

Proceedings of the Fourth Session of the First Assam Legislative  
Assembly, Assembled under the provisions of the Government  
of India Act, 1935.

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 a.m., on  
Monday, the 21st February, 1938.

## QUESTIONS AND ANSWERS

### STARRED QUESTIONS

(To which oral answers were given)

#### Jogighopa-Goalpara Ferry

**Maulavi MUHAMMAD AMJAD ALI** asked:

\*47. Will Government be pleased to state—  
(a) Whether it is a fact that the Goalpara Local Board has abandoned the Jogighopa-Goalpara ferry by a resolution of the Board and urged upon the Local Government to run a Public Works Department steam ferry?

(b) Whether Government has received representations from the Goalpara public for replacing the present arrangement of ferry-boat by a steam ferry?

(c) Whether Government is aware that the Subdivisional Officer, Goalpara, was approached with a petition of complaint a month or two ago by some passengers of ferry-boat from Pachonia to Goalpara with regard to a serious accident on account of loading cattle and men on the same boat?

\*48. With regard to question and answer in affirmative, during the Winter session of the Assembly, for carrying men and cattle in the same ferry-boat, what steps do Government propose to take for (a) averting probable dangers, (b) for the sanctity of human life?

\*49. With reference to the reply to question No. 47 (b) of the last Winter session of the Assembly, will Government be pleased to state—  
(a) The decision arrived at by Government with regard to the running of the ferry by the Public Works Department?

\*50. Will Government please state what action, if any, has been taken by Government to the resolution of the Goalpara Local Board mentioned in question 47(a) above?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied:

47.(a)—Government are only aware that in a meeting of the Board held on 2nd October 1937, a resolution was passed to the effect that the Jogighopa-Goalpara ferry be made over to the Public Works Department for proper and efficient management of the ferry service in such a way as may meet with the growing requirements of the traffic, human, animal and vehicular consistent with public safety.

(b)—Yes.

(c)—Government have no official information, but have enquired.

48. (a) & (b)—Government are obtaining further details about an alleged offer to run a steam launch ferry in connection with a bus service. When these are received the decision whether the Public Works Department should take over the ferry will be made.

49.—The matter is still under the consideration of the Government.

50.—The resolution is receiving the attention of Government.

**Personnel of the Text-Book Committee**

**Srijut RAJENDRA NATH BARUA** asked :

\*51. Is Government aware that there is a general desire and a volume of public opinion that the personnel of the Text-Book Committee should be elected by the members of the Legislatures ?

**The Hon'ble Maulavi MUNAWWARALI** replied :

51.—Government are not aware of a general desire to that effect.

**Srijut RAJENDRA NATH BARUA**: Have not the Government seen the volume of public opinion expressed in the *Assamiya* and the *Dainik Batari* ?

**The Hon'ble Maulavi MUNAWWARALI**: Government do not consider that to be the general public opinion.

**Srijut PURNA CHANDRA SARMA**: Have not the Government seen the statement published in the *Statesman* some months ago ?

**The Hon'ble Maulavi MUNAWWARALI**: Will the hon. member refer to the date of the *Statesman* ?

**Srijut PURNA CHANDRA SARMA**: It is not possible to give it to-day.

**Srijut DEBESWAR SARMAH**: Will the Hon'ble Minister be pleased to state by what standard the Government holds that such and such statements are public opinion and such and such statements as not public opinion and whether opinion voiced in the press are considered as public opinion ?

**The Hon'ble Maulavi MUNAWWARALI**: The best public opinion is expressed in the Assembly and public Conferences. There are degrees of public opinion.

**Srijut DEBESWAR SARMAH**: Is the Hon'ble Minister aware of the questions and answers in the last Assembly ?

**The Hon'ble Maulavi MUNAWWARALI**: Yes, I am aware.

**Srijut DEBESWAR SARMAH**: Does the Hon'ble Minister mean to say that the hon. members express their individual opinion in the Assembly ?

**The Hon'ble Maulavi MUNAWWARALI**: The hon. member might have expressed the public opinion by getting a resolution adopted in this Assembly.

**Srijut DEBESWAR SARMAH**: I want to know whether the hon. members express their individual opinion or public opinion in the questions they put in the Assembly ?

**The Hon'ble Maulavi MUNAWWARALI**: So long as the questions are not endorsed by the House, Government consider them not to be general public opinion.

**Srijut DEBESWAR SARMAH**: Are not the questions put in the Assembly by the hon. members regarded as expression of opinion of the people whom they represent ?

**The Hon'ble Maulavi MUNAWWARALI**: No. Not always.

**Srijut DEBESWAR SARMAH**: What does the Hon'ble Minister mean by "No" ?

**The Hon'ble Maulavi MUNAWWARALI**: "No" means in the negative.

**Srijut MAHADEV SARMA**: Are not Government aware of the opinion of the *Assam Sahitya Sabha* ?

**The Hon'ble Maulavi MUNAWWARALI**: I am not aware of it, Sir.

**Srijut RAJENDRA NATH BARUA** asked :

\*52. Will Government please state the tenure of the present Assam Text-Book Committee ?

\*53. Do Government propose to adopt the elective system after the expiry of the tenure of the said Committee ?

**The Hon'ble Maulavi MUNAWWARALI** replied :

52.—Three years from 1st January 1936, in the case of those who are not members *ex-officio*.

**Srijut PURNA CHANDRA SARMA**: Who are those *ex-officio* members ?

**The Hon'ble Maulavi MUNAWWARALI**: Those people who become members by virtue of their office.

**Srijut PURNA CHANDRA SARMA**: I want to know who are those *ex-officio* members ?

**The Hon'ble Maulavi MUNAWWARALI**: They may be some of the Inspectors of Schools and such others.

**Srijut PURNA CHANDRA SARMA**: I want a definite answer about the *ex-officio* members of the present Assam Text-Book Committee.

**The Hon'ble Maulavi MUNAWWARALI**: If the hon. member so desires, I will inform him later. I do not know it at present.

**The Hon'ble Maulavi MUNAWWARALI** replied :

53.—The hon. member's attention is drawn to the reply given to question No. 135 asked by him at the last session.

**Srijut RAJENDRA NATH BARUA**: Will Government take an initiative in the matter ?

**The Hon'ble Maulavi MUNAWWARALI**: If the hon. member will convince that it is necessary to adopt the elective system, Government will certainly take the initiative.

**Srijut KRISHNA NATH SARMAH**: Are Government of opinion that the *ex-officio* bench should be abolished entirely ?

**The Hon'ble Maulavi MUNAWWARALI**: That question does not arise.

**Srijut DEBESWAR SARMAH**: May we know, Sir, whether the Hon'ble Chief Minister also shares the views of the Hon'ble Education Minister about "public opinion" namely that opinion voiced in the press is not public opinion. We shall be much obliged for his weighty opinion on this.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**: That will be given in proper time.

**Free-studentship to the children of the Lower Primary School Teachers**

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY** asked :

\*54. Will Government please state whether it is a fact that Government have refused to extend the concession of half ordinary free-studentship to the children of the Lower Primary School Teachers ?

\*55. If so, do Government propose to reconsider the question and restore the concession?

**The Hon'ble Maulavi MUNAWWARALI** replied:

54.—Government are not aware what form of extension the hon. member has in mind. They have been unable to provide for certain extensions of the concessions allowed by the rules which were proposed by the Director.

55.—The proposals may come up for consideration together with other schemes for educational advancement when it is financially practicable to provide for this.

#### Rate of tolls levied on certain bridges in Assam

**Khan Bahadur Maulavi SAYIDUR RAHMAN** asked:

\*56. Will Government be pleased to state the rate of toll levied on the following bridges—

1. Khowang Bridge.
2. Desang Bridge.
3. Dikhow Bridge.
4. Numaligarh Bridge.
5. Keane Bridge (over the Surma).
6. Digaru Bridge (near Burnihat).
7. Ranganadi Bridge.
8. Any other bridge in the Surma Valley.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

56.—The hon. member's question covers all the toll bridges in Assam except the Chalkhowa bridge in Barpeta and copies of the toll schedules are laid on the Library table.

#### Sanitary fittings in the Government buildings at Shillong

**Babu RABINDRA NATH ADITYA** asked:

\*57. (a) Is it a fact that the orders for sanitary fittings in the Government buildings at Shillong were placed with a firm outside the province?  
(b) If so, whether any tenders were invited?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

57. (a)—Yes.

(b)—No. Quotations were called for from two leading Calcutta firms who specialise in this class of work, viz., Messrs. Norton and Sons and S. K. Chkravarty Limited.

**Babu RABINDRA NATH ADITYA:** Was not tender called for, Sir?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I am not aware what led the previous Government not to call for tender but from what I have found in the file it appears that Government were of opinion that these particular firms are specialists in the work.

**Babu RABINDRA NATH ADITYA:** What led the previous Government to select these two firms?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** How can I speak for my predecessor?

**Babu RABINDRA NATH ADITYA:** May I take that this Ministry does not approve of or support the action of the previous Government?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, when any public work is to be done, we call for tender.

**Babu RABINDRA NATH ADITYA:** Do the Government think that the firms within the province are not competent to carry out the work?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** That is what the Public Works Department believe.

**Babu RABINDRA NATH ADITYA** asked:

\*58. Are Government aware that there are firms within the province competent to undertake the execution of such orders?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied:

58.—This is a matter of opinion but the high class work installed in the Assembly, Council and Hostel buildings to which it is assumed the hon. member refers required skilled workmen not available in Assam.

**Babu RABINDRA NATH ADITYA:** Are Government aware that there are firms within the province competent to do such work and who have got certificates from the Government?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** If my hon. friend is referring to the firm of Haldar Brothers, which is the only firm which he can have in mind, I may tell him that they do not specialise in this kind of work. They specialise in a different kind of work, but that is quite different from sanitary installation.

#### Re Habiganj Municipality

**Maulavi ABDUR RAHMAN** asked:

\*59. (a) Are Government aware of the congestion of the holdings of Habiganj Municipal area?

(b) Do Government propose to take any action on this matter?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied:

59. (a)—Government are aware that the town is congested and is in need of extension.

(b)—Government will consider this question when a specific proposal is received. The Subdivisional Officer is preparing a scheme of extension which is under correspondence with Government.

**Maulavi ABDUR RAHMAN:** As regards (b) may I know when the Government expect to hear from the Subdivisional Officer?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I cannot say, but the Subdivisional Officer is now preparing a scheme.

**Maulavi ABDUR RAHMAN:** Will Government take steps to expedite the matter?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** We can ask the Subdivisional Officer to send the scheme soon.

**Maulavi ABDUR RAHMAN** asked :

\*60. (a) Are Government aware of the strong public feeling for extension of the town to the East bank of the Khowai River by constructing a bridge over it ?

(b) If so what action has been taken by Government to this direction ?

(c) If not, why not ?

(d) Will Government please state whether Government received any representation from the public to that effect ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

60. (a)—Government are aware of the suggestion that a bridge should be built.

(b) & (c)—Government have not so far taken any action. If and when specific proposals are made they will be duly examined.

(d)—No.

**Maulavi ABDUR RAHMAN**: May I know whether the Government received any suggestion from the Divisional Commissioner on the subject ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: I am not aware of it.

**Maulavi ABDUR RAHMAN** asked :

\*61. (a) Are Government aware of the fact that there is great scarcity of good drinking water in the Habiganj town ?

(b) Has the attention of Government been drawn to the necessity of water works for the Municipality of Habiganj ?

(c) If so, do Government propose to sanction a grant for the purpose from the Provincial Fund ?

(d) Will Government please state whether Government has sanctioned any loan to the Habiganj Municipality for its improvement ?

(e) What improvement, if any, has been effected to the Municipality since its supersession ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

61. (a)—Yes.

(b)—The question has been discussed for many years. The Sub-divisional Officer is now preparing a scheme.

(c)—Government can of course give no answer on this point until they have seen the scheme and ascertained whether a Government grant is necessary or justifiable.

(d)—No.

(e)—The hon. member's attention is invited to the replies given to similar questions Nos. 182 and 184 asked by Babu Bipin Behari Das at the last session.

**Maulavi ABDUR RAHMAN**: May I know whether Government is aware that the improvement of the town is overdue ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: I may take it to be correct.

**Maulavi ABDUR RAHMAN** asked :

\*62. (a) Will Government please state whether Government propose to sanction a grant for the improvement of the drainage system of the Municipality ?

(b) Is Government aware of the prevalence of typhoid, paratyphoid and cholera cases in the municipal area of Habiganj ?

(c) If so, what steps, if any, the Public Health Department, has taken to eradicate these evils ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

62. (a)—Government are unable to make any statement. They understand that plans are being prepared by the Subdivisional Officer, but these have not yet reached Government.

(b)—Government are aware that these diseases occur there from time to time.

(c)—The regular services of the Public Health Department in co-operation with the municipal authorities are available and are utilised on these occasions, and their advice is always given. If the hon. member will state specifically the outbreaks about which he desires information as to these activities Government will endeavour to be more precise.

**Maulavi ABDUR RAHMAN**: Does Government ever take any notice of the fact why these diseases break out in the town ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: Our Public Health Department are always doing their best to find out the cause of the diseases but sometimes it is very difficult to know what is the true cause.

**Maulavi ABDUR RAHMAN**: Is it not the scarcity of good drinking water ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: That may be one of the causes.

**Maulavi ABDUR RAHMAN**: Do Government know that the Public Health Department submitted a report on several occasions that unless the scarcity of drinking water is removed such diseases are likely to break out ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: They must have submitted that report to the Municipality at a time when the Municipality was in a bad condition and could not take the initiative.

**Mr. BAIDYANATH MOOKERJEE**: Who is in charge of the Municipality ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY**: The Municipality is at present in charge of the Subdivisional Officer.

**Maulavi ABDUR RAHMAN** asked :

\*63. (a) Is Government aware of the insanitary condition of the hotels within the Habiganj Municipality ?

(b) If so, will Government please enquire and state what improvement the Municipality proposes to do in this direction ?

(c) Do Government propose to ask the present Municipal authority to enforce the bye-laws towards the improvement of the conditions of these hotels ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

63. (a), (b) and (c)—The last report by the Assistant Director of Public Health on the town, which mentions the filthy condition of the hotels, etc., is dated July 1935. If the next report, after the supersession of the board, shows no improvement, or if in the meantime Government are given reason to believe that there has been no material improvement, Government will call for a report.

## UNSTARRED QUESTIONS

(To which answers were laid on the table)

*Re appointment of members to the Debt Conciliation Board***Maulavi ABDUL BARI CHAUDHURI** asked:

90. Will Government be pleased to state—
- The principle adopted in appointing members to the Debt Conciliation Board recently established at Sylhet?
  - Whether it is a fact that one of the members, so appointed generally resides in Shillong?
  - Whether it is a fact that one of the members is a graduate of an English University and a Barrister-at-law while another member is not even a matriculate?
  - Whether it is a fact that all the members are residents of towns and are not acquainted with the rural conditions of Sylhet?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

90. (a)—The members of the Board were so selected as to represent both lenders and borrowers and at the same time men having some influence in the locality were chosen.
- (b)—Since his appointment one of the members has come to practise in Shillong, but did not do so formerly.
- (c)—This may be so.
- (d)—No.

*Re Issue of Agricultural loans***Srijut KAMESWAR DAS** asked:

91. (a) Is it a fact that various representations have been made to Government and their local authorities praying for the issue of agricultural loans for the scarcity affected agriculturists of the Barpeta Subdivision?
- (b) If so, have they made any enquiry as to the necessities of such loans?
- (c) If not, how do they propose to meet the representations?

**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI** replied:

91. (a)—Yes.
- (b)—Yes, but they preferred, on the advice of the officers who enquired, to meet the situation by gratuitous relief and institution of test relief works.
- (c)—Does not arise.

**Srijut KAMESWAR DAS**: Is it not a fact that test relief works and gratuitous relief works have already been discontinued by Government?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: It is a fact that test relief works have been discontinued immediately before, or in the midst of the reaping season, so as to enable the people to reap the little crop that they have raised, but, I believe, gratuitous relief is still being continued in the case of widows, children and others who are unable to earn their own livelihood on account of infirmities.**Srijut KAMESWAR DAS**: Is it also a fact that representations for agricultural loans have also since been made after the discontinuance of the test relief works?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: Applications asking for issue of agricultural loans were received but Government decided that it was better to give gratuitous relief instead of agricultural loans because on account of the existing rules it is sometimes very difficult for really needy persons to get agricultural loans.**Srijut GOPINATH BARDOLOI**: Is it a fact that there has been partial failure of crop this year also in those areas?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: I do not understand what is meant by "this year".**Srijut GOPINATH BARDOLOI**: I mean to say the crop that is usually harvested in January.**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: So far as *sali* crops are concerned there is no failure.**Srijut KAMESWAR DAS**: Is it the intention of Government to give gratuitous relief to those persons who applied for agricultural loans?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: Not in every case, Sir.**Srijut KAMESWAR DAS**: What is the intention of Government in the matter of dealing with cases of representations for agricultural loans?**The Hon'ble Srijut ROHINI KUMAR CHAUDHURI**: Gratuitous relief will be given to persons who on account of scarcity last year and owing to failure of crops are unable to find any living for themselves, and have to go without food.*Model village centre at Rangjuli***Srijut JOGENDRA CHANDRA NATH** asked:

92. Will Government please state whether (a) the sum that has been allotted for the Model village centre at Rangjuli is being gradually spent as tour allowances to various officers of Government who visit the place?
- (b) If so, the nature of the activities which Government are carrying out in that centre?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied:

92. (a)—No.
- (b)—The question does not arise.

*Area occupied by Dudnai, Goalpara and Lakhimpur Thanas***Srijut JOGENDRA CHANDRA NATH** asked:

93. (a)—Will Government please state the area in square miles covered by the Dudnai, Goalpara and Lakhimpur Thanas of the Goalpara Subdivision which is kept under the charge of only one Veterinary Assistant?
- (b)—Do Government propose to consider the urgent necessity of appointing another unit in the same area?

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI** replied:

93. (a)—757 square miles is covered by the three thanas.
- (b)—Government will consider the proposal if and when submitted by the Local Board concerned.

*Teaching of Assamese to the Female students of the Cotton College***Srijut MAHI CHANDRA BORA** asked:

94. (a) Is it a fact that Assamese is not taught to the female students of the Cotton College, Gauhati, in the I.A. course as an additional subject in lieu of Classical languages?

(b) If so, what steps do Government propose to take in this respect and from when ?

**The Hon'ble Maulavi MUNAWWAR ALI** replied :

94. (a)—Yes.

(b)—The hon. member's attention is invited to page 81 of the Budget Memorandum for 1938-39 regarding provision of funds for the appointment of a Lecturer in Assamese for the Cotton College. When funds have been provided by the Assembly, the question of affiliation will be taken up with the University.

#### Stoppage of Excise and Opium Mahals

**Srijut LAKSHESVAR BOROOAH** asked :

95. Will the Hon'ble Minister for Excise be pleased to state—  
(a) If the stoppage of Excise and Opium Mahals for the ensuing year is contemplated?  
(b) If so, in which district or districts ?

**The Hon'ble Maulavi MUNAWWAR ALI** replied :

95. (a)—No. Government have been examining a proposal by the Advisory Committee recently convened to introduce experimental prohibition of country spirit.

(b)—In Dhubri subdivision.

No conclusion has yet been reached.

**Srijut LAKSHESVAR BOROOAH**: Has the report of the Advisory Committee been published ?

**The Hon'ble Maulavi MUNAWWAR ALI**: So far as I am aware, the report has not been published.

**Maulavi BADARUDDIN AHMED**: Will Government please state what quantity of liquor is consumed ?

**The Hon'ble Maulavi MUNAWWAR ALI**: In that case, I shall require notice, Sir.

**Srijut LAKSHESVAR BOROOAH**: May I have an idea when the Government will come to a conclusion ?

**The Hon'ble Maulavi MUNAWWAR ALI**: At a very early date.

**Srijut LAKSHESVAR BOROOAH**: Is it a question of weeks or months ?

**The Hon'ble Maulavi MUNAWWAR ALI**: It may be a month or so.

#### Members of the Provincial Executive Service

**Babu KARUNA SINDHU ROY** asked :

96. Will Government be pleased to state the names of the officers of the Surma Valley in the Provincial Executive Service who have served in the Assam Valley with their respective period of service there ?

97. Will Government be pleased to state—

(a) The reason why some officers are kept in the Assam Valley for long and others not ?

(b) Whether Khan Bahadur Azizur Rahman, now Deputy Commissioner, Cachar, ever served in the Assam Valley ?

98. Will Government be pleased to state—  
(a) If the present Subdivisional Officer, Hailakandi, draws a special allowance of Rs.150 a month ?  
(b) If so, on what grounds ?  
(c) Whether any member of the Provincial Executive Service drew special allowance in the capacity of Subdivisional Officer of Hailakandi previously ?

99. Will Government please state whether there is any rule or convention requiring members of the Indian Civil Service and listed post holders to go on leave, after 3 or 4 years' continuous service ?

100. Will Government be pleased to state when each of the present listed post holders went on leave last and for how long ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

96.—It is not possible to supply this information unless the period for which it is wanted is specified.

97. (a)—This is determined by the needs of the public service.

(b)—No.

98. (a)—No.

(b)—Does not arise.

(c)—No.

99.—No.

100.—Since his appointment to a listed post in January 1933, Khan Bahadur Muhammad Chaudhuri has taken no leave. The leave taken by the other three holders of listed posts is as follows :—

Mr. W. Shaw in April 1936 ; leave on average pay out of India, Ceylon or Nepal for 7 months and 22 days.

Khan Bahadur Muhammad Azizur Rahman in December 1936 ; leave on average pay for 3 months and 4 days.

Mr. Durgeswar Sarma in November 1935 ; leave on average pay for 4 months.

#### Names of persons belonging to the province of Assam detained as internees in Bengal

**Babu LALIT MOHAN KAR** asked :

101.(a) Will Government be pleased to state whether enquiries have been made in order to obtain accurate information about the names and residences of persons of this province, if any interned in other provinces, as promised in the last Budget session in September, 1937 ?

(b) If the reply to question 101(a) is in the affirmative, will Government please state the names and residences of such persons as well as the names of the provinces in which and the Government by which they have been thus detained ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

101.(a) and (b)—A statement is placed on the table. It has been ascertained from other provinces that no residents of Assam are under detention in provinces other than Bengal.

Statement shewing the names and addresses of persons belonging to the province of Assam, detained as internees in Bengal under the provision of the Bengal Criminal Law Amendment Act

Name	Parentage	Home address	Place of internment	By which Government interned	Remarks
Babu Chandra Nag.	Late Babu Gurudayal Nag.	Village Panchgaon, Police Station—Rajshahar, Sylhet, and 3, Bakshi Bazar, Dacca.	Deoli Jail	Government of Bengal.	
Babu Debra Ray.	Late Gour Gopal Ray.	Village Mirzanagar, Police Station—Kamalganj, Sylhet.	Berhampore Camp.	"	No information about any change as to their restriction has been received from Bengal.
Babu Parikshit Chandra Roy.	Babu Prabhat Chandra Ray.	Village Bithangal, Police Station—Banachong, Sylhet, and 6/1 South Sealdah Road.	"	"	
Babu Gunden-dra Mitra alias Guna.	Babu Surendra Nath Mitra.	Habiganj town, Sylhet and Dacca.	Village domicile at Mohampur, Rajshahi.	"	
Babu Probhat Chandra Nag.	Rai Girish Chandra Nag Bahadur.	Dacca and Panchgaon, Police Station—Rajshahar, Sylhet.	Home domicile at 3/1, Bakshibazar, Lalbagh, Dacca.	"	

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Is Government prepared to write to the Bengal Government to release the detenus?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No, Sir. Because these people are detained by the Bengal Government and unless, after examining their cases, they come to the conclusion that they should be released we cannot force their hands.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** We want to know the position of Government: Is this Government prepared to write to the Bengal Government?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I have already explained that we have no *locus standi* to make any recommendation. These people were interned by the Bengal Government and if they think they can be released; it is for that Government to take steps.

**Removal of the hospital at Sylhet to the new building meant for the medical school**

**Babu LALIT MOHAN KAR** asked:

102. Will Government be pleased to state the circumstances that led to the removal of the hospital at Sylhet to the new buildings that were constructed for the establishment of a Medical School at Sylhet?

103. Will Government be pleased to state whether the removal referred to in question 102 above, is meant for a permanent arrangement or a temporary one?

104. Will Government be pleased to state if the construction of a new hospital at Sylhet, in the near future, is in the contemplation of Government?

105. Will Government be pleased to state if they have given up the scheme for the establishment of a Medical School at Sylhet forever?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied:

102.—Government decided in 1933 to move the hospital because the former site was on the outskirts of the town and the accommodation inadequate to meet the demands for admission, while the school buildings were for the time being lying idle. They had consulted local opinion which by a large majority welcomed the proposal, and the approval of the Legislative Council was obtained. The reason why the school buildings were unoccupied has often been made public—that Government could not find the large sums necessary to build and maintain the attached hospitals which are essential to a medical school.

103.—Temporary.

104.—It is not possible to say when funds will be available.

105.—No. Government's policy was fully stated in the reply made to question No. 336 asked by Babu Harendra Narayan Chaudhury at the last session.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Do Government consider the completion of the scheme of Medical School at Sylhet urgent?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** We realise that the scheme is urgent. But it is a question of funds and everybody knows that the Government cannot take up this scheme unless they take a loan from the open market for the completion of the scheme. I do not think the legislature itself will be willing for Government to take a loan for starting the medical school.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Is the Government thinking of floating a loan for the medical school?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I have said that the Government is not thinking of floating a loan and in my opinion, I think, even this legislature will not be willing that the Government should float a loan for the sake of starting the Medical School.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** What has led the Hon'ble Minister for Local Self-Government to come to that conclusion?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** I am only saying that it is my personal opinion, I may be wrong.

**Mr. BAIDYANATH MOOKERJEE:** What amount will be required for starting the Medical School? Has Government got any estimate before them?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The estimate has already been laid before the House several times and also, I think, in the last December session. The scheme will require 3 to 4 lakhs for the sake of the hospital and the running expense will be about Rs. 78,000.

**Re Zeaur Rashid murder case in Sylhet****Maulavi MD. MAQBUL HUSSAIN CHAUDHURY** asked :

106. Will Government please state—

- (a) Whether after the first investigation into the Zeaur Rashid murder case in Sylhet and after the case went to Court of Sessions, some new facts were brought to the notice of the Superintendent of Police, Sylhet ?
- (b) Whether it is a fact that an adjournment of the case was applied for on these grounds and a special officer was deputed to make further investigations in the case ?
- (c) Whether it is a fact that the father of the deceased wrote a letter to the Superintendent of Police on the 27th December 1937 indicating his suspicion in the special officer and requesting the Superintendent of Police to place the man under the supervision of another experienced officer ?
- (d) If so, will Government please state why he was not placed under the supervision as suggested ?
- (e) Whether it is a fact that the father of the deceased instructed the Superintendent of Police that the assassin was stating how he was brought by two Khasis to Sylhet, the hotel he was lodged in, the tailor's shop where he was taken by two Babus wearing pyjamas and how these two Babus gave him wine to drink and paid him money and persuaded him to commit murder ?
- (f) Whether it is a fact that seeing that the Superintendent of Police was not taking any action, the father of the deceased again wrote to him on the 4th January 1938, and requested him to see whether the assassin repeated his statement and verify what he said ?
- (g) Whether it is a fact that the Superintendent of Police not only made no such verification but refused to take any further action ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA**

replied :

106. (a)—Yes.
- (b)—Yes.
- (c)—The father of the deceased wrote to the Superintendent of Police ; but he did not cast suspicion on the Special Officer ; he only requested that the investigation be placed "under the supervision of an experienced officer like the present officer Deputy Superintendent of Police, Sylhet".
- (d)—The Superintendent of Police had no grounds for considering that the enquiries were not being made thoroughly.
- (e)—Yes.
- (f)—The Superintendent of Police received another communication from the father of the deceased asking him to verify the accused's alleged statement.
- (g)—Yes. No further action was taken as the allegations had been thoroughly enquired into by an experienced officer and no proof whatsoever was found. Facts proved for the prosecution was a direct contradiction of these allegations. The Deputy Commissioner agreed that nothing could be gained by further action as full enquiries had been made in Sylhet and the

Khasi and Jaintia Hills. It may be mentioned that although defended by a capable lawyer no reference was made in court as defence to the story which the deceased's father said that the accused was giving out in jail. Nor did the accused ever make these allegations to the Deputy Commissioner when visiting the jail.

**Road communication in Satgaon Pargana****Babu DAKSHINARANJAN GUPTA CHAUDHURI** asked :

107. (a) Are Government aware that the people of the Satgaon Pargana within the Sreemangal thana of the South Sylhet subdivision and the people of Zinarpur pargana within the Maulvibazar thana of the same subdivision are isolated from the subdivisional headquarters during the whole year except a few winter months ?
- (b) If so, do Government propose to construct a road to connect these places within the subdivisional headquarters ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA** replied :

107.(a)—As the hon. member must be aware there is an excellent road from Sreemangal to Maulvibazar and at the former place there is also a railway station. Certain portion of the Satgaon and Zinarpur parganas are not connected with the Sreemangal-Maulvibazar road or with the railway stations by means of all weather roads but they cannot be considered isolated for this reason as there is a considerable volume of boat traffic in the area during the rains.

(b)—Not at present.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** The reply given here is "there is a considerable volume of boat traffic in the area during the rains". What about the cold weather and winter seasons ?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** The reply is "certain portion of the Satgaon and Zinarpur parganas are not connected with the Sreemangal-Maulvibazar road or with the railway stations by means of all weather roads but they cannot be considered isolated for this reason as there is a considerable volume of boat traffic in the area during the rains." My hon. friend wants to know what happens during the cold weather ? Generally, Sir, people walk through the fields.

**Grant from Maulvibazar Municipality for water supply****Babu DAKSHINARANJAN GUPTA CHAUDHURI** asked :

- 108.(a) Will Government be pleased to state—  
Whether Government received any representation since December 1937 from the Maulvibazar Municipality for a grant for water supply ?
- (b) If so, what action, if any, do Government propose to take on the said representation ?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY** replied :

- 108.(a)—No.
- (b)—Does not arise.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Will the Hon'ble Minister take it from me that I myself saw a representation which was sent from the municipality?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** The reply is there that we have not received any.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** Is the Hon'ble Minister prepared to enquire?

**The Hon'ble Rev. J. J. M. NICHOLS-ROY:** Yes, I can enquire.

**Reestablishment of Sub-Registrar's office at Kamalganj**

**Babu DAKSHINARANJAN GUPTA CHAUDHURI** asked:

109.(a) Is it a fact that the Hon'ble Minister in charge of Registration gave a solemn assurance to re-establish the Sub-Registrar's office at Kamalganj?

(b) If so, have Government established the said office?

(c) If not, why not?

**The Hon'ble Babu AKSHAY KUMAR DAS** replied:

109.(a)—No 'solemn assurance' as referred to in the question can be traced.

(b) & (c)—Do not arise.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** My submission is that when a cut motion was moved by me during the last budget session a reply was given by Government to the effect that the registration office at Kamalganj would be re-established. Will the Hon'ble Minister now enlighten us as to the meaning of the assurance?

**The Hon'ble Babu AKSHAY KUMAR DAS:** The assurance given by the then Hon'ble Minister was that he would see what could be done, in view of the fact that the office was abolished for economic reasons. There has been no change in the economic situation. If such a change occurs, Government will try to re-establish the office.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** May I know what is the attitude of the Hon'ble Minister?

**The Hon'ble Babu AKSHAY KUMAR DAS:** As I have already said, Government will try to re-establish the office as soon as funds permit.

**Mr. BAIDYANATH MOOKERJEE:** Is there any chance in the near future of the re-establishment of this office?

**The Hon'ble Babu AKSHAY KUMAR DAS:** I have already replied on the point, Sir.

**Babu DAKSHINARANJAN GUPTA CHAUDHURI:** May I know when the funds will permit?

**The Hon'ble Babu AKSHAY KUMAR DAS:** When the financial position of the Government improves.

**Mr. BAIDYANATH MOOKERJEE:** Is there any chance in the near future?

**The Hon'ble Babu AKSHAY KUMAR DAS:** That is already known to the Hon'ble House.

**Motion of No-Confidence against the Ministry—Leave of the House**

**Maulavi ABDUR RAHMAN:** Sir, before the commencement of to-day's business I beg leave of the House to move my no-confidence motion, of which I have already given notice.

**The Hon'ble the SPEAKER:** There is also another similar motion in the name of Maulavi Mabarak Ali and still another in the name of Babu Kamini Kumar Sen. I shall first dispose of this motion. The motion of which notice has been given by Maulavi Abdur Rahman is to this effect:—

"That in the opinion of this House the Council of Ministers do not enjoy the confidence of this House."

As I read this motion, I hold it is in order. I am now to enquire whether the hon. member has got the leave of the House to move this motion. Those who are in favour of the leave being granted will please rise in their places.

(Then more than 35 members rose from their seats.)

As more than 35 members have risen in their places, the hon. member has got the leave of the House to move this motion.

Then as regards the other motion, viz., "that this House has no confidence in the present Ministry" in the name of Maulavi Mabarak Ali I wish to see whether the hon. member has got the leave of the House. Will those hon. members who are in favour of leave being granted for this motion please rise in their places?

(Then more than 35 members rose from their seats.)

The hon. member has got the leave of the House to move the motion.

Then comes the motion of Babu Kamini Kumar Sen, namely "that this House has no confidence in the present Ministry". Will hon. members who are in favour of this motion again rise in their places?

(Then more than 35 members again rose from their seats.)

Leave to move the motion is also granted for this motion.

Now the question comes what should be the time when this motion should be taken up. The rule says that the Speaker will fix a day within ten days from the date of the tabling of the motion. As I consider the programme of the business for the rest of the session, I am really handicapped and I cannot find any other day than to-day. So I shall have to fix to-day for the discussion of this motion. This is a very important motion and there should be a full dressed debate. I think it would be well to fix the time at 12 noon.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** When the rule states that the Speaker will fix a day within ten days from the date of the tabling of the motion, does it not mean that the discussion will not take on the very day the motion is moved?

**The Hon'ble the SPEAKER:** The rule says that within ten days from the date of the tabling of the motion. That does not exclude the day on which leave is asked for. Therefore I am entitled to fix to-day, and I accordingly fix 12 noon as the time for the discussion of the motion.

**The Assam Local Self-Government (Amendment) Bill, 1937 by Srijut Siddhi Nath Sarma.**

**The Hon'ble the SPEAKER:** Srijut Siddhi Nath Sarma to move his motion now.

**Srijut SIDDHI NATH SARMA:** Mr. Speaker, Sir, I beg to move that the Assam Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of the following members:—

- (1) The Hon'ble Minister in charge of Local Self-Government,
- (2) Mr. F. W. Hockenhull,
- (3) Maulavi Md. Ali Haidar Khan,
- (4) Mr. Fakhruddin Ali Ahmed,
- (5) Babu Kamini Kumar Sen,
- (6) Srijut Rupnath Brahma,
- (7) Babu Bipin Behari Das,

- (8) Mr. Arun Kumar Chanda,
- (9) Babu Dakshinaranjan Gupta Chaudhuri,
- (10) Srijut Sarveswar Barua,
- (11) Srijut Laksheswar Borooah,
- (12) Srijut Kameswar Das,
- (13) Srijut Mahi Chandra Bora,
- (14) Srijut Bhuban Chandra Gogoi, and
- (15) the mover.

I beg to add the names of Mr. Naba Kumar Dutta and Maulavi Muhammad Amjad Ali to the list. Six members will form a quorum.

Sir, the principles of this Bill have been discussed in the floor of the House and the Bill has also been circulated for public opinion. Sixty-one opinions have been received from different individuals and associations. Out of these 61 opinions 32 opinions mainly endorse the principle of the Bill. 19 opinions support the principles of this Bill, mainly differing only in minor details and 7 are against it. Those who have differed have done so only on minor points and their view points will be met in the Select Committee. In the case of those who have differed mainly on principles, they will get the opportunity of pressing their view points before the Select Committee, and after mutual discussion and examination of the points raised therein, a workable solution may be found out. It is therefore desirable that the Bill should be referred to a Select Committee to make it acceptable to all shades of opinion after full discussion in Select Committee. One of the main principles of this Bill is the abolition of nomination. This can be easily done in a Select Committee and all the divergent views can be reconciled there. The existing law provides rules in the Local Self-Government Manual, which give representation for the different constituencies, and communities. The General constituency, the Planting constituency and the Muhammadan constituency are provided representation by the rules framed under the Local Self-Government Act. So there would be no difficulty in giving representation to the Scheduled castes and the Tribal communities. I am saying this with authority on behalf of the Congress party that we are agreeable to give representation to all minority communities and this can be done under the rules framed by Government and this point may very well be discussed and all the divergent views reconciled in a Select Committee.

**Maulavi DEWAN MUHAMMAD AHBAB CHAUDHURY:** What about separate electorate?

**Srijut SIDDHI NATH SARMA:** Yes, there is separate electorate and we may continue it till we come to an agreement.

Regarding official control:—the Bill does not suggest to do away with the official control. The official control can best be exercised by the Deputy Commissioner on the spot and the Minister of Local Self-Government at the top. How the official control can be best exercised will also be discussed and decided in the Select Committee and the Bill can be amended accordingly, if necessary.

As regards the system of secret ballot voting by symbols, the matter has been approved and already given effect to by the Government.

Regarding other minor matters such as abolition of cart tax on *bonafide* agriculturists and supersession of Local Boards, these can be easily solved in the Select Committee. The Minister in charge of Local Self-Government assured this House that he would bring forward a Bill to abolish nomination and provide seats for the Scheduled castes, Tribal people and other

minority communities, but he has failed to do so. So we are to solve our own problem. I would therefore request the hon. members of this House belonging to different groups and parties to solve our own problem without delay and accord their whole-hearted and unanimous support to my motion for sending the Bill to the Select Committee. Introduction of any Bill, if at all necessary, by Government will not only impede the legislative work of this House but will accelerate. With these words, I commend my motion for the acceptance of the House.

**The Hon'ble the SPEAKER:** The motion moved is that the Assam Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of the following members:—

1. The Hon'ble Minister in charge of Local Self-Government,
2. Mr. F. W. Hockenull,
3. Maulavi Md. Ali Haidar Khan,
4. Mr. Fakhruddin Ali Ahmed,
5. Babu Kamini Kumar Sen,
6. Srijut Rupnath Brahma,
7. Babu Bipin Behari Das,
8. Mr. Arun Kumar Chanda,
9. Babu Dakshinaranjan Gupta Chaudhuri,
10. Srijut Sarveswar Barua,
11. Srijut Laksheswar Borooah,
12. Srijut Kameswar Das,
13. Srijut Mahi Chandra Bora,
14. Srijut Bhuban Chandra Gogoi,
15. Mr. Naba Kumar Dutta,
16. Maulavi Muhammad Amjad Ali, and
17. The mover.

(Six members will form a quorum.)

**Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURY:** Mr. Speaker, Sir, I rise to oppose the motion. Personally speaking, I am in sympathy with some of the provisions of the Bill, but I am opposed to the very principle of the Bill.

Sir, the principal features of the Bill are mainly two. It seeks to curtail the power of Government hitherto exercised upon the Boards and proposes to do away with the present system of nomination of members by the Government.

Sir, Government now is no more a hated bureaucratic institution of bygone days. It is now composed of the representatives of this House. If we curtail the power of the Government, we curtail our own power. I am not prepared to agree to this. This House must have ample power to handle all affairs within the province. Local Boards receive a major portion of their revenues from the Government. So Government must have some power upon Local Boards in order to see that their money is not misused.

Sir, I know that the internal conditions of many of the Boards are not very satisfactory. Public money is spent according to the whims of the Chairman. Administration is run in a rotten manner. All localities do not get benefit as they ought to get from the Boards. Even the employees of

the Board do not get their pay regularly every month. The Chairmen do not enjoy confidence of the people. Every post including the posts of Compounders and Lower Primary teachers is sold. Holding position of an executive over a Board is a source of income through left hand in some cases. We hear complaints that the highest bidder gets a post under some Boards. The members cannot check it. I may cite here the example of the Calcutta Corporation which is the embodiment of Swaraj Government. We hear that every sort of corruption is prevalent there. If Government have no power to control such things, I think, administration of Local Boards will deteriorate. I shall have no objection to leave the entire charge of administration of a Board at the hands of my friend the mover, but unfortunately all are not pious and patriot like him. I am therefore of opinion that this House through Government should have some sort of power to control the Local Boards.

As for nomination, Sir, I cannot admire the system. I hate it. It was seen some times that Government misused their power in nominating members. But my friend the mover has not suggested any other alternative way for safeguarding the interest of unrepresented, under-represented and minority communities. Assam is a peculiar province and is largely made up of minority communities. If their interests are not safeguarded, I am afraid the Bill will adversely affect the political advancement of the province.

Minority's problem is a very acute problem in India. Even Mahatma Gandhi and Pandit Jawharlal Nehru have not been able to solve the problem. In the communal award every minority community has been awarded representation, but the Bill under discussion is silent over the matter. In the absence of any provision for the representation of minority communities, I cannot persuade myself to support the abolition of nomination as proposed in the Bill.

Another object of the Bill is to remove the principle now in vogue in permitting the Board by a two-third majority to invite the Local Board to appoint a Chairman. In the past, instances have happened where these bodies failed to agree and they had this remedy to overcome a deadlock. This privilege is permissive and not obligatory. I am not in favour of doing away with the privilege. During the sittings of the Round Table Conference, men like Mahatma Gandhi and Pandit Madan Mohon Malaviya could not agree to come to a decision about the solution of the communal problem in India and the alternative left to them in order to avoid the deadlock was to leave the entire solution with Mr. Macdonald, as a result of which we have got the much despised Communal Award. I do not admire it, but only contend that it is a privilege granted only to overcome a deadlock. I see no good in removing it.

With these few words, Sir, I oppose the motion.

**Srijut MAHI CHANDRA BORA:** Mr. Speaker, Sir, I rise to support the motion that the Bill be referred to a Select Committee. The object of this Bill has been summarised by Mr. Gunning, the Deputy Commissioner of Lakhimpur is as follows:

"(1) Abolition of nominated members and nominated Chairmen of the Local Boards; (2) elimination of the Commissioner as a supervising and inspecting authority and (3) substitution of dissolution and a fresh election for supersession in the case of a Board, the members of which have made default in the performance of their duties."

I would first like to deal with the question of the abolition of nomination. The principle of nomination was probably introduced in the body politic of self-governing institutions of India to have the privilege of experienced and wise counsels from some experienced men. But our experience has gone to prove beyond all reasonable doubt that this system has

now turned to be a system of favouritism. This principle has been observed more in its breach than in its observance. We have seen that this system of nomination or appointment leads but to favouritism. Through this system some of the people may secure some advantage or some prominence by the backdoor of official favouritism, but this system of nomination must be admitted to be an anachronism in these days of democracy, in these days of provincial autonomy.

Now, Sir, this Bill was circulated for eliciting public opinion, and public opinion we have received. Several opinions have been for and several against the Bill. These have been discussed threadbare on the floor of the House. It might be noted that almost all the representative organisations in the province have been emphatic in their condemnation of the system of nomination and I am also pleased to find that the Hon'ble Minister for Local Self-Government is in a way committed to the principle of the abolition of this system; but now we find that he is opposed to this Bill because no provision has been made in the Bill for the representation of minorities or of under represented and unrepresented communities. Now this Bill deals only with the system of election. As regards the point whether the election would be by joint electorate or by separate electorate this has not been determined; it has not been decided. It is up to us to consider the point in the Select Committee. The Select Committee has ample power to discuss that matter in detail. It has pained us to find that though the Cabinet is in a way committed to the principle of the abolition of nomination it now says that representation of the minorities from under-represented or unrepresented community has not found place in the Bill and that the Select Committee will not be competent to discuss this matter here. I differ from this. Some precedents seem to have been cited by the Hon'ble Minister for Agriculture that new principles cannot be introduced or cannot be discussed in the Select Committee. But I beg to differ from him. I have already submitted that this is not a new principle. The system of election is there. It is for hon. members to decide what kind of election there should be. Hon. members of the House are well aware about the Congress attitude. Congress is pledged to safeguard the interests of the minorities. Congress is the greatest organisation of India and we the members of that organisation are committed to safeguard the legitimate interests of all the communities—under-represented or unrepresented. They will find that the Congress will be willing to accommodate them in this respect. As regards joint electorate or separate electorate this we have to decide one way or the other. This can be better discussed in the Select Committee and will be left to the House for the final decision.

Now, Sir, as regards the elimination of Commissioners as a supervising and inspecting authority, if the House agrees that the Commissionership should be retained, if they agree that the Commissioners must have some hand in the affairs of the Local Boards, the Select Committee will have no hesitation in accepting their recommendations.

Again as regards the substitution of dissolution and a fresh election for supersession, I think there can be no valid objection to this in these days of democracy.

With these few words, I beg that the House will please agree that the Bill be referred to a Select Committee.

**Mr. J. R. CLAYTON:** This group has already said that they are opposing this Bill. I would like to point out that the Select Committee which has been named consists of 9 Congress members in the original number of 15. Even with the addition of two new names the predominance of the Congress personnel in this Committee, I think, cannot be ignored.

It is absolutely dominated by the Congress people. (*A voice from the Congress bench:—Very well.*) Another Bill is coming very shortly with similar subjects. It also exhibits Congress mentality. Apart from anything else on the grounds that the Congress.....

(At this stage the clock struck 12 noon.)

**The Hon'ble the SPEAKER:** Order, order. The hon. member will please take his seat.

#### Motion of no-confidence against the Ministry—Discussion

**Maulavi ABDUR RAHMAN:** Mr. Speaker, Sir, I beg to move the following no-confidence motion:—'that in the opinion of this House the Council of Ministers do not enjoy the confidence of this House'.

Mr. Speaker, I hope I am not springing a surprise on the House by moving this motion. Everyone will feel that this move has been long overdue. But I had fondly hoped like many others that the eminent gentleman who has been considered indispensable by the powers that be for the constitution of Ministry in this benighted province would at least after eleven successive defeats at the hands of the Opposition see the decency, if not the wisdom, for vacating the Ministerial Gaddi. But such, Sir, is the greed of office and power that defeats heaped upon his head have been swallowed without any sense of shame and disgrace. Such, Sir, is also luck that in spite of this series of reverses, he remains the prize-boy of the Governor.

Sir, we have recently seen how the Hon'ble Chief Minister has kicked the ladder that helped him to rise to power. We have seen how skillfully he has retained his place by throwing overboard his erstwhile colleagues. All the skill he has shown only to keep his own power and place. He has done nothing to serve the cause of Assam: he has done next to nothing to carry out the wishes of the House when he had no wishes of his own but to advance his own cause. He has given the House for about one year no idea of his policy except the policy to keep himself in power. A Council of Ministers tied to the apron-strings of such a person cannot command the confidence of anyone and therefore, Sir, I have come up with this motion for the acceptance of the House. I beseech the House to rid the country of a Ministry which has no plan, no programme, no policy except for selfish ends. The Ministry has swallowed nearly a lakh of rupees during the last twelve months. But, Sir, I request the House to consider what the country has received at the cost of this big price. Has the country seen the opening of a single project—one single agricultural project? What has been done to improve the lot of the poor peasantry? The depressed and the tribals have received the same measure of indifference. And whether it is the case of the poor immigrants of the Assam Valley or the Muslims of the Surma Valley the Ministry has shown the same apathy and callousness. Sir, for breach of faith for failure to implement the wishes of the House, for its inglorious inactivity, its lack of a definite plan of work and policy I hope all sections of the House will combine to overthrow this Ministry and create the opportunity for those who have the readiness, eagerness and will to work.

**The Hon'ble the SPEAKER:** The motion moved is "that in the opinion of this House, the Council of Ministers do not enjoy the confidence of this House."

**Khan Bahadur Maulavi KERAMAT ALI:** Sir, I rise to oppose this motion. When this morning I heard that a no-confidence motion has been tabled, I was wondering as to who might be that member who has tabled

that motion. I thought, it could be none but Maulavi Abdur Rahman. (*Laughter.*) Now I am glad to find that what I thought within myself has at last proved true. Sir, his speech is indeed very short and he has not been able to place any facts before the House to show as to why the members should express no-confidence against the present Ministry.

**Mr. BAIDYANATH MOOKERJEE:** The substance is there, Sir.

**Khan Bahadur Maulavi KERAMAT ALI:** Sir, so far as I see the present Ministry has been doing their level best to help the peasants as well as other people. What has been done in other provinces has also been done here. I think, I will not be far from truth when I say that this Ministry in Assam is doing much more than what the other Ministers in other provinces are doing. Take the example of Assam land revenue. In other provinces land revenues have not been reduced to such an extent as has been done in this province. My hon. friend Maulavi Abdur Rahman has said that provision has not been made for the depressed and the tribal people but I may point out to him that if he would kindly go through the budget of the last year as well as of this year, he will find that ample provision has been made for the amelioration of the condition of depressed and the tribal people. Therefore, I think, the motion that has been tabled has no legs to stand. I hope the hon. members will not support the motion.

**The Hon'ble the SPEAKER:** I should like to ascertain how many of the Hon'ble Ministers will take part in this debate. I think the first reply will come from the Hon'ble Chief Minister.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, at least three Ministers will participate in this debate. I simply want to know whether one of the Ministers will be able to give the last reply.

**The Hon'ble the SPEAKER:** One of the Ministers will give the last reply. For the first reply any one of the Hon'ble Ministers is entitled to get 30 minutes.

**Mr. F. W. HOCKENHULL:** Sir, up to what time do you propose to continue the sitting?

**The Hon'ble the SPEAKER:** We shall continue up to 4 p.m. as usual.

**Srijat DEBESWAR SARMAH:** We may continue even up to 5 p.m.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** As I will get the right of reply, I will speak first.

Mr. Speaker, Sir, I am not surprised at the tabling of this motion of no-confidence at this session of the Assembly. There has been a recent re-shuffling of the Ministry over which I was asked to make a statement only the other day. I gave a very short genesis of the re-shuffling and one of my Hon'ble colleagues who had to make room for somebody else had also made a statement. It is but natural that my erstwhile colleagues felt very sore over the action I had taken. But I am not surprised that the motion is to be tabled by no less a person than our friend Maulavi Abdur Rahman. As I mentioned the other day, it was Maulavi Abdur Rahman who signed first the requisition for re-shuffling the ministry. It was a requisition by a majority of my party asking me to replace my Hon'ble colleagues—the then Education and Agriculture Ministers by the present Education and Agriculture Ministers. The date of the requisition is the 12th December last. I still possess that precious document with me. What intervened in these three days, I am not in a position to say before this House; but I received a letter from the hon. mover of this motion—Maulavi Abdur Rahman—on the 15th December last requesting me to delete his signature from that document. If an hon. member thinks himself justified to change

his opinion on such a momentous issue within the space of 60 hours, then there is no reason to doubt that he will find fault with me and no longer recognise my leadership specially after secession and forming into another party and after reconstitution of the Ministers he will find charges to level against me. The Ministry was before him ever since the memorable session of August last, and if he was really of opinion that the Ministry did not enjoy the confidence of the House on account of the so-called defeats sustained by them during the budget session of 1937, he could have moved a no-confidence motion during the December session that the Ministry had no confidence of the House, but it did not strike him then. As a matter of fact, it was he who put his signature first in the requisition that these two gentlemen ought to be replaced.

Now, let me come to the "so-called" defeats. I lay stress on the term "so-called". The credit of the "so-called" defeat over the Commissioners' establishment goes to my hon. friend — the mover of the motion—Maulavi Abdur Rahman—for it was he who tabled the motion. But let us analyse what were the factors that led up to the vote of the House. We all know that the Commissioners are not wanted by many in this province. My former colleague Rai Bahadur Promode Chandra Dutt — recommended as early as the first reformed Council in about 1922 that both the Commissioners should be abolished, that he reported as a member of the Webster Committee. After that, I looked into that question in 1931. Being brought face to face with the existing laws of the Local Self-Government, I was compelled to recommend the abolition of only one of the Commissionerships. I mentioned on the floor of this House that in 1932 the then Government recommended to the Secretary of State that at least one of the Commissionerships should be abolished. Therefore, long before it struck my hon. friend or long before the political birth of my hon. friend came into existence, the matter had been mooted by me and by my then colleague — the Rai Bahadur P. C. Dutt. If I remember aright, Sir, I mentioned in the House that the Secretary of State stated on my earlier recommendation that he would consider the question during the course of framing of the new constitution and when it was found that in the new constitution both the Commissionerships in Assam are to be retained in order to strengthen the hands of the Ministry, even my own supporters were allowed to vote for the cut motion. Can there be any idea in the mind of anyone that the Government has been defeated? It was rather the then Government's own policy that at least one of Commissionerships should be abolished.

Next comes the "defeat" on the refusal of the temporary establishment of the Criminal Investigation Department. In that matter also I pointed out to the House that the establishment was entertained by the previous Government to meet certain exigencies, and when I took over charge, I found that those exigencies had passed and started removing some of the establishment. At the time when the motion was being discussed, if I remember aright, I had already dispensed with the services of seven people of the temporary hands and I mentioned before the House that the establishment was for the current year up to the 31st March. Here too, Sir, the House by their cut motion only endorsed the policy which I myself had adopted without any mandate from them, and allowed my own supporters to vote as they liked. These are the only two questions on which one could say that the Government had been defeated, but in both cases the opinion of the House tallied with the recommendation of the Ministry themselves. Therefore, I say that there was no defeat at all. It was merely a part of the propaganda that flashed in the dailies of Calcutta that Government had been suffering defeats.

**Babu KAMINI KUMAR SEN:** Did not the Government oppose the cut motion on the establishment of the Criminal Investigation Department?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** No. I mentioned that they were temporary staff and would in the ordinary course be removed by the 31st March.

**Babu KAMINI KUMAR SEN:** Did not the Government go to the "Noes" lobby?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Yes, but that does not signify that I was going to retain them after the 31st of March. I said that the sanction of this establishment was running only up to the 31st of March. I had already removed some of them and would remove the others after the close of the financial year. This flashing in the dailies of Calcutta about defeats is nothing but propaganda will be evidenced from the fact that the carrying of two other matters by the House was mentioned as defeats of the Government. One of them was the vote of refusal for the additional hostel buildings for the members. If the memory of the hon. members of this House serve them right they will remember that it was I and my Hon'ble Colleague, the Minister in Charge of the Legislative Department, who stopped the building of these additional quarters for the members—a project which was initiated and partly executed by the previous Government, as we believed that there was no necessity for having three separate sets of quarters for Hindus, Moslems and Scheduled castes and therefore as a question of policy we placed before the House whether any further compartmental quarters for the accommodation of hon. members were necessary. If they wanted them we would surely carry out the policy as initiated by the previous Government but the Ministry thought that they should better be guided in this matter by the vote of the House. The House very rightly said that they did not want additional quarters to be built at a cost of over half a lakh of rupees. How can this be described as a defeat of the Government? On the other hand it is clear that it was on the initiative of the Government, or instructions given by Government, that the hon. members of the House voted on the question.

Then, again, in another matter, it was published in the papers that the Ministry had been defeated, and only a curious mentality can describe that as a defeat of the Government. I, as Minister in charge of the Public Works Department, moved a resolution in this House to accept the constitution of the Communications Board—as it is called—but my Hon'ble Colleague the present Education Minister, in his private capacity, tabled an amendment to the effect that the constitution of that Board was defective inasmuch as Muslim members from Sylhet did not find a place therein and he wanted to change the constitution of that Board. The House did not go behind the vote that they had already cast in electing members of the Board and said that they accepted the resolution that was moved by me. Although the House endorsed my motion even then it was published in the papers that the Government had been defeated because my hon. friend sat with the Ministerial party.

Still another "so-called" defeat was the vote on the Sylhet Medical School. This Sylhet Medical School project was started not now but at the time when my hon. Colleague, the Minister in charge of the Medical Department was the Minister during the years 1926-29. It was conceived in his during his time. I was also a member of the Cabinet, at the time and therefore my support can be assumed without any suspicion or doubt. Now, that when two members of the then Cabinet who initiated that project and

who partially executed the building programme, are in the present Cabinet, can it be doubted that they will not support the starting of the Sylhet Medical School? Hon. members are aware that since the year 1930, or after the disastrous floods of the Surma Valley in 1929, the coffers of the Assam Government became depleted, and since that year there has been an annual deficit in the neighbourhood of half a crore of rupees. So how was it possible to finish the Sylhet Medical School and start it when the Government was in such a sorry plight? Luckily for the Government the Centre wiped out our deficit, but even then on account of the meagre subvention that the Niemeyer Award gave us, our position is even now very delicate. Hon. members in this House criticised me while I introduced the last budget saying that it was really a deficit budget and yet I had manipulated the figures in such a way that it was a surplus budget. I denied that charge but there is no doubt that the present budget is a deficit one.

It is a moot point whether, as suggested this morning, that the Government should borrow money in order to complete this project. By borrowing money for the non-recurring expenditure we can probably complete the buildings necessary, but the difficulty is as regards the recurring cost, which my Hon'ble, Colleague, mentioned this morning was in the neighbourhood of Rs. 80,000 per year. One ought not to borrow money for a non-productive source, and nobody would venture to suggest that the Sylhet Medical School will be a revenue producing institution.

I hope, Sir, I have said enough on the charge against the Ministry, or rather myself. As regards the charge that I stick to the post without any sense of honour or self-respect as my hon. friends have suggested during the general discussion of the budget, I can assure them that so far as my honour or self-respect is concerned I yield to none. I have a very great regard for my own *izzat*, and when I find that I cannot maintain my position consistent with my self-respect I will be the first one to tender my resignation.

The next question, or the next charge that has been levelled against the Ministry is that it has got no programme. That is a matter I have dealt with elaborately in the previous budget session, not this one, because this time I had absolutely no time been given. Well, Sir, is it worthwhile to lay down a programme when we know we have not got the wherewithal to carry it out? Give me the funds and I will tell you that I shall produce the best programme possible. Strengthen my hands by further taxation or by retrenchment and I will show what a programme can be. But even without laying down a big and bold programme, the policy of the Government has been reflected very clearly in the actions that we have so far taken. My Hon'ble Colleague, the Minister in charge of Revenue will give you in detail an account of what we have done in this respect. I can challenge anyone to give me facts and figures in support of the charge that this Government or the Assam Ministry has not done anything for our poor cultivators. Let those hon. members point out what province has given the amount of remission in land revenue which can compare in percentages with what the present Assam Government has done. Let them point out one province which has wiped off the agricultural loans in such a munificent manner as the Assam Ministry has done.

My hon. friend mentioned about immigrants. If I can get the approval of the House there will be no time lost in improving the lot of these immigrants. I was amused to find my hon. friend a champion of the tribal people and the scheduled castes. Has he ever visited any tribal area or does he know anything about the requirements of the tribal people? I think that ever since the Ministry under my charge has come into power the tribal

people have received the due consideration that they deserve. The very fact that like some of the other provinces, I have included in the reconstituted Cabinet a member of the scheduled castes clearly proves the policy of the present Ministry as regards recognising and safeguarding the interests of the scheduled castes. Of course, it is up to members of the tribal group and the representatives of the scheduled castes to say whether they are satisfied with the policy that has been followed by me and my Colleagues. It does not lie in the mouth of the hon. member Mr. Abdur Rahman to find fault with the Ministers for not looking to the interest of the tribal people.

I am very loath to speak anything against a member who is absent in the House and I find that the hon. mover is not in his seat. But I will have to deviate from my usual principle for once and say that that hon. member can have no grudge whatever for the re-shuffling for the party to which he belonged—and I do not know whether he belongs to any party—pestered me from the night of the 9th April last, saying that I have done the greatest disservice by taking the two Ministers whom I have chosen. Now to say that I do not enjoy their confidence for I carried out their behest tells its own frank tale. I need not say anything further and if the time comes I shall say what I have to add in reply.

**Maulavi ASHRAFUDDIN MD. CHAUDHURY:** My hon. friend Mr. Abdur Rahman is not here. But one thing is striking in his speech, he said at least for the sake of self-respect the Hon'ble Ministers ought to have resigned. When he rose in support of his motion of no-confidence, I must say, that I was surprised to find that the two *ex-colleagues* of the Hon'ble Chief Minister also rose up. The defeats that the Hon'ble Chief Minister had to suffer were as well shared by the two *ex-colleagues*. If so, in self-respect those two gentlemen ought to have for the sake of their own prestige and for the sake of propriety resigned at that very moment. It is rather painful to see that in spite of the outspoken statements of several members of their own party in their very face, they continued in the previous cabinet and those members who told them so included my hon. friend the mover of this motion Mr. Abdur Rahman (*laughter*). If I remember aright, in the last meeting of the United Muslim Party when they had a sitting at Sylhet in the Abdul Mazid Institute, my hon. friend Mr. Abdur Rahman, made it plain though we ourselves felt a bit delicate to speak to the very face of those two gentlemen who then formed the Ministry and who come from the Surma Valley. It is surprising therefore that they should have now got up along with Mr. Abdur Rahman. I remember clearly that the hon. member Mr. Abdur Rahman said at that time how long they could carry on and these were almost the words he expressed at the time as they are ringing in my ears (*Hear! hear!*). The very next day another member went to see me at my place and asked "can you say conscientiously that these two gentlemen who are now holding the portfolio and representing the cause of the Surma Valley can champion our cause rightly?" So far as I am concerned, I can be very candid on this matter. Because when on 31st March 1937, I heard that a Ministry is going to be formed excluding the members of the Bar and men of public activity, I wrote a letter, on my return from the Dacca Lawyers' Conference, to the Chief Minister that for the 1st time in the history of Assam, the Chief Minister was going to do a great dis-service to the Surma Valley by excluding men of the Bar and men of public activities. I am afraid, my friend Maulavi Abdur Rahman is not very graceful in tabling a no-confidence resolution at this stage. I need not go further. As for the points that have been raised as to the policy and the arguments

that have been advanced for the no-confidence motion, my friend should remember that out of the six Ministers there are three ministers yet about whom we have yet to see whether they are going to do anything good. If there was anything wrong, we ourselves were responsible for it, at least so far as the Surma Valley Muhammadans are concerned. I know my friend Mr. Abdur Rahman has been repeatedly saying, 'can you go on' and to-day he comes with his motion. Particularly we know there are two Ministers of wide experience, one of them of all-India if not international fame. So should we not give the new ministry a chance? The time has not come either to congratulate them or to curse them. So far as I am concerned, I can say that the time has not yet come, and so I would ask my friend to reconsider his motion. I doubt also very much whether my friend has got the mandate of his constituency to say that we have no confidence, at least in the Surma Valley Ministers. (Applause.)

**The Hon'ble the Speaker:** I wish to point out to the House the impropriety on the part of Maulavi Abdur Rahman, the mover of this motion, to have left his seat when the Hon'ble the Chief Minister was replying. He should have remembered that he has initiated a very important debate and that the charges he has made are to be repelled by the Ministry. He should have been in his place to hear what the Chief Minister had to say. If there was no unavoidable reason it was improper on his part to have left his seat. (Applause.)

**Maulavi ABDUR RAHMAN:** Sir, I had to go out unavoidably. But I was hearing the Hon'ble Chief Minister's speech from outside as I was within hearing distance. May I speak now?

**The Hon'ble the SPEAKER:** I think the debate has not sufficiently progressed. Are there any other hon. members to speak in support of the motion?

**Mr. C. GOLDSMITH:** Sir, we are faced with a no-confidence motion; I should like to speak a few words only. I have been here for the first time and have watched things. I have heard certain things in the budget speech of the hon. Leader of the Congress party. He said, Sir, two things. One of them was to the effect that the present Ministry cannot do anything good or that the budget cannot in any way be satisfactory as long as the present Government of India Act is defective. That out of the present Act nothing good could come out; no good budget could be shown and programme could be made which will be satisfactory to all. That the Act is defective and therefore (Hear! hear! from the Congress Benches) a budget cannot be shown which will be satisfactory to all. Now, Sir, if the Act is defective, how can the present Ministry be blamed for it, a Ministry which has taken upon itself the task of working the present constitution? We are here to work out the present Act. If we do not work it, we ought to have been out of it. If there are difficulties, we have to show them and try our best to have them removed. But why should we come here according to the present constitution and then attack the Act and say that it is wanting? We are going against ourselves. So as responsible members of the Legislature we ought to see how far we can work the Act. Therefore, when the Leader of the Opposition said that nothing better can be done under the present constitution, it was not just and proper to blame the Ministry for not showing a better programme.

The second point that he referred to was this, that he had seen in the same Government Bench different opinions and different views, one antagonistic to another. How could a Ministry run which was divided against itself? He further said that this present Government Bench consists of heterogeneous elements. There are indeed heterogeneous elements, there are different communities representing the tribal people,

the hill people, the scheduled castes, the Muhammadans, the Christians and so forth. There are indeed several communities. But does he want thereby to say that, since these heterogeneous elements cannot come to any agreement on any point, therefore the principle of joint electorate is the best and that should be followed. If that be the idea in his mind, then the minorities and the backward areas and various tribes have no place here. It is in the nature of things that Assam is unique. It differs from all other provinces in India. Assam has innumerable races and different classes of people and the problems and difficulties are augmented by the presence of many foreigners. The foreigners are here, and as long as they make Assam their home, they will be in Assam and they will be regarded as *bona fide* inhabitants of Assam. But none the less they are heterogeneous elements. They have to be here and their interests should be considered and their grievances and claims must also be satisfied. Therefore, to say that these different elements cannot come to an agreement, what does it imply? The minorities must suffer.

Is it the idea, that representatives should be called from the whole province and no attempt should be made to satisfy the claims and grievances of the minority communities? Sir, if that be the policy, if that be the idea behind, I think, it is a sad day for Assam. We must give attention to the different communities and recognise their claims. What is the harm in having different elements? Is it the idea that they should not be here? Is it that there should be one power and one ruling body and the measures that are passed by it to be obeyed by everybody and the grievances of others will not be taken care of and will not be heard? Is it that they should be charmed by the magic wand of the majority body and all their voices have to be suppressed? As if they have to be stupified so there should not be any grievances put forward on their behalf. Sir, I submit that when all these different elements are present and when they have been given an opportunity in the present constitution, their grievances should see the light of the day and if at the very beginning their claims and grievances are not heeded to, that would be a sad day for Assam. Therefore, I ask the hon. members present here to see and consider what best or what better could the Ministry have done under the present circumstances. I have also watched the conduct of the various parties and have been struck by the good organisation and discipline of the Congress party and the European block. I have been dissatisfied with many things that I have seen in Government benches, but let us consider why these have happened and why there is dissatisfaction. It must be understood that we cannot or the Ministry cannot satisfy everybody. We must take some lesson on selfishness and self-interest. If these things remain, Assam will not be governed well even in the future by any Ministry. So we must see what kind of no-confidence motion is brought there and on what grounds should we break this Ministry. May I ask if any other Ministry will do better? Sir, we must look ahead as well as to the past. Therefore, my last plea is that we should very carefully consider the claims of the different parties—the various elements that are represented here and do justice to all so that in future we may have everything that we can get from the Ministry. I have already said that as we are supporting the Government benches, as we are supporting the present Ministry, we must see that we have a popular Government. We must show to the people what best we can have from the Ministry. I therefore cannot support the motion that has been brought forward by my hon. friend Maulavi Abdur Rahman.

**Srijut GOPINATH BARDOLOI:** I only want to add, Sir, that my party supports this motion. In my budget speech I gave reasons enough to

show that the Ministry do not enjoy our confidence and I do not propose to repeat them again. I will now be satisfied by merely stating that my party will vote for the motion.

**Babu KAMINI KUMAR SEN:** Mr. Speaker, Sir. I had also tabled an identical motion on the same subject and I take this opportunity of saying a few words in support of this motion.

At the outset I must frankly say that I have no quarrel with the personnel of the Ministry. I do not object to the individual Ministers; rather I have every respect for each of them and should have been glad to vote against this motion had there been nothing to say against the policy that they are pursuing.

We are told that we are on the threshold of a new era. We have been granted Provincial Autonomy by the introduction of this new Reform Act and the Ministers have been appointed by His Excellency to work that Act. The Ministers have not come in office like my hon. friends on the right with the avowed object of breaking the constitution. But, Sir, from the conduct of the Ministers and from their policy it appears Sir, that they are actually wrecking the constitution (*Hear! hear!* from the Congress block). They are not actually working the reform although they have come to work it here. Sir, my friend the Hon'ble Chief Minister has said that the defeats which amounted to as many as 11 in the last budget session are no defeats at all. But may I ask him whether the Ministry did not oppose those cut motions when they were presented before the House and whether they did not go to the 'Noes' lobby when divisions were claimed? If they did like that what justification can be there for them now to say that they actually did not oppose those cut motions.

Sir, though it may be said that the present Ministry is a different one from the old, I think it is practically the same Ministry with the same leader and with the same policy. Of course there has been change of two Ministers but they have not been replaced for any difference in policy and the policy of the present Ministry is the same with that of the Ministry which sustained those defeats in the last budget session. Moreover, Sir, the Hon'ble Chief Minister told us very often on the floor of this House that their responsibilities are joint and I think it is also the direction of the Instrument of Instructions that the Ministry should foster a sense of joint responsibility. But during the debate on those cut motions we very often saw the edifying spectacle of different members of the Cabinet going to different lobbies. Is that joint responsibility, Sir?

(At this stage the clock struck 1 p.m.)

**The Hon'ble the SPEAKER:** The hon. member will get 10 minutes after lunch.

#### Adjournment

The Assembly then adjourned for lunch till 2 p.m.

#### After Adjournment

The Assembly re-assembled after lunch at 2 p.m.

**Babu KAMINI KUMAR SEN:** Sir, I was telling you, before we dispersed for lunch, that the Ministry, by its conduct and by its policy, was wrecking the Constitution and cutting at the very root all responsible Government and was flagrantly disregarding the Instrument of Instructions. It is the most cardinal principle of responsible Government that it is a Government of the people, by the people and for the

benefit of the people and no Ministry should remain in office if it cannot act according to the wishes of the Legislature. In spite of its faults, Sir, under Provincial Autonomy that has been conferred by the Government of India Act, it is admitted that barring some spheres which are covered by His Excellency's special responsibilities, the legislature's will is the supreme and the Ministry is bound to be guided by it, but here we see, Sir, that though the Ministry suffered as many as 11 defeats in the course of the last Budget session, some of which are on major issues still it did not consider proper and expedient to go out of office. Even the *Statesman* of Calcutta which can in no way be said to have any anti-Government feeling, was compelled to write in its editorials that a Ministry which suffered as many as 11 defeats cannot be said to have the confidence of the House.

Next, Sir, I come to the Commissioners' Establishment. The Assembly by its cut motion gave its decided verdict for abolishing the Commissioners' Establishment, but the Hon'ble Chief Minister tried to nullify that verdict by calling in the Advocate General. The Advocate General ruled that the Assembly's verdict must be obeyed. Then we were presented with a supplementary demand for the reason that three months' emoluments are to be paid to the employees according to the Civil Service Regulation, and after that the Hon'ble Chief Minister gave us a solemn assurance on the floor of the House that there would be no further supplementary demand. But we now hear from the Hon'ble Chief Minister that they are awaiting the command of the Secretary of State without which they cannot come to a final decision in the matter. But if that is so, how did he give us that assurance when he told us on the floor of the House that he would not be coming up with a supplementary demand for that amount. He told us also that he differed from His Excellency the Governor in this matter. If that is the case, was it not his duty to resign on that issue? If His Excellency did not agree to accept his advice, and if he had resigned on that issue, I am sure the whole House would have been with him. We saw, Sir, in the papers that on the issue of release of political prisoners the Ministry of Bihar and United Provinces resigned but we also heard yesterday from a message through the radio that His Excellency had recalled the Ministry in the United Provinces and Bihar. I think, Sir, if the Hon'ble Chief Minister had resigned on that issue he would have got the unanimous support of this House. But he did not do so. He has taken Maulavi Abdur Rahman to task for retracting the requisition he submitted three days before. Did not the Hon'ble Chief Minister retract the solemn assurance that he gave us on the floor of the House in the last December session? Is it more heinous to retract a requisition given by my hon. friend than to retract the solemn assurance given by the Hon'ble Chief Minister on the floor of the House?

Next, Sir, I come to the matter of re-shuffling the Ministry. We have been told by the Hon'ble Chief Minister that according to the requisition of 15 members of the Surma Valley Muslim Party he re-shuffled the Ministry and replaced two of his colleagues. But, Sir, the Ministry was not formed solely by the Surma Valley Muslim Party. It was composed of several groups. May I ask the Hon'ble Chief Minister if the majority of the following of a particular Minister submitted a requisition for his removal, will he chuck off that Minister without consulting the various groups that may have formed the Ministry? There may be some Minister with a following of one or two members. Will the Hon'ble Chief Minister be ready to dis-pense with that Minister if one or two of the members of that group submitted requisition? I think, Sir, even on consideration of joint responsibility, he should have consulted all the members of the party groups that formed the Ministry before making any re-shuffling. He did not do that. He unceremoniously drove out two of his colleagues without consulting all

the groups that formed the Ministry. So, Sir, the Ministry which thus flagrantly disobeys the mandate of the legislature and the instructions of the Instrument of Instructions and which goes against the solemn assurance which it gave, can it be said to enjoy the confidence of the House? I pause for an answer, Sir. The only answer that I can conceive of and which I hope the hon. members of the House will endorse is 'emphatic no'.

Next I come to the question of their policy and programme. In spite of our persistent cry within this House and outside, we have not yet been supplied with their policy or programme. The policy underlying the budget that has been presented before the House is a policy of drift, a policy of somehow carrying on the administration without any new ideas and new light and I am constrained to repeat the words of my friend Hon'ble Maulavi Abdul Matin Chaudhuri, the Minister of Agriculture, that the budget which has been presented before us reveals a bankruptcy of new ideas and bankruptcy of imagination. The Hon'ble Chief Minister told us the other day that he is not a magician. Certainly we do not expect him to be a magician but we do expect that he being a responsible Minister under this Provincial Government will give us some new light and some practical suggestions for the solution of the big problems that await us with regard to the nation-building Departments but he has evaded that issue altogether instead of our persistent cry within this House and outside. Lastly, Sir, with regard to the Ministers' salaries, I find that in this year's budget the item has been made non-votable. Ministry has been changed and according to the Government of India Act, legislature is entitled to fix the salaries of the Ministers anew, but the right of the hon. members of this House has been taken away by making the salary non-votable. So I charge the Ministry for depriving this House of the valuable right that they enjoy under the Government of India Act.

**The Hon'ble the SPEAKER:** The hon. member has exceeded his time.

**Babu KAMINI KUMAR SEN:** I have almost finished, Sir. So, Sir, these are some of the considerations, which will, I hope, amply prove that the Ministry is not being guided by the principle of democracy or responsible Government, and is flouting the verdict of the Assembly as well as depriving the House of some of their valuable rights. With these few words, Sir, I support the motion of no-confidence that has been moved by my hon. friend Maulavi Abdur Rahman.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Mr. Speaker, Sir, I rise to oppose the motion moved by my hon. friend Maulavi Abdur Rahman. It is a turning point in the history of Assam. It is also a momentous issue for us all. So I appeal to every member of my Muslim community to think hundred times before they vote for the motion. We have got a responsibility to our constituencies and shall have to give our accounts before them. Have we got any mandate on this very issue from our constituencies? I assure them that they have not. Very well, if they are determined to vote for the motion I ask them to resign their seats and seek re-election on this very issue and then table a no-confidence motion against the present Ministry. Then it will be fair and honest on their part to do so.

Sir, only yesterday, I found in the *Amritabazar Patrika* that the non-Congress provinces have been marked as black. This has revealed the mentality of our friends of opposite camp. The picture of Madras, Bombay and Bihar are before our eyes.

Lastly I appeal to the two hon. members of my community especially to our revered Shams-ul-Ulama Maulana Abu Nasr Md. Waheed to remember the ideal of Hazrat Ibrahim (may peace be on him) and sacrifice his

personal grievance for the sake of Islam and the country. At this momentous issue I beg to remind him of the last lines of *Sura Fateha* (the hon. member then spoke in Arabic).

With these few words I oppose the motion moved by my hon. friend Maulavi Abdur Rahman.

**The Hon'ble the SPEAKER:** The hon. member will please translate the passages that he has read in English so that the hon. members may understand.

**Maulavi Dewan MUHAMMAD AHBAB CHAUDHURY:** Our Shams-ul Ulama Saheb is an authority on this. He may translate it (*Loud laughter*). These few lines are only meant for him and not for the House. (*Laughter*).

**Mr. F. W. HOCKENHULL:** Mr. Speaker, Sir, I suppose a no-confidence motion is something that can be expected any time in a House constituted as this one is. There is no majority party anywhere. The House is and under the present constitution must remain a composite body and a composite or coalition Government must always be in power. What strikes us, Sir, with regard to this no-confidence motion is that this has come from the wrong Bench. Surely those who propose a vote of no-confidence on the existing Ministry should be in a position to furnish an alternative. It seems to be the logical conclusion but what do we find? We find that the mover of this no-confidence motion comes from the tiny group sitting on the cross benches. Therefore it appears to us that there is a lack of real sincerity about the motion. Had it come from the Congress benches we could have understood (*laughter*) from their challenge that they would be in a position to furnish an alternative. But coming as it does from the quarter which I have already mentioned, I see that there is another motive. Congress will take advantage of this opportunity. It is their business to oppose and quite rightly to oppose, not to speak of taking advantage of the opportunism of our friends on the right. (*Voice from the Congress bench:—Have we done so?*)

From what we have heard from the speeches of the two hon. members who have already spoken, two things emerge. First is that my friend on the back bench is disappointed because there has been re-shuffling in the Ministry. From the speech of my friend Babu Kamini Kumar Sen we learn that he has a long catalogue of grievances against the last Government. The essence of the motion is that we are directing the attack against the present Government. So I see a lack of earnestness in the motion. Even in his own speech my friend on the right has admitted the strength of the personnel of the present Ministry. As the whole of his speech is against the occurrence of the last August Session it is difficult for us to take him very seriously. Now, Sir, I think, it is up to us to explain our position in this matter. During the time we have been in this House, we have been definitely supporting the Government of the day although we have not always seen eye to eye with Government. The House knows this perfectly well. (*Hear! hear!*) But besides representing the interest we stand for, we do think that we have done (and are prepared in future to do) what we can to help the reformed constitution and assist in the advance of the work of what is, after all, something very new, and in that effort we are still hoping that other members of the House will join. If democratic Government means anything at all, it does mean that Government is for the people and not for the little groups and segments of any individual house. In the main, Sir, we have been able to take a moderate line, to criticise here and there and I think, you might admit, that

we have fulfilled our ordinary function. We stand for good Government, but not particularly to serve the personnel on the front bench for the time being. But what we do hope is that the whole House will appreciate the necessity of action and not so much for talking about good Government. Criticism is very well, but there must be, in our view, an opportunity afforded to the Government to show what it can do. During the last few days we have seen the reconstruction of the Ministry and surely the present Government is a potentially strong one which may accomplish a good deal if given an opportunity. But no Government however able it may be, can do anything unless that opportunity is afforded, and surely this House will hardly think that during the tenure of 10 or 15 days since the formation of this Ministry on the present basis they have had a fair chance. It is necessary to avoid falling into the little groups and cliques, and the natural corollary of a democratic Government is the two party system. We do hope that all the members of the House will at any rate realise that any Government in Assam can only be embarrassed by little party groups which are formed here and there and if we are to pull our weight with any Government whatever it is, we must either be for or against it. I would appeal to those members of the House who have not yet made up their mind on which side they are going to come down to give the present Ministry a chance of showing what they can do.

**Khan Bahadur Maulavi SAYIDUR RAHMAN:** While I oppose the motion of Maulavi Abdur Rahman, I endorse what has been spoken of by my predecessor Mr. Hockenull. The hon. mover of the motion gave his argument on the 11 defeats sustained by the last Ministry when he himself was a member of that ministerial party but he has not discussed anything about the present Ministry. All his criticisms were levelled against what happened in the past. Then, Mr. Sen also, while he began by saying that he has no grievance against the personnel of the present Ministry, directed his attacks against the policy of the last Ministry. So, on an analysis of the arguments that have been advanced on this motion I see that nothing has been said to justify any no-confidence motion on the present Ministry. Sir, the provision of no-confidence motion on the Ministry is there in the Government of India Act, but I beg to submit that this provision is not meant for recreation or amusement. It is meant to be used very sparingly and under very extraordinary circumstances. It is only when we discover that the policy followed by the Ministry is not satisfactory then only such a no-confidence motion should be tabled. But what we find here is that ever since the out-going Ministry came into existence every time we have been hearing of such motions. It is, in fact, hanging like the sword of Democles. The result is that they have not been able to stabilize their position. They have always been under the threat of such motions. There is a proverb—give the dog a bad name and hang it. Hon. members have been complaining of the absence of any policy or programme of the present Ministry. But have we not been a party to crippling the resources by asking for remission of land revenue and agricultural loan and not having suggested on the floor of the House any constructive proposal for augmenting the resources of the province? Having done this it is idle to expect any well defined or well planned scheme or programme from any Ministry whatsoever. I challenge if any Ministry, constituted under the present circumstances, whoever be its personnel, can produce any well planned policy or programme. It will not be possible for any body to do so. We cannot blame the present Ministry for what they have done with the limited resources at their disposal, I think they are doing their level best. So, it will be unfair to say after crippling the resources and without suggesting any ways and means for augmenting the same that the Ministry have

no programme or policy. To my mind, Sir, this motion is ill-conceived and it has no legs to stand upon, and if I may say so, it proceeds from the motive of wreaking vengeance on the Hon'ble Chief Minister for the fault of re-shuffling the Ministry. The Hon'ble Chief Minister has already stated the circumstances under which the re-shuffling was done. I was one of the members who signed the requisition for the re-shuffling of the Ministry. The House had already complained that the Government suffered some defeats. It may be that these defeats were due to the presence of some members in the Cabinet who could not assert themselves; it may be that to affect an improvement in the working of the Ministry this re-shuffling was absolutely necessary, but I am confident that the re-shuffling has been done with the motive of doing better work—showing better work to the House, and when it has been done with that motive it is only fair that the House should give a chance to the present Ministry to formulate their policy and to show that, that policy is for the good interests of all concerned. My submission is that the policy which is being complained of has yet to be formulated, has yet to be tested by the House, before any verdict is given on the present Ministry.

With these words I oppose the motion.

**Mr. JOBANG D. MARAK:** Mr. Speaker, Sir, I have only a few words to say on this motion. I would request the hon. members of the House to judge this question without a bias. They should remove the coloured glasses from their eyes so that they may be able to see the things in their real perspective. I think I should cite some instances about the work of the Ministry, but I will not repeat what has already been said by the hon. members who had spoken before me. Sir, you know that I represent the backward tribal areas, and the most backward tribal area, and I can say here that I have full confidence in the present Ministry and also in the Government. I may be asked why I have that confidence. The reason is, because there are provisions in which there are promises for the people of the backward areas and other people of scheduled castes in the Instrument of Instructions issued by His Gracious Majesty the King Emperor. The first provision is this—"He shall further in these rules make due provision to secure that prompt attention is paid to any representation received by his Government from any minority", and this is the objective of the opposition party also—the Congress policy. Another provision is—"In the exercise of the powers by law conferred upon him in relation to the administration of areas declared under the Act to be Excluded or Partially-excluded areas, or to the discharge of his special responsibility for the safeguarding of the legitimate interests of minorities, our Governor shall, if he thinks this course would enable him the better to discharge his duties to the inhabitants of those areas or to primitive sections of the population elsewhere, appoint an officer with the duty of bringing their needs to his notice and advising him regarding measures for their welfare". Another provision is—"And generally our Governor shall do all that in him lies to maintain standards of good administration; to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in the public life and Government of the province; and to secure amongst all classes and creeds co-operation, good will and mutual respect for religious beliefs and sentiments; and he shall further have regard to this Instruction in the exercise of the powers by law conferred upon him in relation to matters whether of legislation or of executive Government."

These are the provisions made for us, so I have perfect confidence in the present Ministry, and the Ministry is trying to follow these instructions. His Excellency the Governor while forming the Ministry has exercised his best intelligence and knowledge. So my request to this House is to consider very carefully and to see that this motion is not carried.

**Rev. L. GATPHON:** Mr. Speaker, Sir, I feel that I should speak a few words on this important motion. We are very often characterised as men who live in the air—I say we, as I mean, men of my profession. Let me tell you, Sir, that we are amongst the most practical of men living in the world. Our chief business is to study human nature. It is unnecessary for me to say anything more than what has been stated by the previous speakers in order to oppose the motion before the House tabled by Maulavi Abdur Rahman of having “no confidence” in the Ministry. Sir, the present Ministry is composed of men of ripe age, and very wide experience; each one of them has an excellent record behind him, and I am sure every one will admit that. But what do we hear here? The reply given by the Hon’ble Chief Minister ought to be quite sufficient to convince any man who keeps an open mind, any hon. member of the House who is interested in the poor and illiterate agriculturists—who has at heart the interest of the poor agriculturists who bear the brunt of taxation. From what I have heard in the House it appears to me that it is permissible to bring in friendly talks that take place outside the House. And I should have disliked very much to make use of such facts to gain my end. But the present circumstances are so serious and critical not only to the Ministry and the Party supporting them but to the whole of the province, that I think it should be doing great dis-service to the country if I do not bring any such facts to the House to uphold the present Ministry and show the futility of giving any serious attention to the motion before the House. Sir, I was asked the other day by one of the hon. members who tabled a similar motion before the House what I thought of the Ministry. I, of course, told him my candid and honest opinion that the composition of the Ministry is now very much improved. I also said that I had names of some other hon. members also in my mind who could be in the Ministry. There are others outside it who are as capable as those who are inside the Ministry. But unfortunately there are no vacancies. If this Ministry were thrown out a new one will come into existence the personnel of which may be totally different from that of the old. Even then, there will be some hon. members left out who might have been included in the Ministry. There is no room in any Ministry for all the capable men of this House to be in; and in any Ministry there will always be some equally efficient men left outside it. And no Ministry can be stable. If we look at it from the point of view of taking I think that as a rule of practice there should be left outside the Ministry also men who are capable and great critics otherwise the House will be the poorer without them on the floor. Sir, that is what I said that I look at the matter from the practical point of view. I do not profess to go into the legal and constitutional aspects of the matter. I look to the practical side of it, the stability of the Ministry. There can be no programme and no policy unless the Ministry be a stable one. Without a programme and a policy there can be no progress in the country. The country will be thrown into confusion. That state of affairs we all should avoid.

**Mr. BENJAMIN CH. MOMIN:** Mr. Speaker, Sir, I rise to oppose this motion. I have not the ability to make interesting speeches, but I think I must say something about what I feel about the present Ministry. I have full confidence in the present Ministry. Because they are doing

their best to uplift the poorer and neglected communities even with the present deficit revenues of the province. If they have more funds we are to expect more from them and we could complain that more money were not yet spent for this or for that work. They have wiped out loans already given to the poor agriculturists. They have reduced land revenue. We have now deficit revenues and how could we expect to make false programme which the Ministry cannot work? It is the duty of every hon. member to find out money so that our present Ministers can work according to our wishes.

How can we think that no money will be required to do big things? Then we must be magicians. I, therefore, submit, Sir, that I have full confidence in the present Ministry and I appeal to all hon. members of the House to consider well before they cast their votes.

With these few words I oppose the motion.

**The Hon’ble the SPEAKER:** I think some of the Hon’ble Ministers who want to speak should speak now.

**The Hon’ble Rev. J. J. M. NICHOLS-ROY:** Mr. Speaker, Sir, as I see that there is no one who is going to speak, I shall speak a few words.

The motion before the House comes from my hon. friend Mr. Abdur Rahman who was once a member of the United Muslim Party and in the Ministerial group. He sometimes voted for the Government and at other times he voted against the Government of the time. A motion of no-confidence must be on the past actions of a Government. When a new Ministry is formed that Ministry has to be tried. To bring a no-confidence motion at a time when a new Ministry has not been tried will only betray certain selfish motives.

**The Hon’ble the SPEAKER:** I think that is not a proper expression.

**The Hon’ble Rev. J. J. M. NICHOLS-ROY:** I may be wrong, Sir. I withdraw that.

Now, Sir, what is the cause of this? There was no such motion against the old Ministry. That Ministry went on without any motion of no-confidence. The trouble took place in the camp of my Moslem friends and the Hon’ble the Chief Minister has already explained to the House what the circumstances were that forced him to re-shuffle the Ministry. We shall take it for granted that on account of the new additions the hon. mover of the motion has taken this step. It would appear then that he is not satisfied with the new additions. If he had not been satisfied with the old Ministry he should have moved at that time, when there were those Ministers in the Cabinet. But, Sir, he did not take any such step at that time. He has brought forward this motion at this time when there is only this new addition. But he has brought forward to us his arguments against the old Ministry by saying that the Ministry was defeated about 11 times. The Hon’ble the Chief Minister explained the whole position before the House. One of the defeats was the cut motion on the question of the Medical School at Sylhet. I was very much surprised when some of the hon. gentlemen counted that as one of the defeats of the Ministry. The hon. mover of that cut motion is my present colleague in the Cabinet. He told me at that time that the motion was not meant as a censure motion on Government. (Srijut Debeswar Sarmah: Privately?) It was only to draw the attention of Government to the need of that question. He knew perfectly well that the Government had no funds to start that school. I am sure, Sir, any Government that may come at any time in our place will realise that truth and will not be able to start that school under the present financial condition, unless they go into debt. Now, Sir, as a Minister of Government then I said that Government was very anxious to start the school, but that we had no funds.

(Opposition—*laughter*.) We were not opposed to the motion for if we had funds we would start the school. Why should that question be regarded as a defeat of Government? It is only a compromise to show that Government is willing to start the school and the only cause for not starting the school was that we had no funds. That therefore, Sir, cannot be considered as a defeat of the Government. If the Ministry had voted against that cut motion, that motion would have been lost. (Srijut Purna Chandra Sarma: but the Minister has voted.) No. I remained neutral. This is counted as one of the defeats because my hon. friends cannot count any substantial defeats. You may add this to the number of alleged defeats, but alleged defeats as these are not real defeats.

Now, Sir, I come to the question of this vote of no-confidence against the present new Ministry. My hon. friend Mr. Sen who has also put his signature to one of these motions said that he had great regard for the personnel of the Ministry. Well, if that is true, then what is the cause of distrust of this Ministry? Let me take them one by one. Our Chief Minister, Sir Muhammad Saadulla is known to everybody in Assam, nay, throughout the whole of India. He is a ripe experienced gentleman in Assam (Hon'ble Sir Saiyid Muhammad Saadulla: I am not yet ripe—*laughter*). And he was in the Government before for 11 years. He wants to do good to everybody in Assam. (Opposition—*laughter* and *hear! hear!*) Nobody can deny that fact. He has tried his level best to meet the wishes of all sections of this Legislature as well as of the different communities. I am sure Assam will one day be very sorry to lose such an experienced politician and gentleman. I for one shall be very sorry indeed not to have Sir Muhammad Saadulla in Assam (Mr. Arun Kumar Chanda: Why should we not be? May he live long.) I thank the hon. member for that remark. What have we done? We have inherited a bankrupt province (Opposition—*laughter*)—a province with 35 lakhs of debt and we have to do the best under the circumstances. Our present Finance Minister was the Finance Member of the previous Government. He has lots of experience. I am sure many of my friends from the opposite camp realise that and surely several have expressed that Sir Muhammad has a command of the whole financial position of the Government. Some did make those remarks to me. Therefore, I have no doubt that each and every one of the hon. members here has great regard for Sir Muhammad and confidence in him. If anybody else had been placed in our place, we feel sure that they cannot do anything better under the present financial condition of Assam (*Hear! hear!*).

Now, Sir, I come to the personnel of another Minister, my Hon'ble Colleague the Revenue Minister, who is one of the old parliamentarians in Assam. He was a leading figure in the old Council. He has gathered lots of experience for the good of the province. (*A voice*: What about yourself?) What has he done? He has given remissions after remissions. Agricultural loans have been remitted and then reduction of land revenue has been given by this Ministry. This has all been done due to the good work of my Hon'ble Colleague the Revenue Minister. Remissions amounting to 33 per cent. and sometimes even to 50 per cent. have been given by him, which no Congress province has done. Has he not been working for the good of the agriculturists? Has he not tried his best to represent the case of the poor agriculturists of the country? I am sure of one thing, Sir. Even if my hon. friends of the other side will take the reins of Government, they will find it impossible for them to comply with their promise to the electorate to give a remission of 50 per cent. of land revenue. I had the opportunity when I went to Madras to have some talks with some of the Congress Ministers who came from different parts of India to attend a conference there. They found it very difficult to fulfil their promises to their

electorates. Anybody would find it that way. And when we deal with such a problem, as a Government we must not deal with sentiments only but with facts as they are. We have been asked to formulate a policy and make a programme. What is the meaning of policy and what is the meaning of a programme? We have had a policy and we have had a programme. I have in my speech as Minister of Excise given what the programme and the policy in the matter of excise was. I declared what our policy in Medical and Public Health was. We have this before us. The only trouble is that we did not have money. As the Hon'ble Chief Minister has said give us money and we shall be able to formulate a programme as any one else can anywhere in India or in this province. Any Ministry that may take our place will do no better.

Now, Sir, I have spoken about two Ministers. As for myself it will be wrong for those hon. members of this House to say that they have no confidence in me because they have not passed even one cut motion relating to my Departments. (Voices from Congress block: what about the motion on Medical School?). It is only by the concession which the Ministry gave that they could pass this motion. I remained neutral.

(Here the Hon'ble the Speaker having declared that the time-limit has been reached, the Hon'ble Minister resumed his seat.)

**Maulvi ABDUR RAHMAN:** Sir, since I have tabled this unhappy motion, many allegations have been levelled against me by the Hon'ble Chief Minister as well as by other members of this House who have opposed my motion. Sir, I shall give my explanation later, but first of all I shall try to submit before the Hon'ble House that the Hon'ble Chief Minister mainly confined his speech to personal attacks on me. He has not replied to charges I have levelled against the Ministry for not adopting any sound principle which might have led to the welfare of the peasantry and the electorate who have sent us here as their representatives—I mean the dumb millions on whose support the hon. members of this House have been able to come here. Most of them do not know what for they voted on our elections. But we the members who have come here knew it full well that our intention was to serve the poor country, to exert ourselves for the uplift of those dumb millions. As such, I hold that we should take such a stand so that their upliftment may not suffer in our hands. But when I peruse the programme and policy under which our present Ministry is proceeding I am taken to despair. About a year has passed since our present Ministry assumed office, but, Sir, has the Hon'ble Chief Minister as well as his other colleagues who at present form part of the Ministry done anything for those dumb millions? I think during this period they could have drawn some sort of programme which could lead us to do good to the people.

One thing has been very emphatically said by my hon. friends who have opposed the motion that the present Ministry is a new one and I have no justification to table a motion like this because of the fact that they have not been given any chance to show their ability or to show their worth. But, Sir, I must submit before this House that the personnel of the present Ministry are the same that formed the past Ministry. Of course only in record it can be said that one Ministry has gone and a new one has been formed. The new hands who have been taken just after the re-shuffling were also members of this House. I should hold that as the Ministry is jointly responsible the present Ministry is fully responsible for the programme of work undertaken by the past Ministry. It is said that the present Ministry is a new one and should be given an opportunity. I have already remarked that both the Ministries are one and the same.

As for other allegations or personal attacks that have been advanced from no less a personage than the Hon'ble Chief Minister against me, I shall try to meet them. As regards the history behind my withdrawing the signature from the requisition that was submitted during the last winter session of the House, I should enumerate the reasons which led me to take such a step. I shall have to go back to February of last year before the Chief Minister had the opportunity of entering this Cabinet. In the statement made by the Hon'ble outgoing Minister Maulavi M. I. Ali Haidar Khan he has tried to mention at least some of the reasons how the Hon'ble Sir Muhammad had occasion to adorn the Chiefship of this Cabinet. In a meeting of my party to which I belong, the Surma Valley United Muslim Party, which met at Kulaura probably on the 6th March, I had occasion to meet such a big personage of Assam at the Kulaura Dak Bungalow. For the selection of two of his colleagues all the members of the United Muslim Party adopted a resolution; also that party adopted another resolution that the Speakership would also be given to a member of that Party and on this condition.....

**The Hon'ble the SPEAKER:** All these are not relevant.

**Maulavi ABDUR RAHMAN:** On this condition that the Party agreed to accept him as the Chief to form the Ministry. However, what happened later has been stated by Maulavi M. I. Ali Haidar Khan. Now, on the 9th of December last I put in my signature on a requisition requesting the Chief Minister to re-shuffle the then Ministry. The Hon'ble Maulavi Abdul Matin Chaudhury on a morning came to me with that requisition and he asked me to put in my signature on it for re-huffing. I put in my signature on the clear understanding that he would obtain the signature of all the Muslim members of the Sylhet district, and that he would also let me know positively that he would do so.

**The Hon'ble Maulavi ABDUL MATIN CHAUDHURI:** I contradict that statement.

**Maulavi ABDUR RAHMAN:** He may contradict that as his purpose has been served (*Laughter*). What happened next? In spite of going to as many as 14 members of the Sylhet district who are members of the party he secured the signatures of some Assam Valley Muslim members and he ran with it and submitted it to the Hon'ble Chief Minister on the same day. On the strength of that requisition the Hon'ble Chief Minister asked the outgoing Ministers to vacate their seats. Then my friends Ashrafuddin Md. Chaudhury, Khan Bahadur Mahmud Ali, Khan Bahadur Abdul Majid Chaudhury, and others numbering about 10 all on a sudden rushed, into my room and took me to task why without taking the views of the Surma Valley Muslim members I put in my signature on the strength of which the Hon'ble Chief Minister had asked the two Ministers to resign. I was taken by surprise. I did not know whether they were approached by the Hon'ble Maulavi Abdul Matin Chaudhury to take their signature. They said that they knew nothing about it. The other members of the party including Khan Bahadur Maulavi Mufizur Rahman and Khan Bahadur Eklimur Roza Chaudhury also appeared in my room. Maulavi Ashrafuddin Md. Chaudhury did not spare any time to come with his typewriter. He typed a resignation letter—I have got that manuscript with me—from the Party which was under the leadership of Sir Muhammad. The United Muslim party including Maulavi Ahab Chaudhury, Dewan Ali Raja and other members of Sylhet was re-organised. I don't find how Mr. Ashrafuddin, Mr. Ahab Chaudhury and others could reconcile their positions and join the Ministerial back bench.

**The Hon'ble the SPEAKER:** Of course the hon. member is quite at liberty to refer to all these. What I want to observe is that all these are taking down the level of the debate.

**Maulavi ABDUR RAHMAN:** Sir, the attack I have received from Khan Bahadur Maulavi Keramat Ali hits me most. I am not going to lengthen my debate by meeting the points which he has hurled against me. It has been said whether I had obtained the views of my electorates for moving this no-confidence motion. In reply to that I emphatically say that my poor electorates did not send me to support a Ministry which has failed to do any good to the public and which is drawing a big salary. The charges I levelled against the Ministry have not been answered. The Ministry has failed to convince me with their policy of works. With these few words I submit to the House most humbly that they would consider my motion very favourably and give their considered opinion on it.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Mr. Speaker, Sir, I admire the sincerity and conviction of my hon. friend Babu Kamini Kumar Sen when he said that his motion, which he has not moved, was really meant against the policy, but he had the greatest regard for individual members of the Cabinet. I have got no hesitation or compunction in giving credit which this noble sentiment evinces. I heartily reciprocate that. I say that I have got not the least personal rancour against Mr. Sen or the hon. mover of the motion. There was no personal attack against Maulavi Abdur Rahman. I had to mention one or two facts and I leave it to the members of the House to draw their own inference. Sir, various hon. members who have spoken have raised the question of policy and programme. In my first speech I had also tried to meet the charges which were levelled by Maulavi Abdur Rahman against the Ministry and therefore I am not going to repeat. I have just got three points in the speech of Mr. Sen, which I propose to reply. First one is as regards the famous refusal of the House to vote the establishment charges of the Commissioners. My hon. friend had characterised my conduct in connection with that vote that it tantamounts to a denial of responsibility inasmuch as I took the advice of the learned Advocate General on the matter. Sir, you who have very thoroughly and in a very masterly way reviewed the entire position know that the point was not free from doubt. The highest account authority in the land I mean the Auditor-General who was present at that time at Shillong had discussed with me and according to him also the interpretation that I sought to put on the power of the legislature in moving a cut motion was correct. Backed by the opinion of such an authority, I consulted the Advocate General. I asked him to come here at the request of the Hon'ble Speaker and to address this House on this point. The fact that I insisted on his coming here even though he was ready to sail for England at the time clearly shows that the interpretation of a very difficult section of the Government of India Act required highest legal opinion. The next point that my hon. friend has raised is in respect of an assurance that I would not bring any further supplementary demand extending the retention of the Commissioners beyond the 31st December, 1937. The supplementary demand for the rest of the financial year has been brought before the House by way of message from His Excellency. The fact that the supplementary demand was brought before the House at the instance of His Excellency clearly shows that I have not acted against the assurance that I gave to this House. Sir, instead of getting any condemnation I think, I deserve commendation on the bold stand which I took on this matter. As a matter of fact the learned leader of the Opposition immediately after the December session congratulated me for this action of mine. I will pause for a contradiction if there be any, on this assertion of mine.

**Babu KAMINI KUMAR SEN:** On a point of information, Sir. Is it not a fact that another supplementary demand for the same Commissioners' establishment from 1st June is going to be moved by one of the members of the Ministry?

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** I shall be coming to that Sir.

Sir, a reference was made in the speech of the hon. member that in two of the Congress provinces as the learned Premiers differed with their Excellencies on the matter of release of certain political prisoners, they tendered their resignation, and in the statement which appeared in the press the hon. members have seen that the hon. Premiers of those two provinces submitted to the orders of the Congress high command. Sir, in this matter of supplementary demand over the establishment of the Commissioners His Excellency had to take the orders from the Secretary of State. In spite of my best endeavour through the Government of India to get the decision from the Secretary of State either on the retention or abolition of the post of one of the Commissioners, I could not get the reply in time from him. The orders of the Secretary of State came after I had given assurance before the House and had the vote of the House on the establishment charge till 31st December, 1937. His Excellency then requested me to move another supplementary demand which I refused to move. Now, Sir, you have given a ruling and very rightly a ruling that the message itself is not a motion. Now the matter is before the House and when the establishment has been retained on the special responsibility of His Excellency the Governor, it behoves that the hon. members get a chance to express their opinion on the subject. The House has every right either to adopt or reject the supplementary demand. It is only to give the House a chance of rejecting that demand the matter would be placed before the House by one of my Hon'ble Colleagues. I can assure the House even now that neither my Hon'ble Colleague nor myself can or will take any responsibility whatsoever as regards this demand. It is only a question of formality to give the House a chance to exercise their right. Sir, some hon. members said that I should have resigned following the example of the Hon'ble Congress Premiers of United Provinces and Bihar. It is not a fact that the advice of Ministers as regards Commissioners' establishment has not been accepted by the Governor. If His Excellency had not accepted my advice, I can tell my hon. friend that in that case I would have resigned. But he had already accepted the recommendation and written to the higher authorities that one of the Commissionerships should go. In stating this, Sir, I simply show that far from getting rid of my responsibility, I only enhanced it and have respected the feelings and rights and privileges of the hon. members and of the House.

Another matter, Sir, which my hon. friend has mentioned, is that the Ministers' salaries have been shown to be non-voted in the present Budget. Being an able politician, whom I have come to regard ever since he first came to the Council—I think in 1929—ought not to have made that statement. My hon. friend knows that as soon as the salary of the Minister is fixed by an Act of Legislature, it becomes non-votable. If my hon. friend wanted that the salaries of the Ministers should either be increased or reduced, he should have come with an amending Bill and had it passed by this House.

The last point which my hon. friend has made is that I did not consult the various groups in the House and specially the groups of the coalition Ministry when I re-shuffled the Ministry. It is not a fact that I did not consult the leaders of the groups which form the Ministry. If my hon. friend in making that statement was thinking that I did not consult the parties of the out-going Ministers, I plead guilty to the charge. But he should remember that it was of no use consulting the members who have revolted against their chief and have in writing said that they no longer followed his lead. As I mentioned the other day, I have got their letter with their signature still

with me. I felt there was no reason for me to consult the members who had already told me that they no longer are members of my party. Then, again, Sir, the House has been told by my hon. friend Maulavi Abdur Rahman—that 13 of them had sent me a copy of the resolution in which they had already cast their vote and said that they did not want any re-shuffling. After the solemn resolution of theirs, was it necessary for me to consult them again? Under the circumstances, Sir, I felt in no way bound, either morally or even for the sake of etiquette, to consult them.

**Babu KAMINI KUMAR SEN:** Is it not a fact, Sir, that under section 51 of the Government of India Act the salaries of the Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and until the provincial legislature so determine, shall be determined by Governor, provided that the salary of a Minister shall not be varied during his term of office? This means that so long as the Ministry continues in office, the salary may be charged but when the personnel are changed, I think the House has ample power to vary the salary.

**The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:** Sir, even now the House has got the power to do so by an amending Bill. I do not think I need say anything more. What I have said I have not said by way of personal rancour. It pained me to hear my hon. friend Maulavi Abdur Rahman saying that I am making personal attacks on him—I say it is far from that.

**The Hon'ble the SPEAKER:** The question before the House is, "that in the opinion of this House the Council of Ministers do not enjoy the confidence of this House".

The motion was then pressed to a division and the House divided with the following result:—

AYES—49

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|-----------------------------------------|---------------------------------------|
| 1. Kumar Ajit Narayan Dev.              | 23. Babu Rabindra Nath Aditya.        |
| 2. Mr. Arun Kumar Chanda.               | 24. Srijut Lakshesvar Borooah.        |
| 3. Mr. Baidyanath Mookerjee.            | 25. Babu Lalit Mohan Kar.             |
| 4. Srijut Beliram Das.                  | 26. Srijut Mahadev Sarma.             |
| 5. Srijut Bhuban Chandra Gogoi.         | 27. Srijut Mahi Chandra Bora.         |
| 6. Babu Bipin Behari Das.               | 28. Srijut Omeo Kumar Das.            |
| 7. Srijut Bipin Chandra Medhi.          | 29. Srijut Paramananda Das.           |
| 8. Babu Dakshinaranjan Gupta Chaudhuri. | 30. Rai Bahadur Promode Chandra Dutt. |
| 9. Srijut Debeswar Sarmah.              | 31. Srijut Purna Chandra Sarma.       |
| 10. Srijut Ghanashyam Das.              | 32. Srijut Rajani Kanta Barooah.      |
| 11. Srijut Gaurikanta Talukdar.         | 33. Srijut Rajendra Nath Barua.       |
| 12. Srijut Gopinath Bardoloi.           | 34. Srijut Ram Nath Das.              |
| 13. Srijut Haladhar Bhuyan.             | 35. Srijut Sankar Chandra Barua.      |
| 14. Babu Harendra Narayan Chaudhuri.    | 36. Srijut Sarveswar Barua.           |
| 15. Babu Hirendra Chandra Chakravarty.  | 37. Babu Shibendra Chandra Biswas.    |
| 16. Srijut Jadav Prosad Chaliha.        | 38. Srijut Siddhi Nath Sarma.         |
| 17. Srijut Jogendra Chandra Nath.       | 39. Maulavi Md. Ali Haidar Khan.      |
| 18. Srijut Jogeschandra Gohain.         | 40. Maulavi Abdur Rahman.             |
| 19. Srijut Kameswar Das.                | 41. Maulavi Md. Abdus Salam.          |
| 20. Babu Kamini Kumar Sen.              | 42. Maulavi Muhammad Amiruddin.       |
| 21. Babu Karuna Sindhu Roy.             |                                       |
| 22. Srijut Krishna Nath Sarmah.         |                                       |

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|---------------------------------------------------|---------------------------------------------------------|
| 43. Khan Bahadur Dewan Eklimur<br>Roza Chaudhury. | 47. Khan Sahib Maulavi Mudab-<br>bir Hussain Chaudhuri. |
| 44. Mr. Fakhruddin Ali Ahmed.                     | 48. Shams-ul-Ulama Maulana Abu<br>Nasr Md. Waheed.      |
| 45. Khan Bahadur Maulavi Mah-<br>mud Ali.         | 49. Srijut Binode Kumar J.<br>Sarwan.                   |
| 46. Maulavi Mabarak Ali.                          |                                                         |

## NOES—50

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|---------------------------------------------------------|---------------------------------------------------|
| 1. The Hon'ble Maulavi Saiyid<br>Sir Muhammad Saadulla. | 23. Khan Bahadur Maulavi Kera-<br>mat Ali.        |
| 2. The Hon'ble Maulavi Munaw-<br>war Ali.               | 24. Maulavi Muhammad Maqbul<br>Hussain Chaudhury. |
| 3. The Hon'ble Rev. J. J. M.<br>Nichols-Roy.            | 25. Maulavi Matior Rahman Mia.                    |
| 4. The Hon'ble Srijut Roshini<br>Kumar Chaudhuri.       | 26. Maulavi Muzarraf Ali Laskar.                  |
| 5. The Hon'ble Maulavi Abdul<br>Matin Chaudhuri.        | 27. Maulavi Namwar Ali Bar-<br>bhuiya.            |
| 6. The Hon'ble Babu Akshay<br>Kumar Das.                | 28. Maulavi Naziruddin Ahmed.                     |
| 7. Babu Balaram Sircar.                                 | 29. Maulavi Sheikh Osman Ali<br>Sadagar.          |
| 8. Srijut Jogendra Narayan Man-<br>dal.                 | 30. Khan Bahadur Maulavi<br>Sayidur Rahman.       |
| 9. Babu Kalachand Roy.                                  | 31. Col. A. B. Beddow.                            |
| 10. Dr. Mahendra Nath Saikia.                           | 32. Mr. A. F. Bendall.                            |
| 11. Mr. Naba Kumar Dutta.                               | 33. Mr. J. R. Clayton.                            |
| 12. Srijut Purandar Sarma.                              | 34. Mr. W. R. Faull.                              |
| 13. Maulavi Abdul Bari Chau-<br>dhury.                  | 35. Mr. W. Fleming.                               |
| 14. Khan Bahadur Hazi Abdul<br>Majid Chaudhury.         | 36. Mr. B. I. Barry.                              |
| 15. Maulavi Syed Abdur Rouf.                            | 37. Mr. F. W. Hockenhill.                         |
| 16. Maulavi Dewan Muhammad<br>Ahab Chaudhury.           | 38. Mr. D. B. H. Moore.                           |
| 17. Maulavi Dewan Ali Raja.                             | 39. Mr. R. A. Palmer.                             |
| 18. Maulavi Muhammad Amjad<br>Ali.                      | 40. Miss Mavis Dunn.                              |
| 19. Maulavi Ashrafuddin Md.<br>Chaudhury.               | 41. Mr. Benjamin Ch. Momin.                       |
| 20. Maulavi Badaruddin Ahmed.                           | 42. Srijut Bhairab Chandra Das.                   |
| 21. Maulavi Ghyasuddin Ahmed.                           | 43. Srijut Dhirsingh Deuri.                       |
| 22. Maulavi Jahanuddin Ahmed.                           | 44. Rev. L. Gatphoh.                              |
|                                                         | 45. Mr. C. Goldsmith.                             |
|                                                         | 46. Mr. Jobang D. Marak.                          |
|                                                         | 47. Srijut Karka Dalay Miri.                      |
|                                                         | 48. Srijut Khorsing Terang.                       |
|                                                         | 49. Srijut Rabi Chandra Kachari.                  |
|                                                         | 50. Srijut Rupnath Brahma.                        |

The Ayes being 49 and the Noes 50, the motion was lost.

## Adjournment

The Assembly then adjourned till 11 a.m. on Tuesday, the 22nd February, 1938.

Shillong,  
The 26th March, 1938.

A. K. BARUA,  
Secretary, Assam Legislative Assembly.