

**Proceedings of the Second Session of the Second Assam
Legislative Assembly assembled under the provisions
of the Government of India Act, 1935**

THE ASSEMBLY met in the Assembly Chamber, Shillong, at 11 A.M., on Tuesday,
the 16th July, 1946

Present

The Hon'ble Mr. Debeswar Sarmah, Speaker, in the Chair, the seven Hon'ble
Ministers and eighty-six Members.

Oath of Allegiance

The following Members were sworn in :—

- (1) Mr. W. R. Faull.
- (2) Mr. H. Patterson.
- (3) Mr. F. W. Blennerhassett.
- (4) Mr. E. H. Gruning.
- (5) Mr. J. S. R. Telfer.

The Hon'ble the SPEAKER: Is there any other hon. Member who has
not taken his oath? *(After a pause)* It seems there are none.

Panel of Chairmen

The Hon'ble the SPEAKER: I nominate the following Panel of Chairmen
for the July Session of 1946 :—

- (1) Maulavi Munawwar Ali.
- (2) Mr. W. D. Rutherford.
- (3) Srijut Gauri Kanta Talukdar.
- (4) Mr. Larsingh Khyriem.

The Hon'ble the SPEAKER: Now we pass on to the third item.

**Message from His Excellency the Governor re election of Representatives
to the Constituent Assembly**

Dear Mr. Speaker,

I have been instructed by His Excellency the Viceroy to communicate to the
Assam Legislative Assembly his request to them to proceed with the election of
their representatives to the Constituent Assembly, whose purpose is to frame a new
Constitution for India. The number of representatives, the several parts of the
Assembly by which they are to be elected and the method of election are set forth
in the Statement issued by the Cabinet Delegation and His Excellency the Viceroy
on the 16th May, 1946. I shall be grateful if you will now take such steps as you
may find suitable in accordance with the normal procedure so far as applicable to
have this matter taken into consideration by the Assembly. In communicating
this request I am acting in the discretion vested in me by clause (2) of Section
63 of the Government of India Act, 1935;

*“Government House, Shillong,
The 15th July 1946.”*

Yours sincerely,
F. C. BOURNE.”

MOTION

Mr. F.W. BLENNERHASSETT: I rise on a point of information, Sir. It occurs to us that item No. 5 on the Order Paper is misplaced; the election of the representatives to the Constituent Assembly should come before that. Is this not the right order, Sir?

The Hon'ble the SPEAKER: The hon. Member will please take his seat.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: After finishing item No. 4 we will discuss this.

The Hon'ble the SPEAKER: Now we take up item No. 4; then we come to item No. 5.

Motion Re: Election of Representatives to the Constituent Assembly

Mr. A. WHITTAKER: Mr. Speaker, Sir, I beg to move that in accordance with the request contained in the message of His Excellency the Governor, this House do now proceed to the business of electing representatives to the Constituent Assembly.

Mr. Speaker, Sir, the privilege and responsibility of placing this Motion before this Assembly has fallen on me as a benevolent non-partisan. I should not like any Member to assume from this that my Group are not concerned. We have decided to refrain from voting in the election of the Members to the Constituent Assembly but we are profoundly interested and more than interested. We are indeed anxious that as the eleventh hour approaches a political settlement will be made which will not bedevil the relations of the various peoples of India, one with another, and the relation of the free peoples of India as a whole with the free peoples of nations outside India.

Dramatists in ancient Greece and Elizabethan England invented a chorus whose function it was to explain to the spectators the various settings for the drama and in between the acts to draw spectators's attention to the passing of time. My function in this meeting of the Assembly is that of a chorus but I shall not explain anything but will content myself with drawing Members' attention to the passing of time in this political drama. It is now a quarter to eleven. We have only to wait a little before we reach the eleventh hour and if we, the Legislators of the Province, allow the eleventh hour to pass, we have a dangerously little time to go before zero hour when anything may happen and many things certainly will happen. Within the scope of the Government of India Act there is no provision for such a meeting as is now taking place and there are no precedents to guide us; nor are there, of course, any precedents for the setting up of a Constituent Assembly. Our main guide, therefore, should be the knowledge that the work we do here is the first act in a drama of which we will the end without as yet knowing the means to that end. And still speaking as a benevolent non-partisan, my last suggestion is that all those who participate in the discussion on the succeeding Motions will do so with restraint which best befits this very important occasion.

I now, Sir, beg to move again that in accordance with the request contained in the message of His Excellency the Governor, this House do now proceed to the business of electing the representatives to the Constituent Assembly.

The Hon'ble the SPEAKER: Motion moved:

"In accordance with the request contained in the message of His Excellency the Governor, this House do now proceed to the business of electing representatives to the Constituent Assembly."

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, I am according a most hearty support to the Motion that has been put before the House by my Friend, the hon. Mr. Whittaker. In doing so, I am not representing the Government of the day but I am only speaking as a Leader of a Party and as a representative of certain views which you very well know prevail in India to-day. The Motion has been very ably put by the hon. Mover. I have indeed very little to add. On our side, we can say, Sir, that we shall be doing our best to take the fullest advantage of building up a united nation which to us seemed so far divided to an extent which none have liked. I feel that the consideration of the proposals which have been put forward by the Cabinet Mission gives us some opportunity of bringing about that unity which we have already sought for and so far as this side of the House is concerned (instead of saying this side of the House, I should say the Party which I represent), I should say that we shall leave no stone unturned for the purpose of achieving that unity which will make real independence of India possible; not merely possible but should be in working. Sir, I have little to say on the Motion beyond what I have said. I again whole-heartedly support the Motion which has been put forward by the hon. Mr. Whittaker.

I want however to add only a few words in reference to the Mover. It was very good of Mr. Whittaker to have wished us well when the hon. the Leader of the Muslim League Party of the Assembly and myself were chosen as delegates to the Cabinet Mission to put forward our respective points of view. It was a very kindly suggestion he made at that time, and I am glad that he has very kindly repeated the same suggestion to-day. I can only thank him for the good wishes he has expressed.

Maulavi Saiyid Sir MUHAMMAD SAADULLA: Mr. Speaker, Sir, on behalf of the Party which I have the honour to lead in this House I can whole-heartedly support the Motion moved by the Leader of the European Group. He has assumed the role of a non-partisan and, therefore, the connotation is that there are partisans in this House. My hon. Friend the Leader of the House, the Prime Minister of the present day Government, has already stated that he and his Party will strive to their utmost to have unity amongst all the people of India. I can only say that I wish him God speed in this move.

On behalf of the Muslim League Party I should only say that we are all for independence of India and honourable independence but that it should be independence for all the people that live in this continent of India. (*Cheers from the Muslim League Benches*).

The Hon'ble the SPEAKER: If no other hon. Member is participating in this subject, then I think I can put the question.

The question is:

"In accordance with the request contained in the message of His Excellency the Governor, this House do now proceed to the business of electing representatives to the Constituent Assembly."

The question was adopted.

The Hon'ble the SPEAKER: May we also put it on record that it has been unanimously accepted. I think that is the sense of the House (*voices: yes, yes.*)

Now we pass on to item No. 5, *i.e.*, Motions on matters pertaining to the Constituent Assembly. In this connection hon. Mr. Blennerhassett was pleased to raise a certain question. Will he please reiterate?

Point of order

Mr. F. W. Blennerhassett: Mr. Speaker, Sir, I now rise on a point of order. The Motion which has been accepted by the House is that "this House do now proceed to the business of electing representatives to the Constituent Assembly". Well, Sir, if I may quote from the Concise Oxford Dictionary, the definition of the word "now" is "at the present time", "by this time", "under the present circumstances", and if, Sir, we have some other business interpolated between proceeding to vote and the Motion now accepted by the House I submit that this Motion is in the wrong order.

The Hon'ble Srijut GOPINATH BARDOLOI: Mr. Speaker, Sir, with due deference to the hon. Mr. Blennerhassett, who has raised this point of order, I must say that the construction he has put on the word "now" has rather been much too limited. The point that I want to make out is that the wordings of the Motion that have been sought to be brought before the House have got to be seen before the Hon'ble Speaker decides the point as to whether he should admit the Motion or not. I am talking of my Motion and not of the Motion which has been put down by hon. Mrs. Bonily Khongmen. In view of the wordings of the Motion that this Assembly directs the ten representatives elected by it, it can legitimately be held that this election may take place either before or after the main Motion is disposed of. Therefore there is nothing by which this Motion may be ruled out of order. The point is this: whether it will save the time of the House and will lead to the smooth working up of the order of business if the Motion is taken up now. This is my submission, Sir, and I again venture to submit that the interpretation which has been sought to be put on the word "now" by hon. Mr. Blennerhassett that the Assembly should immediately take up the business of election after Mr. Whittaker's Motion is not correct. The election may take place shortly afterwards. All that is necessary to be done is that the business should be finished in the course of the day.

Point of order

Maulavi ABDUL HAMID: Mr. Speaker, Sir, I beg to rise on a point of order. This meeting of the Assembly has been called for a specific purpose....

The Hon'ble Mr. BASANTA KUMAR DAS: Sir, there should first be a decision on the point of order raised by Mr. Blennerhassett. I understand the hon. the Deputy Leader of the Opposition is raising a different point of order. Mr. Blennerhassett's point of order is with regard to the meaning of the word "now" i.e. concerning the order in which the Motion is to be taken up. But my hon. Friend, Mr. Hamid, the Deputy Leader of the Opposition seeks to raise a different point of order which relates to the merits of the next Motion and questions its admissibility. There should therefore be a Ruling on Mr. Blennerhassett's point of order first.

The Hon'ble the SPEAKER: I understood the hon. Deputy Leader of the Opposition to be discussing the same subject raised by hon. Mr. Blennerhassett. Or was it a different point of order that the hon. the Deputy Leader wanted to raise?

Maulavi ABDUL HAMID: I shall have to traverse more ground than Mr. Blennerhassett has done. If you think it would be convenient to give a Ruling on Mr. Blennerhassett's point of order now and allow me to raise my point of order afterwards, I shall have no objection.

The Hon'ble the SPEAKER : But if it is on the same lines will it not be towards economy of time if we discuss and decide allied matters together? Let us hear the hon. Deputy Leader first.

Babu KAMINI KUMAR SEN : He began in a way which made it very much clear that it is different from the point of order raised by Mr. Blennerhassett. Whereas Mr. Blennerhassett will have no objection if the Motion is taken up after the election, I understand the hon. the Deputy Leader's point of order aims at the Motion not being taken up at all to-day.

The Hon'ble the SPEAKER : I appreciate what hon. Mr. Sen has said. But I think, the House should have the advantage of hearing the hon. the Deputy Leader of the Opposition first and then come to the conclusion with regard to both these points of order.

Maulavi ABDUL HAMID : Sir, though my point of order is different it relates to the same business.

First of all, Sir, the matter that is before this hon. House to-day is a matter which was not contemplated at the time the Government of India Act, 1935 was passed, and so it is beyond the scope of that Act. His Excellency the Governor must have doubted whether he could call a meeting for such a purpose, and so his hand had to be strengthened by a request from His Excellency the Viceroy, His Majesty's representative, to enable him to call a meeting for the purpose of election of the Members to the Constituent Assembly. The purpose for which this Assembly has been called has been specifically mentioned in the Order, viz. that the Viceroy should convey his request to the Assam Legislative Assembly to proceed with the election of their representatives to the proposed Constituent Assembly for India as prescribed in paragraph 19 of the Cabinet Mission's Statement. In paragraph (2) it is stated that it is to be done in accordance with the procedure laid down in the schedule. In the schedule we see, Sir, that "on the 16th July when the Assam Legislative Assembly meets, the Governor shall send to the Assembly a message communicating the Viceroy's request as contemplated in paragraph 21 of the Statement and thereupon the Assembly shall proceed (I lay particular emphasis on the word 'shall') to elect its representatives by proportional representation with single transferable vote, each part of the Assembly General or Muslim) electing its own representatives."

Sir, this Assembly has been called by His Excellency the Governor for two purposes, viz. (1) to receive a message from His Excellency the Governor and then (2) immediately to proceed to elect Members to the Constituent Assembly. No scope for any further work has been left in this Order.

Babu RABINDRA NATH ADITYA : On a point of information, Sir. Had the hon. Deputy Leader of the Opposition any objection to the first item of the business being gone through, viz. the oath or affirmation of allegiance by new Members?

Maulavi ABDUL HAMID : I had none, because oath must be taken by new Members as a matter of course, in order that the Assembly might function and all its Members exercise their right of voting. I did not raise any objection to the nomination of the Panel of Chairmen either. But, Sir, there is no scope for any other business except the election of Members to the Constituent Assembly. The whole machinery for the election of the Members has been laid down by the Cabinet Mission in their Statement of 16th May and not by this House. This Assembly is now going to elect Members for the Constituent Assembly. The services of the different groups in this House are being sought for the election of the group representatives. For election of the Constituent Assembly

Members from the two prominent groups, the system of single transferable vote has been provided. The whole purpose and intention is that every Member of the Constituent Assembly will be free to represent a particular group or sub-group which has elected him to the Constituent Assembly. The method of single transferable vote has been provided for election so that the majority may not force their will on the minority in the group.

Sir, any attempt at binding the Members of the Constituent Assembly either by the whole House or by the majority of the groups will contravene the very spirit underlying the machinery provided for election to the Constituent Assembly of Members. Therefore, Sir, I do submit that as the Members are not elected by the vote of the whole House, every group and sub-group of this House having a right to elect its own Member out of the total strength allowed to represent a group the House by passing a Motion by majority vote cannot bind the elected Members. The machinery for election which we are going to have has been devised by Members of the Cabinet Mission under paragraph 19 of the Statement of May 16. The present Motion is trying to fetter the elected Members by majority vote of the Assembly which will be diametrically opposed to the intention of the framers of the draft of paragraph 19 of the Statement of May 16. So, Sir, I submit that it is beyond the scope of the Order of His Excellency the Governor. The whole House is not to elect representatives; nor is it in consonance with the spirit in which the machinery for election has been devised. I therefore, submit that any such Motion will contravene the very intention of paragraph 19 of the Statement of May 16.

It is hoped that the representatives who will go from this Province will act in a broad spirit of give and take and usher in a constitution which will mean freedom not only for the majority parties but also for the minority parties in India. Let us hope that the majority party will look to the interests of the minorities and the measure of the success in constitution-making will be the measure of consideration we are prepared to give to the interests of the minority groups. It is, therefore, of imperative importance that Members elected to the Constituent Assembly should remain unfettered to exercise their best judgment on the important matters that will certainly come before them.

Finally, Sir, you, having been elected unanimously to the Chair have the confidence of the House. I am sure you will look into the rules and orders before you give your decision in this particular matter and will not be influenced by your personal inclinations.

The Hon'ble the SPEAKER: Does the hon. the Deputy Leader of the Opposition invite me to throw this Motion out? Is that the point of order?

Maulavi ABDUL HAMID: Yes, Sir, as it is beyond the scope of the Order of His Excellency who called this Assembly. He specifically limited the business to merely election of the Members to the Constituent Assembly.

The Hon'ble the SPEAKER: Will the hon. the Deputy Leader of the Opposition enlighten me as to under what rules or orders we are proceeding with this business of electing representatives to the Constituent Assembly on the floor of this House and under what authority can I throw this Motion out? Will he please point out following which rule or convention or precedent can I throw this Motion out?

Maulavi ABDUL HAMID: I have already pointed out that in the first instance the Assembly has been called at the request of the Viceroy by His Excellency the Governor and the business of this House has been specifically limited to election of Members to the Constituent Assembly; His Excellency summoned the Legislative Assembly on Tuesday, the 16th July, 1946, in order to receive a message from him and to proceed to elect their representatives.

The Hon'ble the SPEAKER: May I know to what the hon. the Deputy Leader is referring ?

Maulavi ABDUL HAMID: I am referring to the message of His Excellency the Governor (the last para.) which runs as follows 'to meet at the Assembly Chamber in Shillong at 11 A.M. on Tuesday, the 16th July 1946, in order to receive such message from me and proceed to elect their representatives to the said Constituent Assembly.' These are the two items for which this Assembly has been called. And any business introduced beyond this will be going beyond the scope of the orders of His Excellency and as such will be out of order.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, I beg to speak a few words. The Motion has not yet been put before the House and I cannot understand how this question arises at this stage. The first point of order that was raised by my hon. Friend Mr. Blennerhassett was that this House has accepted the Motion that the Assembly do now proceed to elect the representatives to the Constituent Assembly. So in between the actual voting and the acceptance of the Motion nothing can be discussed. That is his intention. But the standpoint of the hon. Deputy Leader of the Opposition is quite different; he says that nothing but the actual election to the Constituent Assembly can be taken up. Sir, he has referred to the last paragraph of the Order but in the first paragraph of the notification (order) it is quite clear. His Excellency the Viceroy has requested the Assam Legislative Assembly to proceed with the election as contemplated by paragraph 21 of the Statement issued on the 16th May by the Cabinet Delegation and himself. Now, Sir, what is the meaning of the Assam Legislative Assembly ?.....

Babu KAMINI KUMAR SEN: I am sorry, Sir, for interrupting the Hon'ble Minister. Sir, the matter has been somewhat confused by dealing with two different points of order. I suggest that it would be better if you take up first the point of order raised by the hon. the Deputy Leader of the Opposition. If you admit that point of order, the other point of order does not come in at all.

Mr. A. WHITTAKER: Sir, may I ask you to take the reverse order ? The first point raised by Mr. Blennerhassett is a very simple one. I suggest that these two points of order should be dealt with in chronological order. The point of order raised by Mr. Blennerhassett is not a very important one compared with the point of view that has been raised by my hon. Friend the Deputy Leader of the Opposition. With due respect to my hon. Friend Mr. Sen I suggest that the point of order raised by my hon. Friend Mr. Blennerhassett on the floor of the House should be taken up first. I ask you, Sir, to give your ruling on Mr. Blennerhassett's point unless any other Member has something to add on that particular point now.

The Hon'ble the SPEAKER: The hon. Mr. Blennerhassett and hon. Mr. Abdul Hamid have raised two different points of order before the House and it is for me to give my rulings. After hearing the points of view of hon. Mr. Blennerhassett and the hon. the Deputy Leader of the Opposition I see that there is very great difference between the two points raised by the two hon. Members. The point of order raised by the hon. the Deputy Leader of the Opposition is undoubtedly wider and has also raised an important issue. But the point of order raised by hon. Mr. Blennerhassett is narrow and can be disposed of probably quicker. But both these points of order are inter-related and are in respect of the one and the same matter. So, I think, it will be convenient for all concerned to deal with these two points of order together and come to a decision after the subject is fully discussed.

The Hon'ble Mr. BAIDYANATH MOOKERJEE: Sir, they are inter-related in such a way that they cannot be separated now. The effect will be the same. My point is this that when the election will be over the Assembly will become *functus officio* and no other item can be taken up after that, of course if it is interpreted in the way as submitted by the Deputy Leader of the Opposition that this Assembly has been summoned for two different purposes and the main purpose being the election of the Members to the Constituent Assembly. So as soon as the election is over, there practically nothing remains to discuss. Now, Sir, my point is this that we are going to take up the election proper, but the direction which has been proposed in the Motion cannot be separated and rejected by you on the ground that they have not been placed in order and they are not pertinent to this election. In my opinion, Sir, the Motions are in order and before the actual voting takes place, the House has got the right to give direction to the members who will be elected to the Constituent Assembly.

Now, Sir, as regards your power as I was mentioning, the matter has been referred to the Assam Legislative Assembly and no one can think of the Assam Legislative Assembly without you. So you have the full power and full right to allow this Motion. So far as the interpretation of the word 'now' is concerned, I think, Sir, that when the Motions are relating to the election the objection raised has no substance. The Motion can be taken up and the Members may express their views and the hon. House can give directions to the Members who will be elected to the Constituent Assembly and after the Motions are disposed of the actual voting may take place.

The Hon'ble Mr. BASANTA KUMAR DAS: Mr. Speaker, Sir, as I was listening to the debate I felt that we are really confusing the issues that have been raised by the two points of order. Mr. Blennerhassett's point of order is that when we have accepted a Motion to vote for the purpose of election of Members to the Constituent Assembly no other matter can be taken up. He has stressed on the words "That the Assembly do now proceed to elect Members of the Constituent Assembly" and has urged that the full implication of the word "now" is that the House is to forthwith start voting and is precluded from taking up any other item of business.

Now, as I understand the meaning of the expression 'do now', I think, Sir, the decision of the House is that we have accepted the request of His Excellency the Governor and it is our business now to elect Members to the Constituent Assembly. The word 'now' does not indicate the point of time at which the voting is to take place but only indicates the next step of electing representatives for the Constituent Assembly; and when that next step is to be taken it is for you, Sir, to decide. You may fix up a time for voting and before the actual voting takes place we can transact other business relating to the matter before the House.

This Assembly has been summoned for the purpose of considering the message of His Excellency the Governor that was given indication of in the notification dated 21st June, 1946, summoning the Assembly in pursuance of the British Cabinet Mission's Declaration prescribing certain procedure for the purpose of electing Members to the Constituent Assembly. The message of His Excellency which you placed before the House referred to that Declaration and the request of His Excellency conveyed to the House is a request to proceed to elect Members to the Constituent Assembly according to the procedure laid down in that Declaration of the British Cabinet Mission. His Excellency's message is under section 63(2) of the Government of India Act. Now, Sir, when this has been placed before the House by you, it is the duty of the House to consider that message. Section 63(2) of the Government of India Act, lays down that whenever such a message is sent to the Legislature the Legislature, is to consider that message. Now, what does the expression 'consider' means? It means that the subject-matter to which that message relates can be debated upon on the floor of the House. How can the Members proceed to record their votes and why they at all proceed to vote

according to the procedure laid down in the British Cabinet Mission's declaration are really questions which the House has a right to discuss. They are not to record their votes blindly or un-intelligently. This is the real position which is to be considered. What is the British Cabinet Mission's intention; what they have envisaged in their proposals; what are the rights of the Members of the Constituent Assembly—these are the questions which come up before the House and the House has every right to consider them. Now, Sir, whether the House is to accept the request of His Excellency the Governor is in its discretion and the Members have every right to decide if they are to accept or reject the message. Fortunately there has been an agreement between the different political parties in the country that the British Cabinet Mission's long-term proposals should be accepted. If the Congress did not accept the proposals the result would have been very clear, the Muslim Section of the House voting alone in favour of accepting the request could not have prevented the rejection of the message.

Now, Sir, you will realise that a different kind of procedure has been prescribed for the election of Members to the Constituent Assembly and that procedure is not approved by the rules of the House. There is no procedure prescribed by the Rules of business of the House to record votes in compartments. The votes of the House are to be recorded by all the Members here and a peculiar procedure has been devised for the purpose of electing Members to the Constituent Assembly and it is for this House to decide whether to accept this procedure or not. Therefore, the Motion that was moved by Mr. Whittaker was a very necessary Motion and it is the acceptance of the Motion that has made it possible for the House to proceed to the election of Members for the Constituent Assembly according to the procedure of compartmental voting prescribed by the Cabinet Mission.

After having accepted the message of His Excellency the Governor the Members have every right to consider what is that Constituent Assembly that is being contemplated and what would be the rights of the Members who would be elected to the Constituent Assembly.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Are we to give them directive before they are elected, Sir?

The Hon'ble Mr. BASANTA KUMAR DAS: Yes, we can give them directive in advance. Those who would be elected will be going to the Constituent Assembly as representatives of the people of this Province elected by this House to outline a constitution for the Province of Assam and with regard to that the House has every right to give directions and it is with that object in view that we have tabled this Motion.

Maulavi MUHAMMAD ABUL KASHEM: The rights of the minorities will not be safeguarded then.

The Hon'ble Mr. BASANTA KUMAR DAS: The rights of the minorities will be sufficiently protected by the Constituent Assembly.

Therefore, Sir, I was submitting to you that we are proceeding in a confusion about the real issue before the House. If you had decided to give your decision on the first point of order that was raised by Mr. Blennerhassett other matter could not have been taken up and our duty would have been only to proceed to record our votes. But you have reserved your decision on the point of order raised by Mr. Blennerhassett. Now, Sir, we are really discussing the terms of the Motion and when the hon. the Deputy Leader of the Opposition has raised an objection as to the admissibility of the Motion he has really placed before the House the terms of the Motion.

The Hon'ble the SPEAKER: Incidentally.

The Hon'ble Mr. BASANTA KUMAR DAS : But in discussing the point of order we are bound to discuss the terms of the Motion. So I submit, Sir, that this House has every right to give certain directions to the Members who are going to be elected to the Constituent Assembly as representatives of this House. They are going there to do certain things on behalf of the Province. Now, it is the fundamental principle of democracy that when some people are to represent certain other people those people, whose representatives they will be, must give their directions to them as to how they should conduct themselves with regard to particular matters, and therefore, we are giving these directions. (Some hon. Member from the Opposition Benches Muslim- Members are not to be guided). The Muslim Members have got their separate representatives to guide them. If the Congress Party rejected His Excellency the Governor's request, could the Muslim Members of the House say that they were going to accept the request and would elect their representatives to the Constituent Assembly? The logical position arising out of the Cabinet Mission's declaration is that the Motion really seeks to elucidate. The subject matter of the Cabinet Mission's declaration which also forms the subject matter of the message of His Excellency the Governor, is being sought by the Motion to be discussed and if regard be had to all these circumstances, Sir, it would appear that the Motion that we have tabled, is perfectly admissible. Of course the representatives who would be going to the Constituent Assembly will take into consideration how the rights of the minorities would be protected and whatever constitution they will have to devise the rights of minorities will get their proper safeguards. That is a matter which will be considered in the Constituent Assembly. The two points which the Motion wants to make out is that the representatives from this Province are to devise a constitution themselves for the Province of Assam and they are not to form a Group constitution with any other Province. These are the two points which this Motion wants to elucidate and is not the House within its right to give their directions to the Members?

Khan Bahadur Maulavi MAHAMMAD ROUFIQUE : Certainly not.

The Hon'ble Mr. BASANTA KUMAR DAS : I submit, Sir, on these considerations the Motion is perfectly admissible.

Babu RABINDRA NATH ADITYA : Mr. Speaker, Sir, with regard to Mr. Blennerhassett's emphasis on the use of the word "now" and the argument of Hon'ble Mr. Das, I would refer to a parallel use of the word "now" in Adjournment Motions where the wordings are like this — 'the House do now adjourn to discuss, etc.,' after leave is granted for the Motion by the House, other business are transacted and the Motion actually comes up for discussion at 3 P. M. During the intervening period all the other business are transacted. So "now" does not necessarily mean that no other business can be undertaken before implementing the term of that Motion.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, as regards the point of order that has been raised by Mr. Blennerhassett, I think the matter has been....

The Hon'ble the SPEAKER : Of course I want to give the hon. Members the utmost facilities for taking part in this debate, because it will be helpful if we hear different points of view. I propose to give the hon. Member, Khan Bahadur Maulavi Abual Majid Ziaosh Shams, the precedence to speak.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : Mr. Speaker Sir, I will not speak on the point of order raised by the European gentleman there, but I shall speak on the point of order raised by our Deputy Leader here. Of course, Sir, in the matter as it has been raised that this House has got no right to give directions to the Muslim Members, I think the position has been misunderstood. This House consists of Muslims and non-Muslims and if anything is done jointly certainly that is equally binding on the Muslims and the non-Muslims alike. This House is a House which deliberates on the question affecting both the Muslims and the non-Muslims, but then, Sir, the real points at issue are these. Whether the Motions which we have anticipated, and I think, Sir, I have the right to anticipate, are in order, whether those Motions are *ultra-vires*, or whether those Motions can be adopted at all within the scope of our power or right, which we have been given by the Statement of the Cabinet Delegation and His Excellency the Viceroy. The very Article of Association, if I may say so which brings us into existence should be considered.

Sir, I shall make a side reference only. According to paragraph 15 of the Statement it is stated—"We recommend that the constitution should take the following basic form". Now that basic form we find below.

The Hon'ble the SPEAKER : I am afraid, the hon. Member is wide of the mark. The point before the House is whether this Motion should be at all admitted or thrown out and I shall be obliged if the hon. Member shows me the rule or practice or procedure, or precedent which authorises me to throw this out.

Mr. F. W. BLENNERHASSETT : Mr. Speaker, Sir, I am still seeking clarification of my point of order.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : As it has been stated by Hon'ble Mr. Basanta Kumar Das that we have got to discuss the Motion because the Motion....

The Hon'ble the SPEAKER : Hon'ble Mr. Das only replied about certain interjections and I just hinted that we are concerned with the point of order and not with replies and interjections and further replies thereto. That was what I said.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : But then, Sir, we are stating that the Motion cannot be discussed at all.

The Hon'ble the SPEAKER : You mean, 'cannot be taken up at all' ?

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : Yes, and why not ? Because the Motions themselves are not in order, because the Motions are going against the very Article of Association (*laughter*). We have no right to go beyond the scope which we have been given by the Statement of the Viceroy and the Cabinet Delegation.

The Hon'ble the SPEAKER : I appreciate that point. Any other point please ?

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : In the Statement, I am to say, Assam has been under 'C' Group (*Voices* : Yes, yes). But these Motions contemplate that we go out of that Group, and directions are to be given that Assam will make a constitution of her own. But then, Assam at a later stage, has got the right to do so and it can do only according to sub-clause VIII of clause 19.

The Hon'ble the SPEAKER : Are we discussing the Motions ?

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : As soon as the new constitutional arrangements have come into operation it shall have the option to come out of the Group. Such a decision shall take place by the new Legislature in the Province after the first general election under the new constitution. So, Sir, Assam can only come out of the Group after it has once come into being, according to the constitutional arrangement ; before that Assam must come under the Group. So no direction can be given to our representatives that they must think in a different way to devise a new constitution for Assam. Assam must come under the Group and now a constitution for Group 'C' will have to be devised not separately.

The Hon'ble the SPEAKER : Has this Assembly the right not to accede to His Excellency the Viceroy's request ?

The Hon'ble Mr. BAIDYANATH MOOKERJEE : Certainly.

The Hon'ble the SPEAKER : I want to know from the hon. Member.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSH SHAMS : No, Sir, we cannot go beyond it, for the time being. So, these two motions will be going against the very basic scheme which brings us into being. So, I submit, Sir, this Motion cannot be discussed at all.

Babu KAMINI KUMAR SEN : Mr. Speaker, Sir, with regard to the point of order that has been raised by hon. Mr. Blennerhassett, the matter has been sufficiently discussed and the position clarified by the Hon'ble Home Minister and I do not want to take up the time of the House by dilating on this point further.

But with regard to the point of order that has been raised by the hon. the Deputy Leader of the Opposition, I think the only technical objection that has been raised is this—that this session has been called by His Excellency the Governor for the specific purpose of the election of representatives to the Constituent Assembly. The election of representatives is the only business that can be taken up and nothing can be discussed in this session. I think this is the position that has been taken by the hon. the Deputy Leader of the Opposition. With regard to this objection I refer you, Sir, to the Government of India Act under which this session has been called by His Excellency the Governor. The present session has been called by virtue of the power conferred by section 62(2) of the Government of India Act, whereas the message that has been sent to the House is in accordance to the provision of section 63(2). I shall just read section 62(2) by virtue of which this session has been called and under the authority of which all sessions of the Assembly are called. In fact there is no provision in the Constitution Act for calling any session only for particular purpose. Section 62 reads thus "(1) The Chamber or Chambers of each Provincial Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(2) Subject to the provisions of this section, the Governor may in his discretion from time to time....."

The Hon'ble the SPEAKER : We have read this section. Kindly come to the point.

Mr. KAMINI KUMAR SEN : I submit, Sir, that all the sessions of the Assembly are called by virtue of this section and there is nothing in this section which can prohibit discussion of any subject not mentioned in the notice calling for

the session of the Assembly. Secondly, Sir, the message from His Excellency the Governor has been sent to this House by virtue of section 63(2) which reads thus—"The Governor may in his discretion send messages to the Chamber or Chambers of the Provincial Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration." So, Sir, the message that has been sent to us is to be considered with all the convenient dispatch by this Assembly. This is the only restriction that has been put by this section.

I now refer to rule 17 of the Assembly Rules at page 6 of the Manual under which Governor's powers to give precedence to special business has been defined. That is Governor's rule 4—"The Governor acting in his discretion may—(a) at the commencement of a session of the Assembly, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence ;

(b) at any time during a session, require that any business of the nature referred to in clause (a) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence.

So, Sir, according to this rule also the matter contained in the message that has been sent should only be given precedence. There is no rule or section that bars consideration of any other business in this session.

Therefore, Sir, my submission is that other business particularly those that relate to the business in connection with this message can very well be discussed because the session has not been summoned only for that purpose. The session has been called by virtue of the power that has been conferred on His Excellency the Governor to summon all sessions of the Legislative Assembly and there is no rule that can prevent consideration of any other business. The only restriction that has been put by the above mentioned rule is that the subject mentioned in the message will have to be given precedence.

Maulavi ABDUL MATIN CHAUDHURY: Mr. Speaker, Sir, I want to say a few words in support of the point of order raised by Mr. Blennerhassett. This Session has been called for the specific purpose of electing representatives to the Constituent Assembly and the Governor has called this Session acting in his discretion. According to Rule referred to by Mr. Sen, this business of electing representatives must have precedence over other business. I read paragraph (a) of Governor's rule 4—"Governor's power to give precedence to special business. (a) The Governor may allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence."

Then sub-rule (b) reads as follows—"at any time during a session, require that any business of the nature referred to in clause (a) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence."

I maintain this Session has been called for a special purpose, namely, the election of the Constituent Assembly. That business should have precedence over everything else.

Khan Bahadur Maulavi SAYIDUR RAHMAN: Mr. Speaker, Sir, with regard to what has been said by Mr. Sen, I beg to submit that this is a special emergent session of the Assembly. Hon. Members should remember that on the 15th of June there was a notification from the Governor calling the Legislative Assembly on the 18th of July. That was an ordinary session of the Assembly and we received a summons on the 18th of June to that effect. Later on by

a notification dated the 21st June this meeting has been called under section 62(2) of the Government of India Act read with proviso to rule 2 (1)(a) of the Legislative Assembly rules. What does the proviso say? The rule says that for an ordinary session of the Assembly the Governor shall cause a notification to be published in the Gazette appointing the date, hour and place for an ordinary meeting of the Assembly at least 30 days before such date. Then the proviso says that in the case of emergency a meeting may be summoned by the Governor at a shorter notice. Then, Sir, on the 16th of July a session has been called by the Governor at a shorter notice to the members concerned and in the notification he has mentioned the subjects which will be discussed in this emergent session. He has only specified at this meeting the Assembly will receive a message from the Governor and provide for election of the Members to the Constituent Assembly. Now many of the members to-day are absent. What about them? They received the notification at a shorter notice only to consider this matter. I think from this point of view it will be unreasonable to take up any other matter except the matters specifically mentioned in the Governor's notification.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: Sir I just want to point out the wordings of this order from His Excellency the Governor. He says—

“Whereas I, Frederick Chalmers Bourne, Governor of Assam, have been desired by His Excellency the Viceroy to convey his request (as Contemplated by paragraph 21 of the Statement issued on the 16th May 1946, by the Cabinet Delegation and himself) to the Assam Legislative Assembly to proceed with the election of their representatives to the proposed Constituent Assembly for India, as prescribed in paragraph 19 of the Statement.”

This request comes to the Legislative Assembly in the form of a message and the message is to be considered by the Assembly according to the constitution Act, and in such a request there must be something to be said by the Legislative Assembly also to give their opinion. If this is a request, Sir, it is surely right and proper that this Assembly should give its opinion to that request and, therefore, it seems to me that the Motion is admissible because the Assembly has a right to give its opinion regarding the request that has been made by the Governor.

The Hon'ble the SPEAKER: I have very carefully listened to the arguments advanced by hon. Members from all sides of the House for and against the points of order raised and I have also given very anxious thoughts over this matter. The point raised indeed is an important one but, to my mind, there are not much complications about it. His Excellency the Governor has summoned this Assembly under section 62(2)(a) of the Constitution Act read with Assembly Rule 2(1)(a) and the proviso thereto.

Now this business of electing representatives to the Constituent Assembly is not covered by the lists II and III under the Seventh Schedule to the Government of India Act, 1935. Therefore, this entire business of electing representatives to the Constituent Assembly in pursuance of the Statement by the Cabinet Mission and the Viceroy is outside the legislative scope of the Provincial Legislative Assembly. To my mind, there is no doubt about it.

Although a particular matter may be outside the legislative ambit of a Provincial Legislative Assembly, yet it is under a legal duty to consider it when coming under section 63(1) and 63(2) of the Act. Under section 63(1) His Excellency the Governor may address the Assembly and under section 63(2) he may send a message on any pending Bill or otherwise. I will read section 63(2):

“The Governor may in his discretion send messages to the Chamber or Chambers of the Provincial Legislature, whether with respect to a Bill then pending in the Legislature or otherwise and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration.”

This session of the Assembly has been summoned by His Excellency the Governor under Section 63(2) of the Act read with rule 2 (1)(a) proviso and a message was sent under Section 63(2) which I had a little while ago read out to you.

After the message of His Excellency the Governor is read out on the floor of this House by me, the Speaker, who is by ancient custom, and by statute also, the representative and spokesman of this Assembly and as also the guardian of its dignity and privileges the Assembly is properly seized of the matter; in other words this Assembly by virtue of the obligation prescribed by Section 63(2) of the Constitution Act is in seisin of the business of the election of representatives to the Constituent Assembly.

The word "consider" is used in section 63(2). It means that the Assembly may agree or refuse to accede to the request of His Excellency the Viceroy conveyed in the message of His Excellency the Governor of Assam. I do not think legally it means that this Assembly has to accept and cannot reject the suggestions contained in the Statement of the Cabinet Mission and the Viceroy. The question of acceptance comes only in the context of a right to reject.

Now comes the question of procedure. Has anybody outside this Assembly for the purpose of this present case, got any right to lay down the procedure that will be followed here, or, in other words, has any outside authority the right to take away the rights and privileges of this House in the matter of its decision as to how it will proceed to elect its representatives to the Constituent Assembly? To my mind, no outside authority, be he His Excellency the Viceroy or be he His Excellency the Governor, has any right to impose any restriction in the matter of the procedure to be followed inside this Assembly in this particular business. This business to elect representatives in pursuance of the Statement of the Cabinet Delegation and the Viceroy is not covered by section 135, in as much as it is not an Inter-Provincial Council. Nor section 52(1)(g) is attracted in this matter. It is not a case of protection of the rights of the Indian States, the rights and dignity of the Rulers thereof. His Excellency the Governor has not in consultation with the Speaker framed any Rules under section 84 of the Act for this purpose. Therefore the Assembly is within its rights to determine the rules of procedure for this particular and special business.

Now, Governor's Rule 4 has been referred to. In my opinion Governor's Rule 4 does not cover our present case because, as stated, this is perfectly an extra-legislative business which the Assembly is undertaking in pursuance of the request conveyed in His Excellency the Governor's message. If certain hon. Members are referring to the schedule, I venture to think that this schedule is, I may not say *ultra vires* because there is no law regulating it, certainly illegal and unconstitutional, because the Statement of the Cabinet Mission and the Viceroy give certain suggestions and by one of its articles it gives the privilege to the Members of the Legislature to elect representatives to the Constituent Assembly. But neither the Viceroy nor the Governor has any right to impose restrictions other than what are contained inside that Statement. When that Statement is accepted, or in other words when this Assembly accepts the Motion to elect representatives pursuant to the Statement of the Cabinet Mission and the Viceroy, the Assembly voluntarily imposes upon itself the restrictions contained in the Statement of the Cabinet Mission and the Viceroy itself, and no other restriction not contained in the Statement issued by the Cabinet Mission and the Viceroy can be sought to be imposed by His Excellency the Viceroy or the Governor acting individually. So from a consideration of the facts and the law points involved, I arrive at the decision that this Assembly only is competent to lay down the procedure for this special purpose and for the matter of that the Speaker's ruling is final and binding.

I think I am also borne out by the message that I read before the House. Let me quote sentences from that message carefully once again; I will take only one minute, but it is worthwhile to repeat them again:— "I have been instructed by His Excellency the Viceroy to communicate to the Assam Legislative Assembly his request"; so, when the word is "request" it does not impose any restriction which is obligatory on our part, "to them to proceed with the election of representatives to the Constituent Assembly, whose purpose is to frame a new Constitution for India". A narrower interpretation from this we cannot seek and are not entitled to draw. What we are deliberating this afternoon is to elect representatives to the Constituent Assembly whose "purpose" is to frame a new Constitution for India—the number of representatives, the several parts of the Assembly by which they are to be elected and the method of election are set forth in the Statement issued by the Cabinet Mission and His Excellency the Viceroy on the 16th May 1946. So, we have to seek everything within the four-corners of the Statement itself and not in any schedule which is sought to be imposed upon us, and after reading through the message one is irresistibly driven to the conclusion that the authorities, whoever they may be have found out that probably they have transgressed the limits set by the Statement of the Cabinet Mission and the Viceroy, issued on the 16th of May 1946 in issuing the Schedule and have now corrected themselves. The message then says, "I shall be grateful if you will now take such steps as you may find suitable in accordance with the normal procedure so far as applicable to have this matter taken into consideration by the Assembly". Therefore I am of the opinion that this Assembly itself has the right to settle its procedure for this particular business which is outside tables II and III of the Seventh Schedule and beyond the scope of the Constitution Act of 1935.

The next point urged is in respect of a certain procedure in the agenda for the day as has been laid down. Now, the practice and procedure in this respect has always been to arrange the agenda by the Secretary of the Assembly for speedy and expeditious disposal of the business with the approval of the Speaker of the Assembly. Herein also there need be no mistake about it that the Speaker is the representative of the House and is its Spokesman. The other point to be considered in this connection is whether these Motions are out of order and can be thrown out as inadmissible *vis-a-vis* this particular business. The Motions can be thrown out only if they infringe any rule or encroach upon the privileges of the House. I think that is the established principle and practice in all provincial Legislatures. But in this case I have been enquiring of hon. Members to enlighten me as to how these Motions infringe on any rule or encroach upon the privileges of the House. If these two conditions are not attracted and if the Speaker rules these Motions out of order, he will only make himself open to the charge that he is acting arbitrarily. Therefore when nothing has been shown as to how these Motions infringe any rule or encroach on any of the privileges of the House I have no other alternative but to admit these Motions. These Motions are therefore in order.

Coming next to the point raised by Mr. Blennerhassett, he lays stress upon the word "now". We have ample experience—and he also knows as an old Member of this House—we all know, that when a Motion is admitted, the Motion is deferred to a convenient time—perhaps some time on the same day or some 2 or 3 days later. This has been the practice of the House. Therefore the question about 'now' or 'at a convenient time' is not really very important. It only relates to the actual business of the House. So my ruling on this point is that 'now' does not strictly mean 'immediately' because that would be impracticable as often as not. When a Motion is moved and Admitted, an Amendment or a Cut Motion is allowed to intervene or even if accepted in toto, the voting is gone in immediately or deferred to a subsequent date. That has been the practice of all Legislatures.

As regards the point of order raised by the hon. Deputy Leader of the House I find that no material has been supplied which lead me to think that the Motion is out of order and the individual Members of this House should be restricted in their right to table these or any Motion which does not offend or violate any rule or right and which are strictly relevant to our present business.

The voting will take place at 3 P.M. to day.

Now I come to next item—No. 5. I understand Mrs. Bonily Khongmen does not like to move her Motion*.

Motion on matters pertaining to Constituent Assembly

The Hon'ble Srijut GOPINATH BARDOLOI: I did not indeed anticipate from the Opposition any point of order in reference to this Motion. I only want to add before I read out the Motion that I thought the matter related to the Assembly and also to the election of representatives to the Constituent Assembly, and therefore there was little reason for the opposition which has been sought to be made out.

I feel, Sir, that before the House proceeds with the discussion of this matter I should move the Motion which is:

“Whereas this Assembly after a very careful consideration of the Statement made by the British Cabinet Delegation and His Excellency the Viceroy on the 16th May, 1946, is of opinion that the Province of Assam has an undoubted claim to have the Constitution of the Province framed and settled by its own representatives elected to the Constituent Assembly and that it will be detrimental to the interest of the Province of Assam to form any Section or Sections or Group or Groups with any other Province of British India for the purpose of settling the constitution for the Province of Assam; and

Whereas this Assembly is of opinion that no Group Constitution should be set up for any Group of Provinces including therein the Province of Assam and that no Provincial subjects in which the Province of Assam is interested or concerned should be dealt with by any such Section or Group of Provinces, this Assembly directs the ten representatives elected by it as laid down in the said Statement of the 16th May, 1946, to act in the manner as set forth below:—

1. That the said representatives shall frame and settle the Constitution for the Province of Assam in a meeting or meetings in which only they, *i.e.*, the representatives elected for the Constituent Assembly by the Assam Legislative Assembly shall take part,


2. That the said representatives shall not take part in any meeting or meetings of any Section or Group of Provinces for the purpose of settling the Constitution for the Province of Assam,

3. That the said representatives shall resist all or any attempt made to set up a Group Constitution for the Settlement of questions relating to any subject or subjects in which the Province of Assam is interested or concerned or for any such questions being dealt with by any such Group of Provinces on the basis of majority of votes, and

4. That the said representatives shall take part in the meeting of the Constituent Assembly for the purpose of framing and settling the Union Constitution and in all matters relating to the Union Constitution².

*Mr. Bonily Khongmen to move:—

This Assembly is of the opinion that the grouping of Assam with Bengal is detrimental to the interests of Assam. This Assembly therefore directs all Members elected to the Constituent Assembly from this Province to oppose vehemently all attempts to frame a Constitution for Assam or to deal with any matter affecting Assam by a majority vote of the members elected from Bengal and Assam jointly and to press that all matters affecting this Province should be allowed to be determined by her own representatives only. If this elementary right of Self-determination of a Province is denied to Assam, who has her own peculiar problems, all members elected by this House are further directed to refuse to take part in any such deliberations.

Sir, I would just want to analyse this Motion. It would be found on a closer scrutiny that there are two motive points underlying this Motion. The first is that it is a Province alone which can frame its own Constitution, that means to say, that the representatives of this Province alone will frame the Constitution of their own Province. Secondly, in all matters in which this Province will have relations with other Provinces, this Province shall not be governed or dictated by the majority of votes of the Group or Groups to which this Province would be tagged under the arrangements proposed in the Cabinet Mission's recommendations. These are indeed the two central ideas underlying this Motion. Personally I feel, Sir, that there should not and could not be any opposition to a Motion of this kind. To me the attitude conveyed in the Motion is perfectly consistent with the Statement of the Cabinet Mission both in respect of the Provincial Constitution as also about matters in which two or more Provinces may be related. The Cabinet Mission nowhere say that a province cannot exercise its right to frame its own Constitution and cannot exercise its right to have any relationship with any other Province as partners for discussion of subjects which are common to both the Provinces. If any other interpretation is sought to be put I think that interpretation must be wrong and not worthy of consideration. Any other position cannot be consistent with the dignity and prestige of the Provinces; and who among us are here, who would not feel for the prestige and dignity of Assam? I think therefore there should be no opposition to a proposition of this kind. 

I actually felt that there could have been no opposition on such fundamental principles of democracy. This Province, as we all know, has been governed under the Government of India Act, 1935. It has acquired under that Act certain powers and has become autonomous in many ways. In its internal administration it deals with most of the subjects that a Government has to administer; in external relations, it acts as an unit and talks on terms of equality with another province.

I can never think that the British Cabinet Mission propose to take these rights from the Provinces away, by subjecting them to a grouping where not only this independence is lost, but the Province can be made to accept a dispensation without its free will and consent.

I can never think that the British Mission with all their love for democracy could force such a sort of things upon anybody. Therefore according to the interpretation, that should be reasonably put on proposals of the Cabinet Mission I say, Sir, that the Motion is not only one which should be accepted by the House but should be hailed as the only Motion which the House should adopt in such circumstances. What we are asking the Members of the Constituent Assembly who will be elected just now, is to frame our own Constitution. It is we among ourselves who know the problems of this Province. It is we who should adjust our differences whatever they might be. If there is anything which would require adjustment among ourselves it is we who are the persons to do so. I am aware that there are groups and communities in the Province who would wish for adjustment of political rights, and adjustment also of other matters relating to administration but it is we who sitting together will do this and not by somebody from outside. I suppose that is a proposition which no people who have any love for democracy would oppose.

Then the second point is this that in reference to subject which is connected with another Province. I am prepared to assure that there are hundreds of subjects in which we shall have to discuss with Bengal for their proper solution. We are connected with Bengal in so many ways. Not to speak of trade that subsists between Bengal and Assam from time immemorial, there are so many other things in which we are related with Bengal! Even for University education we are relying on Bengal. For the matter of High Court too we depend on Bengal. But that fact alone cannot make us submit these interests and this relationship to be determined by the majority votes of Bengal. We must say that

we apprehend that in a joint council the decision of which is liable to be decided by majority, our interests will be completely subordinated to the interest of another Province, and that therefore we shall not enter into such a council. I cannot really feel that there could be any objection to a Motion of this kind being accepted by the House. Even now I think that it would be accepted unanimously and that we should not bring into our consideration any question communal in arriving at a decision over this Motion. If we could be free of that, I personally feel that you cannot find any difficulty in accepting this Motion.

With these few words I commend my Motion for the acceptance of the House.

The Hon'ble the SPEAKER : Motion moved :

“Whereas this Assembly after a very careful consideration of the Statement made by the British Cabinet Delegation and His Excellency the Viceroy on the 16th May, 1946, is of opinion that the Province of Assam has an undoubted claim to have the Constitution of the Province framed and settled by its own representatives elected to the Constituent Assembly and that it will be detrimental to the interest of the Province of Assam to form any Section or Sections or Group or Groups with any other Province of British India for the purpose of settling the Constitution for the Province of Assam ; and

Whereas this Assembly is of opinion that no Group Constitution should be set up for any Group of Provinces including therein the Province of Assam and that no Provincial subjects in which the Province of Assam is interested or concerned should be dealt with by any such Section or Group of Provinces, this Assembly directs the ten representatives elected by it as laid down in the said Statement of the 16th May, 1946, to act in the manner as set forth below :—

1. That the said representatives shall frame and settle the Constitution for the Province of Assam in a meeting or meetings in which only they, *i.e.*, the representatives elected for the Constituent Assembly by the Assam Legislative Assembly shall take part,

2. That the said representatives shall not take part in any meeting or meetings of any Section or Group of Provinces for the purpose of settling the Constitution for the Province of Assam,

3. That the said representatives shall resist all or any attempt made to set up a Group Constitution for the settlement of questions relating to any subject or subjects in which the Province of Assam is interested or concerned or for any such questions being dealt with by any such Group of Provinces on the basis of majority of votes, and

4. That the said representatives shall take part in the meeting of the Constituent Assembly for the purpose of framing and settling the Union Constitution and in all matters relating to the Union Constitution.”

We shall take this up at 5 minutes to 2 P.M.

Adjournment

The Assembly was then adjourned for lunch till 1-55 P.M.

After lunch

The Hon'ble the SPEAKER : I have already read out the Motion. I think the debate can begin.

Maulavi Saiyid Sir MUHAMMAD SAADULLA : Mr. Speaker, Sir, I congratulate my Hon'ble Friend, the Prime Minister, for the speech he has

delivered in placing his Motion for the acceptance of the House. He has put it in such an innocuous way that it may mislead the unwary. I have read the Resolution or rather the Motion many times and even during the lunch interval I read it again and I wish I could accept his interpretation of his Resolution as stated before the House. I had tried to summarise the points. He said that his Resolution consists of only two concepts with none of which any man can quarrel. According to him, his first concept is that the provincial representatives of Assam will frame their own constitution. Secondly he says that inter-provincial matters may be taken up with the neighbouring province but will not be guided by a majority of votes. As I stated, Sir, I had gone through his Motion and the wordings of the different sections of his Motion do not bear out the simplicity which he has tried to impress upon the House. He started by quoting his Motion, I may be excused if I repeat what has already been placed before the House, in order to elaborate my points,

The first paragraph of his Motion, is—

“Whereas this Assembly after a very careful consideration of the Statement made by the British Cabinet Delegation and His Excellency the Viceroy on the 16th May, 1946, is of opinion that the Province of Assam has an undoubted claim to have the Constitution of the Province framed and settled by its own representatives elected to the Constituent Assembly and that it will be detrimental to the interest of the Province of Assam to form any Section or Sections or Group or Groups with any other Province of British India for the purpose, of settling the Constitution for the Province of Assam.”

This statement in the Motion goes contrary to the long-term proposal of the British Cabinet Mission which was made public on the 16th May, 1946. I admit, Sir, that this is but an outline, a mere skeleton, and there are many lacuna and gaps which have to be filled up but the proposals are perfectly clear. Paragraph 15 (5) of the Statement says:—

“Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.”

In paragraph 19 (i) it is said—

“We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote.”

Then in sub-clause (iv) of the same paragraph it is stated—

“A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (i) of this paragraph.

“(v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces.....”

Now, Sir, this paragraph which I have just read, *i.e.*, clause (v) of Section 19 of the Statement makes it clear that the provincial constitution of the provinces will be settled by each Section and Sections have already been divided in an earlier part of the same Section under sub-paragraph (i). Section C includes Bengal and Assam. Therefore it is perfectly clear, Sir, that if we have accepted the long-term proposal of the British Cabinet Mission and the Viceroy, there is no escape from the fact that the provincial constitution is to be framed by representatives of Sections sitting together. The present move on the part of my Hon'ble Friend is to set at naught or to defy the provisions already made in

the Cabinet Mission proposals. This Motion wants to give the Assembly Members the power to direct its representatives to do certain things and to refrain from doing certain things as has been mentioned in paragraphs 1, 2, 3 and 4. They have been instructed that they should remain in the Constituent Assembly as well for the purpose of framing and settling the Union Constitution and in all matters relating to the Union Constitution.

By the Motion it is proposed that representatives of Assam shall frame and settle the constitution for Assam by representatives, elected for the Constituent Assembly, by the Assam Assembly. This is entirely against the directives or suggestions made in the Cabinet Delegation's scheme. Then the said representative or representatives shall not take part in the meetings of any section or group of the province for the purpose of settling the constitution for the province of Assam.

Sir, the learned Leader of the House in his speech had to concede that there are more than 100 subjects in which administration in Assam is bound closely with the administration in Bengal. If we defy the British proposals we have nothing to do with section 'C'. Then the question of grouping with the province of Bengal falls through and thereafter we jeopardise the solution of those problems which are intimately connected with Bengal.

Thirdly, Sir, it is urged that the representatives of Assam must refuse to remain with the group constitution for the settlement of questions relating to any subject or subjects in which the province of Assam is interested or concerned, or for any such matters being dealt with by any such group on the basis of majority of votes. Sir, it is an irony of fate that the authors of this Motion who are afraid of the tyranny of the majority votes wants to subject the minority party in this House to the same tyranny. (*Voices: Hear, hear.*)

Sir, so far as the grouping is concerned and the subjects that group constitution will take over will be a subject of mutual understanding, a subject of adjustment for the two provinces, but we have started with a bogey of majority of votes. We have been told that we will be swamped by big number of representatives of Bengal. Now, Sir, what is the proportion of Muslims and Non-Muslims in this section? The same Cabinet Ministers' proposals contain the percentages. Now, in the north eastern area, comprising Bengal and Assam, the Muslims will be 51.69 per cent. against 48.31 per cent. only a majority of 3. Sir, the majority is so exiguous that the representatives of Assam need not be afraid that they will be swamped by the majority of Muslim votes in this group. This bogey of majority votes need not deter us from taking cognisance of the fact that it will be greatly to the interest and benefit of the province of Assam to submit to the group constitution.

I have quite a big list of the pros and cons of such grouping, but I will place before the House only three items in which every well-wisher of the province must take an interest. If she stands out from Group 'C' Assam's geographical position, as a north eastern frontier with Bengal interposed between her, and the rest of India, makes it unsuitable and impracticable to join any other section of the sub-continent of India. Therefore, she must submit to group constitution or remain alone as a single unit. Under the new constitution, you will have to see what will be the financial position of Assam, what will be its administrative machinery and how it will be able to solve the problems that face not merely Assam but the outside world.

Then we will have to see whether with our very meagre resources, we can look up to a state of security, law and order preserved in the province. As soon as the present 1935 Constitution is scrapped, the Province will lose 30 lakhs of subvention money that she is getting from the Central Government annually. The province of Assam is receiving, on an average, 12 lakhs of rupees per annum from the export duty on jute, which the Central Government had imposed an

which the Central Government has been distributing. At present, the subject of income tax is administered by the Central Government who also ascertain the contributions to the different provinces from this source. It is very unfortunate that the main body of the income-tax payers, I mean the Tea Industry, generally paid their income-tax either in Calcutta or in London as their Managing Agencies are in those two places. The Central quota of income-tax is based on *pro-rata* collection. Assam has been losing a great deal in all these years for this reason. On the representation of the Government of Assam, Government of India consented to make a bigger contribution to Assam than the collection in her own province will justify, in order to make up losses due to collections in Bengal. Speaking from my memory—I tried to get the figures but I failed, and the Secretary, Finance and Revenue, also could not supply. If I remember aright this extra contribution from the Central Government is on the magnitude of 8 lakhs of rupees per annum. So, straightaway with the advent of the new constitution we lose half a crore of rupees annually, but against that we would surely gain, if the Provincial Government continue the excise duty on petrol produced within her own boundaries. At the present rate, the income is on the magnitude of $1\frac{1}{2}$ crore annually. Therefore, we lose half a crore, but we may get $1\frac{1}{2}$ crore, a balance of Rs.1 crore. But this 1 crore will be needed for various other purposes for the daily administration of the province.

Hon. Members are aware that within the very centre of Assam there are hill tribes who in the past had raided the plains people. They were only cowed down by the presence of the British military. At the end of the last century, hon. Members will remember, there was a revolution in Manipur in which the British Resident was murdered. Even during the present century we had the Abor expedition which was started on account of the Abors raiding the plains villages in 1911. When the British were at deadly war with the Germans, the Hill people again began to make incursion on the plains of Assam when the British Military and Armed forces were away. This has followed the happenings in Assam during the last German War of 1914-18. The North Lakhimpur subdivision was raided by the Akas and Daflas and a tea garden called Harmaty was looted. The propensities of these Hill people to fatten their larder and wealth at the expense of the plains people of Assam, still remain. Therefore for the tranquillity, safety and security of the people of the Province, Assam must have some kind of militia or very strong Police Force to combat any such desire on the part of the Hill people. Any one who knows the past of the Assam Rifles will realise that they were only a sort of militia equipped not with proper military accoutrements. They will at once know that crores of rupees will be required for keeping a suitable militia organisation. I think I will not be wide of the mark if I say at least half a crore yearly will be required for this purpose. Hence balance remains of half a crore of rupees, if Assam remains in single blessedness. One may say that we will increase the petrol duty and get more money. Even now, other parts of India which are supplied with petrol imported by sea, pay much less per gallon than the province of Assam which produces it. If we try to impose more taxes on the Assam Industry, then the result will be squeezing the industries of the province out of existence. Now with this picture, let us see whether we will not get an advantage by grouping with Bengal. The majority of customs revenue of India is collected in the port of Calcutta and Bengal has got another port, Chittagong, and the income derived from customs revenue from these two ports is not inconsiderable. Again speaking from newspaper reports—I tried to get the actual figures but I could not get them—monthly income from the customs revenue of India is in the neighbourhood of 15 to 18 crores of rupees and we will not be very much out of the mark, if I say that half of this revenue is collected in Bengal. If we say 8 crores of rupees is collected in Bengal in a month it will yield an income of hundred crores in a year. I need not explain to the House that this tax is levied at the port on the commodities which pay this tax. Assam with her $\frac{1}{6}$ th of Bengal population

contributes very nearly 1/10th of that. I say '1/10th' because other provinces like Orissa and Bihar are concerned with the collection at Calcutta. Even if we get 1/10th we are bound to get 8 to 10 crores of rupees a year if we join with Bengal.

Then again I have already stated that the bulk of our income-tax is paid in Calcutta and this goes to the Centre. As income-tax will be a provincial source of revenue, Assam will stand to lose unless we group together with Bengal. Here also I tried to get the exact figures of income-tax paid in Calcutta by our province but I could not get them. Again speaking from general knowledge the tax paid in Calcutta by the Assam Tea Industry is anywhere between 40 and 50 lakhs. If we join our hands with Bengal we can get a major portion of this income allotted to Assam. In this way, if we remain single we cannot get more than half a crore, but if we join together with Bengal we get about 5 or 6 crores annually over what Assam could raise in the Province. Therefore from this standpoint of the financial situation, grouping, particularly, is to the advantage of Assam.

I mentioned that the administrative question, as has been admitted by my hon. Friends, is involved with that of Bengal. Grouping is already in operation with Bengal with regard to certain subjects. My friend has stated that we are bound up with Bengal because we have got no University of our own. The Calcutta University and the Dacca University now cater for students of Assam. There is a move, sponsored by my Hon. Friend the Premier, for the establishment of a University in Assam. I do not think we have means to start a University in Assam, if we want to give Post-Graduate education in all the subjects. Then we should start, Medical, Engineering, Veterinary and Agricultural colleges in Assam, cost of which we will not be able to meet. Moreover what is our total requirement of doctors, engineers, etc.? We can have a Medical college, but we cannot employ all the students that will come out successful. Our needs are few and in order to produce the doctors that we need, should we have a Medical College of our own? We will have to get men from outside at a fabulous contract price as teachers.

Similarly with the other institutions, Engineering College, the Agricultural College, the Veterinary College, especially colleges dealing with technical education, which will require an enormous sum of money, which it will not be possible for Assam to meet standing alone.

Then again so far as our judiciary is concerned, practically we have joined our hands with Bengal not from to-day but from 1878. Our Judicial Service—the Legal Remembrancer, the two Judges of the two Valleys and the additional District Judge of Sylhet are borrowed from Bengal. These Judicial posts are borne on the Bengal cadre. Then, again, everyone wants separation of Executive and the Judiciary but we have not been able to effect it as yet. Now in conjunction with Bengal, the procedure of separation of executive and judiciary is already in operation in Sylhet district. There, the subordinate service—the Munsifs—are all on the cadre of Bengal Judicial Service and not on the Assam Service. It is thought that it is a *desideratum*—I know everyone thinks so—then we can extend the service from that province rather than try to have our own at a very big cost.

High Court we have none. It is the Calcutta High Court which has got jurisdiction over Assam also. So in education and Judicial service we are already following the grouping system that is proposed by the Cabinet Mission.

Hon. Members may remember that almost every year we get an epidemic of cholera in the Habiganj subdivision and the Assam Government to my knowledge, for the last 10 years, if not earlier, have been spending, on an average, a lakh

of rupees in prophylactic measures such as cholera vaccine, use of bacteriophage but even then at least a thousand people die of the fell disease every year for the simple reason that no amount of prophylactic measures in Assam can check the influx of the disease from the neighbouring district of Mymensingh, unless the Bengal Government takes the same measures to save the lives of human beings. Any common Public Health Service will be of great value, not only to Assam, but also to Bengal. I need not multiply instances where a common administration or a grouping of certain subjects will be to the benefit to the Province of Assam.

Now, I turn to two other aspects of the proposal that is before us. These will have the effect of alienating the feeling of Bengal. If Bengal is to be vindictive, they can strangle our economic life in no time. We produce only rice, but the things necessary for our daily diet, except rice, are to be imported from outside and each item has to come through Bengal. Those administering these things know that wheat, wheat products, sugar and gur, salt, even spices like chillies, onion have to be imported into Assam.

***Babu RABINDRA NATH ADITYA:** Will you fix any time limit, Sir? You have already stated that voting will commence at 3 P.M. The Hon'ble the Leader of the Opposition has already taken 30 minutes.

The Hon'ble the SPEAKER: In this matter, I think, I shall be guided by the opinion of the House. This is an important subject and, therefore, I am not restricting time. I think, we might continue till to-morrow.

***The Hon'ble Mr. BAIDYANATH MOOKERJEE:** Sir, will voting begin after the debate is over?

The Hon'ble the SPEAKER: Voting will begin from 3 P.M. The hon. Leader of the Opposition has taken nearly 33 minutes and I have no doubt that we all have listened to him with interest and probably with profit. He is entitled to have his say. This is an important subject. Therefore, if we cannot finish the debate to-day, we will continue till to-morrow.

***The Hon'ble Mr. BASANTA KUMAR DAS:** But the whole thing is to be finished to-day.

The Hon'ble the SPEAKER: I am afraid, the whole thing cannot be finished to-day because, as the hon. Members know, the calculation of single transferable votes takes a long time.

***The Hon'ble Mr. BASANTA KUMAR DAS:** Voting should be finished to day, and calculation will take place some other day. We are to record our votes to-day. Recording may be finished to-day and debate may continue to-morrow. So a clear direction is to be given to the House that the voting is to take place at 3 P.M. and the debate, if it is not finished, will continue till to-morrow.

The Hon'ble the SPEAKER: I think I have fixed the time for voting at 3 P.M. to-day and we shall reconsider it precisely at 3. If by 3 p. m. we do not finish the debate, then I shall make the necessary announcement.

Maulavi ABDUL HAMID: When will you take up the debate, Sir?

The Hon'ble the SPEAKER: To-morrow.

***Maulavi ABDUL HAMID:** Sir, to-morrow is a recess day.

The Hon'ble the SPEAKER: I am afraid, my point has been missed. Recess, of course, we take as a matter of practice. As I have already said, and I briefly state again, sections 135 and 52(1)(g) of the Government of India Act, 1935 not being applicable in the present case, and then again section 84 not having been attracted because the Speaker was not consulted, the House is its own master in the matter of procedure for this special business. Simply because the House has been given the privilege of electing the members to the Constituent Assembly, no other fetters can be imposed upon the House and the Speaker as the custodian of the rights, privileges and dignity of the House is to see to it. Therefore, the House has its own rules of procedure for this particular extra legislative business which has been undertaken by itself by the Motion of Mr. Whittaker. Therefore, I am not restricting the time for speeches under rule 44 of the Assembly Rules. Of course we shall be guided by such principles as will be conducive to equity, justice and good conscience. Therefore, I am allowing the hon. the Leader of the Opposition to speak and by 3 P.M. if we do not finish the business, as probably we won't, I will make an announcement on the matter.

***Mr. A WHITTAKER:** Sir, since voting cannot take very long would you consider the voting period as an interval in the debate and finish it to-day.

The Hon'ble the SPEAKER: I shall be guided by the sense of the House.

***Maulavi ABDUL HAMID:** There is one difficulty to continue the debate to-morrow, Sir. It may be continued the day after to-morrow.

The Hon'ble the SPEAKER: No, to-morrow.

***Maulavi ABDUL HAMID:** To-morrow is a holiday for the Members, Sir.

The Hon'ble Mr. BASANTA KUMAR DAS: May I point out one thing, Sir? The Message that has been sent by His Excellency the Governor has not absolutely ruled out the normal procedure of the House. There is the distinct statement "I shall be grateful if you will now take such steps as you may find suitable in accordance with the normal procedure so far as applicable to have this matter taken into consideration by the Assembly" (The Hon'ble Speaker:— Yes, I laid stress on that point). The normal procedure is that Wednesday is a recess day for the House.

The Hon'ble the SPEAKER: There again I disagree. In so far as any restriction has been imposed within the four-corners of the Statement issued by the Cabinet Mission and the Viceroy on the 16th May 1946 we have to agree because we have acceded to the request of His Excellency the Viceroy. But outside the four-corners of the Statement I refuse simply to accept anything and whatever we concede in the matter of that schedule, *viz.*, its formation, etc., it is presumed to be acquiescing in it. That is the legal position. I stick to it and I think I am right there.

The hon. the Leader of the Opposition will please go on.

Maulavi Saiyid Sir MUHAMMAD SAADULLA I am obliged to you, Sir. My marshalling of facts may have been unpalatable in certain quarters and therefore they wanted to gag me. I am obliged to you for your further remark that my statement has been of some "profit" to the Members of the House.

* Speech not corrected.

I was on the subject that every item of our daily necessity of diet excepting rice has to come from outside the province, and that necessarily means that it shall have to pass through the wide territory of Bengal either by means of steamer services or by railways (*Interruption*). Sir, an alienated Bengal may pass an order refusing transport of such commodities or merchandise to Assam and then we shall have to take recourse to Dakotas and DeHavilands or Air Services to import our necessities of life. Then, Assam always forgets one particular item of our industry, *viz.*, the Tea Industry. I consider, Sir, that it is one of the big industries of the world for the simple reason that this Tea Industry in Assam is giving daily food to 11 lakhs of people—our own Indians—who are serving as labour force in Assam. Those who are interested in tea know that the principal market for tea is Mincing Lane, London. That is, it has got to be exported and the export will necessarily be through Bengal. If we be on friendly terms with Bengal, if we join our hands with them by having a sort of common understanding about administering certain subjects, our tea will go without any molestation from the Bengal Administration to the principal market. But if we be of an obstructive nature, if we flout the very proposals of the Cabinet Mission throwing suspicion upon Bengal and her Muslim majority, they may turn round and impose a surcharge or export duty on our tea. Tea is not a monopoly of Assam; even in India, Bengal, the Madras Presidency and, to a very limited extent, the Punjab, produce tea (*A voice*: We shall take it by air). I don't think you will be able to take these two lakh tons of tea by air. If Bengal chooses to impose a penalty on our intrasigencies, the result will be that the Tea Industry will be crippled. I have mentioned that we have competitors not only in India itself, but also in Java and China. We must therefore take all these things into consideration before coming to the conclusion that we must not have any system of grouping with Bengal as the Motion proposes. I had various other illustrations to place before the House, but as a particular section has already become restive and I am standing on your sufferance, Mr. Speaker, I will not add further materials. ✓ But I must say a few things on an item which has already been discussed before the House by way of a Point of Order. If I repeat certain statements of the discussion thereon, please, Sir, do not take that I am challenging your Ruling but I am only stating them as facts to develop my own line of reasoning. I have already stated that the British Cabinet proposals stand as a whole. The Cabinet thought of safeguarding minority communities, especially the principal minority community—the Muslims—and therefore they prescribed in their proposals that in electing members to the Constituent Assembly they should be divided into two groups, the Muslim part and the General part (I have not mentioned Sikhs as we are not concerned with them in Assam). Why did the Cabinet Mission make this novel departure? It is simply because for safeguarding the interests of the Muslims who unfortunately happen to be in a minority. But they are such a big minority as they count nearly 10 crores of people. ✓ The Motion seeks to give a directive from the Provincial Assembly to the representatives of the Constituent Assembly. I say, Sir, that we are precluded from giving such directive, under the very basis of the scheme that has been proposed. If so, the so-called directive that is proposed to be given by means of this motion—I know perfectly well—will be carried because this is a Motion which has been directed by the Congress High Command, if the Press reports are correct. We know, Sir, that this directive coming from the Congress High Command has compelled patriotic persons, honest and true to their convictions, who a few days ago publicly announced their views on the subject of grouping, to find themselves arrayed on the side of anti-groupers. They have been forced to sign, to speak and to table this Motion. The result is that this is not a free vote, this Motion that is before the House is not a free voice of the people of Assam. That has been ordained by the High Command for a particular purpose, and we, the Muslims sitting on this side of the House, following the guidance of the All-India Muslim League, can have

absolutely nothing to do with this which means to curtail our own rights. After placing these constitutional views that the subject matter of the Motion goes directly counter to the British Delegation's proposal, which shows that the Congress party has not accepted this proposal *into to*, but with certain reservation, it cannot be expected that this side of the House, the Moslem Group under the banner of the Muslim League, is going to obey any mandate that may be in excess to that power.

I again apologize to you, Sir, that it appears as if I am contradicting the Ruling you gave, but I am stating facts. According to us, this House is not competent to discuss a Resolution or Motion of the nature that has been proposed. We have been requested by His Excellency the Governor of Assam under the direction of His Excellency the Viceroy to elect Members for the Constituent Assembly. The request has been implemented by this House by accepting unanimously the Motion moved by the learned Leader of the European Group, Mr. Whittaker. Now the only thing that remains is to elect 10 representatives from Assam, 3 from the Moslem side and 7 from the General. Beyond that we cannot go and this is the stand point the Muslim League takes. I have taken the liberty to discuss certain things and the point of view of my hon. Colleagues, which goes to elucidate the merits of the proposals themselves. Barring this we on this side of the House will not take any further part in discussion or voting.

Mr. A. WHITTAKER: Mr. Speaker, Sir, much heat has been engendered over the questions discussed in this Motion. In commending their proposal to the two major parties the Cabinet Mission assumed that the basic formula of grouping should not be varied substantially until after the first general election.

As I read the Hon'ble Prime Minister's Motion, he considers that Assam's ten representatives should oppose grouping at the very start, even though this might lead to a rejection of the Cabinet Mission's plan. I can appreciate some of the apprehensions about placing Assam in Group C and I have no doubt that many speakers will discuss these exhaustively.

But what has not been fully discussed is the economic case for and against grouping. I am one of those who believe that if we could only improve quickly the economic welfare of the people of India, most of India's political problems would automatically become much easier to deal with. I, therefore, must ask this question—would the economic prospects of the people of Assam be better if they were within group 'C' than outside it? That is a question on which there is no room for emotional or wishful thinking. It requires cool, dispassionate economic examination.

The economic future of small units of ten million people, such as Assam, is not very bright in whatever part of the world these units are located. Particularly is this future not bright for a small unit whose economic development has lagged behind as much as that of Assam. In the economic world as well as in the political world the only working motto is that the small unit must federate with a larger unit.

Take Assam, with its enormous resources of hydro-electric power. This cannot be developed until we can find industrialists who can use that power in their factories. The sooner we find them the sooner will electrical development help Assam's revenues. Bengal has very little hydro-electric power but if the price is right, they would take all the power which Assam can spare.

Take taxation as another example. A Sales Tax in Assam can never be a profitable tax until the purchases made by Assam citizens in Calcutta can also be taxed. Surely the obvious thing here is for Bengal and Assam to have one Sales Tax? That is but a small example of the kind of economic measures which is beneficial to both provinces.

If Assam is to develop, a vast investment of capital will be necessary. There are some who think such capital can be found in Assam or can be raised

by the Government of Assam. In my view this problem of capital investment is so important that if we are to industrialise quickly, Assam will need to open its doors to capital provided from outside the Province. What is required for our economic salvation is the removal of economic barriers and not their erection.

Take again the whole question of industrial research. Modern research is extremely costly but the rewards are big. Surely the scope for research is greater the bigger the group and, almost as important, the scope for persons to do the research is greater. If Assam's clever young men are to be given full scope, they will achieve this more readily if the resources of group C are behind the research than if the research depends on the resources provided only by Assam.

I would also refer to the necessity for the freedom of movement of goods between province and province. This is particularly essential for Assam which has no port for the shipment of its products overseas or for the direct import of capital goods required for industrialization. If the frontier between Assam and Bengal became a customs barrier, the consequences would be infinitely more damaging to Assam than to Bengal.

On the economic side, therefore, my conclusion is that there are advantages in belonging to group C which should not lightly be thrown away for the alleged political advantages of Assam continuing to live in isolation.

On the political side I speak with some diffidence but I must draw Hon'ble Prime Minister's attention to the Congress belief that the Union Government proposed by the Cabinet Mission is too weak. I agree with this criticism because I cannot see that Union Government charged with minimum authority for only Defence, Foreign Affairs and Communications can ever take its place as a world power. In world politics the modern trend is for Nations to surrender some of their individual sovereignty in the interests of a new world order. Similarly, I should regard the surrender of some of Assam's sovereignty to group C, and some of group C's sovereignty to the Union Government, as a sign of Assam's strength and not as a sign of surrender to Bengal's pressure groups.

In my view, Sir, the problem before the Assembly at the present stage is not whether Assam should support or oppose grouping: the problem is what is the machinery for framing a Group Constitution and a Provincial Constitution. In this respect I wish to walk for a little way in step with my Hon. Friend the Prime Minister. Provided the machinery is one in which Assam's representatives have reasonable freedom and provided the issues are determined not by the steam-roller of the majority vote but by freely negotiated compromise, there are advantages in negotiating for a Group constitution. Even if at first sight the Assembly is opposed to a Group constitution, I suggest that Hon'ble Mr. Bardoloi should not without most careful expert examination reject the whole plan of grouping. There are advantages which even the most ardent champions of Assam's culture should be prepared to examine, always provided first, that the Group and the Provincial Constitution is freely negotiated and second, that if the Group Constitution proves to be a mistake, there is a possible way of undoing that mistake after the experiment has been given a reasonable trial.

Again, as an interested tax-payer, I should like to give what I believe are the views of many humble citizens who are for the most part inarticulate. These citizens are not interested in dialectics; they are not interested in a continuous diet of faith, hope and parity; they are not interested in the numerous statements and counter-statements or the equally numerous demands for clarification of this or that issue. Most of these citizens are saying that the Cabinet Mission has provided the bricks and it is for the great political parties to provide the cement and the scaffolding and the real hard labour involved in building. In the minds of most of us there is the idea that in India's house there can be many mansions and the parties now have a chance to build for the ordinary citizen a worthy mansion. He does not greatly mind whether it has two storeys or three storeys so long as it has a roof and walls to protect him from storms and enemies. What citizens are asking, however, is that the bricks shall not be used

as brickbats and the structure to be built shall not be a hospital with a mortuary. And finally, they are asking, Sir, for the mansion to be built quickly, for political uncertainty brings economic unrest and economic unrest brings hardship which the country is not strong enough to endure.....

The Hon'ble the SPEAKER : Order, order. Now it is 3 o'clock. May I have an idea as to how many hon. Members are taking part in this debate ?

Maulavi Saiyid Sir MUHAMMAD SAADULLA : None from this side, Sir.

The Hon'ble the SPEAKER : (After taking the sense of the House) I think the sense of the House is that we should continue till half past three.

Mr. A. WHITTAKER : My appeal, therefore, to this Assembly is not to press this Motion, because categorical statements and directions such as this Motion contains make compromise difficult and undermine that spirit of tolerance without which no settlement can be made. What the authors of this Motion are asking for, in effect, is that Assam's ten representatives shall have the right of veto. The right of veto is proving a hindrance in the present International Conferences. I should not like to think that the Hon'ble Prime Minister is aspiring to Mr. Molotov's role or that the Hon'ble Home Minister wishes to wear Mr. Gromyko's mantle.

This Motion will not help the ten representatives and it may very well hinder them. Motions hurriedly debated in this Assembly are no substitute for hard and dispassionate thinking. It may well be that on examination of the pros and cons the balance of argument lies against grouping. The attitude of my Group is that we are not yet in favour of, or opposed to, grouping ; we consider that our representatives should not be muzzled before they reach the Conference tabled by such a Motion as this.

Finally, Sir, the Hon'ble Prime Minister declared that he was willing to negotiate with the Government of Bengal on many matters of common interest but would not agree to a constitution arrived at on the basis of a majority of votes. Well, Sir, I have the advantage of having served many years in Bengal. I have also the double advantage that during the War years I represented the Government of Assam in various negotiations in Calcutta to secure what I believe was our fair share of foodstuffs and our fair share of transport. On the strength of that experience, Sir, I would like to suggest to the Hon'ble Prime Minister that merely verbal willingness to negotiate with another Province is no substitute for an enforceable obligation to co-operate such as a written Constitution would supply. India is now making experiments in constitutional development. Experience throughout the world suggests that these experiments are likely to be more successful if authority comes from a written Constitution. We in Assam cannot guarantee that Mr. Bardoloi's successor will be willing to co-operate with his opposite number in Bengal. Nor can we guarantee even now that Hon'ble Mr. Bardoloi's opposite number in Bengal will be willing to co-operate with him.

Therefore, Sir, from the practical point of view of day to day administration, I would ask these representatives who are going to the Constituent Assembly to examine the merits of a Constitution which requires the Provinces to co-operate rather than to be content with a mere verbal willingness to co-operate.

I renew my appeal, Sir, to the Government Benches not to press this Motion to a division which will only embarrass Assam's representatives in the Constituent Assembly.

Mr. P. M SARWAN : Mr. Speaker, Sir.....

The Hon'ble the SPEAKER : Is the Hon. Member reading from a manuscript ?

Mr. P. M. SARWAN: Yes, Sir.

The Hon'ble the SPEAKER: On previous occasions, it will be remembered, the tendency towards manuscript speeches was discouraged. Moreover, as the hon. Member is an M. A. in English he can very well deliver a speech in English and I would allow him 3 minutes for the purpose.

Mr. P. M. SARWAN: Mr. Speaker, Sir, I like to say a few words against the Motion before the House. The present Motion seeks to bind the representatives, who are going to be elected to the Constituent Assembly, in respect of their line of action in the Constituent Assembly. Sir, I would beg to point out to you, as has already been pointed out by the Leader of the Opposition, that there are eleven lakhs of the labourers in the tea gardens in Assam and for these eleven lakhs there are only four Members in the present House. Now if any mandate is going to be given to the 10 or 7 representatives who are going to be elected to the Constituent Assembly to carry out an order it will represent only some of the population of Assam. The Statement of the British Cabinet Mission was the best provision for all the people of Assam and the population of Assam would have got a chance of deciding whether the Constitution for Assam determined by Group C would be to the best interests of all sections of the population of Assam or not. But, Sir, by the Motion before the House we are going to bind the hands of our representatives to the Constituent Assembly. We are going to have a constitution for Assam which might impair the future of a large section of its population who are not represented in this House. Has the House any right to order Members of a certain section of the population of Assam to take up a line of action which would not be accepted by that section of the population of Assam who have no representation in the Assembly?.....

The Hon'ble the SPEAKER: The hon. Member's time is up and I am sorry I cannot allow him any more time.

Mr. P. M. SARWAN: I am finishing in one minute, Sir. On such grounds, as I have stated above, I oppose the Motion.

The Hon'ble Srijiit GOPINATH BARDOLOI: Sir, I must say that the way in which the learned Leader of the Muslim League Party has put the matter has taken away much of the bitterness which I fear would come while discussing the admissibility of the Motion before the House. I wish I could subscribe to the interpretation that he was putting on the Statement of the British Cabinet Mission of the 16th May 1946. In the first place he says that we are compelled to come to this grouping. In the second place, he says that we have accepted the dispensations which are meted out under paragraph 19(v). But to me both the positions are entirely untenable. I beg to submit, Sir, that the language of paragraph 15 gives option to any province to decide whether it should go into any group or not. Paragraph 15(5) says:—

“Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common”;

It is quite clear that the provinces are free to group or not. And if that is so—if the interpretation is so clear as that—it is not known why this House cannot say that they would not like to come under a Group. The main objection that has been put forward by me about grouping, Sir, is the possibility of the votes of one province being swamped by another. If that difficulty he obviated there will be no difficulty at all for two provinces talking together about various subjects, their relationship with one another and the method of administration of subjects common to them, and over so many other things that will come for discussion—all of course on terms of equality. I have read paragraph 19(v) of the Statement

referred to by the hon. Leader of the Muslim League Party and I do not find therefrom how a possibility of the kind mentioned by me, can be prevented by that paragraph. The paragraph reads thus "These sections shall proceed to settle the provincial constitutions for the provinces included in each section, and shall also decide whether any group constitution shall be set up for those provinces and, if so, with what provincial subjects the group should deal".

It seems to me therefore clear that the Statement gives perfect option not merely not to group in a particular manner according to paragraph 15, but even according to 19(v) I do not find anywhere how the provincial constitution of one province can be determined by another province, by the joint votes of the two provinces together or that the matters of common interest of the two provinces can be determined by the majority of votes of those two provinces. So, the Motion that I have proposed to put before the House is one which is perfectly consistent with the interpretation which we can put both in regard to paragraph 15 or paragraph 19(v). I do not therefore, find any justification for the criticism that by the structure set up by the Cabinet Mission, we are compelled to go to a grouping or that discussion of matters relating to Provinces including those on provincial constitutions has got to be determined by majority of votes of the group.

It will be seen, Sir, that paragraph 15 gives a sort of a basic formula on which the whole scheme of the Cabinet Mission hinges.

Khan Bahadur Maulavi ABUAL MAJID ZIAOSHSAMS: On a point of interpretation, Sir, may I suggest one thing? Has the province been given any freedom not to form any grouping? It says simply that the provinces are free to form into a group.

The Hon'ble Srijut GOPINATH BARDOLOI: When you say 'free to form into a group' you can as well say that you are not prepared to form a group. I want to present before the House a picture which is working in my mind and which according to me is the sum total of the Mission's proposal. According to that picture, Sir, the provinces are independent. The Central Constituent Assembly which we consider will be the final authority to dispose of the relationship between provinces, should be referred to in the initial stage for determining how the provinces can talk with one another regarding various subjects that will be of common interest to them. But in all cases, Sir, Provinces must be considered as independent units; to me no other position can be more honourable or will be consistent with the best interests of a Province; and that is what the Cabinet Mission's proposals envisage.

The second point that was raised by the learned Leader of the Opposition was in reference to various subjects that might be common to the Provinces in a group. I quite agree with him that between Bengal and Assam there are various subjects which are of common interest to both. In my opening speech I said that there are various subjects in which both the provinces have common interest and should therefore act together. But of the many things he referred to, he has referred to the finances of the Province of Bengal. I cannot agree with him when he says that Bengal finances could come to the help of Assam. It is an undisputed fact that Bengal is not a very rich province to-day. It is quite clear to us at this stage how far the Centre will be made to give up their present rights to customs revenues which it has been enjoying to-day. According to the power that is proposed to be given to the Central authority that is to be set up, they will have the powers of taxing for the purposes of carrying on the functions which have been entrusted to them, under the Cabinet proposals. If that is so, we do not know what will be the fate of the customs revenues of Bengal. If Government of India appropriate it, what will be the situation in Bengal? Bengal is a deficit Province to-day—everybody knows it. In

that case how can Bengal develop Assam, when she cannot develop herself? But I go so far as to say that we will have no objection to discuss the development of both the provinces provided I, as a province, can talk as an independent agent with Bengal. But I would surely not like that by sheer majority of votes the resources of my Province should be placed at the disposal of any other province against my will and consent.

The speech of the learned Leader of the Opposition stressed that Assam was dependent for many things on other provinces excepting rice which we grow in some abundance. But that is only an argument which would make him support an institution like the Government of India at present. That would only show that we have to deal with many provinces, for example, for wheat and sugar we have got to depend on the United Provinces and for others to other provinces. Bengal itself is entirely dependent on other provinces for them just as we are. But how do we propose to get them, unless we function as an independent unit? If Bengal herself has got to get most of her necessaries of life from other provinces, how can it be profitable for us to be grouped with Bengal? According to his own arguments therefore, we should group with provinces which can give us our requirements and it is surely not Bengal that would give us our requirements. But the main point is that we cannot surrender ourselves, we cannot surrender our rights and the interests of the people of Assam to other provinces, that must be quite clear to us.

The hon. Leader of the Opposition was mentioning about certain friends of ours who had spoken outside this Assembly in favour of some kind of grouping. Well, I cannot call it very good argument when he tries to hint at things of that kind. I know, Sir, that there are friends in the Surma Valley who would like to be with the people of Bengal, but I am absolutely certain, not on the conditions stated by him. If the cultural and linguistic needs of a particular part of Assam require fulfilment by any territorial re-adjustment, surely, the Congress as a party will be glad to see to such fulfilment. If on account of certain misgiving in their minds they gave expression to certain feeling, surely, this is not something to cavil at or to be made much of.

Then, Sir, it is from this place, that I had heard the hon. Leader of the Muslim League Party uttering expressions not once, not twice but times without number, upholding the integrity and the dignity of this Province and of its rights to be considered in terms of equality with any other Province and even with Government of India. I claim that prestige and dignity for our Province to-day. You all know what the Government of India's dispensation to us has been during so many years only because we are unable by virtue of the present Constitution to influence by our voices the decision of the Government of India in matters, financial or otherwise; the same fate is sure to befall Assam if the proposition which the hon. Leader of the Muslim League Party has put forth is accepted by this House.

It is therefore imperative, as I said, that we should be giving the direction contained in this Motion. I again repeat that in the stand taken by us, there is nothing which a reasonable interpretation of the Cabinet Mission's proposals will not bear. We cannot surely sell our birth right for the small facilities which the Leader of the Muslim League Party finds and which may or may not come. We have more reasons to be apprehensive from our past experience about the attitude of the Government of India, as to what may befall us in an arrangement when our voice will be drowned by the majority of another province. As I said Sir, it is from this very place the hon. Leader of the Muslim League party, as Premier of this Province, tried to vindicate the honour of the Province not once but on several occasions. To-day however he talks in a different way. He has no hesitation to submit the weal and well-being of the Province and its people to the mercy of another Province. To me this is a deplorable sight indeed; a champion of the Province going to sacrifice her best interests for a place of subservience to another Province!

When I think about this, Sir, I feel tempted to exclaim like the hero of Shakespear "What a fall was there, my countrymen".

The Hon'ble the SPEAKER: Now I put the question: ✓

The question is:—

"Whereas this Assembly after a very careful consideration of the Statement made by the British Cabinet Delegation and His Excellency the Viceroy on the 16th May, 1946, is of opinion that the Province of Assam has an undoubted claim to have the Constitution of the Province framed and settled by its own representatives elected to the Constituent Assembly and that it will be detrimental to the interest of the Province of Assam to form any Section or Sections or Group or Groups with any other Province of British India for the purpose of settling the Constitution for the Province of Assam; and

Whereas this Assembly is of opinion that no Group Constitution should be set up for any Group of provinces including therein the province of Assam and that no provincial subjects in which the province of Assam is interested or concerned should be dealt with by any such Section or Group of provinces, this Assembly directs the ten representatives elected by it as laid down in the said Statement of the 16th May, 1946, to act in the manner as set forth below:—

1. That the said representatives shall frame and settle the constitution for the province of Assam in a meeting or meetings in which only they, *i.e.*, the representatives elected for the Constituent Assembly by the Assam Legislative Assembly shall take part,

2. That the said representatives shall not take part in any meeting or meetings of any Section or Group of provinces for the purpose of settling the constitution for the province of Assam,

3. That the said representatives shall resist all or any attempt made to set up a Group Constitution for the settlement of questions relating to any subject or subjects in which the province of Assam is interested or concerned or for any such questions being dealt with by any such Group of provinces on the basis of majority of votes, and

4. That the said representatives shall take part in the meeting of the Constituent Assembly for the purpose of framing and settling the Union Constitution and in all matters relating to the Union Constitution."

The question was adopted.

Maulavi MAYEENUD-DIN AHMED CHOWDRY: Mr. Speaker, Sir, before the election takes place I want to raise a point of order. It relates to one of the candidates for election to the Constituent Assembly. Hon'ble Rev. J. J. M. Nichols-Roy during his stay in America had acquired the right of citizenship in America and as such he is not eligible for election. (*Huge laughter*).

The Hon'ble Mr. BAIDYANATH MOOKERJEE: He should be considered an American.

The Hon'ble Rev. J. J. M. NICHOLS-ROY: I am afraid the hon. Member is not serious at all. The hon Member knows well that I am not an American.

The Hon'ble the SPEAKER: I hope the hon. Members will not mind the slight inconvenience that may be caused to them when I say that the House will adjourn for a short while—say for 10 minutes—for arrangements to be made for voting. Ballot papers will have to be distributed as provided under the rules and chairs, tables and ballot boxes will have to be arranged accordingly.

Adjournment

The Assembly was then adjourned till quarter to 4.

(The Assembly re-assembled at 3-45 P. M.)

Election of Representatives to the Constituent Assembly

The Hon'ble the SPEAKER: Before the hon. Members proceed to vote I announce the procedure that is proposed to be adopted in the matter.

The Returning Officer will take his seat just in front of my table and call out the name of each Member for voting, one by one. He will first start with the Members of the Muslim Part. There are two desks on each side of the Returning Officer, the one on his right is meant for voting by Members of the General Part and the one on his left is meant for voting by Members of the Muslim Part. There are two ballot boxes, one labelled as "General Part" and the other as "Muslim Part". The one nearest to the desk on the Returning Officer's right is meant for the ballot papers of the "General Part" and the other nearest to the desk on the Returning Officer's left is meant for ballot papers of the "Muslim Part". The Member whose name is called out will come to the Returning Officer, take a ballot paper, go to the proper desk provided for voting for the Part to which he belongs, put his vote on the ballot paper on that desk in accordance with the Regulations, fold the ballot paper in such a way as to keep the Returning Officer's initials on its back visible to him, then drop it in the proper ballot box provided for the Part to which he belongs and then resume his seat.

With regard to actually putting a ballot paper I will read out a few instructions.

(a) A Member in giving his vote must place on his ballot paper the figure 1 in the square opposite the name of the candidate for whom he votes.

Maulavi ABDUL MATIN CHAUDHURY: Whether on the right or left, Sir?

The Hon'ble the SPEAKER: Not on the right side but to the left of it.

(b) May in addition place on his ballot paper the figures 2 and 3, or 2, 3 and 4, and so on, in the squares opposite the names of other candidates in the order of his preference.

Then a ballot paper shall be invalid—

(a) upon which a Member signs his name or writes any word or makes any mark by which it becomes recognizable; or

(b) which does not bear the Returning Officer's initials; or

(c) on which the figure 1 is not marked; or

(d) on which the figure 1 is set opposite the name of more than one candidate; or

(e) on which the figure 1 and some other figures are set opposite the name of the same candidate, or

(f) which is unmarked or void for uncertainty.

THE SECRETARY TO THE ASSEMBLY (Returning Officer): I will first start with the Muslim part; after finishing the Muslim part I shall take up the General part. I think it will not be necessary for me to call out the names of the Members of the European Party because I have received a letter from the Political Secretary, European Planting and Commerce Group, saying that at a meeting of the European Group held last evening a decision was reached to the effect that the Group will not use their vote in the election of Members to the Constituent Assembly.

So, I start with the Muslim part now.

(The voting commenced.)

The Hon'ble the SPEAKER: Is there any hon. Member of the Muslim Group who has not got ballot paper and cast his vote?) *Voices:* No, no). Then the voting by the General Part may commence.

(Voting of the General Part commenced)

The Hon'ble the SPEAKER: Is there any hon. Member who has not got the ballot paper for voting? (*Voices:* No). I think we should now begin counting the votes.

I may draw the attention of the hon. Members that if there will be no quorum, all the Members of the House sitting in a Committee for the purpose of counting of the votes, then the whole thing will have to be stopped. So I desire that there be quorum in the House so long counting goes on.

Babu KAMINI KUMAR SEN: Sir, can we not adjourn the House now if the Members so want?

The Hon'ble Mr. BASANTA KUMAR DAS: There is one candidate for a general seat who is not a Member of this House. He has the right to be present at the time of the counting of votes. How can he do so, Sir, if the counting of the votes is to take place on the floor of the House without dissolving the sitting of the day? So I think it will be better if the House is adjourned to enable the Returning Officer to carry on the counting of votes in the presence of the candidates or their agents.

The Hon'ble the SPEAKER: Then when the result can be declared?

Babu KAMINI KUMAR SEN: It is to be declared in the House.

The Hon'ble the SPEAKER: I repeat for the third time that it is a business to be decided upon by the House itself on the floor. Extraneous considerations cannot come in.

I think it will be helpful if two hon. Members from each group and one independent Member come to help in the counting (Many hon. Members took part in witnessing the counting).

(Counting of votes commenced)

(After the counting had been finished)

The Hon'ble the SPEAKER: Order, order, the counting has been completed and the results of voting will be declared by the Returning Officer now. First he will declare the names of those of the Muslim Part who are elected and then of the General Part.

Maulavi Syed A BDUR ROUF: For the purpose of this election the Secretary has been appointed the Returning Officer and therefore the result will have to be declared by him.

The Hon'ble the SPEAKER: That was what I said. It is unfortunate that after the matter has been thrashed out so threadbare, the same topic has been raised again. I am afraid the hon. Member did not understand the implication of my ruling that the Secretary is the Returning Officer after the House is in seisin of the matter. Therefore, he will send the names of the elected representatives to His Excellency the Governor.

Results of election

THE SECRETARY TO THE ASSEMBLY (Returning Officer): The counting of votes has been completed and, with the permission of the Chair,

propose now to announce the results. The candidates elected by the Muslim Part of this Assembly as Representatives of that Part to the Constituent Assembly are:—

- (1) Maulavi Saiyid Sir Muhammad Saadulla.
- (2) Maulavi Abdul Hamid.
- (3) Maulvi Abdul Matin Chaudhuri.

The candidates elected by the General Part of this Assembly as Representatives of that Part are:—

- (1) The Hon'ble Srijut Gopinath Bardoloi.
- (2) Srijut Rohini Kumar Chaudhuri.
- (3) The Hon'ble Mr. Basanta Kumar Das.
- (4) The Hon'ble Rev. J. J. M. Nichols-Roy.
- (5) Srijut Omeo Kumar Das.
- (6) Srijut Dharanidhar Basumatari.
- (7) Babu Akshay Kumar Das.

Adjournment

The Assembly was then adjourned till 11 a.m., on Thursday the 18th July 1946.

Shillong,
The 16th August, 1946.

A. K. BARUA,

Secretary, Legislative Assembly, Assam.