



Proceedings of the Tenth 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 at 11 a.m., on Saturday,
the 13th December 1941

PRESENT

The Hon'ble Mr. Basanta Kumar Das, Speaker in the Chair, the ten
Hon'ble Ministers and ninety-two members.

Discussion regarding disposal of the business of the day—(i) presenta-
tion of authenticated schedule of authorised expenditure in
relation to supplementary demands for grants for 1941-42, (ii)
adjournment motion on account of police assault on a students'
procession at Gauhati and (iii) no-confidence motions against
the Ministry and Hon'ble Speaker's ruling thereto.

The Hon'ble the SPEAKER: Hon'ble members know that no
business has been fixed for to-day in view of the fact that the Hon'ble
Premier declared the other day that he would not transact any business
in the House on the ground that he would tender his resignation. But one
item of business has been placed on the agenda and that is the presentation
of the authenticated schedule* of authorised expenditure in relation to
supplementary demands for grants for the year 1941-42. I hope the hon.
members have got copies of that schedule placed on their table.

There are some motions of no-confidence in the Ministry fixed for to-day
and those motions do not constitute the ordinary business of the day: they
are extraordinary business and I hope the hon. members have got copies of
those motions. They are to be taken up at 3 p.m. There is also the notice
of an adjournment motion on Gauhati incident pending to be disposed of
to-day.

There is also another no-confidence motion tabled for to-day by Srijit
Ram Nath Das. But before I take up this motion, I would like to hear
the Hon'ble Premier as to what he has got to say with regard to the
resignation of his office, which would be in effect the resignation of the entire
Ministry.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr.
Speaker, Sir, I told the House that on account of the resignation of one of
my Colleagues from the Ministry, I took it as the correct constitutional
procedure that the Ministry as a whole ought to resign. Pursuant to
that position, I said that His Excellency the Governor was expected at
Shillong on the 12th and I thought of tendering the resignation of the entire
Cabinet personally to him on that day. You were, therefore, pleased to
adjourn the House for these three days and summoned it for to-day and we
all hoped that the resignation would have been tendered and accepted by
His Excellency by this time. Unfortunately, however, in spite of telegraphic
messages His Excellency the Governor could not be reached as he was
touring right in the interior and he is not expected to reach Shillong before
the 15th.

In order to implement my promise here, I have already placed my
resignation letter to His Excellency in the hands of the Chief Secretary
yesterday. The position remains the same, Sir. The circumstances which
elicited from you the ruling that the House should be adjourned without

* See Appendix N

...the Government's Secretary...
...the Hon'ble the SPEAKER...
...the Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA...

The Hon'ble the SPEAKER

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA

...far as the Assembly is concerned, the Government...
...Chief Secretary...
...the hands of the Chief Secretary...

Another matter is that...
...proclamation order...
...has not reached...
...24th of March...
...about 12 o'clock...
...proclamation order...

Mr. BAIDYANATH MOOKERJEE

...may we know the grounds of resignation...
...resignation letter?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA:

I have said that I took it as the right constitutional...
...resignation of the entire Cabinet...

Srijut GOPINATH BARDOLOU:

...concerned. I want to make the submission that...
...less to avoid very important...
...should have been taken up by the House long ago...
...going on regarding this student affair at Gauhati...
...for us to be merely hearing from time to time...
...tender resignation, or that it has sent in its resignation...
...that nature, without coming to a discussion of the subject-matter...
...made my position very clear on the last occasion...
...this side were not taking this matter as party politics...
...the students were far too great and far too serious a matter...
...making it a ground for political ends...
...Premier could do something in the meanwhile to relieve the situation...
...therefore, consider it necessary that, at any rate, I should be permitted to...
...make a statement before this House in regard to this important matter...
...then I would earnestly request the Premier to say what he has got to say...
...about the whole situation. I would repeat my request to the Hon'ble...
...Premier to say that he might still do something to settle this affair...
...agitation has not subsided; indeed it has spread throughout the whole of...
...India. It appears to me to be ridiculous that we sit here when we know...
...we could settle the matter and we are not doing our duty.

*"That this Assembly do now adjourn to discuss a matter of urgent public importance and of very recent occurrence, to wit, the indiscriminate and brutal assault committed by an armed police force by the command of and personally by the Deputy Commissioner of Kamrup upon a large body of students including women and children while proceeding in peaceful and non-violent manner along a narrow public road in Gauhati town in the forenoon of Saturday, the 6th December 1941."

The Hon'ble the SPEAKER: Does the hon. Leader of the Opposition want to know what the Hon'ble Premier has done? He gave some assurance the other day as to what he would do in regard to the situation in Gauhati.

Srijut GOPINATH BARDOLOI: I actually want to place what I have done in regard to it and what I propose to suggest to the Hon'ble Premier just now. The House might also be enlightened as to what the Inspector-General of Police has done in this matter. I understand the Director of Public Instruction also went there and had made certain enquiries, and on the basis of this there are real grounds in which the demands of the students can be met, then, I think, the situation can be resolved easily. If, therefore, you will kindly allow me to make a statement, I will proceed with it.

The Hon'ble the SPEAKER: Very well, the hon. member may proceed with his statement.

Srijut GOPINATH BARDOLOI: I am not very much in the habit of writing long speeches, but on the present occasion, in order to take the least time of the House, I want to read from a written statement.

Mr. BAIDYANATH MOOKERJEE: On a point of information, Sir, will the Hon'ble Premier make a statement on the basis of the result of the enquiry that he has already received?

The Hon'ble the SPEAKER: Let Mr. Bardoloi make his statement first.

Srijut GOPINATH BARDOLOI: On Saturday the 6th December soon after 4 p. m., when our Assembly broke, I received three wires one after the other from the following institutions and gentlemen—the Students' Association, Gauhati Bar Library, and Srijut Hem Chandra Barua, ex-President of the Assam Provincial Congress Committee—all reporting of an attack with lathes and bayonets upon a peaceful procession of students by the police and the Deputy Commissioner resulting in injury of over 30 students including girls and small boys. The telegram from Srijut Hem Chandra Barua informed that the Deputy Commissioner of Kamrup himself began the assault. I tried to get the Premier of Assam to do so, I sent a written apprise him of the situation; but having failed to do so, I sent a written letter to him by about 6 p. m., and received back a reply from him from the Shillong Club regretting the incident and telling me that he proposed to send the Inspector-General of Police for enquiry. In the meantime I received more telegrams and was further informed on the 'phone that the situation was even worse than what was reported to be in the telegrams and that the number of injured would be nearing 40 and students attacked would be near about 200. I therefore decided to start for Gauhati that very night, but before I actually started I wrote to the Premier again that I was starting for Gauhati and suggested if he could send some one who might take a detached view of the things. Accompanied by Srijut Omeo Kumar Das, M. L. A. and Srijut Beliram Das, M. L. A. we reached Gauhati late at midnight and we took immediate steps to acquaint ourselves with the facts by asking Dr. Bhubaneswar Borooah, Srijut Hem Chandra Barua and some students who had sent telephonic and telegraphic communications to us. The gravity of the situation must have been responsible for bringing down to Gauhati early on the 7th morning Mr. A. K. Chanda, Deputy Leader of the Congress Party, Mr. Baidyanath Mookerjee, Leader of the Independent Party and Srijut Debeswar Sarmah, Chief Whip of the Congress Party. We proceeded to

enquire into the incident at 7.45 a. m. and went to the premises of the old Curzon Hall, now a part of the College building, in the Science Department, in which place the first part of the occurrence took place. We met a large number of students as also the Professor of Physics, Mr. J. K. Bhusan Sarkar—all of whom we questioned in detail regarding the occurrence. We then proceeded by the very roads by which the procession of students was said to have been proceeding till we reached the end of the road where the occurrence was alleged to have taken place. We enquired about 15 or 16 persons both men and women of the locality to ascertain the actual state of affairs. We also met a large number of students who were present there to show the actual scene of occurrence as it was, where the Deputy Commissioner assaulted their friends, the place where the students fell down due to attack by the armed police with bayonets and bayonet and *lathi*, and also the places where the girls fell down as a result of sudden attack. They showed us how the road ends were guarded by the armed police with a view to prevent escape of the students and to prevent panic the girls and some boys of the schools managed to escape to a filthy locality and to the Shillong Road.

We then proceeded to the Hospital where we found 10 wounded students, two or three of whom had complained of having been assaulted by the Deputy Commissioner with a stick which he carried, also a number of students in his left hand. We found some of them with multiple injuries and one of them, Narayan Das was found to be in dangerous condition suffering from a laceration of brain as the doctor told us. We also saw a number of students who had not gone to or who had been discharged from the Hospital, one of whom is a boy of 13, son of Srijit Tirtha Nath Phookan, Lecturer at the Earle Law College, who had multiple injuries in his body and had a laceration of hand. We met the doctors Bhubaneswar Barua, K. Barua, S. N. Das and Kar who rendered first aid to the injured. We also examined some of the girls of the Girls' Mission Hostel in Chatribari where the Lady Superintendent testified to the fact that besides the students of her hostel, a number of girls of the College had entered into Chatribari compound in panic through a short cut from the place of occurrence. We met and talked to many gentlemen including the Secretary of the Bar Association, Mr. H. K. Lahiri and Rai Bahadur Monmohan Lahiri to judge the feelings of the public over the matter.

As a result of this inquiry which took us full 7 hours, we came to the following inference. That on the afternoon previous to the date of occurrence, some students of the Cotton College had some altercation with Mrs. R. Das, wife of Dr. J.C. Das, regarding entry of certain girls whom she had taken along with her to a show which was organised for the purpose of aid in war. It is said that some students who picketed entry into the enclosure protested to Mrs. Das for bringing the girls whereupon some hot words passed between Mrs. Das and these students.

In the mean time, in the College itself, a controversy was going on between the Principal and the science students of the Cotton College for the former closing the practical science classes, with a view to organize demonstration for the benefit of the visitors of the show that was going on in the Judge's Court field.

The students with apparent reasons pointed out that as it affected their studies it should be closed. The Principal, it is understood, agreed to this. In spite of this, however, both the Deputy Commissioner and Dr. J. C. Das with his wife were seen by the students to have entered into the old Curzon

Hall where the scientific demonstrations were being held. After some time Dr. Das and Mrs. Das were seen coming out of the old Canton Hall and was about to pass by on his car when some students cried out "shame, Shame". Dr. Das then got down from his car, called them to stand and asked their names. The boys refused saying that he was nobody to ask their names. Dr. Das and his wife re-entered the Hall and came back with the Deputy Commissioner and the Principal. Dr. J. C. Das and the Deputy Commissioner again asked their names but the boys said that it was the Principal whom they would obey. Dr. J. C. Das then abused the students and on their protest but a student named Dilip Chakravarty whom we examined. Then a melee ensued in the course of which Dr. J. C. Das fell on the ground, and when one student Lokhar by name tried to pull him out, the Deputy Commissioner dealt a blow on this student. Soon after some people persuaded Dr. Das to his car and the Deputy Commissioner went towards his bungalow. The students then held a meeting and as a protest against the failure of the Principal to protect against the assault and insults of outsiders within the College precincts, resolved to strike and to hold a demonstration. In the meantime, some two dozens armed constables were seen marching by the College compound. The students undeterred went to the college and requested the girl students to join the strike and they did so. Then they went to the Collegiate School, whence also the boys came out in a body and marched in a procession towards the girls college and school side. Some 200 yards before they reached there they met the police force mentioned above, but they let the procession pass. Then the girls from school and college, the girls, small and grown up came out and joined the procession. Just in front of the gate the Deputy Commissioner stood in front of the procession and wanted to stop it; but when the leading students said that the procession would be peaceful, he allowed them to pass. The procession then went by the Shillong Road to the Anglo-Bengalee School and here also the students from this school joined them. By this time the number of students had grown to a volume to nearly 2,500 rolling along the Shillong Road. The procession then entered and passed by into a narrow road known as the Coolie Depot Road which in width would be about 25 feet only including the drain. When the students had come up to the crossing of this road with the Solabil Road, they were surprised to find that the armed police men were posted at the junction. A few yards ahead they found that the Deputy Commissioner himself with his driver with a posse of armed police with fixed bayonets were standing to prevent them to pass out. Towards the end of the procession some policemen armed with *lathies* and guns with bayonets were of course following the procession from the beginning. The northern side of the road was lined by iron railing of the Depot. On the southern side, a number of small huts close upon one another prevented any free movement of the processionists.

The processionists consisting of boys and girls under teens with their books were caught as it were in a trap. The students who led the procession entreated the Deputy Commissioner to let the procession pass but the Deputy Commissioner would not allow. He shouted "disperse", and almost instantaneously ordered "charge". The students who led the procession, as also one or two outside witnesses say that after that he started beating with a stick the pistol being in his left hand, the police force with *lathies* and guns fell upon the whole procession mercilessly. The Deputy Commissioner named the leaders and himself gave the blows, but the assault of the armed police was entirely indiscriminate, brutal and vindictive. The little boys and girls even were not spared. Girls received hits and many were trampled

in the melee. Witnesses say that the entire area surrounding the depot leading of the coolie depot to a length of about a mile, was filled with students lying down from blows of *lathi* and fists of men and that many were beaten their like beasts by the police. Girls and boys ran pell-mell, some being driven into the huts and yards of that filthy locality. Many of them ran through narrow alleys to other quarters till they could escape the onslaught of the wrathful police. It is said that the police even went to the houses and dragged out boys and assaulted them. The Manipal, Deputy Superintendent Churamani Singh was the fiercest in this dastardly attack.

No wonder that in an attack like this there would be a large number of wounded and injured students. It is estimated that there would be at least 40. Some 17 admitted themselves at the Hospital, 17 at the Dispensary and many were treated by private doctors. It is said that about 200 students were assaulted. Of the wounded, many were injured on the head either on the head due to *lathi* and some also on the head received by trying to defend oneself with the hand. One adult is said to have been injured on the brain. A boy of 13 received multiple injuries. The Police constable Barua's son, a figure so much respected by the people of Gauhati, received a small minor injury. Both the daughter and the son of the Deputy Superintendent of Police are said to have received minor injuries. These adult boys and girls and little boys and girls all received indiscriminate and brutal treatment of the nature that I have narrated before the House.

I do not know if atrocities of this nature, even the students at any rate, have been surpassed anywhere. The House will be able to understand that there is absolutely no allegation that the procession was anything but peaceful. We could not trace any evidence to the effect that the Deputy Commissioner at any stage declared that the assembly was illegal and what is more, the dispersal order was given at a place where the boys hemmed in on all sides by the police and the iron railings, could not have effectively dispersed. We were naturally anxious to bring this matter to the notice of Government by an adjournment motion, and we tried to bring that up on the 9th, as the hon. members know, and with what effect the hon. members have also been able to know.

It is necessary for me to say that never before in Assam was the public mind and the student world so agitated. The colleges and schools have gone on strike, public meetings are being held everywhere, and in Bar Libraries resolutions are being adopted expressing indignation at this occurrence. I read in the papers that even the Calcutta colleges had gone on strike in sympathy with the lot of the students at Gauhati. As against this, Sir, the demands that have been made by the students as well as the public do not seem to be such, to me at any rate, as could not be met on or that a solution is not possible. I am placing those demands for the information of the House.

All that they want is (i) a non-official enquiry into the whole incident; (ii) to prevent any interference with that enquiry they want that the Deputy Commissioner should be removed from the station, and that Dr. Das should be removed from the governing body of the college, if he is there; I should (iii) that the police action should be held up in the meanwhile. I should inform the House that instead of stopping the hands of the police, the Deputy Commissioner lodged an *ejahat* in the Thana alleging that the students were guilty of rioting, after we had gone to Gauhati and had actually inspected the injured persons in the hospital. This was evidently nearly 24 hours after the occurrence had taken place. After that, nearly 34 students have been arrested in the meanwhile, two of them have been

and I had already yesterday, in spite of the fact that the Hon'ble Premier announced that no further action would be taken against the students. I requested the Hon'ble Prime Minister to let us know the attitude of Government towards these demands by a communiqué. I personally think that if these demands can be met even now the situation may be very much eased and tranquillity brought into the country. I personally feel, Sir, that this is not the time when we can afford to have such a situation in the country. That is all the more reason why I felt great anxiety that Government should do something in this matter. I again appeal to the Hon'ble Premier to get him self shorn of the idea of party politics and see what he can do in the matter. I need hardly say that when the no-confidence motions have been tabled, the discussion on this question becomes more or less immaterial. I would therefore request the Hon'ble Premier to take such steps by which the situation can be eased. I understand, both the Director of Public Instruction as well as the Inspector-General of Police made certain enquiries on the matter, and the Hon'ble Premier will be able to come to some understanding of the situation even from their standpoint also.

I personally feel that between the attitude of the students and the attitude of the Department or the Inspector-General of Police, it is even now possible to bring about a satisfactory compromise.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, the learned Leader of the Opposition had been all courtesy to me over this matter. At every step he had corresponded with me, and I had also given him prompt replies. I possess his letter thanking me for the prompt action I took on the very first day. Only the other day, before leaving for Calcutta he sent to me a letter placing the demands of the students before me. He has narrated those demands and in the letter his demands were, first, that the Deputy Commissioner should be punished.

Srijut GOPINATH BARDOLOI: I should make it clear to the Hon'ble Premier that they were not my demands; these were the demands of the public.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I never said that these demands were made by my hon. friend. The demands were, first, that the Deputy Commissioner should be punished and removed immediately from the station.

Srijut GOPINATH BARDOLOI: This is not exactly the position. All that the demand wants is that the Deputy Commissioner should not be at the station, so that there may not be any interference with the enquiry.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I am going by the demands that were placed before me by the hon. Leader of the Opposition.

The next demand is that Dr. Das, who is one of the principal figures in this unfortunate incident, should be removed from the Presidentship of the Sonaram High School, as also from the membership of the Managing Committee of the College.

Thirdly, there should be a non-official enquiry, and fourthly, all further proceedings should be stayed. I mentioned to the House the other day that I had the reports of the Inspector-General of Police and the Director of Public Instruction in my hand, and had there been a suitable opportunity, I would have placed them before the House. Now, from these demands it will be apparent, Sir, that all this involve questions of policy, *viz.*, whether there should be a non-official enquiry or mixed enquiry or an official enquiry only.

Secondly, whether Dr. Day should be removed from the position of the committee of the college and also from the position of the principal of Gauhati High School—a High School. Mr. Purnan Chandra Sarma, the member of the Government, Sonaram Day, pleader of Gauhati, and also a member of the Government. I have already stated on the floor of the House what was done, namely, that I had the opportunity to conduct the enquiry. I had said, Sir, that three leading personalities of Gauhati, in which, without intending any offence, I included myself, my hon. friend Srijut Rabindra Nath Aditya, Chairman and my hon. friend the Leader of the Opposition, would form the committee of enquiry. Since then the position has changed. Mr. Biju friend the Education Minister has resigned. I have also received his resignation, and therefore I am not in a position to deal with these questions of policy. I readily agreed with the last suggestion made by Mr. Bardoloi and immediately passed an order asking that the police should stay their hands from further arrests and searches. When I received the information from Mr. Bardoloi that in spite of my orders that some of the students should not be arrested, I at once communicated with the Chief Secretary and through him the Inspector-General of Police. But the Chief Secretary let me know that it was not the fact. The police have stayed their hands from further arrests. That is the position and beyond that I have nothing further to say.

Srijut GOPINATH BARDOLOI—I would give out, Sir, the information of the Hon'ble Premier that two students have been arrested only yesterday.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA—My official information which I received from the Chief Secretary is that only seven students have been arrested and that the police have stayed their hands from making further arrests.

Srijut PURNA CHANDRA SARMA—Is it not a fact that thirty-one arrests have been made so far?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA—I cannot add to what I have heard from the Chief Secretary.

Mr. ARUN KUMAR CHANDA—Sir, the Hon'ble Premier has not stated anything about the result of the enquiries held by the Inspector-General of Police and the Director of Public Instruction.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA—I do not propose to enter into details. I have already said that the police have been ordered to stay their hands from making further arrests. The rest which involve questions of policy will be decided by my successors.

Mr. ARUN KUMAR CHANDA—We want to know the contents of the reports submitted by these two officers.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA—I am not going to take part in further discussion.

Babu RABINDRA NATH ADITYA—Does the Hon'ble Premier say that during the interregnum he would not pass any official orders till his resignation is accepted?

Srijut DEBESWAR SARMAH—Will not the Hon'ble Ministers discontinue the payment of salaries until their resignation is accepted?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA—Unfortunately, Sir, we will have to draw our salaries till our resignation is accepted. We are not dealing with files involving question of policy but are doing only the routine files.

Srijut DEBESWAR SARMAH: We are wanting only the facts elicited by the enquiries of the officers—Inspector General of Police and the Director of Public Instruction.

The Hon'ble the SPEAKER: The Hon'ble Premier is not prepared to disclose facts on the grounds he has placed before the House.

I wish to know what the Leader of the Opposition wants to do with regard to his adjournment motion.

Srijut GOPINATH BARDOLOI: In view of the far larger issue before the House, my adjournment motion dwindles into insignificance; and I do not propose to move it but to join issues with it. I wanted, Sir, to make a statement on the unhappy incident at Gauhati, but in view of the attitude that has been taken by the Hon'ble Premier and also in view of the fact that there is a far more important matter regarding the existence of the Ministry before the House, I think, I could do no more than sit down.

Laughter

The Hon'ble the SPEAKER: Then, the Hon'ble Leader of the Opposition is not going to press his adjournment motion. I think he has adopted the right course. When I directed in the last sitting of the Assembly that the adjournment motion should stand over till to-day, I indicated to the House that the chances of getting redress of the grievances which the adjournment motion sought to ventilate in this House, were not at all strong in the hands of the Ministry which was going to resign, and in that view I said that the cause is practically dead and that the Leader of the Opposition should consider whether he should pursue the adjournment motion. But as I did not get any direct answer from him, I kept up his motion to be disposed of to-day. But as he does not propose to move it, it falls through.

Then, I wish to know what the hon. members on this side (Opposition side) have got to say with regard to the request made by the Hon'ble Premier that the House should be adjourned till Monday.

Srijut DEBESWAR SARMAH: No, Sir, that cannot be.

(Voices from the Congress Party and the Nationalist Coalition Party—"Oh, no, no.")

The Hon'ble the SPEAKER: But I want the reasons against the adjournment asked for.

Mr. ARUN KUMAR CHANDA: Sir, we have not understood the meaning and proper implication of the resignation in the present case. I think that this resignation is not worth the paper on which it has been written until it is accepted by His Excellency. There is no guarantee that the resignation will be accepted by His Excellency, nor is there any assurance that His Excellency will not persuade the Hon'ble Premier to reconsider the matter. Besides, Sir, the Hon'ble Premier has taken up the position that as one of his Colleagues—viz., Srijut Rohini Kumar Chaudhuri—has resigned, constitutionally he is bound to resign. But the House will remember that there is a number of no-confidence motions before them, and if we take into consideration the analogy of what happened in the Bengal Assembly when the Hon'ble Mr. Nalini Ranjan Sarkar resigned, we find that the Cabinet did not resign there on the issue of constitutional propriety and the Cabinet there carried on merrily in spite of the defection of Mr. Sarkar. Clearly therefore unless the Hon'ble Premier says that he does not enjoy the confidence of the House, he must be prepared to face the no-confidence motions. (*Hear, hear.*)

Babu KAMINI KUMAR SEN: Mr. Speaker, Sir, with your permission I may say a few words on the position which has been taken up by the Hon'ble Premier. He has stated that he has sent his letter of resignation to the Chief Secretary yesterday. It is doubtful whether that letter has reached His Excellency and as such it cannot be assumed to be a valid resignation. Supposing that the letter has reached His Excellency, where is the guarantee that the resignation will be accepted, particularly in view of the grounds that have been stated by the Hon'ble Premier. The grounds of joint responsibility which have been stated by the Hon'ble Premier for resignation of the whole Cabinet, I do not think, can be tenable. If a no-confidence motion is passed against a particular policy adopted in a particular department, under the leadership of a particular Minister, it might reasonably entail the resignation of the whole Cabinet on the ground of joint responsibility because the policy is the policy of the whole Ministry. But I do not see any sense in the contention that the whole Cabinet is bound to resign if a particular Minister resigns on his own account. Supposing, Sir, one of the Hon'ble Ministers dies (which, of course, God forbid, *Laughter*), what will be the position? I do not think constitutionally it is necessary that the whole Cabinet should resign. If we look to the precedents in Bengal, I would state that Mr. Nalin Kumar Sarkar, now the Hon'ble Mr. Nalin Ranjan Sarkar, Manjiv Nandani, Anand Maulvi and Shamsuddin Ahmed dropped from the Cabinet on 15 June 1935, by resignation and it was never thought necessary for the whole Cabinet to resign. If we look to the precedent of the United Kingdom, we find, as I remember aright, that Sir Samuel Hoare, Mr. Anthony Eden and Mr. Hoare Belsham resigned one by one, but it was never considered necessary for the whole Cabinet to resign. So, Sir, I do not find any reason which makes it necessary for the whole Cabinet to resign because of the resignation of a particular Minister. Under the circumstances, if the position that has been taken up by the Hon'ble Premier is untenable, and I maintain it is, His Excellency might not accept that position. His Excellency might say he does not agree with the position that has been taken up by the Hon'ble Premier and he might request the Hon'ble Premier to withdraw his resignation. Therefore, there is every chance that His Excellency might not accept that resignation.

Now, Sir, unless and until that resignation is accepted the Hon'ble Ministers are functioning; they may not deal with the question of policy, still they are legally appointed Ministers, so long as their resignation is not accepted.

Khan Bahadur Maulavi KERAMAT ALI: On a point of information, Sir. May I ask the hon. speaker, who has just spoken, whether the no-confidence motion will apply also to Hon'ble Srijut Rohini Kumar Chaudhuri?

Babu KAMINI KUMAR SEN: I shall come to that later on. Supposing for argument's sake that His Excellency does accept the resignation; then what will be the position? The ground that has been taken up by the Hon'ble Premier is that he is resigning on the ground of joint responsibility as one of his Colleagues has resigned. He does not say that he is resigning on the ground that he has lost the confidence of the House. His only contention is that he has lost his Education Ministry, but the purpose of this no-confidence motion is to show that the Hon'ble Premier has not only lost his Education Ministry but he has also lost the confidence of the House. The right of the House to register its verdict on a particular Ministry cannot be taken away only on the ground that the resignation letter has already been

submitted. So, I would submit, Sir, that unless and until that resignation letter is accepted, the House has got every right to discuss that no-confidence motion. Besides, if it is not discussed, there will be further difficulty.

If the resignation of the Ministry is accepted, His Excellency will have to form a new Ministry. Now the resignation letter does not indicate whether the Hon'ble Premier commands the confidence of the House. If the resignation is accepted, His Excellency will have to look for another set of Ministers. If I remember aright, from the Instrument of Instructions it would be seen that His Excellency is to form a Ministry in consultation with a person whom his own judgment is likely to command a stable majority in the House. I think, I should better read that Instruction. The Instrument of Instructions says:

"In making appointments to his Council of Ministers, Our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgment is most likely to command a stable majority in the Legislature those persons, including so far as practicable members of important minority communities, who will best be in a position collectively to command the confidence of the Legislature."

Sir, if this no-confidence motion is not discussed, if the House is not permitted to register its verdict on the Ministry, His Excellency will also be in a fix. It will be difficult for him, from the resignation letter that has been placed by the Hon'ble Premier, to find out which party commands the majority and which party is competent to form a Ministry.

Under these circumstances, Sir, by refusing to allow the no-confidence motion to be discussed, the House will not only be deprived of its inherent right of registering its verdict on the Ministry, which is no doubt unconstitutional, but it will also place His Excellency in a fix in forming a new Ministry. So, I submit, Sir, that there is absolutely no ground unless and until the resignation is accepted, to deny this right to this House. Sir, the present Ministers, as long as they continue as legally appointed Ministers, are, I think, bound to face the no-confidence motions that have been tabled by some of the hon. members.

The Hon'ble the SPEAKER: The hon. member has not replied to the hon. Khan Bahadur Keramat Ali's point.

Babu KAMINI KUMAR SEN: With regard to Khan Bahadur Keramat Ali's point I think, Sir, that the no-confidence motions are against the whole Ministry and not against a particular Minister. Of course Srijut Rohini Kumar Chaudhuri placed his resignation before the no-confidence motions were tabled but I think as long as his resignation is not accepted, he will be presumed to be a member of the Ministry.

The Hon'ble the SPEAKER: Who is to accept the resignation of the Hon'ble Srijut Rohini Kumar Chaudhuri, Governor or the Premier?

Babu KAMINI KUMAR SEN: I think it is the Governor, who will have to accept the resignation of the Hon'ble Srijut Rohini Kumar Chaudhuri, because the Act says that it is the Governor who is to appoint and dismiss the Ministers, of course, on the advice of the Premier. So, I take that it is the Governor who will have to accept the resignation letter, but unless and until that is accepted, Srijut Rohini Kumar Chaudhuri continues to be one of the Members of the Cabinet. The no-confidence motion is against the whole Cabinet or rather the policy of the whole Cabinet and so it does not affect any individual Minister personally.

Maulavi JAHANUDDIN AHMED: Mr. Speaker, Sir, as the Hon'ble Premier has stated that there will be no prorogation of the House I do not understand why this no-confidence motion cannot be discussed on

the 15th at 2 P.M. I also cannot understand why His Excellency would not accept the resignation of the Hon'ble Premier when he was appointed. I know that the present Ministry does not command the majority of the House. We are not in a position to say whether His Excellency will accept or not. So we cannot discuss about acceptance of resignation by His Excellency. We and the whole public must be understood that when the Premier has not got the majority there can be no doubt that His Excellency shall have to accept his resignation. With these few words, Sir, I request that the House may be adjourned, when there is no prorogation, up to the 15th.

Srijut BELIRAM DAS : I am sorry to say that the Hon'ble Premier has told us lies and I doubt very much.

The Hon'ble the SPEAKER : What did the hon. member say the Hon'ble Premier said?

Srijut BELIRAM DAS : The Hon'ble Premier told us lies.

The Hon'ble the SPEAKER : The hon. member must withdraw this statement. (Voices—Shame! shame!)
Order, order.

Srijut BELIRAM DAS : I withdraw, Sir. I should like to say, Sir, that the other day the Hon'ble Premier said that he issued a telegram for the release of the political prisoners, but now it has come to light that he did not issue it. So I doubt very much whether he has tendered his resignation or not to His Excellency the Governor of Assam. So, unless and until he declares on the floor of the House that the House has no confidence on him, the motion should be moved on the floor of the House to ascertain by votes the verdict of the House.

Mr. BAIDYANATH MOOKERJEE : I should like to say a few words, Sir, on what my hon. friend Maulavi Jahannuddin Ahmed said. I am afraid he did not understand the real position (Laughter); it was clearly explained both by my hon. friends Mr. Chanda and Mr. Sen that the resignation had been submitted on a different ground altogether.

The Hon'ble the SPEAKER : That has already been urged.

Mr. BAIDYANATH MOOKERJEE : Yes, Sir, but my hon. friend did not understand that difference. Because the resignation letter is there he thought the public would understand that the Hon'ble Premier had resigned on the ground that he did not enjoy the confidence of the majority of the House, that is his argument. I think, it would be better to explain to him that that is not the real position. The real position is that the no-confidence motions explicitly said that the present Ministry does not enjoy the confidence of the majority of the House, whereas the Hon'ble Premier has submitted his resignation on the ground that because one of his Colleagues has resigned, so he is also constitutionally bound to resign; these two are quite different propositions altogether. Now, my point is this, Sir, that when this motion is before the House, in my opinion the hon. members of this House have got full rights to test whether the present Ministry enjoys the confidence of the House or not. Sir, if I may be permitted to say so, I should like also to submit that the Hon'ble Speaker cannot but permit us to exercise the right that we are constitutionally entitled to—namely, the right to test whether the present Ministry enjoys the confidence of the majority of the House or not.

Babu RABINDRA NATH ADITYA :* Mr. Speaker, Sir, I want to say a few words. I differ from Mr. Sen on one point when he said that Srijut Rohini Kumar Chaudhuri still functions as a member of the Cabinet, and as such these motions of no-confidence which entail no-confidence on all the Members of the Cabinet include Srijut Rohini Kumar Chaudhuri also. That is his contention, but I differ from him. It is the right of the Hon'ble Premier to choose his Colleagues in the Cabinet and it is no part of the duties of His Excellency the Governor to choose the rest of the Colleagues of the Hon'ble Premier. I understand even on this occasion of resignation it is only the Hon'ble Premier who has tendered his resignation to the Chief Secretary and not all the Members of the Cabinet. Mr. Chaudhuri has tendered his resignation long before the no-confidence motions were tabled. These no-confidence motions do not therefore affect him at all. It is a no-confidence motion on the rest of the Members of the Cabinet.

Khan Bahadur Maulavi KERAMAT ALI :* May I know, Sir, from the hon. member how long before the no-confidence motions were moved Mr. Rohini Kumar Chaudhuri tendered his resignation ?

Babu RABINDRA NATH ADITYA :* I did not mention the time.

Babu KAMINI KUMAR SEN :* On a point of personal explanation, Sir. I think, Mr. Aditya has not so far understood that the no-confidence motion is against the whole Ministry ; it is tantamount to the policy of the Ministry and not against any individual in the personnel of the Ministry. No question arises as to whether the no-confidence is against A or B or C. It is against the whole Ministry, that is against the policy of the Ministry. So it does not matter whether A or B or C is included in the Cabinet. It does not matter whether Mr. Rohini Kumar Chaudhuri comes in or goes out.

Maulavi ABDUR RAHMAN : Mr. Mookerjee just now urged upon the Hon'ble Speaker to give the House a chance for testing the no-confidence motion which was lying before the House. Sir, the other day while the Leader of the Opposition pressed for the adjournment motion to be discussed you were good enough to announce that on the announcement made by the Hon'ble Premier that he was going to resign, it was no good flogging a dead horse. As the whole Cabinet is going to resign it is useless to carry on with any business, Sir.

The Hon'ble the SPEAKER : The hon. member did not fully understand the implication of my statement. What I said was with reference to the adjournment motion on the Gauhati incident and I have explained that also to-day a few minutes ago.

Maulavi ABDUR RAHMAN : What I could understand from the Hon'ble Speaker, was that while the Government was going to get rid of their responsibility it was no good to take part in the debate whatsoever in the matter. Then Mr. Sen raised one point as to the legal aspect of the whole thing. I may just submit that he entertains some doubt whether the resignation submitted by the Hon'ble Premier will be accepted by His Excellency or after the acceptance of the resignation the present Hon'ble Premier would not get a chance to form the Ministry again. (At this stage Messrs. Fakhruddin Ali Ahmed, Bishnu Ram Medhi and Mahadev Sarma entered the House to attend the Session after their release from Jail and were greeted with applause by the Congress Benches.)

*Speech not corrected by the hon. member concerned.

As a matter of fact, I think this was the intention of His Excellency. Just after His Excellency accepts the resignation of the present Ministers, I think, Sir, he will ask the present Hon'ble Premier to give his opinion as to whom he should call upon to form the next Ministry. As such I think, Mr. Sen should not entertain any doubt or be surprised that the Hon'ble Premier will get the first chance.

Srijut DEBESWAR SARMAH—Mr. Speaker, Sir, I want to speak just a word or two. The resignation of the Hon'ble Premier has to be considered by you, Sir, on yet another and I think a more important ground. The legal aspect of the question has already been submitted by Mr. Sen. Let us look at the recent practice in a point of such a situation. Now, whenever any vote of confidence or no-confidence is taken in any Council of Ministers, or any Premier of the State, the Premier always comes forward and just state before the House, "I am resigning. I am tendering my resignation. I do not like to function. I don't like to take the responsibility of the administration of the province." What is the effect? What is the logical sequence and consequence of such a statement when it is granted to the Hon'ble Premier just to evade the important issue pending before the House, namely the no-confidence motion? The answer, Sir, to my mind, that is that after he has resigned he is free to go, there will be nothing to prevent His Excellency to be persuaded to re-appoint and appoint Premier to reconsider his decision and to withdraw his resignation.

The Hon'ble the SPEAKER—That has been said by the hon. member Mr. Sen.

Srijut DEBESWAR SARMAH—I am developing my argument, Sir. Then, the Premier may decide to withdraw his resignation or he may not. If he decide to withdraw his resignation, everything is well and good with him. If he does not, then it would be with His Excellency, either to accept the resignation or not. But in the meanwhile what goes on? Even if the resignation is accepted, I think His Excellency will call for the leaders of the different parties and it would undoubtedly take time to form a new Cabinet. What are we finding in the neighbouring province now? There, under similar circumstances, it has taken about a fortnight if not more to form a Cabinet incompletely even. Three out of proposed 15 Ministers have taken oath. During this period of adjournment the activities to strengthen party groups are anything but healthy. Apart from all these, where is the guidance for His Excellency to come to a conclusion as to who will be able to form a Ministry? In this connection one issue has been raised by the hon. Khan Bahadur Keramat Ali. He raised the issue as to what will be the position of Hon'ble Srijut Rohini Kumar Chaudhuri, who resigned in respect of the vote of no-confidence. I submit, Sir, that question does not arise at all. It is not relevant to the issue before us. His Excellency will have to decide as to who will be the person that could form the Ministry, whether it is Sir Muhammad, or Srijut Rohini Kumar Chaudhuri or any other member. My point is where is that indication to His Excellency unless this House has the opportunity to give its verdict?

The next question is with regard to the statement of the Premier. It baffles me to hear him say that he is not functioning. I could not understand this statement. He is still a Premier, he is being dearly paid for out of the provincial Exchequer for these days. How can he say, Sir, that he has resigned? He has only made a show of resignation. He said never had tendered their resignation to the Chief Secretary. We have never heard that the Premier tenders his resignation to the Chief Secretary. This is unprecedented. Of course, strange things may happen in Assam where a

Chief Secretary of another province is appointed as Governor of the province. But when here the resignation has been tendered to the Chief Secretary can we take it as a *fait accompli*? I request you to consider these points.

The Hon'ble the SPEAKER: The Chief Secretary is only the channel of communication in this case.

Srijut DEBESWAR SARMAH: Or the receptacle, Sir? What I was suggesting to you for consideration before you give the ruling is whether it is deemed on the part of the Premier to tell this House, Sir, that he refused to take part in the proceedings of the Assembly, that he could not add anything to what he said and that he would not take part in the discussions. Is that the proper attitude of a Premier of an autonomous province? I submit, Sir, that it is a contempt of the House. The House has a right to say whether they have or have not confidence in the Ministry. In this connection I am reminded of a saying which it is useful to remember. That is, "one can fool some men all the time, all for some time, but no one can fool all men for all time." You have been asked to adjourn the House till 2 o'clock on 15th instant. But no one knows whether His Excellency would come back on that day also. Even if he comes, we are not sure whether a new Cabinet would be formed or not. Therefore, there is no question of any adjournment of the House. The position is that the no-confidence motions have been fixed to be taken up at 3 p.m. to-day. I submit, Sir, that it is only proper, it is only legal and it is only commonsense view point to give the House the opportunity to discuss the motion, as already fixed.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, two issues arise on the contentions which have been placed before the House by my friends opposite. The first issue as to what the constitutional position is when a component part of the Ministry has resigned. I have always held the view that under the principle of joint responsibility when one Hon'ble Minister resigns on an issue pertaining to question of policy, then the entire Cabinet resigns.

Babu KAMINI KUMAR SEN: On a point of information, Sir, may we know what is the issue on which Srijut Rohini Kumar Chaudhuri resigned?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I had not a word with my Hon'ble Colleague and the letter which he sent to me did not mention anything either. But from the press reports, I find that he is.....

The Hon'ble the SPEAKER: The press report is not relevant for the purpose of showing on what ground Hon'ble Srijut Chaudhuri resigned.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: We in this House have very often referred to press reports and I am only quoting that because I have had no indication from him as to the issue on which he resigned. Those reports assert that he was resigning on the Gauhati incident issue.

The Hon'ble the SPEAKER: When we have a resignation letter we must go by it and not by the press reports.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Anyway, Sir, my contention is that as I read the relevant section, the entire Cabinet has to resign whenever there is any defection from the Ministry on questions of policy. The question of sickness or death referred to by my hon. friend Mr. Sen, stands altogether on a different footing. The wording of the no-confidence motion is "That this Assembly expresses its want of confidence in the present Ministry of Assam." Now, Sir, the resignation letter of my Hon'ble friend Srijut Rohini Kumar Chaudhuri reached my hands

at 9-30 in the morning of the 9th instant and immediately after that, I convened a meeting of the rest of the Ministers and by 10 o'clock it was decided that the Ministry should tender their resignations. Also, Sir, at 10.45, a.m., I came personally to you in your office room and told you that the Ministry has already decided to resign. I did not know then that there was any no-confidence motion against the Ministry and it was only after I had made my position clear to you that I heard of the no-confidence motions from you.

Now, Sir, the hon. member Mr. Sen is quite correct when he said that the appointment and the removal of the Ministers, or their demand of acceptance of the resignations are matters that rest in His Excellency's discretion. The relevant section of the Government of India Act is section 51 which clearly says that the Governor's Ministers shall hold office during his pleasure. Again in sub-section 5 it is mentioned that the functions of the Governor under section 51 "with respect to the choosing and summoning and the dismissal of Ministers" shall be exercised by him in his discretion. Therefore, Sir, although my Hon'ble friend Srijut Rohini Kumar Chaudhuri tendered his letter of resignation to me, it rests entirely with His Excellency to accept it or to keep him on. Therefore until that resignation letter is accepted, the constitutional position is that he remains a part and parcel of the present Ministry. If the House by expressing its want of confidence on the entire Ministry wants to condemn him also, I am perfectly willing to abide by the decision of the House. My position is that—apart from the lack of gravity in manners and good choice of words and expressions on the part of one of my friends opposite who in his youthful enthusiasm breathed unparliamentary language.

The Hon'ble the SPEAKER: That incident is closed now.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: I might only say that my position is this—let my friends have not the least doubt that I have tendered my resignation and I would stick to that letter. If in spite of this assurance from me, my friends press that this motion should be discussed in the House and if you agree to do that, as the Ministry is not responsible for the administration of Assam, I and my party shall have to withdraw.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: Mr. Speaker, Sir, I do not wish to take any part in the controversy which is going on now, but I would only state two facts before the House. The first is that the hon. members who tabled the no-confidence motions knew that I had resigned before they actually tabled their motions and secondly that I have even till now made no statement to the press about the reasons of my resignation.

Srijut GOPINATH BARDOLOI: Yes, we wanted to get a statement from the Hon'ble Minister who had resigned, I mean Srijut Rohini Kumar Chaudhuri. We wanted him to make a personal statement before the House in accordance with Rule 94 of the Assembly Rules.

The Hon'ble the SPEAKER: It is his option. But he has stated that he is not going to make a statement now. The rule is that if a Minister after resignation wants to make a statement he can do so with the permission of the Chair.

Srijut GOPINATH BARDOLOI: I am just suggesting that the objection that has been raised by the Premier against him does not alter the situation of the whole case. The issue regarding the motion of no-confidence

and the present are distinctly different. As much has been said on this subject, I do not propose to take that point again. But I venture to suggest that if we are deprived of discussing this matter, we are deprived of a privilege which we have a right to enjoy. I say that the issue being a distinct and definite one we should be permitted to proceed with the discussion of the no-confidence motion.

The Hon'ble the SPEAKER: May I ask the Hon'ble Premier one thing more, whether there is any bar to table a no-confidence motion in the Ministry on account of the fact that the Ministry has tendered its resignation?

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: There is no bar. But you have stated the other day, there is no use of discussing this motion after the resignation of the Ministry, when the Ministry is not functioning.

Mr JOBANG D. MARAK: Mr. Speaker, Sir, is it not a fact that although the Premier has tendered his resignation and that resignation might be accepted by His Excellency the Governor he may again be called upon by His Excellency to form a Ministry?

The Hon'ble the SPEAKER: That has been already said. Order, order. The request of the Hon'ble Premier is no doubt a very simple one. It is that the House should stand adjourned till Monday next when His Excellency the Governor is expected to return and decide the question of resignation and send his prorogation order. The House was adjourned on the 9th till today. The Hon'ble Premier declared on that day that he would not transact any business. So without any of the items of the business of the Session that were to be disposed of, the House adjourned till today with only the no-confidence motions fixed up for discussion. But in connection with the question involved in the request, another point has arisen from the objections urged against the adjournment asked for as to whether the no-confidence motions which have been fixed for discussion today should be allowed to be discussed or not. From what has been said by hon. members on both sides of the House, it would be necessary for me to think over the points raised and give a considered ruling on the points urged. Therefore I propose to adjourn the House to 2-30 p.m.; and if I decide that the no-confidence motion should be taken up, it will be taken up at 3 p.m. which is the hour already fixed for the purpose. With regard to the other no-confidence motion that has been tabled by hon. Srijut Ramnath Das today, I may tell the House that after giving my ruling I shall take it up for disposal.

Khan Bahadur Maulavi KERAMAT ALI: May I say one word, Sir, before we adjourn? On a previous occasion, you may remember, that you expressed the view that it was unnecessary to discuss a no-confidence motion after the Ministry had tendered their resignation. On this occasion also, Sir, the no-confidence motions were tabled after the Ministry expressed their decision to resign. Perhaps you will remember that last time as soon as the Hon'ble Premier announced that he tendered his resignation, the House was adjourned, and the no-confidence motions were not taken up at all.

Adjournment

The Assembly then adjourned for lunch till 2-30 p.m.

After lunch

The Hon'ble the SPEAKER: The House met today with practically no usual legislative business of the session to be transacted except a pending notice of an adjournment motion to be disposed of and some

motions of no-confidence in the Ministry fixed up for discussion at 3 p.m. The House is well aware of the circumstances which arose on the declaration by the Hon'ble Premier on the floor of the House on 9th December last that he would tender his resignation of his high office and that his Ministry would not transact any legislative business during the remaining days of the Session, necessitating adjournment of the House till today with the no-confidence motions fixed up for discussion. The Hon'ble Premier has intruded the House by the statement he has made that he has sent his resignation to the Chief Secretary to the Government of Assam to be submitted in due course to His Excellency the Governor, and he has asked for an adjournment of the House till the 15th, so that on his return from tour His Excellency may prorogue the Assembly. It therefore appears that the adjournment asked for is only just to enable His Excellency the Governor to prorogue the Assembly and he has not distinctly said, while making the request, as to what should be done with the no-confidence motions. The implications of the Hon'ble Premier's request have been understood by the House to be that no-confidence motions should not be taken up today, and must also stand over for the 15th. Strong objections have been raised to the adjournment asked for, and a debate has therefore followed, placing all facts before the House, so that I may decide whether the House should be adjourned as requested and whether the no-confidence motions should not be taken up today.

The object for which the adjournment has been asked for is to enable, as has been said before, His Excellency the Governor on his return from tour to send in his order of prorogation to me. But as to why the no-confidence motions should not be moved the only ground that has been relied upon appears to me to be that in view of the fact that the Hon'ble Premier has tendered his resignation as a sequel to the resignation of his office by one of his colleagues in the Ministry, the no-confidence motions should not be allowed to be moved. The Hon'ble Premier has admitted that the fact that his resignation, which is to be taken as the resignation of his Ministry, is pending before His Excellency, though it has not yet reached his hands, does not stand in the way of the no-confidence motions being moved. The question therefore reduces itself to this, *viz.*, whether it is desirable, in view of the fact that there is the resignation of the Ministry pending, that the no-confidence motions should be moved.

Now, I should at once tell the House that even if the Chair holds that it is not desirable that the motions should be moved, the further question arises whether on that ground it should prevent the no-confidence motions being discussed. To move the no confidence motions already fixed up to be discussed today has become a vested right in the hon. members who have brought forward the motions, and it will be taking away that right if the Chair does not allow the motions to be moved on the ground that it is undesirable to do so in the circumstances that have arisen on the Hon'ble Premier having tendered his resignation. It is certainly up to the hon. members who are responsible for these no-confidence motions being before the House to consider whether in the existing circumstances of the possibility of the Ministry going out of office they should or should not move these motions. But how these hon. members are inclined in regard to the question of postponing the discussion of the motions has been sufficiently indicated by the strong speeches that have been made in the course of the debate by some members of the parties to which they belong. Therefore in the view I take of the rights and duties of the Chair in a matter like this I do not think it will be proper for the Chair, in the face of the objections

that have been raised, to prevent the discussions of the no-confidence motions today, which will certainly be the result if the House is adjourned in the manner indicated by the Hon'ble Premier.

Again, for the prorogation of a Session of the Assembly by His Excellency the Governor it is not necessary that the Session should be continued by the Chair beyond the last date of the Session already fixed up, specially when no items of Government or private members' business are to be disposed of, but only the disposable business of the House such as a no-confidence motion is to be kept pending; because prorogation of the Assembly can also be effected by His Excellency the Governor by a notification in the Gazette. If I am to adjourn the House today up to the 15th as requested I shall have to keep up the no-confidence motions and there will be no other business to be transacted that day. But I do not see any necessity to do so, because it would be of no advantage to anybody, as I doubt very much whether His Excellency the Governor would send his prorogation order worded in such a way as would have the effect of the vested right of the sponsors of the no-confidence motions to move them being taken away. Generally the prorogation orders are so worded as to take effect from the conclusion of the meeting of the day on which it is to be announced on the floor of the House through the Chair. Again, the Hon'ble Premier's request for an adjournment of the House may be open to an objection by the hon. members who are responsible for the no-confidence motions that if His Excellency the Governor issued a notification proroguing the Assembly before the 15th, on the mere fact that on his acceptance of the resignation of the Ministry the Session cannot continue, their right of moving the no-confidence motions would be destroyed. Although I have no such apprehension of a notification for proroguing the Assembly being issued before the 15th, I cannot say that it is not a valid objection. But, as I have indicated above, His Excellency the Governor, when he would come to know that no-confidence motions are pending, would not send such a prorogation order as would have the effect of preventing the no-confidence motions being moved on the 15th, even if the House be adjourned to that date. So, in this view when the no-confidence motions will have to be moved even on the 15th in case of an adjournment of the House to that date, I do not see any reason why it should not be done today, specially when there are such objections to an adjournment of the House asked for by the Hon'ble Premier.

There is also considerable force in what has been urged on the floor of the House in favour of no-confidence motions being moved today. □ The no-confidence motions have been tabled with the intention, as it would appear from their terms, to establish the issue that the Ministry does not enjoy the confidence of the House. But the resignation that has been tendered by the Hon'ble Premier is not on the ground that he does not enjoy the confidence of the House any longer, but on the ground that according to his own view of the joint responsibility of the Ministry it should go out of office as one of its members has tendered his resignation. The constitutional position that is created by a motion of no confidence in the Ministry being passed is in several important respects quite different from the position that arises on the resignation of the Ministry on the ground on which the Hon'ble Premier has chosen to tender his resignation. As I understand the terms of the no-confidence motions, and from what has been said on the floor of the House by the hon. members urging that those motions be moved today, it is clear that the intention is to convey to His Excellency the Governor, while he would be considering the resignation letter of the Ministry, the additional fact that the Ministry does not also enjoy the

confidence of the House. In what manner a Minister of the Ministry having lost the confidence of the House should resign is a matter of His Excellency the Governor's discretion. I am not sure whether it is right that who have spoken in favour of the resignation of the Ministry should be on the ground that they did not enjoy the confidence of the House. I am not sure then the no-confidence motions were taken up. I would have at once adjourned the House and I exactly did when the second Ministry was formed. I am not sure of the constitution, with the same Hon'ble Chief Minister, was formed in the year 1939. His Excellency the Governor should have paid attention to what I did then. I am sure that the circumstances were quite different from the circumstances of the present day. Briefly, the issue that was raised on that occasion was that the Ministry tendered their resignation. I am not sure what I said on that occasion. It was not a no-confidence motion in the Ministry. The Ministry do not enjoy the confidence of the House (meaning the Hon'ble Chief Minister). His Excellency the Governor should have asked the Ministry do not enjoy the confidence of the House. The resignation of the Ministry should be accepted. I do not see any use in moving the no-confidence motions. The House would very well remember that on that occasion the no-confidence motions were offered to the Hon'ble Premier and the House, for the course he adopted.

If we had the fact before us today that the resignation of the Hon'ble Premier had already been accepted by His Excellency the Governor, then certainly the no-confidence motions would have fallen through. The fact that the House stood adjourned on the 9th day is certainly one of advantage to those hon. members who would not like that the no-confidence motions should be moved. But, unfortunately, His Excellency the Governor is still out of the station and there is no possibility of the resignation of the Ministry being accepted before 3 p.m. today. However, as the position stands from all points of view, I cannot but allow the no-confidence motions to be moved today.

After the no-confidence motions are disposed of, the business of the day will come to a close; and I would adjourn the House *simpliciter*, necessitating a notification of prorogation by His Excellency the Governor in the Gazette. If, however, His Excellency the Governor be so pleased, he may require me to summon the Assembly after the formation of the new Ministry on his acceptance of the resignation of the present one.

The Hon'ble Maulavi Saiyid Sir MUHAMMAD SAADULLA: Before you ask the hon. member to move his motion, I will make a statement, Sir. As I have said, I will bow down to your ruling, but as I have already tendered resignation of the Cabinet, I see no point for me or my party remaining in the House and take part in the proceedings. Therefore, Sir, the Ministry and the Group which they lead will retire from the House.

(The Ministry along with the party then retired from the House.)

Srijut RAMNATH DAS: Sir, I do not like to move the motion*
 (The hon. member's name)

The Hon'ble the SPEAKER: Then we shall have to wait for five minutes. It is now the time for taking up the no-confidence motions. The Hon'ble member has to wait, when the Hon'ble Speaker called upon Mr. Nara Kumar Dutta to move his motion.

Motion of no-confidence against the Ministry Discussion

Mr. NARA KUMAR DUTTA: Sir, I beg to move:

"That this Assembly expresses its want of confidence in the present Ministry of Assam."

Mr. Speaker: Sir, before I proceed to discuss the reasons why I move this motion, I want to make it clear that I tabled this motion after I learnt that the Hon'ble Sir Rohan Kumar Chaudhuri had resigned. The Hon'ble Speaker was of the view that there could not have been a greater confidence in Sir Saadulla's Ministry than the resignation of the Hon'ble Sir Rohan Kumar Chaudhuri.

There is a section of people in the country who have some sort of confidence in Mr. Chaudhuri, but after his resignation the last vestige of confidence in Sir Saadulla's Ministry has completely disappeared.

Sir, my own share in the censure pointed by the motion before the House against Sir Saadulla's Ministry, I will bear with fortitude, because my heart tells me I am absolutely justified and I am voicing the feelings of my countrymen. I have known Sir Muhammad Saadulla as a person having a long parliamentary career and much parliamentary adroitness. However, that he wants to ignore the House which has so long given him this position.

Sir, today the Hon'ble Premier finds himself in a position of an apologetic character to many who were once of his own Party. The way in which he has been running the administration since he resumed office in 1939, was bound to alienate anybody who had the slightest sense of duty and self-respect. The high-flying course which the Hon'ble Premier has been adopting in administering the affairs of this province has created country-wide bitterness. But he goes on in the same way with only one idea—an idea which may keep him in power and which will satisfy his anti-national and parochial feelings. With an official superiority and with a capacity of conferring good offices on those he prefers, Sir Muhammad Saadulla thinks perhaps that there is no such thing as public opinion. The creation of one special post after another and the various appointments are only few instances of his many high-handed acts.

The Land Development Scheme which he has introduced in co-operation of some other Colleagues of his Cabinet—and for which in the Hon'ble Revenue Minister—Khan Bahadur Maulavi Sayidur Rahman, he has found his best Lieutenant—has brought ruin to the Assamese people and specially the tribal people and it threatens their very existence. The Line System exists in theory today and the Hon'ble Revenue Minister and Sir Saadulla and his other Colleagues seem to think that they have achieved within two years what could not be achieved within twenty years.

* That this Assembly has no confidence in the Hon'ble Maulavi Saiyid Sir Muhammad Saadulla, the Premier of Assam and his Ministry, for their action in deliberately delaying the release of the *Satragrahi* prisoners, particularly the members of this Assembly in pursuance of the direction of the Government of India.

The disclosure, which my hon. friend Srijut Suddha Nath Sarma made in the House the other day, clearly shows how Sir Muhammad Saadulla wants to break some communities to pieces. Sir Saadulla is bound to the feeling of nationalism that pervades India today, and it seems that he cannot reconcile himself to the new atmosphere. He must therefore retire to private life.

Sir Saadulla's present Cabinet has been in power for two years. For full one year the Opposition benches in this House were being vacant. During this time Sir Saadulla and his Colleagues became sole administrators of the province and we shall only have better memories of this period.

It is apparent, Sir, that a sense of immunity from all responsibilities prevails among the members of Sir Saadulla's Ministry. Only the other day almost an unparalleled tragedy occurred at Gauhati when a peaceful crowd of boys and girls of tender age was brutally attacked by the police with bayonets and many were seriously injured.

Mr. BAIDYANATH MOOKERJEE: A second Jalmwallabagh tragedy!

Mr. NABA KUMAR DUTTA: There has been great indignation all over the country for this most unprovoked attack on innocent boys and girls. The Hon'ble Premier, who happens to be in charge of the Home portfolio, did not even care to go down to visit the locality.

Sir Muhammad Saadulla has become so callous to public opinion, his acts have been so unpopular, that he must not continue in his high office. He asks the members of the House to follow him, to support him. But who is to follow him or why is anybody to follow him or where is anybody to follow him to? What does he mean to do? Are we to follow him to vacate our hearth and home? Are we to follow him to divide our home into different factions or are we to follow him to the blessings he has showered on some whom he loves? Sir Saadulla and his Colleagues were put in their exalted position mainly by the representatives of the tribal people. But as soon as the Opposition disappeared from the House, they never hesitated to turn round upon these supporters and treat them with contempt and disdain. (*Heard.*)

Sir Saadulla should now fully realise that the people can tolerate his Cabinet no more. The administration has reached the lowest depth both politically and morally, and economically the province is on the border of bankruptcy. Let the Cabinet make its exit so that public affairs may be disinterestedly, faithfully and honestly performed. With these words, I commend my motion for the acceptance of the House.

The Hon'ble the SPEAKER: Motion moved:

“That this Assembly expresses its want of confidence in the present Ministry of Assam.”

Srijut RAM NATH DAS: Mr. Speaker, Sir, I would speak a few words in support of the motion moved by my hon. friend Mr. Naba Kumar Dutta. I also tabled a no-confidence motion on the present Ministry, but I thought that I would get time to speak on the present of my friend Mr. Dutta; so I did not move my motion.

My motion was to censure the present Government—especially the Hon'ble Premier and his Colleagues mainly for their delay in releasing the political prisoners—particularly those who are members of this Assembly—in pursuance of the direction of the Government of India.

Sir, the Government of India issued a communique on the 3rd instant to release all the *Satyagrahi* prisoners and the communique came out in the newspapers. When the Hon'ble Premier was asked by some hon. members on this side of the House as to what he was going to do about the release of the political prisoners, he replied that no communication was made to him direct and said that as soon as he would get the order from the Central Government, he would forthwith release the political prisoners. In this way some days passed and on the 9th instant he told the House that he got the order from the Central Government and that he would release the political prisoners by a telegraphic order. After giving that assurance to the House he did not issue any order on the line.

On the contrary, so far as I know, Sir, no political prisoner has been released by any order issued by him till this day. Fortunately, Sir, we have got some of our hon. members today in this House who were in prison, but their release is not due to any order passed by the Hon'ble Premier as he assured the House but they have finished their term of normal imprisonment and have come to this House with great difficulty. Therefore, Sir, I censure the Ministry for their dilatory tactics. They have adopted this course only to keep the political prisoners who are members of this House away and to avert the crisis which is before the House today. For this procedure, Sir, I say that the present Ministry do not enjoy the confidence of the House.

In addition to that, Sir, I may mention that the incident of Gauhati has created a panic not only throughout the province of Assam but also throughout India. The Hon'ble Premier has not taken such steps which would have eased the situation. He said that he had decided to tender resignation and, therefore, could not adopt a policy which would bind his successor. In addition to that, Sir, I censure the present Government for the Development Scheme in which the existence of the indigenous people, especially the tribals and the scheduled castes is threatened.

Lastly, Sir, I want to say that I have tabled a no-confidence motion today, although I did not move it. I tabled my motion today, because our friend Srijut Rohini Kumar Chaudhuri has already resigned from this Government.

With these few words, Sir, I support the motion of my friend Mr. Naba Kumar Dutta.

Mr. JOBANG D. MARAK : Mr. Speaker, Sir, I have listened to the speech of my friend Mr. Naba Kumar Dutta while moving this motion from beginning to end and I fully support it. It is my personal conviction that this Government or any Government cannot be stabilised without having a good backing from the public at large and I believe, Sir, that the present Saadulla Cabinet of Assam do not have that, and this very thing is being expressly shown in this Hon'ble House.

With these few words, Sir, I support this motion.

Srijut GOPINATH BARDOLOI : I need hardly say, Sir, that I do not believe in a peroration which smacks of partiality and with the Treasury Benches empty. Nevertheless, I consider it necessary to state in unmistakable terms the attitude of our party over this motion.

The Government which Sir Saadulla led did not at any time carry confidence of the members of this side of the House.

In the war effort, Sir, he had gone to a length which no other Provincial Government had gone. He made a gift of a lakh of rupees from the public exchequer when the needs of the people were crying for redress.

He had during our absence from the Assembly, and had for the reasons that it made it impossible for us to remain in retirement, and he had asked us to come here and lodge our protests.

On the many incidents of communalism and other things which have been referred to by my hon. friends who have already expressed their views, I do not propose to say anything. I only repeat, as that hon. member pointed out by Sir Muhammad Saadulla does not enjoy the confidence of the House.

Mr. A. WHITTAKER—Mr. Speaker, Sir, I have not dealt with the customary attention to the speech of the hon. member who has just spoken. I think I can describe the speech as one "to react to a phrase of a Minister's English" "with malice to all and generosity to none."

I personally regret that in the particular speech of the hon. member and this House towards the absent hon. member. I do not propose to deal with the merits of the case, because I think most members here are of the opinion that movers of the non-confidence motion are apt to be regarded as responsible for a one-sided statement, which can only be regarded as a statement which they seek to censure. I wish therefore to make the various things which are said in the speeches so far delivered, as are not responsible for any particular statement, nor are we in a position to come to any decision which can be expressed by a vote given in the lobby.

The Hon'ble the SPEAKER—I asked the hon. member to wait if any other member rose to speak. Then I will give the hon. member a question before the House. The question is

"That this Assembly expresses its want of confidence in the present Ministry of Assam."

The Assembly divided.

AYES 56

- | | |
|--|--------------------------------------|
| 1. The Hon'ble Srijiit Rohini Kumar Chaudhuri. | 18. Srijiit Jodee Prasad Chaliha. |
| 2. Raja Ajit Narayan Dev. | 19. Srijiit Jeeendra Chandra Nath. |
| 3. Babu Akshay Kumar Das. | 20. Srijiit Jeeendra Narayan Mandal. |
| 4. Mr. Arun Kumar Chanda. | 21. Srijiit Joge Chandra Gohain. |
| 5. Mr. Baidyanath Mookerjee. | 22. Babu Kalachand Roy. |
| 6. Babu Balaram Sircar. | 23. Srijiit Kamowar Das. |
| 7. Srijiit Beliram Das. | 24. Babu Kamini Kumar Sen. |
| 8. Srijiit Bepin Chandra Medhi. | 25. Mr. Kedarnath Brahmin. |
| 9. Babu Bipin Behari Das. | 26. Srijiit Krishna Nath Sarmah. |
| 10. Srijiit Bishnu Ram Medhi. | 27. Srijiit Laksheswar Borooah. |
| 11. Babu Dakshina Ranjan Gupta Chaudhuri. | 28. Babu Lalit Mohon Kar. |
| 12. Srijiit Debeswar Sarmah. | 29. Srijiit Mahadev Sarmah. |
| 13. Srijiit Ghanashyam Das. | 30. Srijiit Mahi Chandra Borooah. |
| 14. Srijiit Gaurikanta Talukdar. | 31. Mr. Naba Kumar Dutta. |
| 15. Srijiit Gopinath Bardoloi. | 32. Babu Nirendra Nath Dev. |
| 16. Srijiit Haladhar Bhuyan. | 33. Srijiit Omco Kumar Das. |
| 17. Babu Harendra Narayan Chaudhuri. | 34. Srijiit Paramananda Das. |
| | 35. Srijiit Purandar Sarmah. |
| | 36. Srijiit Purna Chandra Sarmah. |

Ayes—56—*concltd.*

- | | |
|----------------------------------|--------------------------------------|
| 37. Babu Rabindra Nath Aditya. | 48. Khan Bahadur Maulavi Mahmud Ali. |
| 38. Srijut Rajani Kanta Barooah. | 49. Srijut Bhairab Chandra Das. |
| 39. Srijut Rajendra Nath Barua. | 50. Srijut Bideshi Pan Tanti. |
| 40. Srijut Ram Nath Das. | 51. Srijut Binode Kumar J. Sarwan. |
| 41. Srijut Sankar Chandra Barua. | 52. Mr. Jobang D. Marak. |
| 42. Srijut Santosh Kumar Barua. | 53. Rev. J. J. M. Nichols-Roy. |
| 43. Srijut Sarveswar Barua. | 54. Srijut Khorsing Terang. |
| 44. Babu Shibendra Chandra Bawas | 55. Srijut Rabi Chandra Kachari. |
| 45. Srijut Siddhu Nath Sarma. | 56. Babu Sanat Kumar Ahir. |
| 46. Srijut Sonaram Dutta. | |
| 47. Mr. Fakhruddin Ali Ahmed. | |

Nots—Nil.

The question was adopted.

Adjournment

The Assembly was then adjourned *sine die*.

Shillong;

The 7th February 1942.

A. K. BARUA,

Secretary, Legislative Assembly Assam.

RECORDED