Chapter I

A HISTORICAL BACKGROUND OF ASSAM LEGISLATIVE ASSEMBLY
(1905-1962)

Assam was constituted into a Chief Commissioner's province on 6 February 1874 by separating it from Bengal by an order of the Government of India. It was the smallest province with 77,500 square miles, more than half of which was made up of hills and sparsely populated frontier tracts. The Brahmaputra Valley and the Surma Valley contained over six and half millions out of the Province's total population of about seven and half millions. Its capital was Shillong, a place amidst the Khasi and Jaintia hills, lying at a height of 5,000 ft. with a heterogeneous population consisting of Khasis, Bengalis, Assamese, Madrasis, Sikhs, Pathans, Chinese and Gurkhas. Bengalis were predominant in Goalpara and Sylhet. Sylhet had two and half million inhabitants in which Muslims were predominant and the area covered 5000 square miles. The district of Goalpara with 4,000 square miles had a population of nearly three quarters of a million. The main areas of the backward tracts of Assam were the Lushai Hills, the Naga Hills, the North Cachar Hills and the British portion of the Khasi and Jaintia Hills, the Lakhimpur frontier tract and the Sadiya frontier tract.

1. Shillong continued as capital of Assam till 1973 when the seat of the Government of Assam was shifted to the temporary capital at Dispur, Gauhati.


3. After the partition of India, Sylhet was added to Pakistan.
In 1905 when Bengal was partitioned, Assam, together with the eastern half of Bengal was converted into one Lieutenant-Governorship, known as Eastern Bengal and Assam. In 1910 the partition of Bengal was annulled and once again Assam became a Chief-Commissioner's province. The Governors of the Presidencies were higher in status and enjoyed more powers than the lieutenant Governors or the Chief Commissioners. The former were appointed by His Majesty's Government on the advice of the Secretary of State whereas the latter were appointed on the recommendation of the Governor-General. The Chief Commissioners were mere delegates of the Governor-General, exercising administrative powers delegated by the latter and as such, the Chief Commissioners did not possess executive councils to advise them.

The Reforms Act of 1919 removed the distinction between the two types of provinces and all provinces came to be known as the Governors' provinces. However, the old differences in the authority of appointment remained as before. The Government of India Act, 1858, empowered the Governor-General to appoint lieutenant Governors. Those of the Presidencies continued to be appointed by the Crown from amongst the British parliamentarians or prominent party leaders, who naturally continued to enjoy higher status than the lieutenant Governors.

Assam was known as a Non-Regulation Province like the Punjab as distinguished from the old Regulation Provinces of Bengal, Madras and Bombay. In the Non-Regulation Provinces,

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administration was conducted in accordance with simpler codes which could be frequently modified to suit the changing circumstances. By the time of the introduction of the Montford reforms the distinction disappeared except for some differences in the titles of the officers. For instance, in the Non-Regulation Provinces, the collector was designated as the Extra Assistant Commissioner. The total strength of the legislative council of Assam under the Regulations of 1912 was 25.

Like almost all the provinces of India, Assam was not formed into a homogeneous province on the basis of ethnological, linguistic or cultural factors. Political, military and administrative exigencies shaped the political map of Assam.

The Indian Councils Act 1861 provided for the creation of provincial legislatures for the first time in India. The time of formation of the legislative councils varied from province to province and in Assam it was constituted in 1905 when the province of East Bengal and Assam was created. The seat for the council was at Dacca and Assam was represented by four members including one European belonging to the planting community. The legislative council also included the Advocate-General as an additional member. Half of the members were to be non-officials, nominated by the Chief Commissioner. The legislative council exercised extremely restricted powers. Before the introduction of provincial bills

5. ibid., pp. 231-232
6. Report on Indian Constitutional Reforms, 1918, p. 28
7. Saksena, Assembly Hand Book, p. 12
prior sanction of the Governor-General in Council was a necessary pre-requisite and all Acts had to be approved by the Governor-General. Besides this, some avenues like taxation, currency, post and telegraph etc. were outside the legislative jurisdiction of the legislative council.

In spite of the limitations, the beginning of the parliamentary structure was inaugurated in Assam in 1905-1912.

The Morley-Minto Reforms Act was passed in 1909 with the aim of associating more Indians with the work of administration. Consequently all the provincial legislative councils were enlarged in size and in accordance with the provisions of the Act, the majority of the members were non-officials, although for all practical purposes, the officials managed to have a working majority with the nominated members. The strength of the council was fixed at thirty. However, the legislative council of Assam, like those of other provinces, consisted of four types of members, i.e. ex-officio members, nominated officials, nominated non-officials and the elected members. Though this Act introduced the system of indirect election for the first time, the electorate was indeed very small and easily manageable. Moreover, women were denied the franchise. The system of indirect voting widened the gulf between the legislators and the electors and the legislators generally failed to appreciate the needs of the people. Moreover, provision was made for separate electorates and thus communal feelings vitiated the very essence of election. The Muslims were to elect their own representatives from separate constituencies and they enjoyed weightage. Special constituencies were provided only for
the Muslims, land-holders and Chamber of Commerce. The traditional policy of 'divide and rule' was cunningly pursued by the British Government, so that the division in representation would increase the cleavage between the Hindus and Muslims. This situation was fraught with grave dangers to the unity of the nation.

The legislative council of Assam had a strength of 25 members of whom 14 were nominated and 11 were elected members. Of the nominated members 10 were officials and the rest were non-officials. As for the elected seats, 2 seats were reserved for the Muslims, 3 for the representatives of the planter community and the rest were general seats. The Chief Commissioner was the ex-officio president of the council.

The Council could move resolutions on the budget in the form of recommendations. The elected members of the Council also could play a direct role in the framing of a limited portion of the budget. They did it especially regarding the small margins of expenditure for optional schemes. The councillors enjoyed the right of putting questions on matters of public importance. They had to give prior notice before putting questions. Thus they exercised some measure of influence over administrative and financial matters.

The reformed system as provided by the Indian councils act of 1909, did not embody any new policy and it was just an extension of the existing system of administration. The control of the Government remained with the executive. Popular control over

legislative matters was introduced only to a limited extent. So the Act could claim to bring the changes in degrees only but not in kind. The system of election as desired could not impart political education to the common people. The representatives of the different groups and interests could not take a united stand on any matter of public importance in view of the very composition of the council. The deliberations in the House, moving of the resolutions or putting questions and supplementary questions were hedged with many limitations. The members could record an adverse vote against the Government. But this had little effect on a Government which was not 'responsible'. Similarly, criticism of the Government by the members of the legislature had also no adverse effect on the working of the Government.

Despite these shortcomings, the Act heralded an era of parliamentary Government in an otherwise totally bureaucratic system. Much of the present legislative usages were the product of this Act. The principle of indirect election was formally introduced. The right of voting on some items of the budget, the right of asking questions and supplementary questions and the right of moving resolutions as conceded to the members of the Council proved to be of substantial importance later on in the period of real self-government.

Under the Government of India Act, 1919, Assam became a Governor's province on 3 January 1921. It was one of the eight provinces of India to have introduced dyarchical form of Government on an
The Government of India Act 1919 which contained over 150 clauses and five schedules conferred administrative responsibility of certain subjects on the provinces under the Devolution Rules. These subjects of administration were divided into two divisions and they were administered by the two halves of the Government. It was a novel experiment for India, though it was also tried in Malta, and was nicknamed 'dyarchy'. The legislature was triennial and the statutory number of members was fixed at fifty three in Assam.

The idea of provincial autonomy was indicated by the Government of India in a Despatch to the Secretary of State for India, of 25th August, 1911, and was incorporated in the Congress League scheme. The Montford Report recommended decentralisation of administrative power so that popular control over provincial sphere could be effective. Accordingly, the Government of India Act, 1919, provided for delegation and devolution of administrative authority although the Constitution remained unitary. The Act

9. The word 'dyarchy' did not appear in the Govt. of India Act 1919 nor in the Montford Report. Its first use was made by Mommsen to describe the dual system of Govt. between the Emperor and the Senate in the Roman Provinces. Thirwall also employed the term 'dyarchy'. Mr Lionel Curtis in his book on Indian Constitutional Reform gave a detailed description of the development of the idea with reference to the Memorandum of Sir William Duke's Committee of 1915 leading up to the 'Plan' contained in the 'Joint' Address of November 1917 - Indian Statutory Commission, 1930, Vol. I, p. 148

10. Allan Gladhill, The Republic of India, p. 22


12. ibid., Vol. II, pp. 294-295
made a new departure in the British Indian history by providing for gradual transfer of power. It goes without saying that the system was halting and the power exercised by the representatives of the people was extremely limited.

The Act of 1919 gave more powers to the provincial legislatures and broadened the electorate on the basis of the draft formula prepared by Mr Montagu, the then Secretary of State for India. This was put in its final form by Lord Curzon.

The Assam Legislative Council, under the Reforms Act 1919, met for the first time in February 1921. The strength of the first Council was fifty three as under:

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<th>Statutory Minimum</th>
<th>Elected</th>
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<th>Executive Councillors</th>
<th>Nominated Non-Officials</th>
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Out of thirty nine elective seats, twenty seats were filled by the representatives of the general constituencies, twelve were reserved for the Muslims, one seat was filled by labour, one seat was occupied by the representatives of the Backward Tracts and five seats were filled by the members of the Planter Community and Commerce. The single-chambered Assam Legislative Council had the appearance of a democratic legislature. Out of the total number, not less than seventy per cent were elected and not more than twenty percent were nominated members. As it was under the
Act of 1909, the new Act also provided for the continuation of weightage in favour of the minority communities of Assam.

One of the important features of the Assam Legislative Council of 1921 was that all communities of Assam were represented in it, viz., the Tea Planters, businessmen of both British and Indian communities, landlords, agriculturists, lawyers, educationists, workers in local bodies; further the following interests were represented: a non-official member of the medical profession, an Indian Christian clergyman and a retired Indian officer of the Assam Rifles, a representative of the Goalpara Zamindars, a representative of the domiciled community of Bengalese and two members of Ahom race including a prince of the Royal House and a representative of the Hill areas. There was no female member in the Assam Legislative Council. Though the Council represented different interests and communities, the legislative records of that time show that in the matters of public importance all the members could unite and very often resolutions were passed unanimously.

The Govt. of India Act, 1919 provided for the appointment of the first President of the Council by the Governor. The Governor ceased to be the President of the legislative Council in accordance with the recommendation of the Joint Parliamentary Committee. The subsequent Presidents were to be elected by the Council with the approval of the Governor. This provision of the Act was definitely an advance on the earlier Act of 1909 insofar as it guaranteed

14. ibid., pp. 81-96
freedom of speech, criticism and of independent deliberation in the Council. The Governor of Assam had to take the sanction of the Government of India under Article 320(1) of the Civil Service Rules before the re-employment of a retired person. But it was open to the Governor of Assam to appoint any person, official, retired official or non-official, whom he considered fit, to the post of the President of the Legislative Council. In that capacity, the Governor of Assam appointed Hon'ble John Campbell Arbuthnot, a retired I.C.S. officer, on January, 1921, without the sanction of the Government of India. The salary and allowances of the President were fixed by the Governor, which could not be changed by the Council. Mr Arbuthnot was an able, experienced and a tactful person who may be said to have laid a good part of the foundation of the parliamentary system in Assam.

Under the provisions of the Govt. of India Act, 1919, the Council elected its own President in 1924. Rai Bahadur Nalini Kanta Roy Pusidar was the first elected President. He was elected for a second term also. The re-election of the President secured the principle of continuity of office and increased the authority of the Chair. Moreover, his election was unanimous. While doing so, the Assam Legislative Council adopted the convention of the House of Commons of England. The President presided over the meetings of the Council and had a casting vote in case of a tie.

15. ibid., p. 817
17. A.L.A.D., 1927, p. 10
18. ibid., 1926, p. 908
The term of the Council was three years. The Governor could extend it or curtail it earlier before the completion of the term. In case of dissolution, the new House had to be convened within six months from the date of dissolution.

The Acts passed by the Assam Legislative Council were effective within the territorial bounds of the province except in the Backward Tracts, which nearly covered one-third of the total area of Assam and which were represented by only one nominated member. Under Sub-Section (2) of Section 52A of the Government of India Act, 1919, the Governor-General in Council declared these territories of Assam as 'Backward Tracts'. The Council could exercise four types of powers - interrogatory, deliberative, legislative, and financial - however rudimentary they might be.

The Council could pass laws on provincial subjects. This power was not conceded to the Council under the earlier Act. A good number of Acts were passed by the Council under the Act of 1919. The first Act passed by it was the Deputy President's Salary Act 1921 which fixed the salary of the Deputy President at Rs 2,500 per annum.

A sort of democratic atmosphere prevailed in the Council. The deliberations were marked by a uniformly high standard of responsibility. But since the Executive remained very strong, the resolutions passed by the Council very often did not materialise and 99% of the resolutions passed by the Council were treated as

19. Assam Government Hand Book (1922), p. 118
waste paper as no effect was given to them by the Government.

The Assam Legislative Council could reduce demands for grant and as a method of criticising the policy of the Minister, could reduce the salary of the Ministers. By a direct vote of no-confidence, it could challenge the policy of the Ministers. For the first time in the history of the reform period a no-confidence motion was moved against the Saadulla ministry. Another no-confidence motion was moved against Mr J.J.W. Nichols-Roy in 1900. The salary of the Ministers was reduced from Rs 3,500/- to Rs 1,500/- a month in the Budget session of 1924 and a resolution moved in the September session to restore the original pay was negatived by the Council.

The House transacted its business in the presence of a quorum and in its absence the House was adjourned.

Although the Council consisted of an elected majority, for all practical purposes the officials along with the nominated members managed to have a working majority. The nominated members always supported the Government, and while doing so did not hesitate to vote even against popular measures. The Indian Statutory Commission held "There was no legislature in which the official bloc was not an actual or potential balancing factor." One notable feature was that throughout the reform period the Ministers always voted against the elected members of the House and always voted on the

20. Political B, 1925, Nos. 423-426, p. 39
side of the Executive Councillors.

The Legislature had all the paraphernalia of a Parliamentary form of Government, but it could not work effectively or satisfactorily as it had no real law making power. Besides this, the Governor was armed with overwhelming executive, legislative and financial powers. The power of certification under sub-section (1) of section 72E, to certify the passage of a Bill on the ground that it was essential and under proviso (a) to sub-section (2) of section 72D, to certify that certain expenditure was necessary, made the Governor very powerful. However, exercise of these powers was subject to the superintendence, direction and control of the Governor-General in Council. Moreover, a proposal for appropriation of fund could be placed before the Council only on the recommendation of the Governor. Under the power of restoration, the Governor could restore the demand for grant rejected by the Council.

The Governor appointed the Ministers and could dismiss them. He could veto any action proposed by a Minister and the Ministers under all circumstances were bound to maintain secrecy in regard to their acts for administrative reasons.

The Governor had the power to assent to a Bill, to return it for reconsideration or to reserve it for the approval of the Governor-General. In case of failure of the Council to pass a Bill in the form recommended by the Governor or the Bills relating to the Reserved subjects, the Governor could certify that passage

23. Appointment A, Appointment and Political Department, Nos. 1-2, 1923, pp. 1-5
of the Bills were essential for due discharge of his duty and thereupon the Bills were deemed to have been passed on his signature. The Governor continued to remain an integral part of authority of provincial Legislature. The decision of the Governor on any question of appropriation was final.

80 per cent of the provincial Budget consisted of non-votable items. Moreover, the pernicious practice of appointing Ministers after their retirement as Executive Councillors made them the dumb onlookers of the Governor's high-handedness. The position of the Ministers was indeed very delicate, in that they had to please two masters. Since their office depended on the whims of the Governor and since any no-confidence motion of the Councils was not effective due to the absence of a regular political party, the Ministers always had to please not only the Governor but also maintain a very cordial relation with the Executive Councillors. This factor tremendously weakened the position of the Legislative Council.

The institution of the Committee System is a modern one. Under the Indian Councils Act of 1909, the Assam Legislative Council did not constitute any Legislative Committee. The Legislative Council under the Act was not worth the name as it resembled the traditional 'durbar' of a native monarch. For the first time in the history of the reformed Council, a committee was appointed in 1901 and that was the beginning of the present Legislative Committee system. In 1921, the Legislative Council appointed two committees, one

25. Keith, Constitutional History of India, pp. 253-254
was the Select Committee and the other, the Public Accounts Committee. The two committees were appointed annually and they helped the Council in legislative matters. Another committee was appointed annually with some members of the Council to advise the Government in the framing of the budget. This committee, in course of time took the form of Estimates Committee. The working of the Committee system was not very effective, because the House had no effective power over the executive.

The proceedings of the Assam Legislative Council were conducted in English as it was the case with other provincial and central Legislatures.  

The problem of privilege in the Legislative Council became a matter of concern in 1921. Under the Act of 1909 the Councillors had the privilege of asking questions with some limitations. In 1921 the Councillors had full freedom of speech and voting in the House. Further, they could put questions as well as supplementary questions. The House also could debate an adjournment motion. Thus a healthy tradition was laid under the Government of India Act 1910.

The principle of election was introduced under the Indian Councils Act of 1909. This was, however, indirect election and in some cases it was doubly indirect, except in the case of the Muslims, land holders and the planters' representatives. The right to vote was conferred on the members of the Local Boards and Municipal Boards, larger Land Holders, Muslims of standing, top ranking officers and the Tea Garden managers, superintendents and the medical officers.

During the reform period, the urban and rural electorate showed growing political consciousness. The Act of 1919 conceded the principle of direct election which enabled the electorate to gather experience in political field and influence the activities of the Government. This Act introduced 'direct' election which was a concession of great importance. It widened the franchise. The problem of franchise was dealt with by the Southborough Committee. However, only one-tenth of the total population was conferred the right of franchise. The normal qualifications of the voters were residence within the constituency coupled with the payment of a small amount of land revenue of not less than Rs 15/- per annum, payment of annual municipal tax of not less than Rs 3/-, occupation of a house, the annual rental value of which was Rs 36/-; further, payment of income tax or agricultural tax was also a voting qualification. The retired personnel or those pensioned-off and discharged officers or men of regular forces were also conferred the right to vote. Payment of Chaukidari tax of not less than Re 1/- under the Village Chaukidari Act, 1870, by the rural people of Sylhet, Cachar and Goalpara was a qualification of the voters of those areas. The Electoral Rules of 1920 barred women, minors and men of unsound mind from the right to vote. The Rules empowered the Legislative Council to pass resolutions recommending the removal of sex disqualifications with the approval of the Governor. The Council passed a resolution enfranchising women in 1924, and on that basis, the Assam Electoral Sex Disqualification Regulation, 1924, enfranchised

30. Reports on the working of the Reformed Constitution, 1927, p. 511
women. The cultivators, as usual, were not given the right to vote. Anyway, the system was far from the ideal of universal adult suffrage. The majority of the electorate was illiterate and some symbols were adopted to help them express their choice. The Assam Franchise Committee proposed a vote for each occupied house or alternatively a vote for everyone of 25 years of age or over. The Europeans and the Anglo-Indian in Assam were represented by one nominated member only and the Indian Christians were not represented at all. The percentage of urban franchise was 15 per cent and that of rural areas was 19 per cent. There were no territorial constituencies under Morley-Minto Reforms Act of 1909. The territorial constituencies were introduced for the first time under the Montford Reforms. The constituencies were very vast and far-flung and these usually consisted of administrative districts. Since the Hindu and the Muslim members were elected by separate constituencies they tended to be overlapping and unmanageable. It was also difficult to establish personal contact with the voters and no community could influence the other in the matter of elected the representatives. Consequently it resulted in rivalry between them. Constituencies were of two types, viz., general and special. The special constituencies were those of planters, commerce and industry. The general constituencies were 39 in number out of which 12 were reserved for the Muslims and 5 were occupied by the planting community; one seat was given to commerce and industries, another was occupied by general urban areas and the remaining 20 seats were for to the

32. ibid., pp. 139-140
33. Assam Government's Memorandum to the Franchise Committee, 1930, p. 14
non-Muslim constituencies. The constituency of commerce and industry was non-territorial.

By 1924 a coalition of political parties in the Council came into being consisting of the members of the Swaraj Party and some Independents. The coalition was named as the Nationalist Party. Faiznur Ali was the leader of this Party. This Party condemned the reforms of 1919 as a sham and an unthinkable scheme. In the General Election of 1923 the Swaraj Party contested almost every seat and was able to gain the support of the people and the "hilafat" organisations. This party could rouse popular political enthusiasm and in that election 83,320 voters exercised their franchise, the percentage being 42, as against 24 per cent at the previous General Election. In the Legislative Council of 1924, the Nationalist Party comprised approximately half of the thirty nine elected members. To the embarrassment of the Government on several important occasions the Swaraj Party could secure majority of votes and was successful in reducing the salaries of the Ministers from Rs 3,500/- to Rs 1,500/- a month. The Swarajist consisted of a small but influential wing of the Nationalist Party with the aim of 'wrecking the constitution from within'. It was determined to bring the swaraj to an end. The resolution moved by it to establish a responsible Government was eventually carried by a majority which included all the non-official members of the Council except the three nominated members. The Swaraj Party of Assam was a part of the all India Swarajist organisation which had the aim of establishing "Dominion Home Rule". The party demanded the granting of more powers to the

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34. Political A, 1924, Nos. 1-7, p. 25
35. ibid., p. 7
provinceal legislature. The Independent Party of Surma Valley consisted entirely of the Muslim members.

There was no organised Opposition Party in the Legislative Council of Assam formed under the Act of 1909. After 1901 the elected members, who were moderates, did not oppose Government measures. The Swaraj Party provided the main opposition after 1924. 36

Under the Govt. of India Act, 1935, Assam was one of the six provinces to be provided with a bicameral legislature. The total number of provinces in India at that time was eleven. The Lower Chamber was known as the Assam Legislative Assembly and the Upper Chamber as the Assam Legislative Council. The second chamber in Assam was in existence for 10 years and it was abolished by the India Independence Act of 1947.

The Legislative Council was a permanent body with one-third of the members retiring every third year. The Governor could nominate four members to Legislative Council. The total strength of the House was to be not less than twenty-one and not more than twenty-two. Out of it, ten were general seats, Muslims occupied six seats and two seats were allotted to the Europeans. As the franchise qualification was high the number of voters was small. Representation was secured by separate electorate system. The House elected its President and Deputy President. The qualifications of the voters were prescribed in the 6th schedule to the Government of India Act 1935. There were two groups of qualifications. The first

group contained general provisions for the whole of India and the second group provided for the provinces. The qualified voters had to get themselves enrolled in the electoral roll, prepared for each constituency before the election. People were eligible to vote on the basis of property, service or educational qualification. The Act provided for the enfranchisement of retired, pensioned and discharged officers, non-commissioned officers and men of regular forces. Seats were reserved for special interests like, labour, landlords and commerce. A voter had to be of 21 years of age and belong to the community for which the electoral was prepared. He was to be a British subject, of sound mind and free from all electoral disqualifications. He had to pay annual municipal tax of not less than Rs 2/- in small town it was fixed at Rs 1/- and at Sylhet it was Rs 1-8-0. In Cachar and Goalpara under the Village Chowkidari Act, 1870, a voter had to pay annually eight annas only. Payment of Rs 7/- or Rs 8/- per annum as land revenue entitled persons to vote. Besides, payment of local rate of 8 annas also entitled a person to vote. In Lakhimpur, Sibsagar, Darrang, Nowgong and Kamrup and in the Garo Hills payment of Rs 7/- or Rs 8/- to the landlords by the tenants entitled the latter to vote. The holders of pass certificate of Middle English School Examination, title holders, like Rai Bahadur, Rai Sahib, tax payers, pension-holders and ex-members of the Councils, were eligible to vote. 37 The Assam Franchise Committee recommended an immediate increase of the electorate and on that basis ten per cent of the total population were enfranchised, whereas under the

37. The Assam Election Manual, 1940, pp. 62-65
earlier Act it was only three per cent. The Government of India Act 1935 widened the franchise of women. Special qualifications were prescribed for women voters. Women with property, wives or widows of income-tax payers, widows of propertied person, widows of military personnel, non-commissioned officers or of British Indian police force were enfranchised. Wives or widows of title holders and of pensioners also were eligible to vote.

The Assam Legislative Assembly was wholly an elected body. Members were elected on the basis of community and special interests. Its term was 5 years, which could be extended or reduced by the Governor. The total number of seats in this Chamber was 108. Distribution of seats in the Assembly was as follows: 47 were general seats, 7 were reserved for the scheduled castes, 9 were reserved for the representatives of Backward Areas and Tribes, 34 seats were for the Muslim representatives and one seat was reserved for the Europeans. Indian Christians were given one seat for the first time, 11 seats were kept for Trade and Commerce, Industry, Mining and planting community. Tea garden labourers were represented in four seats and one seat was occupied by the representative of women. Seats reserved for women in Assam had to be non-communal. The House elected its Speaker. In both Houses \( \frac{1}{6} \) of the total strength formed the quorum. Decisions were taken by a majority of votes.

Though the Act abolished the official bloc in the legislature it provided for the continuation of reserved seats for special interests. Of the two chambers, the Lower Chamber was more powerful than the Upper one. The members of the Lower House objected to the formation of the Upper House and they moved two motions,
one in 1937 and the other in 1940 to abolish that chamber on the ground that the members were inefficient and a majority of them represented the same political opinion with the members of the Lower House. Patterned as it was, the Upper House also consisted of Zamindars and landlords who generally adopted a reactionary attitude to the social reforms. In many cases the Upper House opposed the decision of the Lower House. The Indian Statutory Commission also did not recommend the establishment of a second chamber in Assam. However, both of the motions were lost.

The Govt. of India Act 1935 declared the Garo Hills, the Mikir Hills, the Khasi and Jaintia Hills as "Partially Excluded Areas" which were termed as "Backward Tracts" under the Government of India Act 1919. The Naga Hills, Lushai Hills, North Cachar Hills, Lakhimpur Frontier Tract and Sadiya Frontier Tract were termed as "Totally Excluded Areas." 38 The Partially Excluded Areas were administered by a Minister. Over the administration of these areas the Governor could exercise special powers. The administrative expenditure for these areas was votable and the areas were represented in the Council. The Totally Excluded Areas were administered by the Governor under his discretionary powers. No Minister could even put any question in that regard without prior consent of the Governor. Administrative expenditure of these areas was non-votable. The areas were not represented in the legislature.

The number of constituencies increased under the Government of India Act of 1935. Out of 84 territorial constituencies 47 were

38. Sections 52(e) and 92 of the Govt. of India Act, 1935
general including seven reserved for Scheduled Castes, 3 for the Muslims, one for European, one for Indian Christian and one for woman. The special constituencies were - 4 for Backward Plains Tribals, 5 for Backward Areas (Hills), 7 for European Planters, 2 for Indian Planters, one for European Commerce and Industry and 4 for the Tea Garden labourers. There was no special constituency for the Sikhs in Assam. Names of the eligible Sikh voters were enrolled in the general constituencies. The province of Assam was divided into territorial constituencies for the purpose of election.

For the Assam Legislative Council there were 18 territorial constituencies. Out of it 10 were general, 2 were for the Europeans and 6 were for the Muslims. From 1937 to 1946 the number of double-member constituencies was eight. No such constituency existed under the Montford Act of 1919.

The Govt. of India Act 1935 provided for three divisions of subjects like the federal, provincial and concurrent subjects. The provincial Legislature of Assam was authorised to make laws on provincial subjects as provided by the Act of 1935. Since innumerable restrictions were imposed on it and the Governor-General and the Governor could interfere with its functions, the Legislature could not exercise independent power and had no effective control over the Executive. The Governor could prohibit discussion on a Bill at any stage and issue ordinances. 30 per cent of the budget consisted of non-votable items.

The practice of appointing Legislative Committees was started in 1921 and after 1935, a few more committees like House

39. Assam Election Manual, 1940, p. 3
Committee, Rules Committee, Committee on Privileges and Committee on Petition were appointed. They helped the legislature in the performance of assigned activities.  

Under the Act of 1935 the Legislature could make rules to define and protect the privileges of the Houses and empower the High Court to take action against the persons who refused to give evidence before the Legislative Committees. It could expel persons for disorderly behaviour. The members had full freedom of speech and vote in the House and were not subject to the jurisdiction of court for their conduct inside the walls of the legislature. The composition of the Legislature on the basis of Communal Award of 1932 cut across the spirit of Indian nationalism and tended to shatter the spirit of national solidarity. Of the two chambers the Legislative Council exercised nominal powers. It was a reactionary body and practically served no other purpose than adding to the ever-increasing expenditure of the province.

The deliberations were carried on mostly in English. However, it was competent for the Chair to allow members to speak in vernacular.

The Speaker enjoyed the rights and privileges of the Speaker of the House of Commons of the United Kingdom. Ever since the election of the President in 1924, and under the Act of 1935 also, after their election, the Speaker, Deputy Speaker, President and Deputy President severed all connections from party politics.

40. Morris Jones, Parliament in India, p. 245
41. Section 28 of the Government of India Act 1935
and adhered to the British convention in this regard. Thus the tradition of the impartiality of the Speaker was laid in Assam. 42

The General Election of 1937 was dominated by the Indian National Congress and the Muslim League. Congress fought the election on the issue of complete independence and the Muslim League promised to promote the interest of the Muslim community. In the General Election of 1946 also these two parties were dominant and both fought the election on the question of future constitution of India. The Congress advocated undivided and united India and the Muslim League promised to create a separate state for the Muslims to be carved out of Indian territory. In 1937 in the legislature of Assam there were ten political parties, namely, Congress, Assam Valley United Peoples' Party, Progressive Nationalist Party, European group, Constitutionalist Party, Independent Party, Independents, Assam Valley Muslim Group, Surma Valley United Muslim Party and the Muslim League.

The period between 1937 and 1945 was marked by the formation of six coalition ministries, 5 of which were formed by Sayyid Md. Saadulla and one by Shri Gopinath Bordolai. The first coalition ministry was formed by Md. Saadulla and it remained in office for ten months and four days. The second, fourth, fifth and sixth coalition ministries also were formed by him. The third coalition ministry was formed by Gopinath Bordolai on 19 September 1938. This ministry resigned on the direction of the Congress Working Committee on the issue of war in September 1939. The second coalition was formed on 5 February 1938 and it was in existence for a

42. Saksena, Assembly Handbook, p. 116
period of seven months. The fourth coalition was formed on 17 November 1939 and was in existence up to 13 December 1941. Thereafter the fifth coalition was formed which resigned on 23 March 1945. The last coalition of the period 1937-1945 was formed on 24 March 1945. Thus within a period of nine years six coalition ministries were formed.

The Legislature under the Govt. of India Act 1935 was not as effective as it became under the Constitution of India. The executive branch was all-powerful and all-pervading which made the Legislature very weak. The Ministers were appointed by the Governor and could be dismissed by him though they were collectively responsible to the House. The Ministers had no hand in the tax proposals and over 40 per cent of the budget. However, though their position was better than that of the Ministers of 1919, they could not enjoy any degree of independent action in the matters of administration. There was a world of difference between the real significance of "Autonomy" in the usual acceptation of the term and the so-called "Autonomy" as provided in the Act. The Ministers and the legislators grumbled under the heavy pressure of the Governor's special and discretionary powers. If the reforms of 1919 could be regarded as a half-way house, over that structure, however, a strong Parliamentary foundation was built by the Act of 1935. There is no denying the fact that with all its shortcomings, the operation of the Act of 1935 built up traditions which in the fullness of time were bound to flourish. Political consciousness of the people as well as political concession of the British Government came to such a position that ultimately the
path was laid for the independence of India on 15 August 1947.

On 15 August 1947 all the sitting European members representing European Planters ceased to be the members of the House and a by-election was held to represent that special constituency. Under Article 168 of the Constitution the Legislature of Assam became a unicameral legislature.

The Constitution of the Indian Republic provided for universal adult franchise with some reservation of seats for the Scheduled Castes and Scheduled Tribes. The Communal Electorate system was abolished once for all. After the separation of Naga Hills from Assam the strength of the Assembly was reduced to 105. Under Article 170 of the Constitution all the members of the State Assembly were to be directly elected. On the basis of Census of 1961, the Delimitation Commission, 1963, fixed the number of members of the Assam Legislative Assembly at 126. Out of it 5 seats were reserved for the Khasi and Jaintia Hills, 4 seats for the Garo Hills, 3 seats for the Mizo Hills District, 3 seats for the Vikir Hills and one seat for the North Cachar Hills. Besides this, 10 seats were reserved for the Scheduled Tribes (Plains) and 2 seats for the Scheduled Castes.

The right to vote has been guaranteed to every adult citizen. There is no distinction of people on the basis of caste, sex, creed or educational qualifications. Women have been placed at par with men. They can vote, stand in election and if returned, can

participate in the legislative and administrative affairs of the State.

The political consciousness of the people grew apace since 1937. After the enforcement of adult franchise the number of voters increased considerably as can be seen from the following table:

Table No. 1

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Population</th>
<th>Electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>61,65,612</td>
<td>8,15,341</td>
</tr>
<tr>
<td>1946</td>
<td>74,03,396</td>
<td>14,65,686</td>
</tr>
<tr>
<td>1952</td>
<td>90,43,707</td>
<td>40,66,940</td>
</tr>
<tr>
<td>1957</td>
<td>90,43,707</td>
<td>44,95,350</td>
</tr>
<tr>
<td>1962</td>
<td>118,72,772</td>
<td>49,42,816</td>
</tr>
</tbody>
</table>

Source - Election Reports, 1937-1962

The percentage of voters to total population was 0.94 in 1920, whereas in 1962 it was 41.63. All constituencies were general and territorial. There was no special constituency. From 1950 to 1957 there were fourteen double member constituencies. In 1962 these constituencies were abolished. Now all constituencies are single-member constituencies.

The Constitution of India under part XV deals with the election. The Election Commission at the central level conducts all elections in India. At the state level there are Chief Electoral Officers who with the help of other assistant officers conduct state elections. The Representation of the People Act 1950
and the Representation of the People Act 1951 provided for detailed procedures of election. The Constitution provides for free and democratic elections. However, there have been some allegations about the influence of the ruling party in the elections from time to time.

With the establishment of full-fledged responsible and representative form of Government, political consciousness of the people registered notable advance. An instance is provided by the General election of 1952 when 599 nomination papers were filed out of which 458 candidates actually fought the election for 108 Assembly seats. In the next General Election of 1957, the number of nomination papers filed was 390 and the number of candidates contesting the election was 300, excluding 6 uncontested returns. In the General Election of 1962, 485 nomination papers were filed, the number of contestants being 409. The seats of the Assembly were 103.

Several political parties participated in the three General Elections of 1952, 1957 and 1962. They were the Indian National Congress, the Independents, the Communist Party of India (C.P.I.), the Hindu Mahasabha, the Revolutionary Communist Party of India (R.C.P.I.), the Socialist Party, the Krishak Mazdoor Party, the Mizo Union and the Garo National Council. The number of candidates of these political parties set up for different elections was as follows:
The basis of selection of the candidates is more or less same for all parties. It appears that popularity, integrity, efficiency and service to the party are taken into account while selecting candidates. Electoral alliances were entered into by the political parties except the Congress in the election of 1957. No such alliances were entered into in the election of 1952 and 1962. Political symbols were introduced in the election of 1952. In the election of 1962, marking system of voting was introduced.

The party position of the Assam Legislative Assembly shows that the Congress has been able to secure the majority of the seats in the House since 1946. After the General Election of 1952 its strength in the Assembly was 76. After the General Election of 1957 its strength was 71 and after that of 1962 it enjoyed 76 seats in the House. Other parties were so very weak in
strength that since the General Election of 1952 not a single party has emerged with the minimum strength to secure recognition as a full-fledged opposition party.

The Socialist Party, the Communist Party, some Independents, and the Krishak Mazdoor Praja Party formed a composite Opposition, known as the United Opposition Block in the Assembly from 1952 to 1957. This block worked in unison and proved to be effective.

After the election of 1957 the Opposition parties grew weaker numerically in the House. The following table shows the party strength after the General Elections of 1952, 1957 and 1962.

<table>
<thead>
<tr>
<th>Table No. 3</th>
<th>1952</th>
<th>1957</th>
<th>1962</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Congress</td>
<td>..</td>
<td>76</td>
<td>71</td>
</tr>
<tr>
<td>2. C.P.I.</td>
<td>..</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>3. Praja Socialist Party</td>
<td>..</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>4. Socialist Party</td>
<td>..</td>
<td>4</td>
<td>-</td>
</tr>
<tr>
<td>5. R.C.P.I.</td>
<td>..</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>6. A.P.H.L.C.</td>
<td>..</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7. Eastern India Tribal Union</td>
<td>-</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>8. Krishak Mazdoor Praja Party</td>
<td>1</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>9. Mizo Union</td>
<td>..</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>10. Garo National Council</td>
<td>..</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>11. United Mizo Freedom Organisation</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>12. Progressive Congress</td>
<td>..</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>13. Other parties</td>
<td>..</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>14. Independents</td>
<td>..</td>
<td>14</td>
<td>13</td>
</tr>
</tbody>
</table>

Source - Election Reports, 1952-1962
After the election of 1969, an Opposition known as the United Opposition came into being comprising Praia Socialist Party and the Independent members of the House. The R.C.P.T. with one member and the A.P.H.L.C. with eleven members did not join it. The United Opposition consisted of fourteen members only.

The system of Committees functioned in the Assam Legislative Assembly. From 1921 through 1937, the Committee system functioned. The Constitution also provided for it. The Committees were: the Committee on Petition, Committee on Privileges, Committee on Government Assurances, Committee on Subordinate Legislation, Business Advisory Committee, Rules Committee, House Committee, Library Committee, Committee on Estimates and the Public Accounts Committee. The members of these Committees were elected by the House. Each Committee was headed by a Chairman appointed by the Speaker. The Committees after investigation and other necessary work submitted reports which were generally accepted by the House. Of all the Committees, the Committee on Estimates and the Public Accounts Committee are very important as they are connected with expenditure and accounts of the Government. These two Committees are generally headed by the members of the Opposition parties. The meetings of the Committees are private and informal and their proceedings are economical and effective. The Committee on Privileges dealt with the cases that involved breach of privileges of the House. *Adopted on 9 April 1969*
which were elected for 30 months. These Committees served their purposes and thereby plugged the loopholes in the administration: they are veritable watchdogs of the Legislature.

The sittings of the House are presided over by a Speaker elected by the House. The House also elects the Deputy Speaker. They enjoy the privileges and immunities as the members of the House. The Speaker has a casting vote in case of a tie. Like the British practice the Speaker of the Legislature severs all connections with the political party after his assumption of office. It guarantees his impartiality to all the members of the House. He maintains order and discipline and can order to expunge indecent, defamatory and unparliamentary words from the proceedings. The Speaker is responsible for the maintenance of the rules and regulations in the House. The Speaker can nominate a panel of Chairman.

Shri Kuladhar Chaliha was the first Speaker of Assam Legislative Assembly. He held this esteemed office from 1952 to 1957. Dev Kanta Barooah succeeded him. He was in office from 1957 to 1959. After him Mohendra Mohan Choudhury was elected Speaker. He held this office upto 1967.

The relationship between the executive and the legislature has been cordial in Assam. In major social, economic and political issues the House is found to be united. The members in most cases have been found to be very gentle and courteous. The members of the Opposition, specially the leaders were found to be conversant with all the problems of the State. The members of the House respect the Chair and obey his rulings.

45. Article 194(1),(2),(3),(4) of the Constitution of India
The Assam Legislative Assembly passed a number of acts on social, economic and administrative matters. The number of Acts passed by the Assam Legislative Assembly from 1947 to 1962 are as follows:

Table No. 4

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Acts</th>
<th>Year</th>
<th>No. of Acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>13</td>
<td>1948</td>
<td>15</td>
</tr>
<tr>
<td>1949</td>
<td>12</td>
<td>1950</td>
<td>30</td>
</tr>
<tr>
<td>1951</td>
<td>20</td>
<td>1952</td>
<td>17</td>
</tr>
<tr>
<td>1953</td>
<td>34</td>
<td>1954</td>
<td>30</td>
</tr>
<tr>
<td>1955</td>
<td>24</td>
<td>1956</td>
<td>27</td>
</tr>
<tr>
<td>1957</td>
<td>23</td>
<td>1958</td>
<td>07</td>
</tr>
<tr>
<td>1959</td>
<td>28</td>
<td>1960</td>
<td>35</td>
</tr>
<tr>
<td>1961</td>
<td>26</td>
<td>1962</td>
<td>34</td>
</tr>
</tbody>
</table>


A reference to the system of putting questions in the Assembly will not be out of place. Despite all limitations, the practice of asking questions started first under the Act of 1909. The limitations were that before putting questions six days' prior notice was necessary. The executive could reply to such questions or reject them out of hand without giving any reason thereof. Under this Act, the members of the Legislature were entitled to put supplementary questions as well.

Under the Govt. of India Act 1919 the members of the legislature could put starred and unstarred questions with 15 days' prior notice. To the starred questions verbal replies and
to the unstarred questions written answers were provided by the executive. The practice of putting short notice questions was started under the Govt. of India Act 1935.

Under the Constitution, the members of legislature are entitled to put questions. Questions are governed by certain rules and restrictions. The Speaker is to decide the admissibility or otherwise of the questions. The purpose of putting questions is to elicit information on a matter of public importance. Sometimes constructive suggestions are also sought to be offered to the Government through such questions. Under the Rules of Procedure and Conduct of Business of the Assembly, 15 days' notice is necessary before putting starred or unstarred questions. Short notice questions can be put by any member of the House on a matter of urgent public importance; a short notice question could result in discussion on the matters at issue but it does not lead to voting.

We have traced the main lines of development of the Assam Legislative Assembly in this brief survey from the beginning of the century till 1962. It is now proposed to deal with our subject matter through a series of chapters.

46. Rules 30-47 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly, pp. 21-31
47. Rule 31, ibid., adopted on 9 April, 1969