference to it. Dulal Chandra Barua (Ind) supporting him held that though the Opposition was aware of the fact that there was no hope of the motion being carried out in the House it would serve as a heart-searching motion. The members who supported the motion spoke mainly about trouble in Mizo Hills, subversive activities of the Pakistani agents and the unemployment problems of the State. The debate took place for two days in which fifteen members from both sides of the House and three Ministers took part. On 9 September 1966 the motion was put to vote and was lost by 77 to 13 votes. 43 During the discussion, Brington Buhai Lyndoh (A.P.H.L.C.) suggested the holding of a session of the Assembly in camera to discuss the relationship between the people and the police. In deference to the desire of the member a secret session of the Assembly was held on 12 September 1966.

(4) The fourth no-confidence motion was tabled on 7 November 1967 by Gauri Sankar Bhattacharyya (Ind) and 30 other members against the Council of Ministers. The debate took place on 8 and 9 November 1967. The Opposition drew the attention of the Government to the problems like police firing of 3 November 1967 at Nowgong, failure

42. A.L.A.D., 8.9.66, p. 186
43. A.L.A.D., 9.9.66, p. 186
of the Government to supply rice through the fair price shops, taking of settlement of a big area of Government land at a nominal price and selling of the same to the Government at a huge sum of money by an ex-M.L.A.; anomaly in the Department of P.W.D. in regard to promotion of the Officers, Mizo problem, Pak infiltration and the strained relationship between the people of the hills and the plains. The Chief Minister in reply to the points assured the House to solve the problems as best as the Government could. The motion was put to vote and was lost by 62 to 38 votes.  

(5) The Opposition tabled a no-confidence motion against the Council of Ministers on 21 February 1968. There were two motions, one was tabled by Phani Bora (C.P.I.) and 13 other members and the other was tabled by Bhadra Kanta Gogoi (Ind) and 2 others. It was decided to club the two motions together and debates took place on 22 and 23 February 1968. The main allegations against the Government were its failure to defend the honour of the National Flag of the Republic of India on 26 January 1968, failure to maintain peace at Gauhati on 26 January 1968 and to safeguard the property and dignity of the citizens. The Opposition criticised the Government for its inability to bring the real culprits to book, prevent the forces of disruption and disunity in Assam, solve the unemployment problem and the problems of the teachers, employees, peasants and workers. Thirty members from both sides of the House took part in the debate. Himala Prasad Chaliha (Chief Minister) replied to the points raised by the members. He admitted that the name of Assam was lowered by the incidents at Gauhati on the Republic day of 1968. The motion was
lost by 64 to 36 votes. 45

(6) On 2 April 1968 Phani Bora (C.P.I.) and 3 other members tabled a no-confidence motion against Lakshmi Prasad Goswami (Minister, Panchayat and Community Development). In the explanatory note they stated that the motion was tabled for the failure of the Minister to fulfil the desire of the people in the matter of Panchayat administration and Community Development and 'for his conspiracy to utilize the coming Panchayat Election against his political opponents, which policy of the Minister was likely to create disorder and chaos in the coming Panchayat Election.' 46 Mahendra Mohan Choudhury (Minister, Parliamentary Affairs) submitted that in view of the fact that the last no-confidence motion was disposed of on 23 February 1968, another motion could not be allowed. He pointed out to Rule 164(2) of the Assembly under which the Ministers were collectively responsible to the Legislative Assembly of the State. He also referred to page 233 of S.S. More's Parliamentary Practice in which it was stated that due to collective responsibility of the Council of Ministers, a motion expressing want of confidence in any individual Minister 'will not be in order.' 47 He further referred to page 156 of A.R. Mukherjee's Parliamentary procedure wherein also it was stated that as under the Constitution, the ministry was collectively responsible, and hence, a motion of no-confidence could be moved against the whole Ministry and not against a particular Minister although the action of a particular Minister could be the cause of a no-confidence motion.

45. A.L.A.D., 23.2.68, p. 68
46. A.L.A.D., 2.4.68, p. 17
47. ibid., p. 30
The Speaker ruled the motion out of order on the ground that the State Government as a whole by notification under the Panchayat Act could extend the term of office and postpone the election. So a particular Minister could not be censured for following the provisions of the Panchayat Act. Phani Bora (C.P.I.) said that he had documentary evidence to prove that the particular Minister called upon a certain President of a certain Anachalik Panchayat and the people to be ready and told them that the election would take place and so arrangements should be made secretly without giving publicity. The Minister concerned, however, refuted the charges as imaginary and fake. After this no further discussion took place. 48

(7) On 4 April 1968 Phani Bora (C.P.I.) and three other members tabled a motion of no-confidence against Lakshmi Prasad Goswami (Minister, Panchayat and Community Development) for his alleged involvement in a deep-rooted conspiracy in connection with the coming Panchayat election. 49 The Speaker reitering his earlier decision observed that no-confidence motion in a democratic House could be moved only against the Leader of the Council of Ministers or against the whole Council of Ministers. There were three types of motions; one was no-confidence motion, another was censure motion, and, still another was disapproval of a particular action or policy. No-confidence motion was subjective in nature. Censure motion was an objective motion and one should be clear about the reasons for moving the censure motion. Censure motion against a particular minister may lead the Chief Minister to resign or he may just drive out that

48. A.L.A.D., 3.4.68, pp. 57-59
49. A.L.A.D., 4.4.68, p. 15
Minister. The Speaker after making this observation held that the matter might be treated as a matter of public importance and could be discussed under Rule 50 of the House and not as a censure motion. In the discussion that followed thirteen members took part. The Minister concerned replied to the points raised by the members. There was no voting after the discussion under Rule 52 of the House.

A notice of no-confidence was tabled by Phani Bora (C.P.I.), Dulal Chandra Barua (Ind) and others on 29 August 1968 expressing want of confidence in Bimala Prasad Chaliha (Chief Minister) on the following, among other grounds,

(i) that he withheld from the legislature facts and circumstances relating to several issues of vital importance for the state;

(ii) that he failed to give proper lead on the issue of re-organisation of Assam;

(iii) that he failed to give a proper lead in the matter of industrialisation with particular reference to the setting up of a second oil refinery in Assam in the public sector;

(iv) that he failed to tackle the food problem in the state.

The Speaker found the motion to be in order. On 30 August 1968 discussion on the motion took place.

Twenty seven members of both sides of the House took part in the debate. The Chief Minister replied to the points raised in

50. Rule 52 of the Rules of procedure and conduct of business in Assam Legislative Assembly states that there shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the "minister shall reply shortly. Any member desirous of taking part in the discussion
the debate. After the discussion the motion was put to vote which was lost by 67 to 37 votes.51

(9) On 8 April 1969 a motion of no-confidence was tabled by Dulal Chandra Barua (Ind) and 3 others expressing want of confidence in Mahendra Nath Hazarika (Minister, Khadi and Village Industries) on the ground that his activities as a member of the Cabinet were detrimental to the interest of the State in general and the Scheduled Caste Community in particular. Dulal Chandra Barua (Ind) started a frontal attack against the Minister. He alleged that the orders passed by the Minister in settling fisheries on the advice mostly of his wife, were in violation of law. The fisheries were settled with individual fisherman and with some co-operatives run by his relatives. He charged that the jail administration which was also under the same Minister was in the doldrums and all sorts of corruption and criminal atrocities continued in Jorhat Jail. Ten members participated in the debate. The Minister gave a detailed explanation of the particular instances referred to and said that nothing illegal in the settlement of the fisheries was done. He regretted the bringing in of his wife's name in the settlement of fisheries. The motion was put to vote and was lost by 61 to 29 votes.52

(10) The Opposition tabled a motion of no-confidence against the Council of Ministers on 30 July 1969. The failure of the Government of Assam to clinch the issues on the Railway Divisional headquarters at Rangiya, location of the second oil refinery in Assam,

51. A.L.A.D., 30.8.68, p. 78
52. A.L.A.D., 8.4.69, p. 42
extension of the broad gauge railway line from Bongaigaon, failure of the administrative machinery, the problem of unemployment and that of the landless people were the main points on which the opposition attacked the Government. The discussions did not rise above the average and appeared to be a verbal warfare. Twenty seven members participated in the debate that took place for two days. Riswadev Sarma (Minister, Industries) and Bimala Prasad Chaliha (Chief Minister) replied to the points raised by the members. The motion was lost by 62 to 30 votes. 53

(ii) On 17 March 1970 a censure motion was tabled against Lakshmi Prasad Goswami (Minister, Agriculture) by Gobinda Valita (C.P.I.) disapproving of the action of the Minister. The Minister faced three individual motions so far. This motion was an important one as it led to the resignation of the Minister. 54 The main complaints against the Minister were -

(i) that the Minister was in league with the millers and black marketeers and sabotaged the Co-operative movement, Apex Marketing and its activities;

(ii) that he squandered public money;

(iii) that he allowed the ruthless exploitation of the peasants and forced them to sell their paddy at a very low price;

(iv) that he gave agency to Mr Kedia and M/S Bhagabati Traders and without licence they were allowed to procure and sell paddy who kept thousands of tons of paddy in different godowns at Gauhati, Nowgong, Raha, Chaparmukh and Hojai in the name of Apex Marketing Society.

54. A.L.A.D., 10.4.70, p. 56
The mover of the motion further alleged that the Minister was guilty of shielding his brother for misappropriating Rs 30,000/- as the President of the Kampur Co-operative Society. During the course of discussion on the motion an enquiry committee was formed by the Speaker on 10 April 1970 with seven members of the House. The Minister relinquished his Ministership on that day in order to facilitate a free enquiry into the matter. The Committee submitted a majority report as well as a note of dissent. The majority of the members observed in the report that the export of rice was prayed for by the Apex Marketing Society, the Minister did not act conscientiously and finally remarked that there was much to be desired about vigilance and carefulness on such matters from the Minister concerned. Phani Bora (C.P.I.), Hiralal Patwari (Ind) and Atul Chandra Goswami (S.S.P.), three Opposition members on the enquiry committee submitted a note of dissent on the conclusions of the majority report. Their points were that the Minister had full knowledge about the free sale of rice, that he had unholy alliance with some business men, that he had shown hostile attitude towards the Maharashtra State Marketing Federation, that the price of paddy fixed by him was not in accordance with the price fixed by the Government, that the letter written by the Minister concerned to the Supply Department was a proof of serious offence committed by him, and that the action of the Minister had done serious harm to the Co-operative movement of the State. The dissenting members recommended legal proceedings against the Minister and his associates.

55. Report of the Enquiry Committee on the allegations against the Minister, Co-operative and Agriculture, Assam, 1970
56. ibid., p. 25
The twelfth no-confidence motion of the period under review was tabled by Gobinda Kalita (C.P.I.) and 4 others against the Council of Ministers on 25 October 1971. Another no-confidence motion on the same day was tabled by Dulal Chandra Barua (Ind). Both the motions were admitted by the Speaker and were discussed simultaneously. The main points raised in the discussion were the prevailing artificial scarcity of food-stuffs and soaring prices caused by the profiteers and hoarders. Gobinda Kalita (C.P.I.) alleged that Mahendra Mohan Choudhury (Chief Minister) collaborated in exchanging a plot of land with Moinul Haque Choudhury (Cong) at Gauhati through dubious means. Participating in the debate, Gauri Sankar Bhattacharyya (Ind) said that Congress and corruption had become synonymous. He pointed out that even during the scarcity of sugar at Gauhati there were 10,000 bags of sugar at Gauhati. He further alleged that concessions and tax reliefs were given to his businessmen and industries to the tune of Rs 8.09 crores and while doing so Assam's public debt had gone to Rs 308.21 crores. Dulal Chandra Barua (Ind) alleged that several officers had amassed huge property and that had been possible with the co-operation of the Ministers. The Chief Minister refuted the charges and at the same time welcomed the suggestions of the members. The motion was put to vote and was rejected by 63-27 votes.

The survey shows that although the Opposition was not strong in the Assembly, all throughout the period of our survey, it was a vigilant Opposition as evidenced by the interest it took in focussing issues of public importance and matters relating to security of the State and its social harmony. A Minister had to

58. A.L.A.D., 25.10.71
tender his resignation due largely to the efforts of the Opposition to ensure a cleaner administration. The Opposition took a leading part in initiating discussion on problem of economic development of the State and the Opposition move on oil refinery succeeded in reaching a unanimous agreement on the need for it. Minor aberrations apart, the Opposition functioned as a responsible body befitting parliamentary democracy. What detracted from its glory was the floor-crossing motivated not so much by principles but by self-interest of the defectors concerned.