

MEMORANDUM

FOR THE RECORD

DATE: 1954

SUBJECT:

1. The purpose of this memorandum is to provide a summary of the information received from the various sources mentioned in the subject line.

2. It is noted that the information received is somewhat incomplete and that further investigation is required to obtain a more complete picture of the situation.

3. It is recommended that the information be reviewed by the appropriate authorities and that the necessary steps be taken to complete the investigation.

4. The information received is being furnished to you for your information and for the information of the appropriate authorities.

631

600

**Proceedings of the Fifth Session of the First Assam Legislative
Assembly, assembled under the provisions of the Govern-
ment of India Act, 1935**

The Assembly met in the Assembly Chamber, Shillong at 11 a.m., on Monday, the 19th September, 1938.

Request for the adjournment of the session *sine die*.

The Hon'ble the SPEAKER: Hon. members are aware that the Leader of the Opposition Srijut Gopinath Bardoloi, was summoned by His Excellency to form a Ministry in the place of the Hon'ble Ministers who resigned. May I enquire of the hon. Leader of the Opposition what the present position is?

7 ✓ **Srijut GOPINATH BARDOLOI:** Mr. Speaker, Sir. On Tuesday evening at 7-30 p.m., I was called by His Excellency to meet him and to tell him whether I was prepared to accept the Government after the Hon'ble Chief Minister of the late Government had declared that he did not enjoy the confidence of the House. I told him that I would take the responsibility, but I would take some time to announce the names of the Cabinet and I took 3 or 4 days. Accordingly on Saturday last, I was again sent for and I met His Excellency at 3-30 p.m. There I definitely told him that we were accepting office and that I would take time till 5-30 p.m., to announce the names of certain Cabinet members. Then at 5-30 p.m., I went again and submitted a list of members, and His Excellency was pleased to tell me that he would accept the names and said that I would fill in the names of other members 3 or 4 days later. His Excellency was pleased to tell me that he would accept the names and that he would allow me to form the Government. This morning at 10-25 I again saw His Excellency with the list of Cabinet members which I have submitted and he has announced that the swearing in will take place at 12-30 noon. With reference to our action, after we accept office, I desire to place before you our position in respect of the business of the House.

In the first place, the questions were mostly from us. Not in all cases, or in many cases at any rate, the replies that would be given would be very much different from the replies now given by the present Government and, therefore, it is impossible for us to agree to answer these questions and to give replies to them. The same thing applies to resolutions also. Our attitude will be very different from the attitude that has been taken up by the present Government with regard to these resolutions. Thirdly, with reference to Bills in particular, in view of the fact that we accepted office, it will be necessary for us to withdraw some of those Bills and recast them in the light of the policy of the Government that we are going to pursue—I mean to say, by the Coalition Government.

Therefore, it is perfectly clear that in no circumstances could we transact the present business of the House unless we are given an opportunity of scrutinising from our view point all these questions, resolutions and Bills. Unless we have a chance to look into them, it is impossible for us to take up any attitude and meet the House over this matter.

It may well be known to you that we have not been given any access to the files even now. And at 12-30 we take the oath of office. Within less than two hours, say at 2 p.m., for us to be able to do all the things that is expected of Government in this House, is impossible. Therefore, I would request you to adjourn the House *sine die* so that we may be in a position to scrutinise everything and get ready to face over the many questions that are now before the House.

The Hon'ble the SPEAKER: Why should we adjourn *sine die*, and why not till to-morrow or the day after?

Srijut GOPINATH BARDOLOI: As I said, Sir, it is impossible to do anything before the closing of the House two or three days later. This new Coalition party that I am forming cannot do everything within these two or three days to accommodate the different interests. Therefore, I would request the Hon'ble Speaker to adjourn the House *sine die*. That will give the Government that is going to be formed an opportunity of meeting the business that is before the House.

The Hon'ble the SPEAKER: What is the advantage in adjourning the House *sine die* ?

Srijut GOPINATH BARDOLOI: That will give us time to scrutinise the questions and answers and in order that we may meet them in accordance with our programme we want this time. It may be possible to agree to certain resolutions or we may disagree to some. We must have definite ideas about these and this idea we cannot get unless we have time.

The Hon'ble the SPEAKER: Will any other hon. member say anything about what the Leader of the Opposition has said ?

Mr. F. W. HOCKENHULL: Before you make a decision on that point, Sir, it may be necessary for the incoming Government to understand whether or not they have the confidence of the House. And for that purpose I would request an opportunity of their meeting the House before adjourning the House *sine die*.

The Hon'ble the SPEAKER: That you may also claim when the House meets again.

Srijut GOPINATH BARDOLOI: I beg to add further, Sir, that we are not working the French Constitution where the Ministry coming into power will have to show that the Ministry enjoys the confidence of the House. Particularly when His Excellency has asked us to accept office, it should be assumed that we are enjoying the confidence of the House. (Cries of No, No, from the Ministerialist party).

Mr. NABA KUMAR DUTTA: No, we can challenge that.

Srijut GOPI NATHBARDOLOI: As I say, we are not working under the French Constitution where the Government coming into power after an election or after a Ministry has been broken up, comes with a motion of confidence.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY:* Mr. Speaker, Sir, the Ministry until they have been sworn in, are not formally constituted. To-day, 12-30 p. m. has been fixed as the time for taking the oath. We know it definitely that the newly constituted Ministry does not enjoy the confidence of the majority of this House. I am definite on that point and I have already tabled a no-confidence motion and I shall repeat it at 2 p.m. so that the motion might be in order and this House will have a chance of debating and giving its verdict on that. I shall prove then that this newly constituted Ministry does not enjoy our confidence and that they have not got the backing of the majority of the members of the House (*hear, hear* from the Ministerialist party). Only to give us that opportunity of trying the strength of different parties, I would request you not to adjourn the House *sine die*. I would beg you to give a chance of trying the strength of the parties.

Khan Bahadur Maulavi KERAMAT ALI*: May I request you, Sir, to take the sense of the House as to whether the House should be adjourned *sine die* before you decide one way or the other ? I would also like to know whether it is a fact that the House is called by His Excellency and it ought to be prorogued by His Excellency the Governor ?

*Speech not corrected.

The Hon'ble the SPEAKER: The House has been summoned by His Excellency the Governor no doubt and the House is also to be prorogued by the Governor. Sub-rule (2) of rule 3 of the new Rules says, "subject to the provisions of sub-section (2) of section 62 of the Act, the person presiding shall have the power to adjourn the Assembly from time to time". There is nothing in the rules, I think, as to how the House can be prorogued: the Governor can prorogue by a message sent to the House or, I think, by a notification in the Gazette if the House be not in sitting. If the House be adjourned *sine die*, that protects the rights and privileges of the House to consider the pending business when the House will again meet. The difference between prorogation and adjournment of the House *sine die* is this. By prorogation pending business before the House terminates. Rule 18(1) relates to this. On the termination of a session of the Assembly all pending notices shall lapse and fresh notices of business will have to be given by members for the next session, except in case of a resolution which was moved but could not be discussed or disposed of for want of time and that also on a notice given by the member who sponsors the resolution.

So, hon. members can perceive, that by prorogation, the pending business of the House terminates with very limited exceptions. But in the case of adjournment *sine die* the business remains pending and the Speaker can fix a date for the adjourned sitting to meet. It is not necessary for that, that the Governor should summon the Assembly again.

The present rule is different from the old rule. The hon. members will compare the old rule 17 and the present rule 17. In the old rule "the Governor, after considering the state of business of the Assembly, shall allot so many days, etc". but in the new rule it is stated "the Speaker in consultation with the Chief Minister shall allot, etc". Now, if the House is adjourned *sine die*, then the Speaker in consultation with the Chief Minister will arrange the business. So we have got an advantage now, namely, that by adjournment of the House *sine die* the House is not deprived of its rights and privileges with regard to pending business. But in the case of prorogation, the House is deprived of the right of taking up the pending business. That is why the hon. members should consider what should be done.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI*: Sir, the hon. Leader of the Opposition, the prospective Chief Minister, has urged upon you to adjourn the House *sine die* on the ground that the members of his party are responsible for giving notice in regard to most of the resolutions, Bills and questions. I think, Sir, in the matter of questions, resolutions and Bills there is no monopoly of giving notice. Members on this side of the House has also given notice of Bills, resolutions and questions and the reason given by the Leader of the Opposition should not deprive the members of the opportunity of discussing the non-official Bills, asking questions, etc.

Then again he said that he requires time for formulating the policy of his party as to the attitude they should take up with regard to the particular motions, resolutions, etc., that are before the House. I think, Sir, the Alla Bux Ministry in Sind took up office immediately after the no-confidence motion was passed against the former Ministry and the session continued. The same procedure was also adopted in the North West Frontier Province when.....

The Hon'ble the SPEAKER: No, no. I will say what happened in those provinces.

*Speech not corrected.

From an examination of the proceedings of the North West Frontier Province Assembly Session of September, 1937 and the Sind Assembly Session of February-March 1938, it has been found that in the former province a motion of no-confidence was carried on the 3rd September, 1937. On the 4th September the Assembly met and the Speaker made a short statement on the situation arising out of the resignation of the Ministry and adjourned the House till 10th September. From the next volume of the province it however appears that the Assembly did not meet again until the 17th September with the new Ministry. Apparently this change of date from 10th to 17th September was necessitated by some unforeseen circumstances and the members were communicated to, of the change by letter afterwards. It also appears that the Governor did not prorogue the session.

As regards Sind, it appears from the proceedings of 18th March 1938, and the *Amrita Bazar Patrika* of 20th March and 23rd March that the Ministry had to tender resignation as a result of a defeat in the House in connection with the whole demand for grant under '25.—General Administration'.

On the 19th March, the Speaker, on the suggestion of the Chief Minister adjourned the House till the 22nd of that month in order to enable the various parties to consider the situation arising out of the defeat of the Ministry. It however appears that the House met again on the 25th with the new Ministry in office. In this case also it seems that the Assembly was not prorogued by the Governor.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI*: Then again, Sir, in the expectation that the new Ministry will take office to-day, notices have been given of a number of no-confidence motions, and it is only just and proper that the House should be given an opportunity of raising those motions. The question does not arise of answering questions and discussing resolutions, and the House should be given an opportunity of testing whether the Ministry that is going to be formed enjoys the confidence of the House or not.

Babu KAMINI KUMAR SEN: Sir, I would only refer to the point raised by the Hon'ble Maulavi Abdul Matin Chaudhuri about the no-confidence motions. I think the Hon'ble Ministers have not yet taken office and before that, a no-confidence motion is out of order.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: Sir, I will put another motion at 2 P.M.

Babu KAMINI KUMAR SEN: So, Sir, that motion cannot be discussed.

The Hon'ble the SPEAKER: The point raised by the Hon'ble Maulavi Abdul Matin Chaudhuri is with regard to Bills and resolutions.

Srijut GOPINATH BARDOLOI: My respectful submission is that that business will remain and the members will get an opportunity of discussing them.

The Hon'ble the SPEAKER: The hon. Leader of the Opposition will please say why the Bills and resolutions tabled by the other party should not be discussed?

Srijut GOPINATH BARDOLOI: I have already submitted, Sir, that we are not in a position to take part in the discussion. I have said times without number that we must have the right to consult as to what attitude we should take with regard to those measures.

* Speech not corrected.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI*: Sir, during the last budget session very little time was given for discussion of non-official Bills and resolutions and this session has been called for that purpose. So I think, Sir, it will be an encroachment on the rights of non-official members that they should be deprived of the opportunity of disposing of them.

Mr. ARUN KUMAR CHANDA: Sir, the point stressed by the hon. Leader of the opposition is that we are not in a position to meet the House for the simple reason that the answers framed by Government to questions put by hon. members of the House brought an outlook into them which we do not hold. So it is only fair to us to give us a reasonable opportunity to be able to frame answers to the questions in the light of the policy which we hold. So much in regard to questions.

As regards Bills, it will be noticed that the Bills which Government brought forward do not touch even the fringe of the problems which we have all urged before the House. We would be saddled with Bills for which we could not claim any responsibility. I find from my side different resolutions and Bills were tabled, and in the light of the fact that a Coalition Ministry is coming into office we should be given a reasonable opportunity to recast those resolutions and Bills so as to conform to the programme and policy of the Coalition Ministry.

Khan Bahadur Maulavi KERAMAT ALI* Sir, it has been our practice since you became the Speaker to consult the House when there is any difference of opinion about the adjournment of the House. I think that practice should be followed in this case also and the sense of the House taken.

The Hon'ble the SPEAKER: The grounds are to be considered and the Speaker is to give his decision.

Khan Bahadur Maulavi KERAMAT ALI* The members may give their decision after considering all the arguments urged by the different members. Therefore, the sense of the House should be taken in the matter.

Mr. ARUN KUMAR CHANDA: Are no-confidence motions permissible, Sir, even when the new Ministry has not had an opportunity to show to the House what its policy is to be?

The Hon'ble Maulavi MUNAWWAR ALI: I will take only one minute, Sir. It has been urged by the Opposition that they have not been able to devote attention to Government Bills, resolutions, etc. But that is a contingency which can at once be obviated by Government members merely refraining from putting those motions and Bills. As soon as a member of the Cabinet says, 'I do not move it', it goes and no duty devolves upon Government to pursue it.

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: May I ask the prospective Hon'ble Chief Minister and his group whether they have not already considered in their party meeting their attitude towards each resolution and each Bill? Does the prospective Hon'ble Chief Minister mean to say that they are going to change their opinion merely because they are going to assume office? Is that the reason why they have asked for the adjournment of the House? Sir, I would ask that party, of which the prospective Hon'ble Chief Minister is the leader, to consider whether it would be right on the part of his party to shirk the test which the majority

* Speech not corrected.

of this House wants to face them with? Whether it would not be cowardice on the part of that party to avoid this challenge which has been put forward by the majority of this House? Whether they would not by this evasion humiliate the great august organisation of which they are members? If they are sure that they have a majority in this House let them face the test, if they are doubtful let them not take the responsibility of forming the Cabinet. (*Applause from the Ministerialist party*).

Srijut DEBESWAR SARMAH: Mr. Speaker, Sir, may I make a submission regarding what has been said by Srijut Rohini Kumar Chaudhuri? The point is that there is no question of evasion. As you have agreed, Sir, an ample opportunity will be given and the opposition party will have sufficient time to prove their strength. (*Uproar in the House*). Even when there is a simple civil suit some time is required to acquaint one with the brief. Is it humanly possible for one to acquaint himself with the huge administrative machinery of this province within these few days? There are only three days, and within these three days, I think, no one can get himself acquainted with administrative affairs of a province. Of course, it may not be so difficult for a man having the experience of Sir Muhammad.

Now as regards the question of depriving the members of the opportunity of discussing those private members' business during the last 18 months every hon. member of this House knows how long we had to wait for taking up non-official matters, because there were only a very few days allowed for non-official business. I think, therefore.....

The Hon'ble Srijut ROHINI KUMAR CHAUDHURI: On a point of personal explanation, Sir. What I meant to say is that the House should not be deprived of the opportunity of testing their strength, as it is plain that they do not enjoy the confidence of the majority of the House even for a single day.

Babu KAMINI KUMAR SEN: The other day Sir Muhammad declared on the floor of this House that the Cabinet no longer enjoyed the confidence of the majority of the House and so they submitted their resignation. Now, Sir, I do not think any useful purpose will be served by continuing the business of the House when the persons who are to come into office have not any chance to look into the papers as regards questions and resolutions. They cannot be expected to take any definite attitude with regard to the subjects that are to be discussed without having an opportunity to go through the necessary papers.

The Hon'ble the SPEAKER: Order, order. There is no need for further discussion. I notice a good deal of temper in this House. May I enquire one thing? It has been declared here that the present new Ministry does not enjoy the confidence of the House and it is a fact that these few days. Was the question that the new Ministry going to be formed would not enjoy the confidence of the majority of the House represented to the proper authority?

Maulavi MUHAMMAD MAQBUL HUSSAIN CHAUDHURI*: Yes. That we are going to put a no-confidence motion was communicated to His Excellency the Governor.

The Hon'ble the SPEAKER: This session commenced its sitting on the 5th September last. The hon. members know that a great volume of business has been half discussed. Of the resolutions, only one resolution has been introduced and a motion for reference of the Bill to Select

*Speech not corrected.

1938.]

REQUEST FOR ADJOURNMENT

Committee is still under discussion. Some questions have been answered, but a large number of questions remain still un-answered. There were two adjournment motions tabled which were discussed and talked out. A no-confidence motion having come up before the House, the Ministry just on the eve of that motion being taken up, tendered their resignation, and in consequence of that resignation the opposition Leader was summoned by His Excellency the Governor to form the Cabinet. He undertook to form the Cabinet and it appears that the new Cabinet will be sworn in this day at 12-30 p.m.

Rai Bahadur PROMODE CHANDRA DUTT: Not the full Cabinet.

The Hon'ble the SPEAKER: Yes, not the full Cabinet.

Srijut GOPINATH BARDOLOI: Not the full Cabinet. It is only a part of the Cabinet.

The Hon'ble the SPEAKER: Now it appears from what the Leader of the Opposition says that the full Cabinet is not going to be formed to-day, but only a part of it.

The Hon'ble Maulavi ABDUL MATIN CHAUDHURI*: May I point out that we have received an invitation letter which runs as follows:—
“The former Ministry having resigned, the members of the newly appointed Ministry will be administered Oaths of office and secrecy in the presence of His Excellency the Governor of Assam at the Constitution Hall at 12-30 p.m., on Monday the 19th September 1938. You are requested to attend.”

There is no question of part formation.

Srijut GOPINATH BARDOLOI: I suppose hon. members know that three seats have been kept open.

The Hon'ble the SPEAKER: Now, it has been brought to the notice of the House by some hon. members who have spoken that some no-confidence motions have been tabled against the new Ministry that is going to be formed. These are really out of order on the ground that the Ministers have not as yet been sworn in. But from one hon. member it appears that those who are going to table these no-confidence motions represented matters to His Excellency and tried to impress upon him that the new Ministry that was going to be formed would not command a stable majority in the House.

Now from the Instrument of Instructions it appears that the Governor is to appoint those persons to form the Ministry who would most likely be in a position jointly to command a majority in the House. If really the matters, which the hon. members say, they represented to the Governor, were really so as they are now represented to be, I fail to understand why the Leader of the Opposition was at all called upon to form the Ministry. It comes to this then that some Ministers are to be sworn in only to be dislodged from office the moment after they resume office, without getting an opportunity to handle the affairs of the administration.

Maulavi ASHRAFUDDIN MD. CHAUDHURY*: I want to point out that on a discussion, this matter was represented to His Excellency that these new Ministers would not command the majority in the House.

The Hon'ble the SPEAKER: Yes, when I asked if it was represented to His Excellency that the new Ministry would not command a stable majority, Maulavi Muhammad Maqbul Hussain Choudhury, said, that was so.

*Speech not corrected.

Mr. F. W. HOCKENHULL: The expression is, His Excellency should appoint the person who in his judgment is the one likely to command a majority. That is a matter of hazard. The solution of the question can be proved on the floor of the House at the first opportunity.

The Hon'ble the SPEAKER: His Excellency has considered that the Leader of the Opposition would be in a position to command the majority in the House.

Khan Bahadur Maulavi KERAMAT ALI*: May I know through you if Maulavi Muhammad Maqbul Hussain Choudhury ever approached His Excellency?

The Hon'ble the SPEAKER: But he undertook to give replies.

Maulavi MUHAMMAD MAQBUL HUSSAIN CHOUDHURY: I did not personally see His Excellency.....

(At this stage there was a great confusion in the House and waving of hands from many members towards Maulavi Muhammad Maqbul Hussain Choudhury in order to prevent him from speaking more.)

The Hon'ble the SPEAKER: Order, order.

Now having regard to the state of things which has come out from this discussion showing how the new Ministry is going to come into office, I shall consider the rights and privileges of this House with regard to its business and the position of the new Ministers in regard to the same. I have already pointed out in the course of the debate that has taken place, that the difference between an adjournment of the House *sine die* and prorogation by His Excellency is that the prorogation takes away the right of the members to continue the pending business; but that in the case of an adjournment *sine die* the rights and privileges of members with regard to pending business are protected. Now, if the House be adjourned *sine die* to-day, it is within the discretion of His Excellency to prorogue the House on the 22nd or on a subsequent day before the Chair takes up the question of pending business in consultation with the Chief Minister to go on with the pending business. But as custodian of the rights and privileges of the House, I must see that the rights and privileges with regard to the pending business are protected. I have shown that very little business was done in the course of this session. From the past sessions hon. members must have noticed how the sessions of the Assembly are fixed up and how very little time is given to private members' business to be transacted. Now, having regard to the fact that very little business has been done in this session, the rights and privileges of the House should be protected. The Leader of the Opposition who is going to form the Ministry has urged that with regard to the business that remains pending, the attitude of his party should be clearly defined. It has also been urged on the contrary that the resolutions and other matters which were tabled by them must have been examined by their party and therefore there is nothing to take into consideration in defining their attitude; but it should be considered that when they are going to form a Coalition Ministry, the strength of their Congress party being only 32, necessarily the attitude of all the parties coalescing should be defined in regard to all business that is pending. If we examine the agenda of this session, we find that to-morrow is a day for Government business and one of the items is voting for demand for supplementary grants and no supplementary grants can come up before the House as there was no presentation of the supplementary statements. Then with regard to Government business that will come up on the last day, *i.e.*, 22nd September, the Leader of the Opposition says that the attitude of the party has to be really defined with regard to the business. To-day is a private

*Speech not corrected.

members' day and only the resolutions are to be taken up. On Thursday last when the business of the House was adjourned, the House agreed that the resolutions and questions should not be taken up on account of the fact that there was nobody to state the Government attitude with regard to questions and resolutions. Now having regard to what the Leader of the Opposition has said, if any Government comes into existence, really there will be practically no change in the position that was taken note of by the House on Thursday. So, after all these considerations, I think, it will be my duty to keep the business of this session pending for giving time to the new Ministry to shape their attitude with regard to all business of this session which remains pending. That can very well be achieved if the House be adjourned in such a way as to give reasonable opportunity to the new Cabinet to formulate their general policy and their attitude with regard to the pending business and then come before the House. I am protecting the right of the House in regard to pending business and if His Excellency the Governor by the exercise of his right of prorogation, prorogues the House, then this right will no longer be there. As I said before, by adjourning the House *sine die*, the session is not terminated till it is prorogued, and from the definition of the term 'session' we find that the session means the 'whole period from the time the Assembly is assembled to the time when it is prorogued'. So, until prorogation, this session will continue. *Pujas* are coming and after the *Pujas*, the Chair in consultation with the Chief Minister, will fix a date on which this session should commence its sittings again, and also arrange the pending business to be transacted. As I said before, this will only be possible if His Excellency the Governor does not prorogue the House in the meantime. It has been said that in adjourning the House, *sine die*, the sense of the House should be taken, but when it is a question of protecting the rights and privileges of the House, in which the rights of minority are also concerned, I think, the Chair should give his ruling.

Khan Bahadur Maulavi KERAMAT ALI: May we know who is the minority?

The Hon'ble the SPEAKER: Opposition is the minority, but I don't know who now form the opposition. But any way there is a minority whose rights are to be protected.

So, in this view, if the House be adjourned, then the members will get an opportunity to discuss the pending business of this session. It has been urged that the House should not be adjourned *sine die* because a certain section of the House wants to table no-confidence motion. Now, if that be the object of opposing the request of the Hon'ble Leader of the Opposition for adjourning the House *sine die*, then I think, having regard to the fact that a new Ministry is just going to come into power and also to the rights and privileges of the House, which I have detailed above, the Chair should give a ruling, in order to protect the rights of that minority which is in the minds of the hon. members opposing the adjournment *sine die*.

Now, as I said before, a date may be fixed for commencing the adjourned session of the House when the members will be entitled to table no-confidence motions. As I have pointed out, the business of the House cannot be transacted with advantage to the members during the remaining days of this session and I consider that the House should stand adjourned *sine die* keeping to the Chair the right to fix up subsequent dates for taking up the business of the House. I have already said that I could not understand why, when it was represented to His Excellency that the Coalition Ministry, would not have the majority behind their back, His Excellency called upon

them to form the Cabinet, and now I think it is fair that the Cabinet to be formed must have their policy defined in all respects in order to face a no-confidence motion.

Now, during the last no-confidence motion, I noticed a tension of feeling and therefore I wanted to expedite the disposal of that motion. I do not want to see the spectacle of another no-confidence motion in the House before the tension and excitement cool down. I want that the atmosphere should cool down, so that in a proper atmosphere a no-confidence motion may be brought against the Ministry. As I pointed out before, in the Sind Legislative Assembly and in the North West Frontier Province Legislative Assembly, the Speaker adjourned the House from time to time and the new Ministry came to face the House after an adjournment. But here is a special case of a Ministry being formed even against representations to His Excellency that the new Cabinet would not enjoy the confidence of the House.

Maulavi ASHRAFUDDIN MD. CHAUDHURY : * On a point of information, Sir. I want to know whether in those Assemblies a section of the House represented to the Hon'ble Speaker that they wanted to table a no-confidence motion against the new Ministry ?

The Hon'ble the SPEAKER : Of course, nothing appears from the reports before me.

✓ As I have pointed out, the right of moving no confidence motion is not taken away by adjourning the House *sine die*. The motion can be tabled on the day the adjourned sitting of the House commences.

Now, having regard to all these circumstances, I think the justice of the case requires that the House should stand adjourned *sine die*. It will commence its sitting again after the *Pujas* on a date to be fixed by the Chair, in consultation with the Hon'ble Chief Minister. ✓

Before the hon. members disperse, I want to read out a message.

MESSAGE FROM THE GOVERNOR—GOVERNOR'S ASSENT TO
THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE
BILL, 1937

The Hon'ble the SPEAKER : Information has been received from the Secretary to His Excellency the Governor of Assam that under provision of section 75 of the Government of India Act, 1935, His Excellency the Governor has assented to the following Bill which was passed by both Chambers of the Assam Legislature during the February-March session, 1938, of the Assembly and August-September session, 1938, of the Council, namely:—

The Good Conduct Prisoners' Probational Release Bill, 1937.

The House stands adjourned *sine die*.

Adjournment

The Assembly was then adjourned *sine die*.

Shillong :

The 19th November 1938.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.

*Speech not corrected.

