



ICSSR NERC

**EVOLUTION
OF
CONSTITUTIONAL
GOVERNMENT
AND
ASSAM
LEGISLATURES**

M. KAR

There are historical works on the evolutionary emergence of people's voice and their democratic representation and participation in various organs of Governance, namely, Executive, Legislative and Judiciary. This came through the evolution and development of self-governing institutions or local bodies such as Panchayats, Local Boards and Municipalities. This again came through the phases of full nomination, partial nomination and election and only election. Franchise also evolved very slowly. Adult franchise was introduced only after Independence.

It was felt that Assam did not attract proper and adequate attention and recognition as a part and parcel of the Indian mainstream in the struggle for constitutional progress. In every stage of the demand and the reforms, Assam had to struggle for finding a legitimate place for herself and played an appropriate role.

Since the Treaty of Yandabo, Assam had to pass through vassalage, annexation and experiments beginning with Political Agency. Then it became a Commissioner's Division of the Bengal Presidency, a Chief Commissioner's Province, then again a part of Eastern Bengal and Assam Province, a Chief Commissionerate outside Bengal, a Governor's province and finally an Autonomous Province Under the Government of India Act of 1935 which embodied the last pre-independence reforms.

This book specifically and elaborately studies Assam's loud voice and good role in every stage of these reforms which were successfully implemented as well as in the evolution and working of electoral politics towards democracy.

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Two of his books entitled 'Muslims in Assam Politics', one covering the period from 1205 to 1947 and other, 1946 to 1991, were published.

Kar's research papers on various other aspects of Assam history and topics of national importance were included in a number of books and periodicals written, edited and published by reputed scholars in Trivandrum, New Delhi, Shillong and Silchar.

He was the Vice-President and Working President of the North East India Council for Social Science Research (NEI CSSR), Shillong. He was also the founder Director of the Institute of Social Research in the same city.

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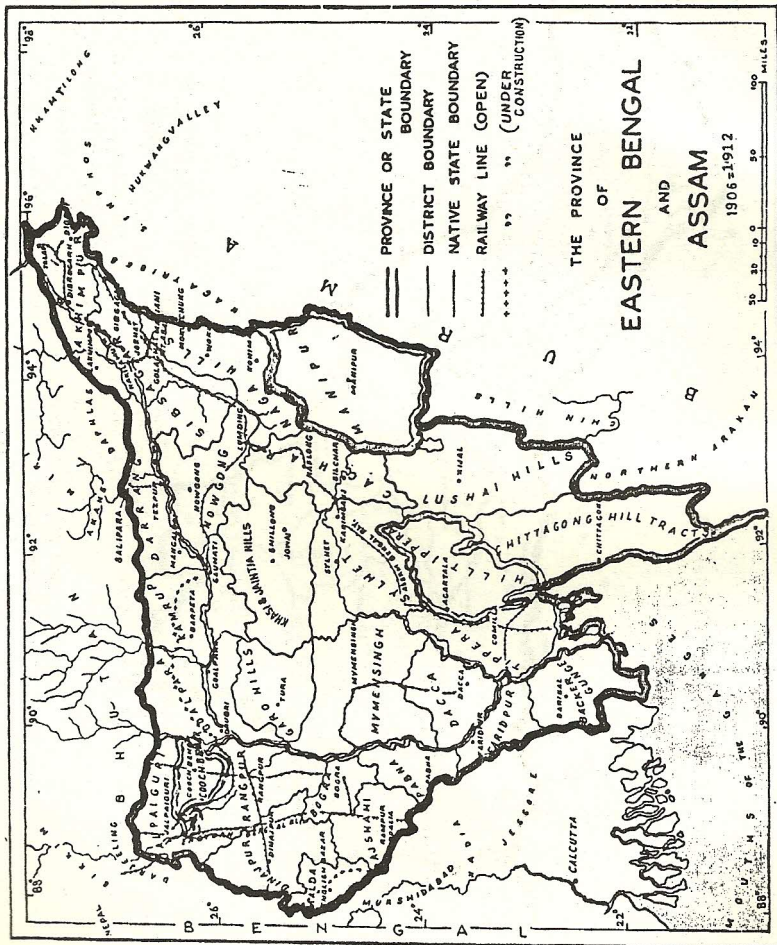
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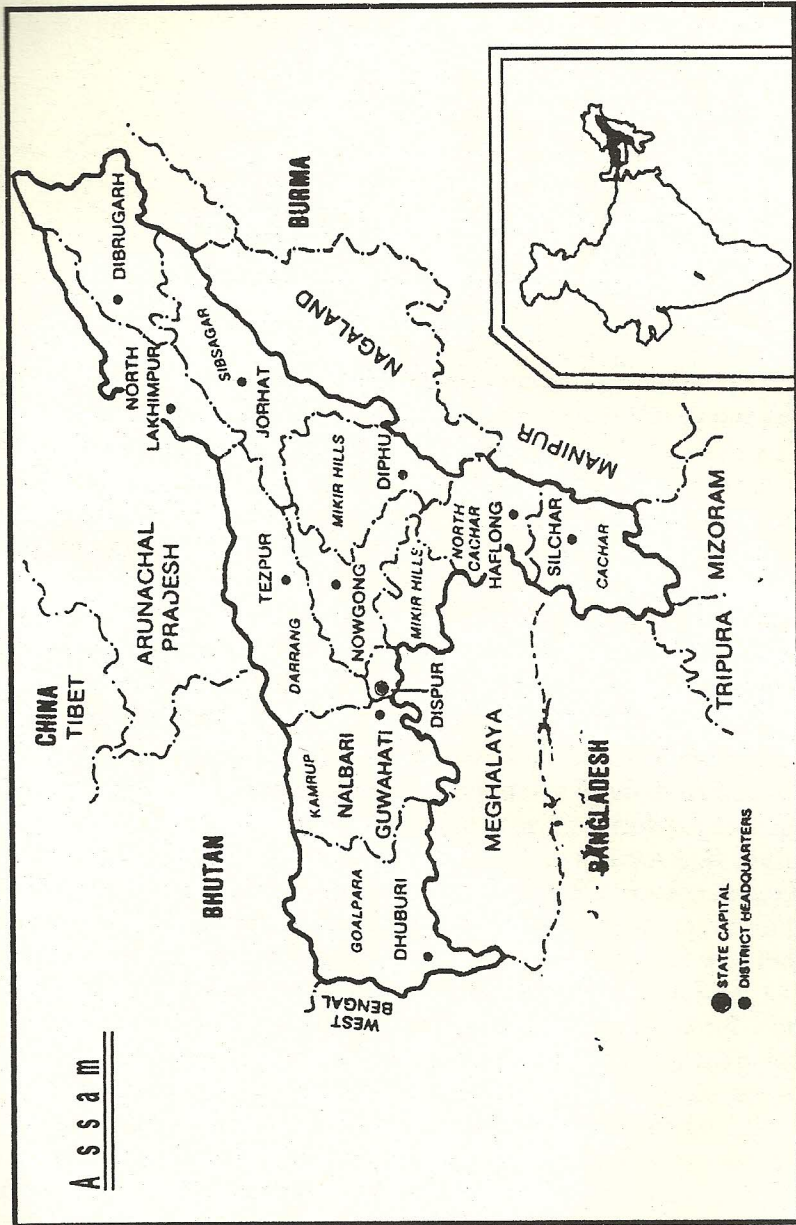
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—Makhanlal Kar



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Assam



INTRODUCTION

A considerable part of India's struggle for political emancipation related to the demand for constitutional and administrative reforms. This was so because the upper echelons of the society who represented it initially had faith in peaceful methods such as prayers and petitions. But the obstinate unwillingness of the British authorities to part with power in any form and their unilateral policies, often oppressive, disappointed the younger generations of the early twentieth century. That led to considerably well-organized and repeatedly violent outburst of the people's political awakening against alien rule. Thus two simultaneous streams of Indian national spirit emerged. While the two major political parties, the Indian National Congress, supported by the Jamait-Ul-Ulema-E-Hind and the All India Muslim League followed non-violent methods for the redressal of national grievances, the revolutionaries were determined to get rid of foreign rule by force.

It is neither easy nor correct to say that non-violent constitutional struggle alone brought us freedom though its eminent role is universally lauded and recognized. That cannot of course mean the negation of the devotion, bravery, patriotism and sacrifice of the people who did not see eye to eye with the principle of non-violence and therefore carried on with armed revolution. Even the last phase of our struggle for freedom was characterised by a combination of peaceful negotiation between the British Government on the one hand and the declaration of war against the imperial power on the other. It was led by no less a person than a former top Congressman turned revolutionary, Netaji Subhas Chandra Bose, the Supreme Commander of the Indian National Army or Azad Hind Fauz. The INA fought its way right upto the North Eastern part of India and further inspired the people. Our purpose here is not exactly the study of the freedom struggle as such but the constitutional reforms, which went on side by side with the revolutionary ideas. Assam was a part and parcel of both aspects of the struggle, the later being much less active than the former. But the province did not receive the attention it deserved in the study of reforms vis-a-vis the all India historical parameters. Therefore, a detailed study of the evolutionary process of local self-government, legislatures and electoral polity is called for and is expected to fill up the gap.

Assam is referred to in some historical works but the degree of emphasis on the province was scarce. Greater attention was laid on the working of the different sets of reforms

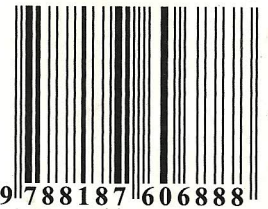
practically neglecting the evolutionary aspects of the same, as if the people's representation and participation in the Government and the legislatures emerged over night through certain parliamentary act. It has not been asserted that Assam was an active and ardent partner in the national demand for reforms with the object of finding a legitimate role and place in constitutional evolution. The people of Assam were as conscious as those of the other provinces to bring her in the purview of reforms. In every stage of the demand, Assam played its role. We have studied this in detail.

First Chapter of the book gives a glimpse into Assam's history from ancient time to 1947. The next Chapter begins with the study of the Raj of the East India Company, traces its termination and India's absorption into the British Empire and ends with the Government of India Act 1935. Special attention has been given to the essence of constitutional governance namely, people's right and participation therein.

During the later half of the nineteenth century, the principal issue was the development of Panchayats in the rural and semi-rural areas and Municipalities and Local Boards in urban and semi-urban areas respectively. These systems nurtured the principles of local self-government and were the harbingers of the next phase of reforms in Assam along with the rest of India. The Ripon Plan faced strong opposition from the official quarters in Assam but ultimately the basic concept of local self-government namely Panchayats, Municipalities and Local Boards evolved along with the elective principles. These have been elaborately studied in Chapter 3.

The last Chapter gives a detailed account of the evolution of Assam Legislatures in three different phases and consisting of only nominated members, majority nominated and other members elected and finally only elected members. Elections were, however, held on a very restricted franchise granted to an infinitesimal section of the people. By the last constitutional reforms under British rule, the Government of India Act 1935, franchise was no doubt considerably extended but the vast majority of the people did not have the benefit till the elections of 1952 under the Constitution of free India. For the first time in the history of this province, a bicameral legislature was provided. The Assam Legislative Assembly or Lower House was a wholly elected body without any official bloc. The upper House or Assam Legislative Council was partly elected on indirect franchise, naturally limited, and partly nominated, maintaining official majority. All these features have been studied in detail.

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