



The Legislature in West Bengal

—Its Origin and Growth

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THE LEGISLATURE IN WEST BENGAL —ITS ORIGIN AND GROWTH

The history of the West Bengal Legislature dates back to 1862 when there was one undivided Province of Bengal in British India. Under the Indian Councils Act of 1861, a Legislative Council for Bengal was established by the Governor-General of India on the 18th January, 1862 with the Lieutenant-Governor of Bengal and some nominated members. The first meeting of the Council was held on the 1st February, 1862 under the presidency of Sir John Peter Grant, Lieutenant-Governor of Bengal. The Council used to hold its sittings at Belvedere, Calcutta (i.e., the residential palace of the then Lieutenant-Governor of Bengal) for the purpose, inter alia, of “considering projects of law”. The usual time of meeting of the Council was at 11 a.m. on each Saturday. The maximum number of members of this Council was only 12. In 1862, the first Rules of Procedure of the Bengal Council were framed and received assent of the Governor-General in Council. By the passing of subsequent Acts the number of members of the Council was increased and its powers and functions were gradually enlarged.

Under the Indian Councils Act of 1892, the maximum strength of membership of the Council was

raised to 20 and of these 20 members, seven were to be elected. This Act also provided for the asking of questions and the discussion of the annual financial statement by the members.

Under the Indian Councils Act of 1909, the number of members of the Council was further raised to 50. It was provided that there must be a majority of non-official members in the Council, their number varying with the local conditions. Representation for minor interests and classes was also provided for through nominations. The members obtained the right to ask supplementary questions (confined to the original questioner only) and to discuss any matter of general public interest.

Under the Government of India Act of 1919, the Provincial Legislatures were given greater constitutional powers by enlarging the electorates and increasing the number of elected members in the Legislatures. The number of members of the Legislative Council was then raised to 125 of whom, it was provided, not more than twenty per cent should be official members and at least seventy per cent should be elected members. The Governor was given the power to nominate, for the purpose of any Bill

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introduced or proposed to be introduced in the Legislative Council, not more than two persons, having special knowledge or experience of the subject-matter of the Bill. The persons so nominated had, in relation to the Bill and for the period for which they were nominated, all the rights of members of the Council. The Act also provided for a President and a Deputy President of the Council. The President should, until the expiration of a period of four years from the first meeting of the Council, be a person appointed by the Governor and thereafter a member of the Council elected by the Council and approved by the Governor. The Deputy President should be a member of the Council elected by the Council and approved by the Governor. Consequently, the Governor who had so long presided over the meetings of the Council now ceased to be the Presiding Officer.

The Bengal Legislative Council constituted under the Act of 1919 was formally inaugurated on the first day of February, 1921 by His Royal Highness the Duke of Connaught. Nawab Sir Samsul Huda was appointed its first non-official President (i.e., the Presiding Officer). The hour of meeting, which had hitherto been 11 a.m., was changed to 3 p.m. by a resolution moved in the House on the 7th February, 1921 by Mr. R. M.

Watson Smyth, a member of the Council representing the Bengal Chamber of Commerce. The venue of the sittings of the Council was fixed at the Town Hall, Calcutta, instead of at Belvedere, Calcutta. This venue for the sittings of the Council was, however, changed on the 9th February, 1931 from the Town Hall to its new building known as the 'Legislative Building' which was opened by the then Governor, Sir Francis Stanley Jackson, on the same date.

The foundation stone of the present 'Legislative Building' was laid on the 9th July, 1928 by Sir Francis Stanley Jackson, the then Governor of Bengal. Thereafter, construction of the building started and the present building came up on a plot of land measuring approximately 33 bighas within a very short period of 2 years and 7 months. Mr. J. Greaves was the Chief Architect of this magnificent building and the Martin & Company, Calcutta was entrusted with the construction work. The architecture of the building shows a mixture of oriental and occidental influences and the building resembles the English alphabet 'H'.

Under the Government of India Act, 1935, two Chambers of the Bengal Legislature—a Legislative Council and a Legislative Assembly—were created. The life of the Assembly consisting of 250

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members was fixed at five years unless sooner dissolved while the Council, with a membership of not less than 63 and not more than 65, was made a permanent body not subject to dissolution with the

provision that one-third of the members should retire in every third year. The allocation of seats in the Legislative Assembly and the Legislative Council was as shown in the table below:

TABLE OF SEATS			
Provincial Legislative Assembly		Provincial Legislative Council	
1. Total seats	.. 250	1. Total of seats—not less than 63 and not more than 65	
2. General seats (including general seats reserved for Scheduled Castes: 30)	.. 78	2. General seats	.. 10
3. Mahammadan seats	.. 117	3. Mahammadan seats	.. 17
4. Anglo-Indian seats	.. 3	4. European seats	.. 3
5. European seats	.. 11	5. Seats to be filled by Legislative Assembly	.. 27
6. Indian Christian seats	.. 2	6. Seats to be filled by Governor—not less than 6 and not more than 8	
7. Seats for representatives of commerce, industry, mining and planning	.. 19		
8. Land-holders seats	.. 5		
9. University seats	.. 2		
10. Seats for representatives of labour	.. 8		
11. Seats for women:	.. 5		
(i) General	.. 2		
(ii) Mahammadan	.. 2		
(iii) Anglo-Indian	.. 1		

Members were then allowed a monthly salary in addition to the allowances drawn by them earlier. The first sitting of the newly Constituted Assembly was held on the 7th April, 1937 on which date Sir Md. Azizul Haque was elected Speaker of the Assembly. Shri Satyendra Chandra Mitra was elected President of the Council on

the 9th April, 1937. Both the Chambers of the Legislature, viz., the Assembly and the Council, got their own Rules of Procedure and Conduct of Business adopted by the respective Houses in July, 1939 on the basis of the report and recommendations of the Rule-making Committee appointed earlier by the Houses for the purpose.

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The Muslim League Party with the co-operation of the Krishak Proja Party and a few other smaller groups in the Legislature formed the Government in Bengal in 1937 headed by Mr. A. K. Fazlul Huq while the Congress Party, which secured only 22 per cent of the total seats, acted as the main Opposition Party in the Assembly.

On the 1st December, 1941 Mr. Huq resigned owing to differences with his colleagues and on the 12th December, 1941 formed a new "Progressive Coalition" Cabinet consisting of his Muslim supporters and the Congress, Hindu Mahasabha and Krishak Proja Parties. But on the 29th March, 1943, this Coalition Ministry met with its end at the resignation of Mr. A. K. Fazlul Huq from the Premiership of Bengal. The Governor took over the administration of the Province on the 31st March, 1943 under section 93 of the Government of India Act, 1935, and invited Khwaja Sir Nazimuddin on the 20th April, 1943 to form a new Ministry to which request the latter agreed. On the 24th April, 1943 the Governor revoked the proclamation under section 93 of the Government of India Act, 1935, and on the 29th April, 1943 the new Ministry was formed with Khwaja Sir Nazimuddin as the Premier of Bengal.

On the 28th March, 1945, Mr. Nazimuddin's Government was defeated in the Legislative Assembly, when the agricultural budget was rejected by 106:97 votes. On the 29th March, 1945, the then Speaker, Mr. Nausher Ali, ruled, *inter alia*, that refusal by the House of 'Demand for Grant' made by the Ministry for a major department was a censure on the Government and that he could not allow the existing Ministry to function as such in the Legislature, and adjourned the House *sine die* (***Annexure-I***).

On the 30th March, 1945, both the Houses of the Legislature were prorogued by the Governor and on the 31st March, 1945 the Governor (Mr. R. G. Casey) assumed direct administration of the Province under section 93 of the Government of India Act, 1935. The Assembly was subsequently dissolved.

The General Elections to the Provincial Legislature after its constitution in 1937 could not be held owing to the war. On the 21st August, 1945, Governor-General, Lord Wavell, announced that the elections both to the Central Legislative Assembly and in the Provinces would be held soon. The results of the polling in Bengal were out on the 1st April, 1946.

In the General Elections of 1946, out of total 250 seats in the Bengal Legislative Assembly, Muslim

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League won 114 seats and formed the Government headed by Mr. H. S. Suhrawardy on the 23rd April, 1946. The composition of the Bengal Legislative Assembly was as follows:

Muslim League-114, Congress-86, European-25, Independent Scheduled Castes-6, Independent Muslim-3, Communist-3, Krishak Proja (Muslim)-3, Hindu Mahasabha-1, Independent Hindu-1, Others (including 2 Indian Christians)-8.

The new Ministry was sworn in on the 24th April, 1946. Mr. Nurul Amin and Mr. Tafazzal Ali were elected Speaker and Deputy Speaker respectively in the first sitting of the Assembly on the 14th May, 1946.

By this time, the British Government had made up their mind to transfer power to the Indian leaders and to partition India in accordance with the Mountbatten Plan. In Bengal, on the 20th June, 1947, the members of the Bengal Legislative Assembly divided into two groups—one including representatives of the predominantly Muslim areas and the other including representatives of the predominantly non-Muslim areas—met separately and also jointly as per the procedure laid down in paragraphs 5 to 8 of the statement made by the British Government on the 3rd June, 1947

on the subject of India (Transfer of Power). The members at the joint sitting (excluding European members) decided that the province of Bengal as a whole would join a new and a separate Constituent Assembly consisting of representatives of those areas which would decide not to, participate in the existing Constituent Assembly. Members of the Muslim majority districts (other than Europeans) decided on divisions against partition of Bengal and in favour of joining a new and separate Constituent Assembly while the members of areas other than Muslim majority districts (excluding Europeans) decided on divisions in favour of partition of Bengal and framing the Constitution of separate Province consisting of the non-Muslim majority areas in the existing Constituent Assembly (***Annexure-II***). As one of the aforesaid two groups decided in favour of partition, the Province, as per the statement made by the British Government, was partitioned into West Bengal and East Pakistan. With the passing of the Indian Independence Bill in July, 1947, two separate Dominions—India and Pakistan—came into being on the 15th day of August that year.

After Independence, the Legislative Assembly of West Bengal met for the first time on the 21st November, 1947 and elected

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Shri I. D. Jalan and Shri Ashutosh Mallick its Speaker and Deputy Speaker respectively. The number of members in the Assembly was 90, representing the constituencies that fell within the area of West Bengal. In addition, there were two nominated members representing the Anglo-Indian community. The Congress Party formed the Government in the Province (as it was called then) under the leadership of Dr. P. C. Ghosh and the Opposition in the Assembly consisted of 23 members. But Dr. P. C. Ghosh having resigned, a new Congress Ministry was formed on the 23rd January, 1948 with Dr. Bidhan Chandra Roy as the Premier. Under the provisions of the Government of India Act, 1935 as adopted, the Bengal Legislative Council stood abolished. Under section 84(1) of the Government of India Act, 1935 as adopted, the Rules of Procedure as passed in 1939 were adopted for the new West Bengal Legislative Assembly.

As in the House of Commons, the first seat in the front row in the Treasury Bench used to be the traditional seat for the Leader of the House. Dr. P. C. Ghosh, the first Premier of West Bengal, occupied that seat. When Dr. Bidhan Chandra Roy became the Premier, he refused to abide by the tradition and took his seat at the Speaker's end of the back row in the Treasury Bench as a mark of respect to Dr. Ghosh.

From the 26th January, 1950, the new Constitution of India came into force and under Article 382(1) of the said Constitution [now repealed by the Constitution (Seventh Amendment) Act, 1956] the West Bengal Legislative Assembly, which was functioning as the Legislature of the Province immediately before the commencement of the Constitution, became the sole House of the Legislature of the State of West Bengal exercising the powers and performing the duties conferred by the provisions of this Constitution on the Legislature of the State. It may, therefore, be noted here that this Assembly consisted of members who were originally elected in the General Elections held in 1946 before the transfer of power and they continued as such till the new House was constituted after the General Elections in 1952, under the new Constitution. The House first met under the new Constitution on the 3rd February, 1950 and the members of the Assembly, in order to mark the solemnity of the occasion, rose in their seats and remained standing in silence for two minutes. The peculiar feature was that the old House was not dissolved by any order of the Governor. It faded out and the new House faded in. The Rules of Procedure of the West Bengal Legislative Assembly,

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which were in force before the commencement of the Constitution, were again adopted by the Speaker with necessary modifications in pursuance of the provisions of clause (2) of Article 208 of the Constitution. A “Farewell Address” was presented to His Excellency Dr. K. N. Katju, Governor of West Bengal, on the 31st October, 1951 by the Leader of the House, Dr. Bidhan Chandra Roy inside the Chamber on the eve of Dr. Katju relinquishing his charge of the Governorship of West Bengal. The agenda of the House was interrupted for a temporary period to accommodate this Programme.

After the General Elections in 1952, the new Assembly which was fully constituted on the 31st March, 1952, met for the first time under the new Constitution of India on the 18th June, 1952 and elected Shri Saila Kumar Mukherjee its first Speaker on the 20th June, 1952. The number of members of the Assembly was 240 including two members nominated by the Governor from the Anglo-Indian community under Article 333 of the Constitution of India. The Congress Party headed by Dr. Bidhan Chandra Roy formed the Government in the State. The new Constitution again provided for a bicameral Legislature for West Bengal, i.e., the Legislative Assembly and the Legislative Council and hence after the General

Elections in 1952, the Council which was a permanent body not subject to dissolution was constituted on the 5th June, 1952 with the members elected and nominated under the Constitution. The Council consisting of 51 members with Shri Bijoy Singh Nahar as the Acting Chairman held its first meeting on the 18th June, 1952 and elected Dr. Suniti Kumar Chatterji as its first elected Chairman on the 19th June, 1952. It may be stated here that although the Legislative Council under the Government of India Act, 1935 had its own set of Rules of Procedure, the Acting Chairman of the Council had, under clause (2) of Article 208 of the Constitution, to adopt with necessary modifications the Rules of Procedure of the West Bengal Legislative Assembly, which were in force before the commencement of the Constitution in the Legislature of the Province of West Bengal. The Council made its own Rules of Procedure under Article 208(1) of the Constitution afterwards and those rules came into force after the February-April session, 1961 of the Council.

It may be noted here that after the formation of the new Legislature under the Constitution, a Branch of the Commonwealth Parliamentary Association was formed for the Legislature of West Bengal in pursuance of a resolution passed by the West Bengal

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Legislative Assembly on the 5th August, 1952 and by the West Bengal Legislative Council on the 6th August, 1952. In fact, there was a Bengal Branch of the Commonwealth Parliamentary Association since 1939 but after the partition of Bengal it did not function.

It may also be mentioned here that from the February-May Session, 1953 of the West Bengal Legislative Assembly, Tape-recording Machine Equipment was installed and tape-recording of Bengali Speeches commenced from the 23rd March, 1953. It deserves further mention that Automatic Vote Recording Equipment which was given a trial at a sitting of the Assembly on the 2nd April, 1954 with partial success came into operation with complete success from the August-September Session, 1954 of West Bengal Legislative Assembly and this minimized to a great extent, time of the House lost in divisions. For the purpose of taking such mechanical divisions, Speaker's regulations on this matter were suitably modified. This particular fact deserves special mention because Automatic Voting System was first introduced in India in this Assembly. However, a confusing thing happened on the 22nd September, 1954 while voting in a division on clause 5 of the West Bengal Development Corporation

Bill, 1954. As the Members were not at first well-accustomed to this new system of voting, some of the Members on the Government side pressed the wrong buttons and voted 'NOES' instead of 'AYES'. This resulted in a snap defeat of the majority Party.

The most remarkable feature of this House was the passage of the West Bengal Estates Acquisition Bill, 1953. This ended the 160-year old Zamindaries set up as a result of the Permanent Settlement.

Among other procedural changes, from the February-April Session, 1955 for the first time the hours of the time of the House on Fridays came to be devoted to non-official business followed by the disposal of the Government business fixed for the days. On the 28th February, 1956, the resolution brought before the House by Shri Jyoti Basu and admitted by Mr. Speaker, for rescinding the entire proceedings of the House on the 24th February, 1956, was carried *nem con*—an event first of its kind in the history of the Indian State Legislatures.

Coming back to the topic again, the strength of both the Houses of the Legislature was increased after the States Reorganisation Act, 1956, was brought into force. The number of members of the Assembly now became 251 including two nominated Anglo-Indian members

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while in the Council the number of members became 75. After the General Elections of 1957, the Assembly had 256 members including four nominated members from the Anglo-Indian Community.

At the General Elections of 1957 and 1962 too the Congress Party won absolute majority in the Assembly and formed the Government of the State. The Rules of Procedure and Conduct of Business as modified and adopted under the Constitution had been governing the proceedings of the Assembly so long. In 1960, those rules were replaced by a new set of rules framed in pursuance of Article 208(1) of the Constitution by a Committee appointed for that purpose. These new rules were adopted by the House on the 13th December, 1960 and came into force after the November-December session, 1960 of the West Bengal Legislative Assembly.

A new practice, developed regarding Calling Attention of Minister to urgent matters although there was no rule in support thereof from the June-August Session, 1958 of the West Bengal Legislative Assembly.

At the General Elections, of 1967, the Congress Party which had so long formed the Government of the State secured only 127 seats out of total 284 seats including four nominated Anglo-Indian members'

seats and failed to form the Government. Fourteen political parties whose members were elected to the two Houses of the Legislature at the General Elections, now joined to form a "United Front" and formed the Government of the State under the leadership of Shri Ajoy Kumar Mukherjee. The new Ministry was sworn in by Smt. Padmaja Naidu, the Governor, on the 2nd March, 1967. The Congress, the largest single party, constituted the Opposition after the United Front took office. The newly constituted House first met on the 8th March, 1967 and elected Shri Bejoy Kumar Banerjee and Shri Haridas Mitra its Speaker and Deputy Speaker respectively. But very soon a crisis was precipitated in the Ministry. On the 2nd November, 1967, the State Food and Agriculture Minister, Dr. P. C. Ghosh resigned his post and with seventeen other members of the State Legislative Assembly resigned from the ruling United Front and informed the Governor, Shri Dharma Vira (who succeeded Smt. Naidu on 1st June 1967) in writing that they had withdrawn their support to the Ajoy Kumar Mukherjee Ministry. A new parliamentary party, namely, the Progressive Democratic Front, was formed by Dr. Ghosh with the resigning M.L.As from the ruling United Front, and the leader of the Congress Party in the Assembly

announced his Party's support to a new Ministry if formed by Dr. Ghosh. On the resignation of Dr. Ghosh from the U.F. Ministry several representations were made to the Governor from the Congress Legislature Party as well as from Dr. Ghosh himself that the U.F. had lost majority support in the State Assembly and therefore had no right to continue in office. The Governor sent a letter to the Chief Minister requesting him to call the Assembly into session as early as possible, and not later than the third week of November, 1967, on the ground that doubts had been raised about the support of the majority of the members of the Legislative Assembly to the United Front Ministry. The Council of Ministers could not, however, accede to the request of the Governor as it had decided to call the Assembly into session on the 18th December, 1967. The Governor repeated the request to the Council of Ministers to agree to the Assembly being summoned not later than the 30th November, 1967. The Governor was informed that the Assembly could not be summoned before the 18th December, 1967. On the 21st November, 1967 the Governor made an order under Article 164(1) of the Constitution of India that Shri Ajoy Kumar Mukherjee should cease to hold office of the Chief Minister with immediate effect and

also that the Council of Ministers headed by him stood dissolved. By another order of the same date the Governor appointed a new Ministry, headed by Dr. P. C. Ghosh, known as P.D.F. Ministry.

Summoned on the advice of new Chief Minister, the Assembly met on the 29th November, 1967 to obtain the necessary vote of confidence for Dr. Ghosh's Ministry. Two Motions expressing full confidence in Dr. P. C. Ghosh and his Council of Ministers had been tabled by 129 members of the Congress Party and 14 members of Dr. Ghosh's newly formed Progressive Democratic Front. Immediately after the Assembly met, the Speaker Shri Bejoy Kumar Banerjee made a statement *suo motu* and adjourned the House *sine die* on the ground that the dissolution of the U.F. Ministry, the appointment of Dr. P. C. Ghosh as Chief Minister and the summoning of the House on Dr. Ghosh's advice were "unconstitutional and invalid" as they had been "effected behind the back of the House" (***Annexure-III***). The Speaker also said that he was adjourning the House in exercise of his powers under rule 15 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly. In the West Bengal Legislative Council, however, a contrary opinion was expressed by the Chairman, Dr. Pratap Chandra

Guha Ray, on the same day to the effect, inter alia, that in any event the action of the Governor in dismissing the Mukherjee Ministry could not be challenged or called in question in any manner whatsoever (**Annexure-IV**). After the adjournment by the Speaker, the Governor prorogued the House with effect from the 30th November, 1967.

On the 29th January, 1968, the Legislature was summoned to meet on the 14th February, 1968 for its Budget Session. After the joint sitting of both the Houses, when the Assembly met separately the Speaker, Shri Banerjee, immediately after entering the Chamber again adjourned the House *sine die*, referring his ruling of the 29th November, 1967, and observing, inter alia, that there was no “compelling necessity” to change his ruling. This session of the Legislature was scheduled to consider the State Budget and a number of important legislative measures. But it could not meet on account of the Speaker’s ruling. Position in regard to the relative strength of various parties became fluid. There were doubts about the majority, enjoyed by the Ministry of Dr. P. C. Ghosh. So, to overcome this situation, the Governor recommended the dissolution of the Assembly and the imposition of the President’s rule in the State. Accordingly, the State came under

the President’s rule under Article 356 of the Constitution with effect from the 20th February, 1968, following the resignation of Dr. P. C. Ghosh’s Ministry the same day. The Assembly was dissolved simultaneously.

After the mid-term election on the 9th February, 1969, the Assembly was constituted on the 25th February, 1969. The President’s Proclamation under Article 356 of the Constitution, which was then in force, was revoked on the same day. This time the total strength of the House was 282 including two nominated Anglo-Indian members. In this House, the Congress Party won only 55 seats and formed the major Opposition Party. The C.P.I.(M), C.P.I., Bangla Congress, Forward Bloc, R.S.P., S.S.P. and a few other parties who fought the election unitedly under the banner of “United Front” won the total seats of 210. The United Front formed the Ministry in the State with Shri Ajoy Kumar Mukherjee as Chief Minister on the 25th February, 1969. The newly constituted Assembly met first on the 6th March, 1969 and elected Shri Bejoy Kumar Banerjee and Shri Apurba Lal Majumdar its Speaker and Deputy Speaker respectively. The first joint sitting of both Houses of the Legislature was addressed by Shri Dharma Vira, the Governor, on the 6th March, 1969 under Article

176 of the Constitution; but while reading out his address, prepared by his Council of Ministers, he skipped two paragraphs which contained critical references to the events culminating in the dismissal of Shri Ajoy Kumar Mukherjee's Ministry in 1967. This led to bitter criticism from the members of the United Front both inside and outside the House regarding the Governor's action.

On the 21st March, 1969, a resolution was passed by the Assembly for the abolition of the West Bengal Legislative Council under Article 169 of the Constitution and accordingly the Parliament passed the West Bengal Legislative Council (Abolition) Act, 1969, abolishing the West Bengal Legislative Council with effect from the 1st August, 1969.

On the recommendation of the Committee on Rules duly approved by the House and published in Bulletin Part II dated 29.01.1970 the hour of meeting, which had hitherto been 3:00 p.m., was changed to 1:00 p.m.

Though the U.F. Ministry was formed in the State for the second time with the backing of overwhelming majority in the House, this Government could not function in the State for more than 13 months on account of sharp differences and inner conflicts among the constituent parties of

the Front. The situation became so tense that at one time the Chief Minister, Shri Ajoy Kumar Mukherjee himself described his own Government as "barbarous" and "uncivilised" and launched Satyagraha' movement against it. The ultimate result was that Shri Ajoy Kumar Mukherjee, the Chief Minister, resigned on the 16th March, 1970. The then Governor, Shri S. S. Dhavan (who took office of the Governor of West Bengal after Shri Dharma Vira in April, 1969) explored the possibility of formation of an alternative Ministry in the State, but finding no prospect of such an alternative Ministry being formed recommended President's Rule in the State under Article 356 of the Constitution. The proclamation was issued on the 19th March, 1970. The Assembly was suspended on the 19th March, 1970 under Article 356 of the Constitution and subsequently dissolved on the 30th July, 1970.

Again the mid-term election was held in the State on the 10th March, 1971. President's Proclamation under Article 356 of the Constitution was revoked on the 2nd April, 1971 and the new House was constituted on the same day. Now, the House had only one nominated Anglo-Indian member and thus the total strength of

membership of the House was 281. After the election results were out, six parties, viz., Congress (R), Bangla Congress, Muslim League, S.S.P., P.S.P. and Gorkha League formed a Democratic Coalition under the leadership of Shri Ajoy Kumar Mukherjee and formed Democratic Coalition Ministry with Shri Ajoy Kumar Mukherjee as the Chief Minister on the 2nd April, 1971. The C.P.I., the Forward Bloc and the Congress (O) also supported this Government. The strength of the Democratic Coalition with the three parties supporting it came to 141. The C.P.I.(M) who won 113 seats in the election was the main constituent party of the United Left Front fighting the election and now, along with the other constituent parties of the United Left Front, took seat in the Opposition. The new House first met on the 3rd May, 1971 and elected Shri Apurba Lal Majumdar and Shri Pijush Kanti Mukherjee its Speaker and Deputy Speaker respectively. This Government also came to an end within three months of its coming into being. The Chief Minister, who had been enjoying a thin majority in the Legislative Assembly since assumption of office, advised the Governor on the 25th June, 1971 to dissolve the Legislative Assembly and accordingly, the Assembly which was due to meet on the 28th June, 1971 was abruptly dissolved on the

25th June, 1971. On the 28th June, 1971, the Chief Minister tendered the resignation of his Council of Ministers and the President's rule under Article 356 of the Constitution was again imposed on the State on the 29th June, 1971.

The 1972 General Elections were held in the State on the 11th March, 1972 and this time the Congress Party, who fought the General Elections in alliance with the C.P.I. as Progressive Democratic Alliance, won 217 seats out of total 281 seats (one seat reserved for nominated Anglo-Indian member) and formed the Ministry in the State under the Chief Ministership of Shri Siddhartha Sankar Ray. At the time of the formation of the Ministry, Shri Siddhartha Sankar Ray was not a member of the House. He was, however, elected to the Assembly on the 6th June, 1972 in a bye-election from the Malda Constituency. The proclamation was revoked by the President on the 20th March, 1972 and the new House was constituted on the same day. The new Ministry was sworn in on the 20th March, 1972. The first meeting of the Assembly was held on the 24th March, 1972 on which date Shri Apurba Lal Majumdar and Shri Haridas Mitra were elected Speaker and Deputy Speaker respectively. The Left Front comprising C.P.I.(M), R.S.P., S.U.C. and Workers' Party won 19 seats in the House; but the C.P.I.(M)

who won 14 seats along with the S.U.C. Party and the Workers' Party (who had One M.L.A. each from their parties) abstained from attending the House all through on the ground that the House was, in their opinion, constituted by members who had won the elections by unfair means. The seats of these absentee members of the House were, however, not declared vacant under Article 190(4) of the Constitution as no motion to that effect was moved in the House.

On the midnight of August 14-15, 1972, the Assembly held a sitting to commemorate the 25th year of Independence of the Country.

The life of this Assembly, the Seventh Legislative Assembly of this State under the Constitution of India, was made six years by the Constitution (Forty-second Amendment) Act, 1976 but it also could not run its full term. It was dissolved on the 30th April, 1977, by the President's Proclamation and Order under Article 356 of the Constitution after the Lok Sabha Elections in 1977 when the Janata Party came to power at the Centre.

After the General Elections of 1977, the Eighth Legislative Assembly was constituted with a total number of 295 members including one nominated Anglo-Indian member. The Left Front which comprised C.P.I.(M), Forward Bloc, R.S.P., R.C.P.I.,

Forward Bloc (Marxist) and Biplabi Bangla Congress fought the General Elections and won 229 seats in the House—the C.P.I.(M) alone won 177 seats. The President's Proclamation was revoked on the 21st June, 1977 and on the same day the new House was constituted. The new Ministry was sworn in on the 21st June, 1977 with Shri Jyoti Basu as Chief Minister. Janata and Congress won 29 and 20 seats respectively and took the role of main Opposition parties. The newly constituted Assembly met first on the 24th June, 1977 and elected Shri S.A.M. Habibullah and Shri Kalimuddin Shams as its Speaker and Deputy Speaker respectively.

The major change that one can notice in the Eighth Legislative Assembly is the formation of a Coalition Government which remained in power for nearly 34 years without a break.

The Eighth Assembly under the Speakership of Hon'ble Shri S.A.M. Habibullah, started transaction of its business, as far as practicable, in Bengali from the very first day of its sittings and the Rules Committee of the House was entrusted with the task of making a Bengali version of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly resulting in the publication of a Bengali version of

the said Rules of Procedure and Conduct of Business in 1984 and a bilingual version of the same in 2001. In the sequel, Assembly Bulletins, List of Business, etc. are now published both in Bengali and English versions.

After the dissolution of the Eighth Legislative Assembly on the 24th May, 1982, the Ninth Legislative Assembly was constituted on the same day with those who returned in the General Elections of 1982. The total number of members including two Independent members and one nominated Anglo-Indian member was 295. The Left Front comprising C.P.I.(M), Forward Bloc, R.S.P., C.P.I., R.C.P.I., Forward Bloc (Marxist), W.B.S.P. and D.S.P. secured 237 seats out of which C.P.I.(M) alone won 174. The new Ministry was sworn in on the 26th May, 1982 with Shri Jyoti Basu as Chief Minister. Congress (I), Congress (S), S.U.C.I. won 49, 4 and 2 seats respectively and took the role of Opposition parties. Later Congress (S) was merged in Congress (I) and they formed the main Opposition party. The Assembly so constituted met first on the 14th June, 1982 and elected Shri Hashim Abdul Halim and Shri Kalimuddin Shams its Speaker and Deputy Speaker respectively on the same day.

Passing of Vote-on-Account by the 31st day of March prior to detailed discussion on the demands for grants is one of the significant procedural changes brought in by the West Bengal Legislative Assembly in 1983. The related Appropriation Bill is also passed by the House without discussion. Thereafter, demandwise discussion is taken up. This procedural change was effected to give the members sufficient time to study and scrutinize the Annual Financial Statements minutely so as to equip themselves for an effective discussion thereon. This procedure proves itself very helpful to the subject committees which were formed in 1989 and subsequently renamed as Standing Committees, in the course of their scrutinizing the Budget proposals of different departments in detail.

During the tenure of the Ninth Assembly, Assembly Secretariat did have another luminous feather added to its cap when it successfully hosted the All India conferences of Presiding Officers and Secretaries of Legislative Bodies in India in 1984 for the second time (such Conferences were first held in West Bengal at Darjeeling in 1958) though it ended abruptly owing to the tragic and odious assassination of the then Prime Minister, Smt. Indira Gandhi.

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The Ninth Assembly was dissolved on the 30th March, 1987 and the Tenth Assembly was constituted on the same day with the members elected in the General Elections of 1987. The total number of Members in the Tenth Assembly was 295 including one Anglo-Indian member nominated subsequently on the 6th May, 1987 under Article 333 of the Constitution of India. The Left Front comprising C.P.I.(M), Forward Bloc, R.S.P., C.P.I., R.C.P.I., Forward Bloc (Marxist), W.B.S.P. and D.S.P. secured 251 seats of which C.P.I.(M) alone won 187.

The new Ministry was sworn in on the 31st March, 1987 with Shri Jyoti Basu as the Chief Minister. Congress (I) won 40 seats, S.U.C.I. secured 2 seats and Muslim League 1 seat. The newly constituted Assembly first met on the 6th May, 1987 and elected Shri Hashim Abdul Halim and Shri Anil Mukherjee its Speaker and Deputy Speaker respectively on the same day.

The Assembly completed its fiftieth anniversary in 1987. The Golden Jubilee celebration of the Assembly was held on the 5th and the 6th February, 1990. It was a landmark event in the history of evolution of Legislatures in India.

An exhibition on the 'Historical Evolution of Legislature vis-à-vis the People's Struggle' was inaugurated by Shri Rabi Roy, the then Speaker of Lok Sabha. As a part of this celebration the erstwhile Council Chamber, Room No. 41 and Room No. 46 (Committee Rooms of the Assembly) were named after Syed Nausher Ali, Sir Azizul Haque and Shri Bejoy Kumar Banerjee (All Ex-Speakers of the Assembly) respectively and the new Library Building of the Assembly was named as 'Golden Jubilee Building' which was inaugurated by Shri Jyoti Basu, Chief Minister on the 3rd August, 1995. To commemorate this historic occasion, a commemorative volume was published.

The Tenth Assembly pioneered the introduction of the Subject Committee System in its full-fledged form to oversee the performances of different Government Departments vis-a-vis their respective Budget Grants approved by the House as also the objectives underlying the individual Grants. The Executive's accountability to the Legislature is a *sine qua non* for successful functioning of the Parliamentary Democracy. This principle stands conspicuously enshrined in our Constitution. The West Bengal

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Legislative Assembly took up and initiated this novel experiment in 1989 with the constitution of three subject Committees relating to the Departments of 'Education', 'Panchayat' and 'Health and Family Welfare'. Gradually, all the departments have been brought under the fold of this vibrant Committee System. At present, 26 (twenty Six) such Standing Committees of the West Bengal Legislative Assembly are in operation to exercise Legislature's supervision over the activities of all the Government departments. It is a matter of great pride that the Lok Sabha adopted the Subject/ Standing Committee System much after the West Bengal Legislative Assembly had introduced and acted upon the system very successfully.

Since West Bengal Legislative Assembly is a pioneer in introducing the Standing Committee System in its full-fledged form, its expertise, opinions, advice and suggestions are often sought for by other Sister Legislatures in India. The success in this sphere is rightly attributable to foresight of the Tenth Legislative Assembly to anticipate the changing demands of the time.

After the dissolution of the Tenth Legislative Assembly on the

31st March, 1991, the Eleventh Legislative Assembly was constituted on the 19th June, 1991 with those who returned in the General Elections of 1991. The total number of Members including one nominated Anglo-Indian member was 295. The Left Front comprising C.P.I.(M), F.B., R.S.P., C.P.I., S.P., D.S.P., F.B.(M) and R.C.P.I. secured 244 seats.

The new Ministry was sworn in on the 25th June, 1991 with Shri Jyoti Basu as Chief Minister. Congress (I), S.U.C.I., Jharkhand Party, Gorkha National Liberation Front and one unattached Member took the role of Opposition Parties. The Congress (I) formed the main Opposition Party. The Assembly so constituted, met first on the 18th July, 1991 and elected Shri Hashim Abdul Halim and Shri Anil Mukherjee its Speaker and Deputy Speaker respectively on the same day.

The hour of meeting which had hitherto been 1:00 p.m. was changed to 11.00 a.m. on the recommendations of the Rules Committee duly approved by the House and published in Bulletin Part II dated 16.03.1992.

With a view to promoting and inspiring institutionalised studies on diverse aspects of

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Parliamentary processes, a Forum for Parliamentary Studies was constituted in the year 1994.

The Forum under the Chairmanship of Late Professor Hiren Mukherjee endeavoured to familiarise the newly elected legislators with the role of Parliament/ Legislature in a Parliamentary Democracy and its operational aspects. It has thus helped the people's representatives to understand the technicalities involved in the apparatus of institutionalised democracy so as to make them able to discharge their usual Parliamentary duties effectively in the House quite in consonance with the prescribed rules and established norms and practices as also to cater to the needs and aspirations of the people whom they represent. The Forum has also been accredited for organising seminars, symposia, workshops and orientation and appreciation courses on Parliamentary themes for the officers of this Legislature Secretariat.

The Eleventh Legislative Assembly was dissolved on the 16th May, 1996 and the Twelfth Legislative Assembly was constituted on the same day with the members elected in the General

Elections of 1996. The total number of members in the Twelfth Legislative Assembly was 295 including one nominated Anglo-Indian member. The Left Front comprising C.P.I.(M), F.B., C.P.I., R.S.P., S.P., D.S.P., F.B.(M) and Biplabi Bangla Congress secured 203 seats.

The new Ministry was sworn in on the 20th May, 1996 with Shri Jyoti Basu as Chief Minister. The newly constituted Assembly first met on the 10th June, 1996 and on the same day Shri Hashim Abdul Halim and Shri Anil Mukherjee were re-elected its Speaker and Deputy Speaker respectively. Shri Jyoti Basu resigned the post of Chief Minister owing to his failing health and Shri Buddhadeb Bhattacharjee assumed the charge of Chief Minister with effect from the 6th November, 2000.

The Twelfth Legislative Assembly was dissolved with effect from the 15th May, 2001 and the Thirteenth Legislative Assembly was constituted on the same day with the members elected in the General Elections of 2001. The total number of members including one nominated Anglo-Indian member stood at 295 as before. The Left Front comprising CP.I.(M), F.B., R.S.P., C.P.I., S.P., D.S.P. and

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F.B.(M) secured 199 seats. All India Trinamool Congress which had bagged 60 seats was recognised as the main Opposition Party. Indian National Congress, G.N.L.F. and S.U.C.I. won 26,3 and 2 seats respectively and took the role of Opposition parties.

The new Ministry was sworn in on the 18th May, 2001, with Shri Buddhadeb Bhattacharjee as Chief Minister. The newly constituted Assembly first met on the 14th June, 2001 and on the same day Shri Hashim Abdul Halim and Shri Anil Mukherjee were again re-elected its Speaker and Deputy Speaker respectively. After the sad demise of Shri Anil Mukherjee on the 17th February, 2002, Shri Kripa Sindhu Saha was elected to the Office of the Deputy Speaker on the 7th March, 2002.

During the tenure of the Thirteenth Assembly, All India Conferences of Presiding Officers and Secretaries of Legislative Bodies in India was successfully hosted in 2004 for the third time.

The Thirteenth Legislative Assembly was dissolved with effect from the 13th May, 2006 and the Fourteenth Legislative Assembly was constituted on the same day with the members elected in the General Elections of 2006. The total

number of members including one nominated Anglo-Indian member stood at 295 as before. The Left Front comprising C.P.I.(M), F.B., R.S.P., C.P.I., S.P., F.B.(M), D.S.P. and R.J.D. secured 235 seats. All India Trinamool Congress which had bagged 30 seats was recognised as the main Opposition Party. Indian National Congress, G.N.L.F., S.U.C.I. and Jharkhand Party (Naren) bagged 20,3,2 and 1 seat respectively and took the role of Opposition parties.

The new Ministry was sworn in on the 18th May, 2006 with Shri Buddhadeb Bhattacharjee as Chief Minister. The newly constituted Assembly first met on the 12th June, 2006 and on the same day Shri Hashim Abdul Halim was again re-elected its Speaker. Shri Bhakti Pada Ghosh was elected Deputy Speaker of the House on the 16th June, 2006.

The Fourteenth Legislative Assembly was dissolved with effect from the 14th May, 2011 and the Fifteenth Legislative Assembly was constituted on the same day with the members elected in the General Elections of 2011. The total number of members including one nominated Anglo-Indian Member stood at 295 as before. The All India Trinampol Congress and Indian

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National Congress alliance secured 225 seats and formed the Government. The Left Front comprising C.P.I.(M), F.B., R.S.P., C.P.I., S.P. and D.S.P. secured 40,11,7,2,1 and 1 seats respectively and took the role of Opposition. S.U.C.I. which bagged 1 seat took the seat in the Opposition.

The new Ministry was sworn in on the 20th May, 2011 with Smt. Mamata Banerjee as the Chief Minister. At the time of the formation of the Ministry, Smt. Mamata Banerjee was not a member of the House. She was, however, elected to the Assembly on the 28th September, 2011 in a bye-election from the Bhabanipur Assembly Constituency and took Oath as a member of the House on the 16th November, 2011. The newly constituted Assembly first met on the 30th May, 2011 and on the same day elected Shri Biman Banerjee as its Speaker. Smt. Sonali Guha (Bose) was elected Deputy Speaker on the 17th June, 2011.

At the sitting of the House on the 28th June, 2011, Dr. Partha Chatterjee, Minister-in-Charge, Departments of Commerce & Industries, Industrial Reconstruction, Public Enterprises,

Parliamentary Affairs and Information Technology moved a resolution to the effect that the Legislative Council be created for the State of West Bengal under Article 169 of the Constitution of India. Following the suggestion given by the Hon'ble Chief Minister Smt. Mamata Banerjee in the House during the discussion on the resolution, the House at its sitting held on the 28th June, 2011 had taken the decision to constitute an Ad hoc Committee and to assign it the works to examine the recommendation for creation of Legislative Council for the State of West Bengal and to submit its Report within six weeks. The Ad hoc Committee presented its Report to the Hon'ble Speaker on the 10th August, 2011 and it was laid before the House on the 23rd August, 2011. The Ad hoc Committee, in its Report, recommended the creation of the Legislative Council for the State of West Bengal and suggested that the resolution moved by Dr. Partha Chatterjee on the 28th June, 2011 under Article 169 of the Constitution of India be taken into consideration and passed by the House as early as possible so as to enable the State Government to take up the matter with the Union Government in the right earnest.

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The Platinum Jubilee of the West Bengal Legislative Assembly, a momentous historic occasion in the evolution of the Parliamentary Democracy in India, was celebrated in two phases during the tenure of the Fifteenth Legislative Assembly. The first phase commencing with the inaugural session and comprising a programme of two days was held on the 13th and the 14th August, 2012 and the second phase ending with the formal valedictory Session, was a programme of three days on the 4th, the 5th and the 6th December, 2013. Both the phases were eventful and very attractive. In the opening ceremony, former Speaker and former Deputy Speakers of West Bengal Legislative Assembly, former Speaker of Lok Sabha Shri Somnath Chatterjee and eight senior Members of West Bengal Legislative Assembly were felicitated. In the second part of the first day of the opening ceremonial programme, the West Bengal Legislative Assembly arranged an exhibition on “Role of Bengal in Freedom Struggle” which was inaugurated by Hon’ble Chief Minister, Smt. Mamata Banerjee. On this occasion of first phase of the Platinum Jubilee Celebration, there were Seminars on two important issues, viz, ‘Strengthening Parliamentary Democracy’ and ‘Executive Accountability to the Parliament/Legislature’ and many eminent personalities including Hon’ble Chairmen and Speakers of

Andhra Pradesh Legislative Council, Andhra Pradesh Legislative Assembly, Jharkhand Legislative Assembly, Karnataka Legislative Council, Rajasthan Legislative Assembly, Tamil Nadu Legislative Assembly, Uttar Pradesh Legislative Council, Uttar Pradesh Legislative Assembly, Haryana Legislative Assembly, Jammu & Kashmir Legislative Assembly, Odisha Legislative Assembly and Bihar Legislative Assembly took active part in the discussion.

The opening of the second phase of the closing ceremonial programme which was held inside the Assembly Chamber from 4th to 6th December, 2013 was marked with the arrival of Shri M. K. Narayanan, Hon’ble Governor of West Bengal followed by the Welcome Address from Shri Biman Banerjee, Hon’ble Speaker, West Bengal Legislative Assembly. The opening day programme was historically significant with the warmful reception of Smt. Meira Kumar, Hon’ble Speaker, Lok Sabha which was followed by the Welcome Address by Shri Biman Banerjee, Hon’ble Speaker, West Bengal Legislative Assembly. Smt. Mamata Banerjee, Hon’ble Chief Minister and Dr. Partha Chatterjee, Hon’ble Minister also delivered their valuable speeches. The inauguration of a full day discussion on the topic “Challenges Before Parliamentary Democracy” was held by Smt. Meira Kumar,

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Hon'ble Speaker, Lok Sabha. On the second day of the programme, i.e., on the 5th December, 2013 a long constructive discussion was held on the topic by various personalities who highlighted on the problems of Democracy as well as on the correct pathway for development. Hon'ble Chairman of Andhra Pradesh Legislative Council, and Hon'ble Speakers of Jammu & Kashmir Legislative Assembly, Meghalaya Legislative Assembly and Sikkim Legislative Assembly also participated in the programme. On the last day of the closing ceremonial programme, i.e., on the 6th December, 2013, the valedictory session got a special attraction due to the benign presence of Hon'ble President of India, Shri Pranab Mukherjee. The Hon'ble President of India delivered his precious speech for the first time in the 75 years-history of the Legislature. The valedictory Session came to an end with a vote of thanks by Dr. Partha Chatterjee, Hon'ble Minister followed by a group photograph of the Hon'ble President, Hon'ble Speaker, Hon'ble Ministers, Members and other dignitaries. On this historic occasion, all Members of the Assembly and all officers and members of staff of the West Bengal Legislative Assembly Secretariat were presented with a beautiful memento. To commemorate this historic occasion, a colourful souvenir had been brought out by the West Bengal Legislative Assembly.

The Fifteenth Legislative Assembly was dissolved with effect from the 25th May, 2016 and the Sixteenth Legislative Assembly was constituted on the 20th May, 2016 with the Members elected in the General Election held in March-April-May, 2016. The total number of Members including the nominated Anglo-Indian Member stood at 295 as before. The All India Trinamool Congress secured 211 seats and formed the Government for the second time. Indian National Congress which had bagged 44 seats was recognized as the official Opposition Party. Communist Party of India (Marxist), Revolutionary Socialist Party, Forward Bloc, Communist Party of India, Gorkha Janamukti Morcha, and Bharatiya Janata Party secured 26, 3, 2, 1, 3 and 3 seats respectively and took the role of Opposition Parties.

The new Ministry headed by Smt. Mamata Banerjee as the Chief Minister was sworn in on the 22nd May, 2016. The newly constituted Assembly first met on the 31st May, 2016 and elected unanimously Shri Biman Banerjee as its Speaker for the second term. Shri Haider Aziz Safwi was elected Deputy Speaker of the Assembly on the 23rd June, 2016. After the sad demise of Shri Haider Aziz Safwi on the 12th December, 2018, Dr. Sukumar Hansda was elected to the Office of the Deputy Speaker on the 29th December, 2018 and remained in

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the post till his untimely and sad demise on the 29th October, 2020.

During the tenure of the Sixteenth Legislative Assembly Constitution Day (Sambidhan Divas) was observed by organizing a Special Session of the House on the 26th and the 27th November, 2019. The main objective of organizing the said event was to recognize the important principles which formed the basis of our Constitution and to broaden the knowledge of its working and its far reaching ramifications that have both shaped our history and our lives. For this purpose, a motion was moved on the 26th November, 2019 for suspension of rule 358 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly for organizing the said Special Session in the Chamber of the House, treating it as part of the proceedings of the House.

On the 26th November, 2019, the observance began with the presentation of the floral tribute to the statue of Dr. B. R. Ambedkar. The inaugural address was given by Shri Biman Banerjee, Hon'ble Speaker, West Bengal Legislative Assembly. Many dignitaries from various constitutional bodies including Hon'ble Chief Minister, Smt. Mamata Banerjee graced the occasion and delivered their valuable speeches. On the next day,

a constructive and enlightening discussion was held in which the members of West Bengal Legislative Assembly also took part.

The tenure of the Sixteenth Legislative Assembly witnessed another landmark event—laying of the Foundation Stone for the Platinum Jubilee Memorial Building by Smt. Mamata Banerjee, Hon'ble Chief Minister, Government of West Bengal, on the 29th November, 2017. This ceremonial function was presided over by Shri Biman Banerjee, Hon'ble Speaker, West Bengal Legislative Assembly and attended by Leaders of all political parties in the Assembly. The construction of the said building is now near completion.

The tenure of the Sixteenth Legislative Assembly also witnessed an event which was quite unthought of even a few years ago. The event was the Covid-19 pandemic and it engulfed the whole world. Lockdown came in force in the State of West Bengal and the House witnessed some eventful changes. The House sat only for one day on the 9th September, 2020 after its last sitting on the 17th March, 2020 and had to adjourn its meeting soon after making Obituary References owing to the Covid-19 pandemic situation. Special sitting arrangements were

made for the Members in the Gallery of the Assembly Chamber so that proper social distancing norms could be maintained and other precautionary measures like compulsory wearing of masks in the Chamber were strictly enforced. The House again met in January, 2021 when the intensity of the pandemic had subsided to a great extent and the earlier sitting arrangements i.e. arrangements prevailing in the pre-Covid era were reinforced for the Members.

The Sixteenth Legislative Assembly was dissolved with effect from the 4th May, 2021 and the Seventeenth Legislative Assembly was constituted on the 3rd May, 2021 with the Members elected in the General Election held in March-April, 2021. During the poll three candidates including one candidate sponsored by All India

Trinamool Congress and elected, passed away. Out of remaining 291 seats, All India Trinamool Congress secured 212 seats and formed the Government for the third time. Bharatiya Janata Party which bagged 77 seats was recognised as the official opposition party. Rashtriya Secular Majlis Party won one seat and took the seat in the Opposition.

Smt. Mamata Banerjee sworn in as Chief Minister for the third time on the 5th May, 2021. The New Ministry was sworn in on the 10th May, 2021. The newly constituted Assembly first met on the 8th May, 2021 and elected unanimously Shri Biman Banerjee as its Speaker for the third term.

The tenure of Seventeenth Legislative Assembly is due to expire in May, 2026 according to the provisions of the Constitution.

MACE IN WEST BENGAL LEGISLATIVE ASSEMBLY

Etymologically, Mace symbolizes the authority of the sovereign. From time immemorial, display of Mace had been customary with the Monarchs and the Executives. Instances of religious supremos having used a Mace to demonstrate their authority were not also rare. The Romans who had a Republic as far back as 600 B.C. had the “fasces”. It consisted of a bundle of sticks bound together with a cord with an axe in the middle. They had also Mace-bearers designated as ‘lictors’ who used to carry the “fasces” before the Magistrates. Likewise, during the Hindu reign in ancient India there was “Raj-Danda” or “King’s Mace” in the King’s paraphernalia. Muslim rulers in India also adopted the “Mace” as a symbol of power. ‘Chob’, as it was termed in Persian, had the Chobder to carry it.

The present system of having a Mace in the Legislature had its progenitor in the practice prevailing in the House of Commons. It was first introduced in Bengal Legislative Council during the British regime on January 31, 1934. While committing the Mace to the care of the legislators, the Chairman of the Legislative Council took pride in describing it as a “beautiful and majestic emblem” and traced the historic analogy between the two people

(the people of India and the people of England) who preferred rather to conserve an old custom than to revolt against the tradition of the past. “In any case”, the Chairman of the House took the occasion to remind, “the present Legislature in India had been shaped after the model of the British Parliament and by our Mace we are engrafting in our soil one of the oldest traditions of the Mother of Parliaments where the Mace is taken not only as the symbol of Mr. Speaker’s authority but also as sign that the House is properly constituted for its own proceedings”. The Chairman finally expressed his hope that the members of the House would jealously guard its prestige which was after all their own prestige.

Originally the Mace introduced in the Bengal Legislative Council in British India was modelled after the British Mace. It had the ‘Crown’ embossed at the top on the stand. The “Crown” obviously represented the British Crown. After the Independence of the Country, the “Crown” was replaced by the “Asoke Chakra”, commemorative of the country’s liberation from colonial bondage. In practice, the Mace is carried by the Marshal marching ahead in a procession in front of Mr. Speaker before the House starts its business and the Mace is

eventually placed on a table on an ornamental pillow just before the Speaker's throne in the House.

In 1953, a question rocked the Presiding Officers' Conference, held in Madhya Bharat, as to whether this practice of displaying the Mace as the Speaker's authority should continue even in independent India. Dr. Suniti Kumar Chatterji, the eminent scholar and linguist who happened to be the then Chairman of the West Bengal Legislative Council, stoutly advocated in favour of preservation of this practice as 'a glorious tradition'. He underscored the fact that maintaining a Mace was nothing alien to the tradition of this country which, according to him, was a "land of symbols". He dismissed the suggestion that the idea of a Mace came to us from England as a part of the English Parliamentary system. Dr. Chatterji finally implored, "Let that (Mace) remain as a symbol of the authority of the Parliament or the State Legislature". In the same Conference, the Chairman, Dr. Ananta Shayanam Ayengar, had, however, expressed a contrary view. He observed that in the Indian Legislature we must have some kind of emblem of power but that should be the power of truth and non-violence rather than the power of Mace or the Sword or the Danda.

In any case, the practice of having a Mace in the Legislative Assembly in West Bengal persisted. Of course, at times controversy surfaced over the relevance or reasonableness of its continuance. It was sometimes looked upon as a "colonial hangover". Dr. Zainal Abedin tabled a motion on 7th May, 1986 for its abolition. The members deliberated over the motion. But finally, Mr. Speaker, Shri Hashim Abdul Halim, declined to admit the motion in view of the fact that Ninth Assembly was due to have its exit shortly. Mr. Speaker was of the opinion that as the Ninth Assembly was at its terminal period of existence, the decision on such important matter should be left to the new Assembly which would be coming after some months.

The display of Mace continued without any hindrance till the commencement of morning session of the 25th June, 2002. On the 25th June, 2002, following some untoward incidents in the Chamber, Hon'ble Speaker moved a resolution from the Chair discontinuing the practice of displaying the Mace as the authority of the House and the practice of entry of the Speaker into the House with a ceremonial procession headed by Marshal bearing the Mace on his left shoulder. While moving the resolution, Hon'ble Speaker observed, *inter alia*, as follows:

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“It is of no constitutional value. It is entirely decorative—it is entirely decorative. I don’t understand what purpose it will serve when members try to run off with the Mace. The House is not adjourned. The House should not be adjourned. So, why they do it? Either they do not know the rules or they want to act in a manner which will draw the attention of the Press.”

The resolution was then adopted *nem.con.*

However, the practice of displaying the Mace as the authority of the House and the practice of entry of the Speaker into the House with a ceremonial procession headed by Marshal bearing the Mace on his left shoulder were re-introduced from the morning session of the 17th July, 2002 on a resolution moved

from the Chair and adopted by the House on the 16th July, 2002 on the basis of a unanimous decision of the all-party meeting held in the Speaker’s Chamber.

The Constitution does not, of course, provide for display or maintenance of any Mace in the Legislature, nor have any rules been framed for the purpose. The practice continues to be in vogue and its legality or propriety has not been questioned afresh. It would not be out of place to recall in this context what the then Chairman of the Bengal Legislative Council sought to impress on the legislators in his inaugural address in 1934. He concluded with the remark, “..... It (Mace) will remind us in our deliberation as men of power we should work with due regard to constituent authority for the triumph of justice and right-truth and constitutionalism”.

**TENURES OF LEGISLATIVE ASSEMBLIES OF
WEST BENGAL (1952 – TILL DATE)**

- | | | |
|--------------------------------|---|-------------------------|
| 1. First Legislative Assembly | — | 31.03.1952 – 05.04.1957 |
| 2. Second Legislative Assembly | — | 06.04.1957 – 01.03.1962 |
| 3. Third Legislative Assembly | — | 03.03.1962 – 28.02.1967 |
| 4. Fourth Legislative Assembly | — | 01.03.1967 – 20.02.1968 |

President's Rule (20.02.1968 – 25.02.1969)

- | | | |
|-------------------------------|---|-------------------------|
| 5. Fifth Legislative Assembly | — | 25.02.1969 – 30.07.1970 |
|-------------------------------|---|-------------------------|

President's Rule (31.07.1970 – 02.04.1971)

- | | | |
|-------------------------------|---|-------------------------|
| 6. Sixth Legislative Assembly | — | 02.04.1971 – 25.06.1971 |
|-------------------------------|---|-------------------------|

President's Rule (29.06.1971 – 20.03.1972)

- | | | |
|---------------------------------|---|-------------------------|
| 7. Seventh Legislative Assembly | — | 20.03.1972 – 30.04.1977 |
|---------------------------------|---|-------------------------|

President's Rule (30.04.1977 – 21.06.1977)

- | | | |
|--------------------------------------|---|-------------------------|
| 8. Eighth Legislative Assembly | — | 21.06.1977 – 24.05.1982 |
| 9. Ninth Legislative Assembly | — | 24.05.1982 – 30.03.1987 |
| 10. Tenth Legislative Assembly | — | 30.03.1987 – 31.03.1991 |
| 11. Eleventh Legislative Assembly | — | 19.06.1991 – 16.05.1996 |
| 12. Twelfth Legislative Assembly | — | 16.05.1996 – 15.05.2001 |
| 13. Thirteenth Legislative Assembly | — | 15.05.2001 – 13.05.2006 |
| 14. Fourteenth Legislative Assembly | — | 13.05.2006 – 14.05.2011 |
| 15. Fifteenth Legislative Assembly | — | 14.05.2011 – 24.05.2016 |
| 16. Sixteenth Legislative Assembly | — | 20.05.2016 – 03.05.2021 |
| 17. Seventeenth Legislative Assembly | — | 03.05.2021 – |

**GOVERNORS OF BENGAL SINCE THE CONSTITUTION OF
BENGAL LEGISLATIVE ASSEMBLY**

Governors of Bengal before Independence

<i>Name</i>	<i>Assumed charge of office</i>
1. Sir John Anderson	2nd December, 1934
2. Lord Brabourne	27th November, 1937
3. Sir Robert Neil Reid	25th June, 1938
4. Lord Brabourne	24th October, 1938
5. Sir Robert Neil Reid	24th February, 1939
6. Sir John Ackroyd Woodhead	12th June, 1939
7. Sir John Arthur Herbert	18th November, 1939
8. Sir Thomas George Rutherford	6th September, 1943
9. The Right Hon'ble R. G. Casey	22nd January, 1944
10. Sir Henry Twynhan	13th September, 1945
11. The Right Hon'ble R. G. Casey	12th October, 1945
12. Sir Frederick John Burrows	19th February, 1946

Governors of West Bengal since Independence

<i>Name</i>	<i>Assumed charge of office</i>
1. Shri Chakravarti Rajagopalachari	15th August, 1947
2. Dr. Kailash Nath Katju	21st June, 1948
3. Dr. Harendra Coomar Mookerjee	1st November, 1951
4. Shrimati Padmaja Naidu	3rd November, 1956
5. Shri Dharma Vira	1st June, 1967
6. Shri Shanti Swarup Dhawan	19th September, 1969
7. Shri Anthony Lancelot Dias	21st August, 1971
8. Shri Tribhuvan Narayan Singh	6th November, 1977
9. Shri Bhairab Datt Pande	12th September, 1981
10. Shri Anant Prasad Sharma	10th October, 1983
11. Shri Uma Shankar Dikshit	1st October, 1984
12. Professor Saiyid Nurul Hasan	12th August, 1986
13. Shri T. V. Rajeshwar	2nd March, 1989
14. Professor Saiyid Nurul Hasan	7th February, 1990
15. Shri K. V. Raghunatha Reddy	14th August, 1993
16. Dr. A. R. Kidwai	27th April, 1998
17. Justice Shri Shyamal Kumar Sen	18th May, 1999
18. Shri Viren J. Shah	4th December, 1999
19. Shri Gopalkrishna Gandhi	14th December, 2004
20. Shri M. K. Narayanan	24th January, 2010
21. Shri Keshari Nath Tripathi	24th July, 2014
22. Shri Jagdeep Dhankar	30th July, 2019

The Legislature in West Bengal—Its Origin and Growth

**PRESIDING OFFICERS OF THE LEGISLATURE IN
BENGAL/WEST BENGAL**

**Legislative Council prior to the coming into force of
the Government of India Act, 1935**

Presidents

1. Nawab Sir Syed Shams-ul-Huda (1921-22)
2. Mr. H. E. A. Cotton (1922-25)
3. Kumar Shib Shekhareswar Ray (1925-26)
4. Raja Manmatha Nath Ray Chaudhuri (1927-36)

Deputy Presidents

1. Babu Surendra Nath Roy (1921-23)
2. Major Hassan Suhrawardy (1924)
3. Dr. A. Suhrawardy (1925-26)
4. Khan Bahadur Maulvi Emaduddin Ahmed (1927-29)
5. Mr. Razaur Rahaman Khan (1929-36)

Legislative Assembly under the Government of India Act, 1935

Speakers

1. Sir Azizul Haque (*7th April, 1937 to 27th April, 1942*)
2. Mr. Syed Nausher Ali (*1st March, 1943 to 14th May, 1946*)
3. Mr. Nurul Amin (*14th May, 1946 to 15th August, 1947*)
4. Mr. Iswar Das Jalan (*21st November, 1947 to 19th June, 1952*)

Deputy Speakers

1. Mr. Ashrafali Khan Chowdhury (1937-41)
2. Mr. Syed Jalaluddin Hashemy (*18th February, 1942 to 17th November, 1945*)
3. Mr. Tafazzal Ali (*14th May, 1946 to 15th August, 1947*)
4. Mr. Ashutosh Mallick (*21st November, 1947 to 19th June, 1952*)

Legislative Council under the Government of India Act, 1935

Presidents

1. Mr. Satyendra Chandra Mitra (*9th April, 1937 to 27th October, 1942*)
2. Sir Bijoy Prosad Singh Roy (1943-47)

Deputy Presidents

1. Mr. Hamidul Huq Chowdhury (1937-39)
2. Khan Bahadur Abdul Hamid Chowdhury (1940-47)

The Legislature in West Bengal—Its Origin and Growth

Legislative Assembly under the Constitution of India

Speakers

1. Shri Saila Kumar Mukherjee (*20th June, 1952 to 20th March, 1957*)
2. Shri Sankar Das Banerji (*4th June, 1957 to 15th May, 1959*)
3. Shri Bankim Chandra Kar (*22nd February, 1960 to 12th March, 1962*)
4. Shri Keshab Chandra Basu (*12th March, 1962 to 8th March, 1967*)
5. Shri Bijoy Kumar Banerjee (*8th March, 1967 to 6th March, 1969 and 6th March, 1969 to 3rd May, 1971*)
6. Shri Apurba Lal Majumder (*3rd May, 1971 to 24th March, 1972 and 24th March, 1972 to 24th June, 1977*)
7. Shri S. A. M. Habibullah (*24th June, 1977 to 14th June, 1982*)
8. Shri Hashim Abdul Halim (*14th June, 1982 to 6th May, 1987; 6th May, 1987 to 18th June, 1991; 18th June, 1991 to 10th June, 1996; 10th June, 1996 to 14th June, 2001; 14th June, 2001 to 12th June, 2006; and 12th June, 2006 to 30th May, 2011*)
9. Shri Biman Banerjee (*30th May, 2011 to 31st May, 2016; 31st May, 2016 to 8th May, 2021; Re-elected on 8th May, 2021*)

Deputy Speakers

1. Shri Ashutosh Mallick (*20th June, 1952 to 5th April, 1957; 4th June, 1957 to 1st March, 1962 and 12th March, 1962 to 4th May, 1966*)
2. Shri Narendra Nath Sen (*29th August, 1966 to 28th February, 1967*)
3. Shri Haridas Mitra (*8th March, 1967 to 20th February, 1968*)
4. Shri Apurba Lal Majumder (*6th March, 1969 to 30th July, 1970*)
5. Shri Pijush Kanti Mukherjee (*3rd May, 1971 to 25th June, 1971*)
6. Shri Haridas Mitra (*24th March, 1972 to 30th April, 1977*)
7. Shri Kalimuddin Shams (*27th June, 1977 to 24th May, 1982 and 14th June, 1982 to 30th March, 1987*)

The Legislature in West Bengal—Its Origin and Growth

8. Shri Anil Mukherjee (*6th May, 1987 to 31st March, 1991; 18th June, 1991 to 16th May, 1996; 10th June, 1996 to 14th May, 2001 and 14th June, 2001 to 17th February, 2002*)
9. Shri Kripa Sindhu Saha (*7th March, 2002 to 12th May, 2006*)
10. Shri Bhakti Pada Ghosh (*16th June, 2006 to 13th May, 2011*)
11. Smt. Sonali Guha (Bose) (*17th June, 2011 to 24th May, 2016*)
12. Shri Haider Aziz Safwi (*23rd June, 2016 to 12th December, 2018*)
13. Dr. Sukumar Hansda (*29th December, 2018 to 29th October, 2020*)

Legislative Council under the Constitution of India

Chairmen

1. Dr. Suniti Kumar Chatterji (*19th June, 1952 to 8th February, 1965*)
2. Dr. Pratap Chandra Guha Ray (*2nd April, 1965 to 1st August, 1969*)

Deputy Chairmen

1. Dr. Pratap Chandra Guha Ray (*19th June, 1952 to 30th March, 1965*)
2. Shri Upendra Nath Barman (*5th May, 1965 to 1st August, 1969*)

**SPEAKERS PRO TEM OF THE WEST BENGAL
LEGISLATIVE ASSEMBLY**

1. 1952 (First Legislative Assembly)	Shri Iswar Das Jalan
2. 1957 (Second Legislative Assembly)	Shri Ashutosh Mallick
3. 1962 (Third Legislative Assembly)	Shri Ashutosh Mallick
4. 1967 (Fourth Legislative Assembly)	Shri Haridas Mitra
5. 1969 (Fifth Legislative Assembly)	Shri Apurba Lal Majumdar
6. 1971 (Sixth Legislative Assembly)	Shri Pijush Kanti Mukherjee
7. 1972 (Seventh Legislative Assembly)	Shri Haridas Mitra
8. 1977 (Eighth Legislative Assembly)	Shri Binoy Chowdhury
9. 1982 (Ninth Legislative Assembly)	Shri Syed Abul Mansur Habibullah
10. 1987 (Tenth Legislative Assembly)	Shri Amalendra Roy
11. 1991 (Eleventh Legislative Assembly)	Shri Sachin Sen
12. 1996 (Twelfth Legislative Assembly)	Dr. Gouri Pada Dutta
13. 2001 (Thirteenth Legislative Assembly)	Shri Gyan Singh Sohanpal
14. 2006 (Fourteenth Legislative Assembly)	Shri Gyan Singh Sohanpal
15. 2011 (Fifteenth Legislative Assembly)	Shri Gyan Singh Sohanpal
16. 2016 (Sixteenth Legislative Assembly)	Shri Jatu Lahiri
17. 2021 (Seventeenth Legislative Assembly)	Shri Subrata Mukherjee

N.B.: All the above Speaker(s) Pro tem from Serial No. 1 to 9 and 12 to 17 were appointed to administer oath or affirmation. In 1987 and in 1991 Shri Syed Abul Mansur Habibullah and Shri Patit Pabhan Pathak were appointed to administer oath or affirmation respectively.

**PREMIERS AND CHIEF MINISTERS OF WEST BENGAL
(SINCE INDEPENDENCE)**

<i>Name of the Premiers</i>	<i>Tenure</i>
Dr. Prafulla Chandra Ghosh	15.08.1947 — 22.01.1948
Dr. Bidhan Chandra Roy	23.01.1948 — 25.01.1950

<i>Name of the Chief Ministers</i>	
Dr. Bidhan Chandra Roy	26.01.1950 — 30.03.1952
Dr. Bidhan Chandra Roy	31.03.1952 — 05.04.1957
Dr. Bidhan Chandra Roy	06.04.1957 — 02.04.1962
Dr. Bidhan Chandra Roy	03.04.1962 — 01.07.1962
Shri Prafulla Chandra Sen (Acting)	02.07.1962 — 08.07.1962
Shri Prafulla Chandra Sen	09.07.1962 — 28.02.1967
Shri Ajoy Kumar Mukhopadhyay	01.03.1967 — 21.11.1967
Dr. Prafulla Chandra Ghosh	21.11.1967 — 19.02.1968

President's Rule (20.02.1968 – 25.02.1969)

Shri Ajoy Kumar Mukhopadhyay	25.02.1969 — 30.07.1970
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President's Rule (31.07.1970 – 02.04.1971)

Shri Ajoy Kumar Mukhopadhyay	02.04.1971 — 25.06.1971
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President's Rule (29.06.1971 – 20.03.1972)

Shri Siddhartha Sankar Ray	20.03.1972 — 30.04.1977
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President's Rule (30.04.1977 – 21.06.1977)

Shri Jyoti Basu	21.06.1977 — 23.05.1982
Shri Jyoti Basu	24.05.1982 — 29.03.1987
Shri Jyoti Basu	30.03.1987 — 18.06.1991
Shri Jyoti Basu	19.06.1991 — 15.05.1996
Shri Jyoti Basu	16.05.1996 — 05.11.2000
Shri Buddhadeb Bhattacharjee	06.11.2000 — 14.05.2001
Shri Buddhadeb Bhattacharjee	15.05.2001 — 17.05.2006
Shri Buddhadeb Bhattacharjee	18.05.2006 — 19.05.2011
Smt. Mamata Banerjee	20.05.2011 — 25.05.2016
Smt. Mamata Banerjee	26.05.2016 — 04.05.2021
Smt. Mamata Banerjee	05.05.2021 —

**LEADERS OF OPPOSITION IN WEST BENGAL
LEGISLATIVE ASSEMBLY**

<i>Leader of Opposition</i>	<i>Tenure</i>
1. Shri Jyoti Basu	1957-1962, 1962-1967
2. Shri Khagendra Nath Dasgupta	1967-1968
3. Shri Siddhartha Shankar Ray	1969-1970
4. Shri Jyoti Basu	1971
5. Shri Biswanath Mukherjee	1972-1977
6. Shri Abdus Satter	1982-1987, 1987-1990
7. Shri Siddhartha Shankar Ray	1991-1993
8. Dr. Zainal Abidin	1994-1996
9. Shri Atish Chandra Sinha	1996-2001
10. Shri Pankaj Banerjee	2001-2006
11. Shri Partha Chatterjee	2006-2011
12. Dr. Surjya Kanta Mishra	2011-2016
13. Shri Abdul Mannan	2016-2021
14. Shri Suwendu Adhikari	2021-

**SECRETARIES TO THE LEGISLATURE IN
BENGAL/WEST BENGAL**

1. Mr. K. Ali Afzal .. (1937 to 14.8.47)
2. Shri A. R. Mukherjea .. (15.8.47 to 31.12.62)
3. Shri P. Roy .. (1.1.63 to 11.4.69)
4. Shri S. Banerjea .. (12.4.69 to 3.1.72)
5. Shri K. K. Maitra .. (4.1.72 to 31.1.75)
6. Shri D. N. Banerjee .. (1.2.75 to 30.8.78)
7. Shri P. K. Ghose .. (31.8.78 to 16.7.82)
8. Shri K. N. Mukherjee .. (20.8.82 to 30.6.85)
9. Shri A. Rahman .. (1.12.85 to 31.12.85)
10. Shri L. K. Pal .. (1.1.86 to 31.1.90)
11. Shri S. R. Chattopadhyay .. 1.2.90 to 27.2.90 (Acting)
28.2.90 to 31.12.96
12. Shri Md. Nesar Khan .. 1.1.97 to 29.4.97 (forenoon)—(Acting)
29.4.97 (afternoon) to 30.6.2000
(forenoon)
13. Shri M. Sarker .. 30.6.2000 (afternoon) to 11.6.2001
(forenoon)—(Acting)
11.6.2001 (afternoon) to 23.2.2003—
24.2.2003 to 31.1.2006—Principal
Secretary
14. Shri Jadablal Chakraborty .. 1.2.2006 (forenoon) to 15.2.2006
(forenoon)—(Acting)
15.2.2006 (afternoon) to 30.11.2012
15. Shri Buddheswar Mahanti .. 1.12.2012 (forenoon) to 5.3.2013—
(Acting)
6.2.2013 (forenoon) to 5.9.2016
(afternoon)
16. Shri Jayanta Koley .. 26.9.2016 (forenoon) to 7.12.2018
17. Shri Abhijit Som .. 10.12.2018 (forenoon) to 12.02.2021
(afternoon)
18. Shri Supratim Bhattacharya .. 12.2.2021 (afternoon)—

ANNEXURE I

Ruling delivered by Shri Nausher Ali, Speaker, Bengal Legislative Assembly, on the 29th March, 1945

Mr. Speaker: Yesterday after the Demand for Grant for Agriculture had been thrown out of the House I wanted to proceed with the rest of the business but Sir Nazimuddin stated that Government would not move any further Demand that day. He further stated that Government had not had reasonable opportunities of discussing the Agriculture Demand and that he would take the vote of the House as a snap division evidently meaning as not a censure on the Ministry.

On these facts, the present points of order have been raised. There appear to have been three points stressed. One is with regard to the carrying over of the business scheduled for yesterday to today. The other, if I have understood aright, is a complaint made by Sir Nazimuddin that the Government side was not allowed opportunities for discussing the Demand for Agriculture. The third and, in my opinion, the most important constitutional point that has been raised is what is the effect of the decision given by the House with regard to the Demand for Grant for Agriculture.

Now I propose to deal with these three points separately. As to whether or not the business of yesterday's agenda not discussed and not voted upon can be discussed and voted upon today, the position appears to me to be this: Clause (b) of the proviso to section 84 of the Government of India Act empowers the Governor to make rules relating to the timely completion of financial business. In exercise of the said powers the Governor has made certain rules. Whatever doubt there might be relating to the *intra vires* or *ultra vires* character of some of the provisions of these rules, I have not the least doubt that the Governor is competent to fix the last date for disposal of financial business; and in the present case the Governor has fixed today as the last date. As for the allotment of particular business for particular days, that has been done by the Speaker in consultation with the parties, mainly in consultation with the Opposition parties. This year too this had been done. Changes necessitated by circumstances have also been made by the Speaker from time to time. Yesterday the unfinished business was not taken up, and Sir Nazimuddin did not

wish to proceed further and I had accordingly to adjourn. In my opinion the business that remained unfinished could be legally and regularly brought over to today and that has been done by me; (Dr. Nalinaksha Sanyal: Without a request from Government?) and in my opinion there is nothing in the law or in the rules which prevents the Speaker from doing it. On the other hand, I think that rule 22 of the Bengal Legislative Assembly Procedure Rules clearly gives the power to the Speaker, or in other words, the rule says that practically automatically the business goes over to the next day for transaction of business of the same kind. I do not think, therefore, that there is any substance in the contention put forward by Dr. Sanyal that there is any irregularity with regard to the unfinished business being brought over to today.

Next, let me come to the complaint made by the Hon'ble Sir Nazimuddin. With regard to the alleged grievance on the Government side that they were not allowed to exercise their right to speak on or move cut motions, I should only like to lay before the House certain facts which, I hope, will speak for themselves.

Owing to the death of Sir A. F. Rahman, the House was adjourned, I had a talk with Sir Nazimuddin as well as with some of the Opposition leaders. Both Sir Nazimuddin and

the Opposition leaders felt somewhat inconvenienced to adjourn the House and there was in fact some suggestions from some leaders if we could transact business scheduled "for the day after a short adjournment to show our respect for the late Sir A. F. Rahman". But in view of the practice so long prevailing, it was thought desirable to adjourn the House completely for the day. In the course of the talk, Sir Nazimuddin traced the origin of this practice and stated that the Speaker would have some day to take up the matter for discontinuing it. After it had been decided to adjourn the House wholly for the day, the question arose as to how and when the Demand scheduled for discussion and voting on the 27th should be disposed of. The Opposition wanted an additional sitting in the morning.

Khan Bahadur Mohammad Ali: Are you reading from any document, Sir?

Mr. Speaker: I have got my own notes.

Mr. Fazlur Rahman: We only wanted to know.

Mr. Speaker: Everybody knows

The Hon'ble Mr. H. S. Suhrawardy: Yes, Sir.

Mr. Speaker: The Speaker is supposed to have some common sense. Very serious reflections had

been made on me by the Leader of the House yesterday and I have to meet them. The Opposition wanted an additional sitting in the morning. The Government discountenanced the proposal and I agreed with the Government. The two other alternative suggestions were: early sitting or extended sitting. The Assembly generally sits from 4 p.m. to 7-30 p.m. and it was suggested that we might sit early or sit at the usual hour and rise later. Now sitting for extended hours is generally opposed by the Government side on the ground of inconvenience to members, specially to the European members who take their dinner at about 8 p.m. In the present case also, the same ground was urged on behalf of Government side. The Government Chief Whip went to the extent that if the House lost a day appointed by the Governor for the discussion of the budget for no fault of Government, the Opposition was not entitled to extended or longer hours of time but that they should be satisfied with the usual time from 4 p.m. to 7-30 p.m. for all the Demands originally scheduled both for 27th and 28th. I persuaded the Government Chief Whip to agree to an early sitting and it was at the desire of the Hon'ble Chief Minister as communicated to me by the Government Chief Whip that 3 p.m. was fixed for the commencement of the Assembly.

Mr. Fazlur Rahman: In order to accommodate you, I had to do it.

Mr. Speaker: I am making my statement.

Mr. Fazlur Rahman: I did not then realise that you wanted to help the Opposition.

Mr. Santosh Kumar Basu: He did not realise that they would get a beating in the House.

Mr. Speaker: It is very difficult for the Speaker to continue if interruptions are made constantly like this, I have got to give my decision according to my right. You may agree or disagree. In fact when just after declaring in the House that the Assembly would sit at 3 p.m. yesterday I had gone to my Chamber, the Hon'ble Khan Bahadur Saiyed Muzzamuddin Hossain, Minister for Agriculture, saw me and asked me why 3 p.m. and not 2 p.m. was fixed for the sitting of the House and I told him at once that the time was fixed at the desire of the Hon'ble Chief Minister. The underlying idea was that one extra hour would be available for discussion and voting on the Demands for Agriculture and Veterinary originally scheduled for the 27th. This was not quite acceptable to the Opposition and in fact even after this had been decided, Dr. Sanyal approached me with his Leader Mr. K. S. Roy and insisted that the sitting should be continued even after 7-30 p.m. if

necessary. But in view of the attitude taken up by the Government Chief Whip I did not commit myself. In the course of the discussion on the 27th instant with the Opposition Whips for fixing the time for yesterday's sitting I wanted to ascertain from them what time according to them should be allotted for Agriculture and Veterinary Demands. But they seemed reluctant to give me any definite idea. Thereupon I requested the Opposition Whips to give me yesterday some idea as to the time. The Government Chief Whip saw me thereafter and enquired of me if the Opposition Whips had given me any idea about the allotment of time for the Demands and I replied in the negative. I also told him at the same time that they had been requested to give me their idea about the time the next day. The Government Chief Whip further stated that even if a definite time be allotted for any Demand, voting might take place before the end of the time allotted and I told him that, that was quite probable. None, however, turned up and gave me any idea about the time. When I think, the bell was ringing or was about to ring for the sitting of the House yesterday, the Government Chief Whip approached me in my Chamber and asked me if the Opposition Whips had given me any idea about the allotment of time. I told him that none had come and none had given me any idea.

Coming now to the proceedings of the day, we sat punctually at 3 p.m. yesterday. Questions took about 25 minutes. The Hon'ble Minister moved the Demand for Grant without any speech. The cut motions scheduled for being moved were called one after another but none of them was moved. It appeared at about this time that a large number of members belonging to the Ministerial party had crossed the floor of the House. The Opposition wanted vote straightway claiming that they commanded majority in the House. Some members rose from the Government side claiming to move cut motions and some to speak. Others rose on point of order. This state of things continued for about half an hour. In the meantime I had said that I would allow the Hon'ble Minister to speak for 10 minutes. At about 3-55 p.m. the Hon'ble Minister began to speak and in the meantime I began calculating as to what would be the proper time when I should put the Demand to vote. I found that on the basis of the hour allotted to the Demands for Agriculture and Veterinary as already stated, both the Demands must be completed before 4-25 p.m.

Mr. Fazlur Rahman: In what way?

Mr. Speaker: But I calculated also in a different way.....

Mr. Fazlur Rahman: On what basis, Sir? You give me an idea of about 5-30 p.m.

Mr. Speaker: You may say that but you must hear what I am now stating. But I calculated also in a different way. I calculated it sitting here while the member was speaking.....

(At this stage Mr. Fazlur Rahman rose to speak and there was a loud noise in the House.)

Order, please. Mr. Fazlur Rahman, You can make a statement after I have finished. I cannot quarrel with you. I am now making a statement which according to you may be incorrect but you may make a statement after I have finished.

I calculated also in a different way, namely, to give half of the time available during the sitting to Demands for Agriculture and Veterinary together, for which originally one day was allotted and the other half to Famine for which also originally one day was allotted. Thus calculated keeping a margin of about 15 minutes for voting and division, if any, and thirty minutes for prayer recess, the total time available became three hours and twenty minutes for all the Demands. Half of it being given to Famine, one hour and forty minutes was available for Agriculture and

Veterinary. I allotted one hour and five minutes for Agriculture and thirty-five minutes for Veterinary. Thus though I had originally said that I would allow the Hon'ble Minister to speak for ten minutes only, I did not stop him and he finished reading out his written speech and resumed his seat at about 4-22 p.m. and while he was still speaking at the insistent demand of the Opposition, according to the calculation already stated, I stated that I would put the matter to vote punctually at 4-30 p.m. Thereafter when the Minister had finished his speech I called upon Maulvi Ahmed Ali Mridha who wanted to speak. Mr. Mridha spoke for about ten minutes and if I had followed him properly he scarcely uttered a word relevant, to the subject-matter under discussion but cast reflections on the members who crossed the floor and also perhaps on the Opposition. Thereafter according to my previous announcement I put the matter at about 4-32 p.m. and the division was completed at about 4-42 p.m.

A glance at the rules will show that the Minister in moving the Demand could speak and after criticism of the Demand by the Opposition and the replies or debates, if any on the Demand, the

Minister could again speak. In this case the Hon'ble Minister did not at all speak while moving the Demand in the usual expectation that he would meet criticism after the cut motion had been moved and the Demand criticised and debated upon. Unexpectedly no cut motion was moved, nor any criticism offered by the Opposition. There was thus practically nothing to reply to but still I allowed the Hon'ble Minister to explain the view-point of the Government with regard to the Demand specially, because the Minister had not spoken in the beginning in the expectation that things would take the usual course. I do not think it can be denied that criticism of Demand is mainly the Privilege of the Opposition and the major share of the total time allotted for any discussion is normally taken by the Opposition. In this case about 37 minutes in actual speech was taken by the Government side and not a minute by the Opposition. It may be noted that the Speaker has got the right and power to fix time limit for discussion. These are the facts and I do not want to give any opinion—the matter must be left to the House.

One word with regard to not allowing cut motions to be moved by the Government side members.

Cut motions which are more or less in the nature of censure should not in my opinion be allowed to be moved by the members supporting the Government and as far as I remember it has never been allowed as long as I have been the Speaker and this practice which I consider to be a sound one has been handed down from the time of Sir Azizul Haque.

The Hon'ble Mr. H. S. Suhrawardy: Cut motions also raise a discussion and are not a vote of censure.

Mr. Speaker (Vide Progs. Vol. LII, No. 5, 1938, pp. 63 to 69): The matter went so far that during the last budget session while the European Party moved certain cut motions but subsequently asked for permission to withdraw, Dr. Sanyal, Whip of the Official Congress Party, objected to this procedure on the ground that the European party, though calling itself independent had invariably supported the Government and it was not proper that they should be allowed to move cut motions and then to withdraw them. This led Mr. Stark, the Whip of the European Party, to approach me this year as to whether they would be permitted to move cut motions this year. It thus appears to me to be pretty clear that far from allowing cut motions

to be moved by members belonging to the Ministerial Party the moving of cut motions by members of an Independent Party that generally supports the Government has been objected to. I am not aware of any occasion when I or the Deputy Speaker had allowed any cut motion to be moved by the Ministerial Party. On the other hand, as I have already stated, the present practice of not allowing cut motions, to be moved by members of the Ministerial Party was introduced by Sir Azizul Haque after due consideration and it has not been departed from since. Of course members of all parties are allowed to offer general remarks on the budget during the general discussion as well as on the Demand for Grant.

Now, this is only with regard to the complaint made by Sir Nazimuddin with regard to my depriving the Government side of their legitimate right of discussion.

The most important question, however, is the question as to what is the effect of the decision of the House refusing the Demand for Grant for Agriculture. In ordinary course I would have taken a fairly long time to consider this matter, but circumstances as I am today, namely, I have got to give this

decision before 6-30 p.m. today, I am compelled to give a decision here and now, but I think I have given my best consideration up till now and my decision is as follows:

The Hon'ble Mr. H. S. Suhrawardy: That is not your function.

Mr. Speaker: It is certainly my function—who says that it is not my function? —because I have got to decide whether I should allow other motions to be moved. But I think it would have been better if you had given me a little more time for calmer consideration, but you have compelled me to state here and now what my decision should be. Sir Nazimuddin said yesterday that he would treat this as a snap division and not a censure. I am afraid the constitutional position has not been properly conceived. The Ministry is the creature of the House; the House can make and unmake the Ministry and the Governor is but the registering authority of the decision of the House. (Cries of “Hear, hear” from the Opposition Benches.) Any other course, I am afraid, would strike at the very root of democracy. Now, besides direct no-confidence motion against the Ministry as a whole or against individual Ministers, there are other recognised modes of expressing

no-confidence or censure on the Ministry as a whole or on individual Ministers, and one of such modes is the throwing out of Demand. Refusal by the House of a Demand for Grant made by the Ministry for a major department which makes the administration impossible is an unmistakable censure. Nor is it permissible under the rules to bring forward the same Demand again before the House during the same session—vide rule 39 of the Bengal Legislative Assembly Procedure Rules. In a case of this nature after the verdict has been recorded by the House, the Ministry, or in the case of a Ministry with joint responsibility, the Chief Minister carries on the routine business of the administration practically, theoretically preparatory to making over charge to his successor, who according to the Indian Constitution, would normally be the Leader of the Opposition if appointed by the Governor as Chief Minister and in exceptional circumstances the Governor himself where, in appropriate cases, section 93 is resorted to. Now, I have grave doubts if in the present case the Speaker should allow any Minister including the Chief Minister to transact any Government business. Sir Nazimuddin may claim that the

decision of the House as given on the Demand for Grant for Agriculture does not really reflect the opinion of the majority of the House, but I doubt if it is permissible to be dragged into the realm of speculation after the verdict of the House against the Ministry. I doubt, therefore, I cannot allow the Ministry function as Ministry in this House. (Cheers from Opposition Benches.) Besides rule 39 of the Bengal Legislative Assembly Procedure Rules is a complete bar to moving the motion for Demand for Grant for Agriculture during the current session, and in view of my previous ruling that the budget is an indivisible unitary document which should be carried through during one and the same session of the Assembly and in view of the further fact that this has become impossible now, I do not think I can or should allow the Ministry or any Minister to move any further Demand for Grant.

In those circumstances, I think, the House cannot function any longer unless a new Ministry is formed.

The House stands adjourned *sine die*.

Progs: Vol. LXIX, No. 2, p. 561

ANNEXURE II

Proceedings of the Meeting of the Part of the Bengal Legislative Assembly representing Muslim majority districts and of the Meeting of all members of the Bengal Legislative Assembly excepting Europeans

(Convened under paragraphs 5 to 8 of the Statement made by His Majesty's Government on the 3rd June, 1947)

Friday, the 20th June, 1947

(A) Proceedings of the meeting of the Part of the Bengal Legislative Assembly representing areas other than the Muslim majority districts.

(Morning Session 11 a.m. to 11-05 a.m.)

Maharajadhiraja Bahadur Sir Uday Chand Mahtab, K.C.I.E, of Burdwan, was in the Chair.

Mr. PRESIDENT : Order, order. Gentlemen, the rules have been circulated to you and yesterday it was decided at the Party Leaders' meeting to follow these rules. So I do not propose to read out those rules again. Will those in favour of the rules kindly signify their assent that the rules are all right?

(Honourable members signified their assent by raising their hands.)

Mr. PRESIDENT : Therefore the rules are carried unanimously.

I now enquire of all members of this Part of the Legislative Assembly as to whether there is any member who demands a joint meeting of the two parts of the Assembly other than Europeans, at which a decision should be taken on

the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

Mr. DHIRENDRA NARAYAN MUKHERJEE : I demand, Sir, to have a joint sitting.

Mr. PRESIDENT : I find that there is a demand for a meeting of all members of the Bengal Legislative Assembly other than Europeans at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united. I have to inform the honourable members that the joint meeting will be held at 3 O'clock today at the Assembly Chamber and this Section will reassemble 15 minutes after the conclusion of the joint meeting.

The House now stands adjourned.

(B) Proceedings of the meeting of the members of the Bengal Legislative Assembly representing Muslim Majority Districts.

(Morning Session 11 a.m. to 11-10 a.m.)

Present: Mr. Nurul Amin in the Chair and 140 members.

PRESIDENT (Mr. Nurul Amin) : We are going to take a very momentous decision to-day in this meeting which will go down in history as a great event in the struggle for the freedom of this sub-continent. I hope and appeal to each member of this House to cooperate with me on this solemn occasion in conducting the proceedings of this meeting.

It is necessary for us to adopt certain Rules of Procedure¹ for the conduct of this meeting. The rule were drafted yesterday in a meeting of the leading members of both parts of this House, including the President of the other part of the Assembly. Copies of the rules, I believe, have been supplied to the members, and I hope they may be adopted: (After a pause and no objection having taken) I take it that the Rules of Procedure are adopted.

Now, the first business for me is to enquire whether there is any

member who demands that there shall be a meeting of all the members of the Legislative Assembly, other than the Europeans, at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join, if it were decided by the two parts to remain united.

Mr. KIRAN SANKAR ROY: I demand that there shall be a joint session.

(A message was accordingly sent to the President of the other part of the House.)

PRESIDENT: The joint meeting will take place here at 3 p.m. to-day, and this meeting will re-assemble fifteen minutes after the termination of the joint meeting. I hope, it is clear to the members that the joint meeting takes place here in this Chamber at 3 p.m. today, and this part of the Assembly will be meeting here again fifteen minutes after the termination of the joint meeting.

¹ Given after the entire proceedings.

**(C) Proceedings of the Joint Meeting of the members of the
Bengal Legislative Assembly other than Europeans.**

(Afternoon Session 3 p.m. to 3-30 p.m.)

Present: Mr. Nurul Amin in the
Chair and 219 members.

PRESIDENT (Mr. Nurul Amin):
Ladies and gentlemen, before we
take up the main agenda of this
meeting I propose that some rules
of procedure be adopted for the
conduct of business of this meeting.
The rules of business which have
been adopted by both parts of this
House in the morning may be
adopted for this meeting also.
These have already been circulated
to the Honourable members and I
hope there would be no objection to
adopt them.

(There was no objection.)

.....The rules are adopted.

It is now my duty to ascertain
whether the Province of Bengal as
a whole would join the existing
Constituent Assembly or join a new
and separate Constituent
Assembly consisting of
representatives of those areas
which will decide not to participate
in the existing Constituent
Assembly. Those who are in favour
of joining the existing Constituent
Assembly will go to the “Ayes”

lobby and those who are in favour
of a new and separate Constituent
Assembly will go to the “Noes”
lobby. Members may proceed to
record their votes.

AYES 90.

Acharjee, Mr. Shitangshu Kanta.

Adhikari, Mr. Amulya Chandra.

Bandopadhyay, Mr. Pramatha Nath.

Banerjee, Mr. Gobindalal.

Banerjee, Mr. Sibnath.

Banerjee, Mr. Susil Kumar.

Banerjee, Dr. Suresh Chandra.

Barman, Mr. Mohini Mohan.

Basu, Mr. Hemanta Kumar.

Bhandari, Mr. Charu Chandra.

Bhattacharjee, Mr. Ganendra Chandra.

Bhattacharjee, Mr. Munindra Nath.

Bhattacharyya, Mr. Syamapada.

Birsha, Mr. Bir.

Bose, Mr. Satish Chandra.

Chakraborty, Mr. Benode Chandra.

Chakravarty, Mr. Satish Chandra.

Chatterjee, Mr. Haripada.

Chattopadhyaya, Mr. Mihir Lal.

Chowdhury, Mr. Ananda Prasad.

The Legislature in West Bengal—Its Origin and Growth

Das, Miss. Bina.	Maharajadhiraj Bahadur of Burdwan.
Das, Mr. Brojomadhab.	Maiti, Mr. Nikunja Behari.
Das, Mr. Jogendra Chandra.	Majhi, Mr. Nishapati.
Das, Mr. Radha Nath.	Majumdar, Mr. Bhupati.
Das Gupta, Mr. Khagendra Nath.	Mal, Mr. Iswar Chandra.
Das Gupta, Mr. Suresh Chandra.	Mallick, Mr. Ashutosh.
Dass, Mr. Kanailal.	Mandal, Mr. Anandaprasad.
Datta, Mr. Dharendra Nath.	Mandal, Mr. Bankubehari.
De, Mr. Kanai Lal.	Mandal, Mr. Krishna Prasad.
Dhar, Mr. Manoranjan.	Mookherjee, Dr. Syamaprasad.
Dolui, Mr. Harendra Nath.	Mookerjee, Mr. Kalipada.
Dutta, Mr. Sukumar.	Mukherjee, Mr. Dharendra Narayan.
Dutt-Mazumdar, Mr. Niharendu.	Mullick, Mr. Munkunda Behary.
Ganguli, Mr. Bepin Behari.	Murarka, Mr. Basantlal
Gayen, Mr. Arabinda.	Nandy, Maharaja Sris Chandra of Cossimbazar.
Ghose, Mr. A. K.	Nandy, Mr. Ardhendu Sekhar.
Ghose, Mr. Bimal Comar.	Naskar, Mr. Hem Chandra.
Ghosh Chowdhury, Mr. Haran Chandra.	Panja, Mr. Jadabendra Nath.
Gomes, Mr. D.	Pentony, Mr. L. R.
Guha Roy, Dr. Protap Chandra.	Platel, Mr. R.E.
Gupta, Mr. Monoranjan.	Poddar, Mr. Anandilal.
Gurung, Mr. Damber Singh.	Pramanik, Mr. Purna Chandra.
Haldar, Mr Kuber Chand	Pramanik, Mr. Rajani Kanta.
Jalan, Mr. Iswar Das.	Ray, Mr. Jagneswar.
Khaitan, Mr. Debi Prosad.	Ray, Mr. Kamal Krishna.
Kundu, Mr. Nishitha Nath.	Ricketts, Mrs. E. M.
Lahiri, Mr. Provas Chandra.	Roy, Mr. Dhananjoy.
Mahanty, Mr. Charu Chandra.	
Mahtab, Sri Uday Chand, K.C.I.E.	

The Legislature in West Bengal—Its Origin and Growth

Roy, Mr. Harendra Nath.	Abdul Khaleque, Mr.
Roy, Mr. Kiran Sankar.	Abidur Roza Choudhury, Mr.
Roy, Mr. Ram Hari.	Abul Hashem, Mr.
Sarkar, Mr. Bijoy Krishna.	Abul Kalam Shamsuddin, Mr.
Sarkar, Mr. Rajendra Nath.	Abul Masud Mr. Kazi.
Sarkar, Mr. Prafulla Ranjan.	Ahammad Ali, Mr. Mir.
Sen, Mrs. Ashalata.	Ahmed Ali Mridha, Mr.
Sen, Mr. Debendra Nath.	Ahmed Hossain, The Hon'ble Mr.
Sen, Mr. Satindra Nath.	Ahmed Kabir Chowdhury, Mr.
Sen Gupta, Mrs. Nellie.	Akbar Ali, Maulvi.
Singha, Mr. Arun Chandra.	Ali Ahmed Chowdhury, Mr.
Singhi, Mr. Narendra Singh.	Ali Ahmed Khan, Mr.
Sinha, Mr. Bimal Chandra.	Anwara Khatun, Arif Chaudhury
Thakur, Mr. Pramatha Ranjan.	(Dhanu Mia), Mr. Md.
Wilks, Mr. G.C.D.	Asan Ali Muktear, Mr.
NOES-126	Aulad Hossain Khan, Mr.
Abdul Ahad Dr.	Azizur Rahman, Mr. Syed.
Abdul Aziz, Maulana Md.	Abdul Mannan, Mr. Fakir.
Abdul Aziz Munshi, Mr.	Abdul Momin, Mr.
Abdul Hafiz, Mr. Mirza.	Abdul Wahid Sarkar, Mr.
Abdul Hai, Maulana.	Abdullahel Baqui, Mr. Md.
Abdul Hakim Mia, Mr.	Abdur Raman, The Hon'ble Mr. A.F.M.
Abdul Hakim Vikrampur, Mr. Md.	Abdur Rahman Khan (alias Nuru
Abdul Halim, Mr. Molla Mohammad.	Mia), Mr.
Abdul Hamid, Mr.	Abdur Raschid Mahmood, Mr.
Abdul Hamid, Mr. A. M.	Abdur Rashid, Maulana
Abdul Hannan, Mr.	Khondkar.
Abdul Karim, Mr.	Abdur Rauf, Mr. Syed.
	Abdus Sabur Khan, Mr.

The Legislature in West Bengal—Its Origin and Growth

Abdus Salam, Mr. Md.	Kabir Ahmed Choudhury, Mr.
Badiuzzaman Muhammad Ilias, Mr.	Kazem Ali Mirza, Shahibzada Kawan.
Bafatuddin Talukdar, Mr. A.K.M.	Jha Saiyid.
Barman, Mr. Haran Chandra.	Khairat Hossain, Mr.
Baruri, The Hon'ble Mr. Dwarkanath.	Khuda Bukhsh, Mr. Md.
Biswas, Mr. Bhola Nath.	Khurram Khan Panee, Mr.
Biswas, Mr. Gayanath.	Latfar Rahman, Mr.
Ebrahim Khan, Mr.	Latfar Rahman, Mr. Dewan.
Emaduddin Ahammed, Mr.	Madar Bux, Mr.
Eskandar Ali Khan, Mr.	Mafizuddin Ahmed, Mr.
Farid Ahmad Chowdhury, Mr.	Mahammad Afzal, Mr. Syed.
Fazlul Karim, Mr.	Mahammad Owais, Mr.
Fazlul Qadir, Mr.	Mahammad Sayeed Mia, Mr.
Fazlur Rahman (Dacca), The Hon'ble Mr.	Majibar Rahman, Maulvi.
Fazlur Rahman (Mymensingh), Mr.	Malik, Dr. A. M.
Fazlur Rahman (Noakhali), Mr.	Maniruddin Akhand, Mr.
Gomes, Mr. R. A.	Martuza Reza Chowdhury, Mr.
Habibul Haq, Mr. Syed.	Masiuddin Ahmed (alias Raja Miah), Mr.
Hafizuddin Choudhuri, Mr.	Mazharul Haque, Mr. Abu Taiyab.
Hamiduddin Ahmed, Mr.	Mobarak Ali Ahmed, Mr.
Hassan Ali, Mr.	Mohammad Sharif Khan, Mr.
Hatem Ally, Khan Sahib.	Mohammed Ali, The Hon'ble Mr.
Husan Ara Begum,	Mozammel Hossain, Dr.
Ilias Ali Molla, Mr.	Mudassir Hossain, Mr.
Ispahani, Mr. M.A.H.	Muhammad Habibullah Chaudhury, Mr.
Jasimuddin Ahmed, Mr.	
Jonab Ali Mia, Mr.	

The Legislature in West Bengal—Its Origin and Growth

Muhammad Idris, Maulvi.	Serajuddin Ahmed, Mr. (Midnapore).
Muhammad Ishaque, Mr.	Serajuddin Ahmed, Mr. (Gaibandha).
Muhammad Israil, Mr.	Serajul Islam, Mr.
Muhammad Quasem, Maulana Haji.	Shamsuddin Ahmed, The Hon'ble Mr.
Muhammad Qumruddin, Mr.	Shamsuddin Ahmed Chowdhury (alias Badsha Mia), Mr.
Muhammad Rafique, Mr.	Shamsuddin Ahmed Khondkar, Mr.
Muhammad Ruknuddin, Mr.	Shamsuddin Sikdar, Mr. Md.
Muhammad Siddique, Dr. Syed .	Sharfuddin Ahmed, Mr.
Musharruff Hossain, Nawab, Khan Bahadur.	Suhrawardy, The Hon'ble Mr. H.S.
Muzaffar Rahman Choudhury, Mr.	Tofazzel Hossain, Mr.
Najmul Huq, Mr. Md.	Yusuf Hossain Chowdhury, Mr.
Nasarulla, Mr. K.	Zaman, Mr. A.M.A.
Nawajesh Ahmed, Mr.	
Nawab Ali, Mr.	
Nazir Hossain Khandkar, Mr.	PRESIDENT : The result of the division is as follows:
Nooruddin, Mr. K.	In favour of the existing Constituent Assembly—90
Nurazzaman, Mr.	In favour of a new and separate Constituent Assembly-126
Nurul Amin, The Hon'ble Mr.	
Osman Ali, Mr.	
Osman Gani, Mr. Md.	The business of this meeting is over. Now, the honourable members will have to sit in parts 15 minutes after this meeting, i.e., at 3-30 in two parts in different places as in the morning.
Paniruddin Ahmed, Mr.	
Ray, the Hon'ble Mr. Nagendra Narayan.	
Salim, Mr. S. A.	
Serajal Haque, Mr. Syed.	

(D) Proceedings of the meeting of the Part of the Bengal Legislative Assembly representing areas other than the Muslim Majority districts

(Afternoon Session—3-35 p.m. to 4-05 p.m.)

Mr PRESIDENT: Order, order. It is now the duty of this part of the Bengal Legislative Assembly to decide by vote whether the Province of Bengal should be partitioned.

The question before the House is whether the Province of Bengal should be partitioned.

Those who are in favour will please go to the “Ayes” lobby on the right and those against will please go to the “Noes” lobby on the left.

I take it that no member wishes the Division bell to be rung.

(After the Division.)¹

Mr. PRESIDENT : I hope all members present here have recorded their votes.

The results of the Division are Ayes 58 and Noes 21.

So the Ayes have it.

Ladies and gentlemen, it is now the duty of this part of the Bengal Legislative Assembly to decide by vote whether the constitution of the separated Province consisting of the non-Muslim majority areas should be framed in the existing Constituent Assembly.

The question before the House is whether the constitution of the separated Province consisting of the non-Muslim majority areas should be framed in the existing Constituent Assembly.

Those in favour will please go to the “Ayes” lobby on the right and those against will please go to the “Noes” lobby on the left.

(After the Division.)²

Mr. PRESIDENT : I hope all members have recorded their votes.

The results of the Division are—Ayes 58 and Noes 21.

So the “Ayes” have it.

Now, ladies and gentlemen, before you disperse I have an informal announcement to make which may be of help to you. The decision taken today that there shall be partition in Bengal involves fresh elections to the Constituent Assembly of your choice. The official announcement cannot of course issue until the Governor-General has received official intimation of today’s decision. But I have been asked to say that the programme for the election from this Part of the House will be as follows:

The date by which Nomination Papers must be received by the Secretary, Bengal Legislative Council—30th June, 1947 at 11 a.m.

^{1&2}Names of Members who cast their votes in Divisions are given under the heading Division I and II.

The Legislature in West Bengal—Its Origin and Growth

AN HONOURABLE MEMBER :
The Nomination Paper is to be sent to the Secretary, Bengal Legislative Council, or the Secretary, Bengal Legislative Assembly?

Mr. PRESIDENT : No, to the Secretary, Bengal Legislative Council.

Scrutiny.—On the 1st July, 1947, at 11 a.m.

Withdrawal.—On the 2nd July, 1947, 12 noon.

Polling.—On the 4th July, 1947, between 10 a.m. and 2 p.m.

This of course is regarding this Section of the House.

For the convenience of members, especially of Party Leaders, a number of advance copies of nomination forms are available now with the Secretary of this House. Each member will in any case, receive a nomination form along with the official instructions for the election as soon as possible after the Governor-General's announcement has been made.

Well, ladies and gentlemen, this concludes the business of the meeting.

The meeting thereafter terminated at 4-05 p.m.

Divisions I and II

AYES—58

Gobindalal Banerjee.

Pramatha Nath Banerjee.

Sibnath Banerjee.

Susil Kumar Banerjee.

Suresh Chandra Banerjee.

Mohini Mohan Barman.

Hemanta Kumar Basu.

Jyoti Basu.

Charu Chandra Bhandari.

Satish Chandra Bose.

Ratanlal Brahmin.

Mihir Lal Chattopadhyay.

Annada Prosad Choudhury.

Miss Bina Das.

Radha Nath Das.

Khagendra Nath Das Gupta.

Kanailal Dass.

Kanai Lal De.

Harendra Nath Dolui.

Sukumar Dutta.

Niharendu Dutt-Mazumdar.

Bipin Bihari Ganguli.

Arabinda Gayan.

A. K. Ghose.

Bimal Comar Ghose.

D. Gomes.

Damber Singh Gurung.

Iswar Das Jalan.

Debi Prosad Khaitan.

Charu Chandra Mahanty.

Sir Uday Chand Mahtab.

Nikunja Behari Maiti.

Nishapati Majhi.

Bhupati Majumdar.

The Legislature in West Bengal—Its Origin and Growth

Iswar Chandra Mal.
Ashutosh Mullick.
Annada Prasad Mandal.
Bankubehari Mandal.
Krishna Prosad Mandal.
Syamaprasad Mookherjee.
Dhirendra Narayan Mukherjee.
Kalipada Mukherjee.
Mukunda Behary Mullick.
Basantilal Murarka.
Ardhendu Sekhar Naskar.
Hem Chandra Naskar.
Jadabendra Nath Panja.
L. R. Pentony.
R. E. Platel.
Anandilal Poddar.
Rajani Kanta Pramanik.
Kamal Krishna Ray.
Jogneswar Roy.
Mrs. E. M. Ricketts.
Rajendra Nath Sarkar.
Debendra Nath Sen.
Bimal Chandra Sinha.
G. C. D. Wilks.

NOES-21

Abdul Ahad.
A. F. M. Abdur Rahman.
Abdus Sabar Khan.
Abul Hashem.
Husan Ara Begum.
Ilias Ali Molla.
M. A. H. Ispahani.
Jasimuddin Ahmed.
Mahammad Sharif Khan.
Mozammel Hossain.
Mudassir Hossain.
Muhammad Idris.
Muhammad Qumruddin.
Muhammad Rafique.
Syed Mhammad Siddique.
Musharruff Hossain.
K. Nooruddin.
Serajuddin Ahmed (Midnapore).
H. S. Suhrawardy.
A. M. A. Zaman.
Abdul Wahid Sarkar.

**(E) Proceedings of the meeting of the members of the Bengal
Legislative Assembly representing the Muslim Majority districts**

(Afternoon Session—3-35 p.m. to 4-45 p.m.)

Present : Mr. Nurul Amin in the
Chair and 140 members.

PRESIDENT (Mr. Nurul Amin) :
It is now my duty to ascertain the
wishes of this part of the Bengal
Legislative Assembly as to whether
the province of Bengal should be
partitioned or not.

Those who are in favour of
partition will go to the “Ayes” lobby
and those who are against it will go
to the “Noes” lobby. Members may
now proceed to record their votes.

AYES-35

Acharjee, Mr. Shitangshu
Kanta.

The Legislature in West Bengal—Its Origin and Growth

Adhikary, Mr. Amulya Chandra.

Bhattacharjee, Mr. Ganendra
Chandra.

Bhattacharjee, Mr. Munindra
Nath.

Bhattacharyya,
Mr. Shyamapada.

Birsha, Mr. Bir.

Chakraborty, Mr. Benode
Chandra.

Chakravarty, Mr. Satish
Chandra.

Chatterjee, Mr. Haripada.

Das, Mr. Brojomadhab.

Das, Mr. Jogendra Chandra.

Das Gupta, Mr. Suresh
Chandra.

Datta, Mr. Dharendra Nath.

Dhar, Mr. Manoranjan.

Ghosh Chowdhury, Mr. Haran
Chandra.

Guha Roy, Dr. Protap Chandra.

Gupta, Mr. Manoranjan.

Halдар, Mr. Kuber Chand.

Kundu, Mr. Nishitha Nath.

Lahiry, Mr. Provas Chandra.

Nandy, Maharaja Sris Chandra
of Cossimbazar.

Pramanik, Mr. Purna Chandra.

Roy, Mr. Dhananjay.

Roy, Mr. Harendra Nath.

Roy, Mr. Kiran Sankar.

Roy, Mr. Ram Hari.

Roy, Mr. Rup Narayan.

Sarkar, Mr. Bijoy Krishna.

Sarkar, Mr. Prafulla Ranjan.

Sen, Mrs. Ashalata.

Sen, Mr. Satindra Nath.

Sen Gupta, Mrs. Nellie.

Singhi, Mr. Narendra Singh.

Sinha, Kumar Arun Chandra.

Thakur, Mr. Promotha Ranjan.

NOES-106

Abdul Aziz, Maulana Md.

Abdul Aziz, Munshi Mr.

Abdul Hafiz, Mr. Mirza.

Abdul Hai, Maulana.

Abdu Hakim Mia, Mr.

Abdul Hakim Vikramপুরi,
Mr. Md.

Abdul Halim, Mr. Molla
Mohammad.

Abdul Hamid, Mr.

Abdul Hamid, Mr. A. M.

Abdul Hannan, Mr.

Abdul Karim, Mr.

Abdul Khaliq, Maulvi.

Abdul Mannan, Mr. Fakir.

The Legislature in West Bengal—Its Origin and Growth

Abdul Momin, Mr.	Bafatuddin Talukdar, Mr. A.K.M.
Abdullahel Baqui, Maulana Md.	Barman, Mr. Haran Chandra.
Anwara Khatun, Mrs.	Barury , The Hon'ble Mr. Dwarka Nath.
Ariff Chaudhury (Dhanu Mia), Mr. Md.	Biswas, Dr. Bhola Nath.
Asan Ali Muktear, Mr.	Biswas, Mr. Gayanath.
Aulad Hossain Khan, Mr.	Ebrahim Khan, Maulvi.
Azizur Rahman, Mr. Syed.	Emaduddin Ahammad, Mr.
Abdur Rahman Khan, Mr. (alias Nuru Mia).	Eskandar Ali Khan, Mr.
Abdur Raschid Mahmood, Mr.	Farid Ahmad Chowdhury, Mr.
Abdur Rashid, Maulana Khondkar, Tarkabagish.	Fazlul Karim, Mr.
Abdur Rauf, Mr. Syed.	Fazlul Quadir, Mr.
Abdus Salam, Mr. Md.	Fazlur Rahman (Dacca), The Hon'ble Mr.
Abidur Reza Choudhury, Maulvi.	Fazlur Rahman (Mymensihgh), Mr.
Abul Kalam Shamsuddin, Mr.	Fazlur Rahman (Noakhali), Mr.
Abul Masud, Mr. Kazi.	Gomes, Mr. R. A.
Ahammad Ali, Mr. Mir.	Habibul Huq, Mr. Syed.
Ahmed Ali Mridha, Mr.	Hafizuddin Choudhuri, Mr.
Ahmed Hosain, The Hon'ble Mr.	Hamiduddin Ahmed, Mr.
Ahmed Kabir Chowdhury, Mr.	Hassan Ali, Mr.
Akbar Ali, Maulvi	Hatem Ally, Khan Sahib.
Ali Ahmed Chowdhury, Mr.	Junab Ali Mia, Mr.
Ali Ahmed Khan, Mr.	Kabir Ahmed Choudhury, Mr.
Badjuzzaman Muhammad Illias, Mr.	Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid.
	Khairat Hossain, Mr.

The Legislature in West Bengal—Its Origin and Growth

Khuda Buksh, Mr. Md.	Nasarulla, Mr. K.
Khurram Khan Panee, Mr.	Nawab Ali, Mr.
Lutfar Rahman, Mr.	Nawajesh Ahmed, Mr.
Lutfar Rahman, Mr. Dewan.	Nazir Hossain Khandkar, Mr.
Madar Bux, Mr.	Nuruzzaman, Mr.
Mafizuddin Ahmed, Mr.	Nurul Amin, The Hon'ble Mr.
Mahammad Afzal, Mr. Syed.	Osman Ali, Mr.
Mahammad Owais, Mr.	Osman Gani, Mr. Md.
Mahammad Sayeed Mia, Mr.	Paniruddin Ahmed, Mr.
Majpur Rahman, Mr.	Ray, The Hon'ble Mr. Nagendra Narayan.
Malik, Dr. A. M.	Salim, Mr. S. A.
Maniruddin Akhand, Mr.	Serajul Haque, Mr. Syed.
Martuza Reza Chowdhury, Mr.	Serajuddin Ahmed, Mr. (Gaibandha).
Masihuddin Ahmed (Alias Raja Miah), Mr.	Serajul Islam, Mr.
Mazharul Haque, Mr. Abu Taiyab.	Shamsuddin Ahmed, The Hon'ble Mr.
Mobarak Ali Ahmed, Mr.	Shamsuddin Ahmed Chowdhury (Alias Badsha Mia), Mr.
Mohammad Ali, The Hon'ble, Mr.	Samsuddin Ahmed Khondkar, Mr.
Muhammad Habibullah Chaudhury, Mr.	Shamsuddin Sikdar, Mr. Md.
Muhammad Ishaque, Mr.	Sharfuddin Ahmad. Mr.
Muhammad Israil, Mr.	Tafazzal Ali, Mr.
Muhammad Quasem, Maulana Haji.	Tofazzel Hossain, Mr.
Muhammad Ruknuddin, Mr.	Yusuf Hossain Chowdhury, Mr.
Muzaffar Rahman Choudhury, Mr.	
Najmul Huq, Md. Mr.	

The Legislature in West Bengal—Its Origin and Growth

PRESIDENT : The result of the division is as follows:

In favour of partition-35

Against partition-106

I shall have to wait for a message from the other part.

(After a pause.)

Ladies and gentlemen, we have received the decision of the other part of the Bengal Legislative Assembly, which has decided in favour of partition of Bengal.

It is now my duty to ascertain the wishes of this part of the Bengal Legislative Assembly as to whether it will join the existing Constituent Assembly or it will join a new and separate Constituent Assembly, consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

Those who are in favour of joining the existing Constituent Assembly will go to the “Ayes” lobby and those who are in favour of joining a new and separate Constituent Assembly, consisting of the representative of those areas which decide not to participate in the existing Constituent Assembly will go to the “Noes” lobby.

Members will now proceed to record their votes.

AYES-34

Acharjee, Mr. Shitangshu Kanta.

Adhikary, Mr. Amulya Chandra.

Bhattacharjee, Mr. Ganendra Chandra.

Bhattacharjee, Mr. Munindra Nath.

Bhattacharyya, Mr. Shyamapada.

Birsha, Mr. Bir.

Chakraborty, Mr. Benode Chandra.

Chakravarty, Mr. Satish Chandra.

Chatterjee, Mr. Haripada.

Das, Mr. Brojomadhab.

Das, Mr. Jogendra Chandra.

Das Gupta, Mr. Suresh Chandra.

Datta, Mr. Dharendra Nath.

Dhar, Mr. Manoranjan.

Ghosh Choudhury, Mr. Haran Chandra.

Guha Roy, Dr. Protap Chandra.

Gupta, Mr. Manoranjan.

Halder, Mr. Kuber Chand.

Kundu, Mr. Nishitha Nath.

Lahiry, Mr. Provas Chandra.

Nandy, Maharaja Sris Chandra, of Cossimbazar.

Pramanik, Mr. Purna Chandra.

Roy, Mr. Dhananjoy.

Roy, Mr. Harendra Nath.

Roy, Mr. Kiran Sankar.

Roy, Mr. Ram Hari.

The Legislature in West Bengal—Its Origin and Growth

Sarkar, Mr. Bijoy Krishna.
Sarkar, Mr. Prafulla Ranjan.
Sen, Mrs. Ashalata.
Sen, Mr. Satindra Nath.
Sen Gupta, Mrs. Nellie.
Singhi, Mr. Narendra Singh.
Sinha, Kumar Arun Chandra.
Thakur, Mr. Promotha Ranjan.

NOES-107

Abdul Aziz, Maulana Md.
Abdul Aziz, Munshi, Mr.
Abdul Hafiz, Mr. Mirza.
Abdul Hai, Maulana.
Abdul Hakim Mia, Mr.
Abdul Hakim Vikrampur, Mr. Md.
Abdul Halim, Mr. Molla Mohammad.
Abdul Hamid, Mr.
Abdul Hamid, Mr. A. M.
Abdul Hannan, Mr.
Abdul Karim, Mr.
Abdul Khaliq, Maulvi.
Abdul Mannan, Mr. Fakir.
Abdul Momin, Mr.
Abdullahel Baqui, Maulana Md.
Abdur Rahman Khan, Mr. (alias Nuru Mia).
Abdur Raschid Mahmood, Mr.
Abdur Rashid, Maulana Khondkar, Tarkabagish.

Abdur Rauf, Mr. Syed.
Abdus Salam, Mr. Md.
Abidur Reza Choudhury, Maulvi.
Abul Kalam Shamsuddin, Mr.
Abdul Masud, Mr. Kazi.
Ahammad Ali, Mr. Mir.
Ahmed Ali Mridha, Mr.
Ahmed Hosain, The Hon'ble Mr.
Ahmed Kabir Chowhury, Mr.
Akbar Ali, Maulvi.
Ali Ahmed Chowdhury, Mr.
Ali Ahmed Khan, Mr.
Anwara Khatun, Mrs.
Ariff Chaudhury (Dhanu Mia), Mr. Md.
Asan Ali Muktear, Mr.
Aulad Hossain Khan, Mr.
Azizur Rahman, Mr. Syed.
Badiuzzaman Muhammad Ilias, Mr.
Bafatuddin Talukdar, Mr. A. K. M.
Barman, Mr. Haran Chandra.
Barury, The Hon'ble Mr.
Dwarka Nath.
Biswas, Dr. Bhola Nath.
Biswas, Mr. Gayanath.
Ebrahim Khan, Maulvi.
Emaduddin Ahammad, Mr.
Eskandar Ali Khan, Mr.
Farid Ahmad Chowdhury, Mr.

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Fazlul Karim, Mr.	Masihuddin Ahmed (alias Raja Miah), Mr.
Fazlul Quadir, Mr.	Mazharul Haque, Mr. Abu Taiyab.
Fazlur Rahman (Dacca), The Hon'ble Mr.	Mobarak Ali Ahmed, Mr.
Fazlur Rahman (Mymensingh), Mr.	Mohammed Ali, The Hon'ble Mr.
Fazlur Rahman (Noakhali), Mr.	Muhammad Habibullah Chaudhury, Mr.
Gomes, Mr. R. A.	Muhammad Ishaque, Mr.
Habibul Huq, Mr. Syed.	Muhammad Israil, Mr.
Hafizuddin Choudhuri, Mr.	Muhammad Quasem, Maulana Haji.
Hamiduddin Ahmed, Mr.	Muhammad Ruknuddin, Mr.
Hassan Ali, Mr.	Muzaffar Rahman Choudhury, Mr.
Hatem Ally, Khan Sahib.	Najmul Huq, Md., Mr.
Junab Ali Mia, Mr.	Nasarulla, Mr. K.
Kabir Ahmed Choudhury, Mr.	Nawab Ali, Mr.
Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid.	Nawajesh Ahmed, Mr.
Khairat Hossain, Mr.	Nazir Hossain Khandkar, Mr. Nuruzzaman,
Khuda Buksh, Mr. Md.	Nurul Amin, the Hon'ble Mr.
Khurram Khan Panee, Mr.	Osman Ali, Mr.
Lutfar Rahman, Mr.	Osman Gani, Mr. Md.
Lutfar Rahman, Mr. Dewan.	Paniruddin Ahmed, Mr.
Madar Bux, Mr.	Ray, The Hon'ble Mr. Nagendra Narayan.
Mafizuddin Ahmed, Mr.	Roy, Mr. Rup Narayan.
Mahammad Afzal, Mr. Syed.	Salim, Mr. S. A.
Mahammad Owais, Mr.	Serajul Haque, Mr. Syed.
Mahammad Sayeed Mia, Mr.	Serajuddin Ahmed, Mr. (Gaibandha).
Majibur Rahman, Mr.	Serajul Islam, Mr.
Malik, Dr. A. M.	
Maniruddin Akhand, Mr.	
Martuza Reza Chowdhury, Mr.	

The Legislature in West Bengal—Its Origin and Growth

Shamsuddin Ahmed,
The Hon'ble Mr.

Shamsuddin Ahmed
Chowdhury (alias Badsha Mia),
Mr.

Shamsuddin Ahmed Khondkar,
Mr.

Shamsuddin Sikdar, Mr. Md.

Sharfuddin Ahmed, Mr.

Tofazzal Ali, Mr.

Tofazzel Hossain, Mr.

Yusuf Hossain Chowdhury, Mr.

PRESIDENT : The result of the
division is as follows:

In favour of joining the existing
Constituent Assembly—34

In favour of joining a new and
separate Constituent Assembly—107

It is now my duty to ascertain
the wishes of this part of the Bengal
Legislative Assembly as to whether
the new province of East Bengal
should agree to the amalgamation
of Sylhet district with that province
if the Referendum to be held in that
district in accordance with
paragraph 13 of the Statement of
His Majesty's Government, dated
June 3, 1947, results in favour of
such amalgamation.

Those who are in favour of
amalgamation will go to the "Ayes"
Lobby and those who are against it
will go to the "Noes" Lobby .

Members will proceed to record
their votes.

AYES-105.

Abdul Aziz, Maulana Md.

Abdul Aziz, Munshi, Mr.

Abdul Hafiz, Mr. Mirza.

Abdul Hai, Maulana.

Abdul Hakim Mia, Mr.

Abdul Hamim Vikrampur, Mr.
Md.

Abdul Halim, Mr. Molla
Mohammad.

Abdul Hamid, Mr.

Abdul Hamid, Mr. A. M.

Abdul Hannan, Mr.

Abdul Karim, Mr.

Abdul Khaliq, Maulvi.

Abdul Mannan, Mr. Fakir.

Abdul Momim, Mr.

Abdullahel Baqui, Maulana
Md.

Abdur Rahman Khan, Mr.
(alias Nuru Mia).

Abdur Raschid Mahmood, Mr.

Abdur Rashid, Maulana
Khondkar, Tarkabagish.

Abdur Rauf, Mr. Syed.

Abdus Salam, Mr. Md.

Abidur Reza Choudhury,
Maulvi.

Abul Kalam Shamsuddin, Mr.

Abul Masud, Mr. Kazi.

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Ahammad Ali, Mr. Mir.	Fazlur Rahman (Mymensingh), Mr.
Ahmed Ali Mridha, Mr.	Fazlur Rahman (Noakhali), Mr.
Ahmed Hossain, The Hon'ble Mr.	Habibul Huq, Mr. Syed.
Ahmed Kabir Chowdhury, Mr.	Hafizuddin Choudhuri, Mr.
Akbar Ali, Maulvi.	Hamiduddin Ahmed, Mr.
Ali Ahmed Chowdhury, Mr.	Hassan Ali, Mr.
Ali Ahmed Khan, Mr.	Hatem Ally, Khan Sahib.
Anwara Khatun, Mrs.	Junab Ali Mia, Mr.
Ariff Chaudhury (Dhanu Mia), Mr. Md.	Kabir Ahmed Choudhury, Mr.
Asan Ali Muktear, Mr.	Kazem Ali Mirza, Shahibzada, Kawan Jah Saiyid.
Aulad Hossain Khan, Mr.	Khairat Hossain, Mr.
Azizur Rahman, Mr. Syed.	Khuda Buksh, Mr. Md.
Badiuzzaman Muhammad Ilias, Mr.	Khurram Khan Panee, Mr.
Bafatuddin Talukdar, Mr. A. K. M.	Lutfar Rahman, Mr.
Barman, Mr. Haran Chandra.	Lutfar Rahman, Mr. Dewan.
Barury, The Hon'ble Mr. Dwarka Nath.	Madar Bux, Mr.
Biswas, Dr. Bhola Nath.	Mafizuddin Ahmed, Mr.
Biswas, Mr. Gayanath.	Mahammad Afzal, Mr. Syed.
Ebrahim Khan, Maulvi.	Mahammad Owais, Mr.
Emaduddin Ahammad, Mr.	Mahammad Sayeed Mia, Mr.
Eskandar Ali Khan, Mr.	Majibur Rahman, Mr.
Farid Ahmad Chowdhury, Mr.	Malik, Dr. A. M.
Fazlul Karim, Mr.	Maniruddein Akhand, Mr.
Fazlul Quadir, Mr.	Martuza Reza Chowdhury, Mr.
Fazlur Rahman (Dacca), The Hon'ble Mr.	Masihuddin Ahmed (alias Raja Miah), Mr.
	Mazharul Haque, Mr. Abu Taiyab.

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Mobarak Ali Ahmed, Mr.	Shamsuddin Ahmed
Mohammed Ali, The Hon'ble Mr.	Chowdhury (alias Badsha Mia), Mr.
Muhamad Habibullah Chaudhury, Mr.	Shamsuddin Ahmed Khondkar, Mr.
Muhammad Ishaque, Mr.	Shamsuddin Sikdar, Mr. Md.
Muhammad Israil, Mr.	Sharfuddin Ahmad, Mr.
Muhammad Quasem, Maulana Haji.	Tafazzal Ali, Mr.
Muhammad Ruknuddin, Mr.	Tofazzel Hossain, Mr.
Muzaffar Rahman Choudhury, Mr.	Yusuf Hossain Chowdhury, Mr.
Najmul Huq, Md. Mr.	NOES-34
Nasarulla, Mr. K.	Acharjee, Mr. Shitangshu Kanta.
Nawab Ali, Mr.	Adhikary, Mr. Amulya Chandra.
Nawajesh Ahmed, Mr.	Bhattacharjee, Mr. Ganendra Chandra.
Nazir Hossain Khandkar, Mr.	Bhattacharjee, Mr. Munindra Nath.
Nuruzzaman, Mr.	Bhattacharyya, Mr. Shyamapada.
Nurul Amin, The Hon'ble Mr.	Birsha, Mr. Bir.
Osman Ali, Mr. Owman Gani, Mr. Md.	Chakraborty, Mr. Benode Chandra.
Paniruddin Ahmed, Mr.	Chakravarty, Mr. Satish Chandra.
Ray, The Hon'ble Mr. Nagendra Narayan.	Chatterjee, Mr. Haripada.
Salim, Mr. S. A.	Das, Mr. Brojomadhab.
Serajul Haque, Mr. Syed.	Das, Mr. Jogendra Chandra.
Serajuddin Ahmed, Mr. (Gaibandha).	Das Gupta, Mr. Suresh Chandra.
Serajul Islam, Mr.	Datta, Mr. Dharendra Nath.
Shamsuddin Ahmed, The Hon'ble Mr.	

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Dhar, Mr. Manoranjan.

Ghosh Chowdhury, Mr. Haran Chandra.

Guha Roy, Dr. Protap Chandra.

Gupta, Mr. Manoranjan.

Haldar, Mr. Kuber Chand.

Kundu, Mr. Nishitha Nath.

Lahiry, Mr. Provas Chandra.

Nandy, Maharaja Sris Chandra, of Cossimbazar.

Pramanik, Mr. Purna Chandra.

Roy, Mr. Dhananjoy.

Roy, Mr. Harendra Nath.

Roy, Mr. Kiran Sankar.

Roy, Mr. Ram Hari.

Sarkar, Mr. Bijoy Krishna.

Sarkar, Mr. Prafulla Ranjan.

Sen, Mrs. Ashalata.

Sen, Mr. Satindra Nath.

Sen Gupta, Mrs. Nellie.

Singhi, Mr. Narendra Singh.

Sinha, Kumar Arun Chandra.

Thakur, Mr. Promotha Ranjan.

PRESIDENT : The result of the division is as follows:

In favour of amalgamation of Sylhet—105

Against amalgamation—34

Before you disperse I have an informal announcement to make which may be of help to the

honourable members. The decision taken today that there shall be partition in Bengal involves fresh elections to the Constituent Assembly of your choice. The official announcement cannot, of course, issue until the Governor-General has received official intimation of today's decisions, but I have been asked to say that the programme for the election from this "Part" of the House will be as follows:

Date by which nomination papers must be received by the Secretary, Legislative Assembly—30th June, 1947, 11 a.m.

Scrutiny—1st July, 1947, 11 a.m.

Withdrawal—2nd July, 1947, 12 noon.

Poll—5th July, 1947, 10 a.m. to 2 p.m.

For the convenience of members, especially party leaders, a number of advance copies of the nomination form are available now with the Secretary of the House. Each member will in any case receive a nomination form along with the official instructions for the election as soon as possible after the Governor-General's announcement has been made.

The Hon'ble Mr. MOHAMMED ALI : Sir, will it be the same procedure as in the last time?

PRESIDENT : Yes. The meeting is closed.

**Rules of procedure for the Meeting of the Members of the
Bengal Legislative Assembly under paragraphs
5 to 8 of H.M.G.'s Statement of June 3rd, 1947**

Definitions. 1. In these Rules,
unless the context
otherwise requires—

- (a) “Governor” means
the Governor of
Bengal.
- (b) “Meeting” means
an assembly of
members convened
under paragraphs
5 to 8 of H.M.G.'s
Statement of
June 3rd, 1947.
- (c) “Member” means
a member of the
Bengal Legislative
Assembly other
than a European
member.
- (d) “President”
means the
person appointed
by the Governor
to preside over a
meeting or any
one designated
by the President
to preside
temporarily during
the unavoidable
absence of the
President.
- (e) “Secretary”
means—
For the Muslim

majority “part”—
The Secretary to
the Bengal
Legislative Assembly
and includes any
person for the
time being
performing the
duties of
Secretary.

For the two
“parts” sitting
jointly — The
Secretary, Bengal
Legislative
Assembly, and
includes any
person for the
time being
performing the
duties of
Secretary.

For the non-
Muslim majority
“p a r t ” — The
Secretary to the
Bengal Legislative
Council and
includes any
person for the
time being
performing the
duties of
Secretary.

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2. The meeting shall transact only the business referred to in paragraphs 6, 7, 8 or 13 (for Muslim majority group) of H.M.G.'s Statement of the 3rd June, 1947, and the consideration of such business shall not on the day or days allotted therefor, be preceded by any motion for adjournment or be interrupted in any manner whatsoever.

Quorum.

3. One-sixth of the total number of members of the meeting will form the quorum.

Power to preserve order.

4. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decision.

(2) He may direct any members whose conduct in his opinion is grossly disorderly to withdraw immediately from the meeting, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(3) Notwithstanding the provisions of rule 8 the President may, in the case of great disorder arising in the meeting or for any sufficient cause, suspend any sitting for a time to be named by him not exceeding two days.

5. A matter requiring Motion. the decision of the meeting shall be brought forward by means of a question put by the President.

6. Except with the permission of the President no member shall speak or raise a point of order.

7. (1) Votes will be taken by division: Voting.

Provided that in framing the Rules of Procedure votes may be taken by voices or by such other method as the President may direct.

(2) The President may exercise his right of voting but will not have a second or a casting vote.

(3) The President shall determine the method of recording his vote.

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(4) In the case of equality of votes the President shall immediately report the matter to the Governor.

Adjourn-
ment of
meeting

8. (1) A meeting may be adjourned by the President till such date and time as he may determine:

Provided that the President shall not adjourn the meeting for more than two days except with the consent of not less than three-fourths of the members present.

(2) On the conclusion of the business before the meeting the President shall declare the meeting closed.

Full
report of
proceed-
ings.

9. The Secretary shall cause to be prepared a full report of the proceedings of the meeting at each of its sittings, and publish it as soon as practicable.

Admission
of
strangers.

10. (1) The admission to the place of meeting of persons other than members shall be regulated according to the orders of the President.

(2) The President, whenever he thinks fit, may exclude persons other than members and the officers and staff on duty from the place of meeting or its galleries.

11. In all matters relating to procedure or the conduct of the business of the meeting the decision of the President shall be final.

Decision
of the
President.

12. The President may, by orders not inconsistent either with these Rules or with the Announcement made by the Governor-General of India on the 10th June, 1947, provide for matters for which no provision is made and may give such direction as may be necessary for giving effect to these Rules and such orders.

Power of
President
to make
orders
and give
directions.

13. If any doubt arises as to the interpretation of any of the provisions of these Rules, the decision of the President shall be final.

Interpreta-
tion.

ANNEXURE III

**Ruling delivered by Shri Bejoy Kumar Banerjee,
Speaker, West Bengal Legislative Assembly,
on the 29th November, 1967**

Mr. Speaker: Honourable Members, this House meets under extraordinary circumstances. I am prima facie satisfied that the dissolution of the Ministry headed by Shri Ajoy Kumar Mukherjee followed by the appointment of Dr. P. C. Ghosh as Chief Minister and the summoning of this House on his advice is unconstitutional and invalid since it has been effected behind the back of this House. Pending a full and proper examination of the matter in exercise of powers vested in me under rule 15 of the Rules of Procedure of this Assembly, I adjourn the House *sine die*.

The House will remember that when it was prorogued on August 1, the Council of Ministers was headed by the Chief Minister Shri Ajoy Kumar Mukherjee. This was the Council of Ministers that was collectively responsible to this House in terms of Article 164(2) of Constitution.

As I understand the constitutional position, the only authority competent to decide whether or not a Council of

Ministers should continue in office is this House. An adverse vote against the Council of Ministers in this House necessarily leads to a position when that particular Council of Ministers no longer enjoys the confidence of this House and its continuance in office would be a violation of Article 164(2) of the Constitution.

I am happy to state that this understanding of mine is supported by high precedent. In March, 1945 the then Government of Bengal was defeated in a vote taken on the demand for a grant in respect of Agriculture. The question arose as to the constitutional consequence of such a defeat. At that time my predecessor in office Shri Nausher Ali put the essence of the matter in clear terms. To quote him:

“Sir Nazimuddin (the then Chief Minister) said yesterday that he would treat this as a snap division and not a censure. I am afraid the constitutional position has not been properly conceived. The Ministry is the creature of the House. This House can make and unmake the Ministry and the Governor is but

the registering authority of the House. Any other course, I am afraid, would strike at the very root of democracy.”

No doubt, the circumstances facing Shri Nausher Ali were different. But the essence of the matter, namely, that this House is the supreme authority in regard to making and unmaking Ministers, is the same. And this statement came from the lips of a Presiding Officer of this House when India was not free. Today when the sovereign Indian people have given unto themselves a Constitution, surely the authority of this House, has increased and not diminished.

This is why I find it extremely difficult to recognise Dr. Prafulla Chandra Ghosh as Chief Minister and his colleagues Shri Harendra Nath Mazumdar and Dr. Amer Ali Molla as members of the Council of Ministers. Both the text of the articles of the Constitution and the precedent quoted above recognise no discretion in the Governor in respect of the appointment of the Council of Ministers. He is merely a registering authority to use the expression of my predecessor; an authority whose constitutional duty is to recognise and implement the decisions of this House.

To an extent I have attempted to examine the method by which

behind the back of this august Assembly, the Council of Ministers responsible to it has been removed. It would appear that on 21st November, 1967, the Governor of this State issued an order under Article 164(1) whereby he proposed to “order that the Chief Minister Shri Ajoy Kumar Mukherjee shall cease to hold office with immediate effect”. He further “directed that the Council of Ministers headed by him stands dissolved and other Ministers cease to hold office”.

A careful reading of Article 164(1) does not disclose the vesting of any such power of dissolution of a Council of Ministers by a Governor. Hence I do not find any legal basis for the act of dissolution.

I may also mention that the argument has been advanced that the words in Article 164(1) “the Ministers shall hold office during the pleasure of the Governor” vest in the Governor the power to dismiss a Ministry. But this argument is without merit. For the same expression “pleasure of the Governor” finds place in Article 165(3) with regard to the appointment of the Advocate-General. And none will question that the appointment or dismissal of the Advocate-General is not within the Governor’s discretion but has to be done on the advice of the Council of Ministers.

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On a prima facie examination of the constitutional question involved, I find it impossible to recognise as legal, valid and constitutional the dissolution of the Council of Ministers, headed by Shri Ajoy Kumar Mukherjee.

It follows then that the appointment of the Council of Ministers headed by Dr. P. C. Ghosh as Chief Minister is invalid and unconstitutional.

The order by which, the Council of Ministers headed by Shri Ajoy Kumar Mukherjee was dissolved is dated 21st November, 1967. This Assembly, however, has been summoned under an order of the Governor which was issued only on 22nd November, 1967. In view of this I am unable to appreciate how this session of this Assembly can have any constitutional or legal validity. For if the order of the Governor of 21st November, 1967 is illegal and unconstitutional, evidently the Council of Ministers headed by Shri Ajoy Kumar Mukherjee not only continues in office but alone is competent to advise the Governor of the manner in which he is to exercise his powers under Article 174(1), namely, the power to summon this Assembly. And only an Assembly summoned by the Governor acting under such

advice would be validly and properly summoned. I must, therefore, confess my grave doubts about the validity of this session of the Assembly.

Honourable Members will appreciate that the Constitution and the Rules of Procedure charge me with the high responsibility of protecting the dignity and privileges of this august Assembly. And I would be failing in my duty if I did not uphold the rights and powers of this House in the face of attempts to infringe and restrict such rights.

The matters in issue are of the highest constitutional importance. It is my regret that when an attempt was made to refer them for the opinion of the Supreme Court under Article 143 such attempt was frustrated. It is beyond dispute that the issues go to the very root of democracy. It is obvious, therefore, that if I am to find out how exactly I should act so as to preserve and protect the privileges of this House I should need more time and then only give a considered ruling on grave issues at stake.

This is why in exercise of my powers under rule 15, I have adjourned the House *sine die*.

ANNEXURE IV

Ruling delivered by Dr. Pratap Chandra Guha Ray, Chairman, West Bengal Legislative Council, on the 29th November, 1967

Mr. Chairman: Before the proceedings of the House commence I must take note of the fact that a new Ministry is in office today under the Chief Ministership of Dr. P. C. Ghosh.

Under Article 164 of the Constitution, the Chief Minister and other Ministers are to be appointed by the Governor and all the Ministers including the Chief Minister hold office during the pleasure of the Governor. Under Article 367 of the Constitution unless the context otherwise requires General Clauses Act, 1897, is to apply for the interpretation of the Constitution as it applies for the interpretation of an Act of the Legislature. Now Article 164 specifically states that the “Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor”. It is, therefore, to be seen that the word “appointed” has been used in this Article and that word “appointed” has to be interpreted in accordance with the provision of the General Clauses Act, 1897 by

reason of the Article 367 of the Constitution. Section 16 of the General Clauses Act categorically states that wherever a power of appointment is given to any authority, that power includes the power to suspend or dismiss. That being the position, it is clear that under Article 164 of the Constitution read with Article 367 thereof the Governor has power to dismiss the Chief Minister or any other Ministers. Moreover such Ministers are to hold office only during the pleasure of the Governor under Article 164, thereby making it clear that the Governor could dismiss them if he so thought fit. A similar question was raised in a case before the Privy Council which is reported in 1963 Appeal Cases, p. 614, and on a plain reading the judgement of Viscount Radcliffe it is clear that the Governor has power to dismiss a Ministry if in his opinion it has lost the confidence of the majority of the House.

In that case the Governor had dismissed the Prime Minister from his office on the receipt of a letter

addressed to him by 66 members of the House without waiting until there had been an adverse vote of the House itself.

The Privy Council justified the Governor's action and supported his action without an adverse vote being taken in the House since the letter from the 66 members clearly indicated that the Prime Minister had lost the confidence of the majority of the House.

In any event the action of the Governor in dismissing the Mukherjee Ministry cannot be challenged or called in question in any manner whatsoever. The Constitution makes it clear that when the Governor acts in his

discretion the decision of the Governor in his discretion shall be final and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion (*see* Article 163).

No one, therefore, can raise such question nor can I make any pronouncement thereon. This House has been summoned by the Governor by a notification issued in the Official Gazette in accordance with the rules. Thereafter my office duly notified the members to attend the House. The House has now met and the proceedings will now go on as notified in the bulletin.

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