CHAPTER - IV

Legislative Behaviour of the Legislators in the Assembly

Introduction:

Legislative behaviour of the Legislative Elites is one of the core areas of contemporary legislative research. It has drawn serious attention of social scientists, particularly of Political Scientists, who have undertaken serious research in the Third World Democracies. The dignity of legislature depends on the legislative behaviour of the Elites which is inseparably related to their representational role. In most cases such legislative role and behaviour is shaped and effected by the socialization pattern of the political elites. As such political culture inherited through political socialization is an important factor which influences legislative behaviour.

From sociological perspective legislative behaviour of the Legislator is fundamental in understanding the quality and role of the policy makers. Such behavioural dimension against the background of legislative and representational role helps in understanding the political culture of the ruling
class and its impact on society. The decline of Legislature all over, particularly in the new Democracies is attributed to the deteriorating legislative behaviour of the ruling class.

A Legislator, being comparatively more responsive and sensitive to various issues and problems of public importance than the common men, is expected to make his own assessment of various problems facing the nation in general and the state in particular. All the more because he has to take a diagnostic stand and suggest prescriptions in regard to them\(^1\). He is governed in this effort by his intellectual and socio-economic background and political culture. As a member of the ruling or the Opposition party, he may agree or disagree with the efforts made by the ruling Party to solve the problems at the national or the state level and offer alternative solutions. In this chapter an attempt has been made to throw light on the Legislative behaviour of the Members of the 8th Assam Legislative Assembly from a wider perspective.

\(^1\) Jha, Dayadhar, State Legislature in India – Abhinav Publication, New Delhi, Page No.-22
Legislature is not an isolated institution. It is essentially a social product. Legislature has a crucial role to perform in shaping a society and history. A Legislature has meaning only in the broad base of each social foundation. As such Legislature is basically a social product of social experiences of the individuals.

Legislature in its functional dimension reflects not only political culture of the ruling class, it further enables us to understand the institutional behaviour in the specific context. Legislative behaviour is mostly shaped and directed by the political culture acquired by the political actors throughout the life of social and political career. In fact, Legislative behaviour is one of major components towards understanding the nature of representation in democratic polity, which helps to understand the very foundation of politics.

The legislative behaviour and the role are very much influenced by the process of political socialisation. Legislative Elites belong to various social groups with
diverse political culture. All of them are not politically socialized in the same socio-political and historical settings. Both political culture and political socialization are crucial towards understanding the legislative behaviour of the Legislative Elites from broader perspectives.

In the specific context of Assam, where a pluralist democratic system prevails, the existence of competitive groups and interests help the cultivation of desocialisation and re-socialization, even, change in political leadership enlivens this Process.²

Our study of political socialization reveals that an overwhelming majority of the leadership had come into politics at the advent of the Assam movement, though they did politics earlier than 1985. All the ruling Party Legislators were quite fresh in politics and mostly inexperienced.³

² Das, Jogen, Society and legislature, social background of the Members of the 8th Assam Legislative Assembly, Unpublished thesis submitted to Gauhati university 1995, page no. 197
³ Assam Legislative Assembly (ALA) debates dated 2nd March 1987, p.p-3
The following table shows the nature of political socialization of the members in the 8th Assam Legislative Assembly.

Table:- 4.1

**Year of Legislator's Joining in Politics.**

<table>
<thead>
<tr>
<th>Year/Party</th>
<th>AGP N-69</th>
<th>Cong (1) N-21</th>
<th>Cong (s) N-4</th>
<th>CPM N-17</th>
<th>UMF N-3</th>
<th>PTCA N-3</th>
<th>UTLNF N-1</th>
<th>SUCI IND: N-1</th>
<th>Total N-2</th>
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<tr>
<td>On or before 1941</td>
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<td></td>
<td>3</td>
</tr>
<tr>
<td>1941-46</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>1946-52</td>
<td>1</td>
<td></td>
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<td></td>
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<td></td>
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<td></td>
<td>1</td>
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<tr>
<td>1953-58</td>
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<td>1</td>
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<td></td>
<td></td>
<td>3</td>
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<td>2</td>
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<td>1965-1970</td>
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<td>1</td>
<td>1</td>
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<td>1971-1976</td>
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<td>1</td>
<td>1</td>
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<td>5</td>
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<td>1977-1980</td>
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<tr>
<td>1980-1984</td>
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</tbody>
</table>

N - Number.


Table 4.1 shows that more than 70% Legislators in the 8th Assam Legislative Assembly were entirely new entrants in politics. Almost all the legislators of the ruling Assam Gana Parishad were leaders of the historic Assam
movement. Some of them were in politics earlier also, at the local level. Most of them were direct product of the Assam Movement and they got socialized by the then contemporary socio-political and economic issues. Majority of the Legislators, particularly of the ruling Assam Gana Parishad formed the Opposition group after joining politics during 1985. It appears that the liquidation and to some extent replacement of the old political elites by a new political class who were mostly socialized by the political developments had taken place during the post colonial Assam, particularly various types of social movements including the Assam movement moulded them.

For the purpose of our study we have undertaken the study of the legislative behaviour under the following variables:--

1. **Walk Out**:

Walk out destroyed the decorum of the House and during the period of our survey, 12 walk outs were registered
in the Assam Legislative Assembly proceedings. All the walkouts were by the legislators of the Opposition.

This is the most commonly adopted Parliamentary practice to pressurise the Government on certain policies. Staging walk out by the Legislators in the House reflects the disapproval of by the members of the Opposition the Government Policies. Yet, walk out is sometimes resorted to in a routine manner that shows that the members are not interested in participating in the proceeding of the House. On some occasions members staged walk out protesting the ruling of the Speaker.

In the 8th Assam Legislative Assembly, walk out formed an important part of the Legislative behaviour. On various occasions members resorted to this constitutional strategy to ventilate the grievances of the people. Binoy Khungur Basumatary (UTNLF) staged Walk Out when the Hon’ble Governor was addressing the House. The members protested that the problems of the tribal people had been
neglected. Charan Narzary (PTCA) and Golok Rajbonshi INC(I) staged walk out criticising the address of the Governor and for non-implementation of Assam Accord.

Sometimes members staged walk out pointing out the absence of the press in the Gallery. HemenDas CPI (M) raised a point of order regarding the absence of the press in the Gallery and staged walk out since without the press there was no use of sitting in the House. Golam Osmani (UMF) argued that press was an integral part of the Proceeding of the House and as such unless the Press was brought back, no useful purpose would be served by participating in the proceeding of the House. The entire Opposition staged a walk out on the same issue.

Once the members resorted to walk out mostly in protest against the ruling of the Speaker during adjourment motions. The House witnessed uproar interrupting the

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4 ALA debates dated 2nd March 1987 p.p-4
5 ALA debates dated 5th April 1990 p.p-1-2

6 ALA debates dated 5th April 1990, p.p-2
7 ALA debates dated 6th April 1990, p.p-1-2
8 ALA debates dated 9th April 1986, p.p-4
business of the House as the entire Opposition staged walk out over the discussion of adjournment motion.⁹

In the ⁸th Assam Legislative Assembly walk out had not been extensively adopted by the Legislators. Proceeding had gone almost quite peacefully and decorum was maintained. There had not been even a single instance when the Speaker had to expel a member for indecent or obstructive behaviour.

2. Unparliamentary expression:

A Legislator is required to conduct his or her activities according to the prescribed rules of the House, Yet over the year the standard of the Parliamentary institutions had declined alarmingly as the Legislative body had reduced the House to the level of the talking shop. The decline of Legislature is accounted for unparliamentary trend set in the conduct of business in the House.

In the ⁸th Assam Legislative Assembly, we find the gradual deterioration of the Legislative role and behaviour of the Political Elites. The standard of Legislative debate was

⁹ALA debates dated ⁴th March 1987, p.p-47
seriously deteriorated. For example Moulana Abdul Jalil Raghibi (UMF) participating in the voting on demand for grant named the Department of Rural development as owl which was considered to be a symbol of illluck. The Member argued that the concept of rural economy had not reached the people below the extreme poverty line. Participating in voting on demand for grant, Jonendra Basumatary, (PTCA) argued that the name of flood control is serious and dangerous. Because disaster like flood can not be controlled by men. When there is flood, excepting God none can save men. He argued that there was a linkage between flood and astrology since the last Flood Minister hailed from hill district, there was heavy flood. The member thus made scathing attack on the Department of flood control. 11 Charan Narzary (PTCA) raised a matter in the zero hour saying that the elephant, which was the symbol of AGP Government, had gone out of their control. 12 Similarly, Silvius Condopan (CONG-I) put a supplementary to his

10 ALA debates dated 29th May 1989, p.p-22
11 ALA debates dated 30th May 1989, p.p-36
12 ALA debates dated 12th December 1986, p.p-25
starred question relating to the killing of people by the animals and compensation thereof in Mazbat under Udalguri sub-division. The member asked the Minister about the use of post-mortem of people killed by wild animals like elephants. The Minister said that it was one principle. Abdul Muhib Majumder INC (I) asked the Minister whether the Government would make inquiry so as to why elephants and tigers were killing people. The Minister argued that not only tigers but elephants were killing people, which was their habit. Hiranya Bora INC (I) asked the Minister ironically to know about the number of people killed by elephants. The Minister replied that the discussion was on tigers and not on elephants. Swarup Upadhyay INC (I) said ironically that it was better not to speak of elephants as elephants were in privileged position.

Another instance of using unparliamentary term may be cited here. The House witnessed pandemonium resulting in heated exchange of words between Joynath Sarma, (AGP)

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13 ALA debates dated 8th October 1990, p.p-18-19
14 ALA debates dated 8th October 1990, p.p-18-19
15 ALA debates dated 8th October 1990, p.p-18-19
Minister, Revenue and Hemen Das CPI(M) over the matter of using word “un-worthy” against the Government. The matter was raised during the period when the House was busy in passing the appropriation bill.\textsuperscript{16}

Another incident of using unparliamentary word may be cited that threw the House into pandemonium. Participating in the debate on the introduction of Municipal bill (Amendment), Joynath Sarma (AGP) accused the Opposition of personally attacking the members of the ruling party. Joynath Sarma (AGP) categorically asked the members of the Opposition to wear “* Mekhala.” After that uproar and noisy scenes marked the proceedings of the Assembly.\textsuperscript{17}

Another instance may be illustrated. The incident took place when there was discussion on consideration of a Government bill.

\textbf{Shanti Rajan Das Gupta (UMF)}:- Said that if the House can understand it, they may pass the bill. But I cannot

\textsuperscript{16} ALA debates dated 30\textsuperscript{th} March 1990, p.p-112-116.
\textsuperscript{17} ALA debates dated 5\textsuperscript{th} March 1987, p.p-61-62.
understand it. It means that the Minister had not applied his mind for their brute majority.

**Dinabandhu choudhary (AGP):** Said, Sir, a point of order, Hon’ble Member Sri Shanti Ranjan Das Gupta (UMF) has used the word “brute force”. He should withdraw it. It is unparliamentary.

**Sri Shanti Ranjan Das Gupta (UMF):** Said that if the Hon’ble member felt so, then he was ready to withdraw it.

Similar instances may be cited here, Abdul Muktadir Choudhury INC(I) referred to the heavy loss incurred by the Department of electricity during the time of voting on demand for Grant. The Hon’ble Member called it “white elephant.” Few other members in the Opposition questioned whether the colour of the elephant was black or white.

Unparliamentary expressions in the House sometimes resulted in heated exchange of words between the Opposition and the Treasury bench members. Binay

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Khungur Basumatary (UTNLF) raised a matter of Breach of Privilege charging Sri Joynath Sarma (AGP) of making personal attack against Basumatary.\textsuperscript{20} Binoy Khungur Basumatary (UTNLF) argued that the Hon’ble member Joynath Sarma (AGP) had cast an aspersion on him and reflected his character in bad light and taste before the House,\textsuperscript{21} by using the term “Dacoits”. Hemen Das CPI (M) expressed regret over the use of certain unparliamentary word which deteriorated the standard of the House.\textsuperscript{22} Abdul Muhib Majumdar INC (I) too expressed concern over the issues in the House. Even the Hon’ble Speaker regretted the unhappy affair. The members, however, withdrew notices of breach of privilege responding to the sentiments expressed by the other members in the House.\textsuperscript{23}

Sometimes members put Questions, the answer of which was unacceptable to the member concerned. For instance, Kula Bahadur Chetri INC (I) wanted to know from the Health Minister, about the vaccine against biting by dog.

\textsuperscript{20} ALA debates dated 13\textsuperscript{th} October 1987, p.p-75-76.
\textsuperscript{21} ALA debates dated 13\textsuperscript{th} October 1987, p.p-77.
\textsuperscript{22} ALA debates dated 13\textsuperscript{th} October 1987, p.p-77.
\textsuperscript{23} ALA debates dated 13\textsuperscript{th} October 1987, p.p-79-81.
The Health Minister asked the Member whether it was Homoeopathie vaccine or normal vaccine. The member felt embarrassed.

Sometimes, the members were found to be interested in interpreting certain issues ironically. For example, commenting on an answer given by the Revenue Minister to a Starred Question put by Ratneswar Sarkar, (UMF) regarding the Assam *Evacuee property Act, 1951, Shanti Ranjan Das Gupta (UMF) said “It shows that there is a body but there is no head.” Similarly, participating in the budget discussion Shahidul Islam (UMF) termed the budget as a vegetarian’s budget as there was no gain and no risk.

**Uproar and indiscipline:**

There was general presumption that Legislature has declined everywhere. The standard of Legislature was substantially determined by the Legislative behaviour of the Legislative Elites. Although the 8th Assam Legislative Assembly was by and large disciplined and in order, yet on

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many occasions the House witnessed uproar resulting in exchange of words between the members of the ruling party and the Opposition. A few such examples could be cited as follows:--

The House witnessed uproar over an allegation made by Dr. Joynath Sarma (AGP) that the leader of the Opposition was sleeping in the House. The excerpt was as follows:- 27

**Golok Rajbonshi INC (I):**- It is not a matter of public importance. This is not the way to put it. I am not sleeping.

**Abdul Muhib Majumdar INC (I):**- On the point of order sir, there is dignity of the house. He was not sleeping. He has made an allegation. He must withdraw first.

**Golok Rajbonshi INC(I):**- Sir I have raised a point of order. You must give here point of order should get the priority.

**Abdul Muhib Majumdar (UMF):**- Point of order will get priority. That is the rule sir. (Noise)

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**Charan Narzary (PTCA):**- This is not only unparliamentary but also, shameful.

**A.F. Golam Osmani (UMF):**- Sir whether the Hon’ble Member, who used the most objectionable and unparliamentary word, will be withdrawn. He must withdraw it.

(Voices – he must withdraw it. The Speaker expressed serious concern over the deteriorating functioning of the Assembly.\(^\text{28}\)) Sometime legislative behaviour of the Members were found to be absurd. For example, Padmanath Kairi (IND) put a supplementary question as to know from the Minister of Transport regarding the loss of A.S.T.S. buses in Assam. Debeswar Bora (AGP) stood immediately to answer the supplementary put by Padmanath Kairi (IND), While the Speaker asked him to sit down and pointed out that he was not requested to answer the question. It was the responsibility of the Minister concerned.\(^\text{29}\)


\(^{29}\) ALA debates dated 5\(^{th}\) May 1989, p.p-79-81.
Sometimes the members were found to devote the maximum time of the House in unnecessary discussion resulting in uproar and pandemonium in the House. Naren Tanti (AGP) wanted to know from the Minister whether mid-day meal (*Khisiri) to the students of L.P. School had been provided or stopped. The Member asked the Minister to provide apple and other dry fruits to the students instead of Khisiri. The Minister said that due to fund shortage fruits could not be supplied. The Members of the House started laughing.

Another instance may be cited here. The House witnessed uproar over the reply of a Minister regarding the constituting of Welfare Board for SC and ST students. Minister’s reply failed to satisfy the Members, resulting in noise and uproar in the House. Hemen Das CPI (M) pointed out that the Government needed to apologise for that. Ardendu Kumar Dey (UMF), raised a point of order to draw the attention of the House regarding the absence of the

Finance Minister during the discussion on the budget. The excerpt was as under:

**Dr. Ardhender Kr. Dey (UMF):** Sir, One point of order, When the state is facing serious financial crisis, the Hon’ble Finance Minister is not in the House. We cannot allow the proceeding of the House to be continued. There is no such precedent as such in the parliament also.

**Sri Surendra Nath Medhi (AGP) (Minister, Law):** I am here, Sir, I am representing the Chief Minister.

(Member from the Opposition supported with loud voice the contention of Hon’ble Members, Dr. Dey)

**Ardhendu Kr. Dey (UMF):** No, No, Sir, We cannot accept it. We cannot allow the proceedings of the House to continue. You send somebody (Addressing the Speaker) to call for the Finance Minister.

**Mr. Chairman:** The Finance Minister will soon come. He is busy with certain important official matter. He is in his office chamber.

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Dr. Ardhendu Kr. Dev (UMF):- No, Sir, the business of the House, especially when serious discussion on financial matters of the state is going on, it is more important than any other business at this moment. 34

Another instance of uproar and pandemonium in the House may be cited. The reply of the Minister (Education) in response to a Starred Question failed to satisfy the members who rose and started asking supplementries resulting in uproar in the House. 35 A.F Golam Osmani (UMF) criticised the Education Department and pointed out that the Minister did not deserve to be in office and run the administration. 36 The Members demanded clarification from the Minister on the number of primary schools earmarked to be constructed out of the funds available from the 8th Finance Commission. As soon as Sri Brindaban Goswami (AGP) started replying in the House, several Opposition members rose on their seats and started speaking angrily. 37

**Absentation:-**

Presence of members in the House forms an important part of legislative behaviour. However, very often members were found to be absent when the House took up important matters for discussion. Both in the Question Hour as well as during other business of the House, a large number of members were found to be absent. Generally members are expected to represent the sentiment and pulse of the people of their respective constituencies. The following chart gives an idea :-

**Table 4.2**

<table>
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<th>SL No</th>
<th>Year/ session</th>
<th>Total No of SQ pnt</th>
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<td>1</td>
<td>1986</td>
<td>873</td>
<td>34</td>
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<tr>
<td>2</td>
<td>1987</td>
<td>593</td>
<td>10</td>
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<td>3</td>
<td>1988</td>
<td>595</td>
<td>27</td>
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<td>4</td>
<td>1989</td>
<td>667</td>
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<tr>
<td>5</td>
<td>1990</td>
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<td>66</td>
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<td></td>
<td></td>
<td></td>
<td><strong>Total = 204</strong></td>
</tr>
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</table>

Source:- Data Collected from the Proceeding of Assam Legislative Assembly, 1986-1990.
From the above table it appears that most of Questions could not be put in the House, as large number of members were absent in the House. Such trend was normally noticeable in putting Starred Question in the Assembly. As legislative decisions and polices had been increased to meet the challenges, abstention in the House indicated that the Legislators had no connection with the output aspect of the Legislature. It appears that the Members in the 8th Assam Legislative Assembly were disinterested in articulating the problems of the people. Very often, Members were found to be absent in the other business of the House like cut motion, adjournment motions and the like.

From the above brief survey it was found that except for a few occasions the 8th Assam Legislative Assembly was mostly disciplined. Proceeding had gone by and large, peacefully without occurrence of violent activities and misbehaviour. Decorum was maintained. There was not even a single instance when the Speaker had to expel any Member
for indecent or obstructive behaviour. The Speaker, throughout the period of our survey, was found to be working in accordance with the rules of the House framed under the Constitution of India. This enhanced the prestige and position of the office of the Speaker. The Speaker was impartial in the treatment of the Members of the House of both the sides.