

**Proceedings of the Second Session of the Assam Legislative Assembly
assembled under the Sovereign Democratic Republican
Constitution of India**

The Assembly met in the Assembly Chamber, Shillong, at 10 A.M., on Tuesday, the 26th September, 1950.

PRESENT

The Hon'ble Srijut Lakshesvar Borooah, Speaker, in the Chair, the seven Hon'ble Ministers and forty Members.

The following Members were sworn in to the Constitution of India—

1. Maulavi Syed Abdur Rouf ;
2. Maulavi Md. Nazmal Haque ;
3. Maulavi Makabbir Ali Mozumdar ; and
4. Maulavi Ataur Rahman.

Address by His Excellency the Governor

The Hon'ble the SPEAKER: Hon. Members probably know that His Excellency is coming to address the Assembly at 10-15 A.M. I am just now going out to welcome His Excellency in on your behalf.

His Excellency the Governor (Shri Jairamdas Doulatram):

MR. SPEAKER, MY COLLEAGUES AND FRIENDS,

AND MEMBERS OF THE LEGISLATURE OF ASSAM,

I HAVE been looking forward to this day when I could meet you and be with you, even though for a while, and perform the formal duty, which the new Constitution has placed upon me. I have been looking forward to this day because, though I happen to be the Governor of this State under the Constitution, I feel as an old fellow-worker with you in that memorable struggle for our country's freedom, which brought us three years ago, the inevitable fruit of that struggle as also the responsibilities of that freedom. In however intangible a form or to whatever slight an extent, the Governor shares with those, who really govern this State, the honour and duty of serving our own people, it is in every way desirable that there should be occasions when we could all come together, as in the days of old, and get inspiration from that coming together for a renewed pledge to spend the last ounce of our energy in the service of the people and to rededicate our lives in the cause of a rejuvenated India, free, strong, prosperous, and at friendship with the rest of the world. It is in that context that I said that I was looking forward to this occasion, more as a fellow-worker in the people's cause than as a Governor making a formal address under the Constitution. And yet, I must discharge the obligation which the Constitution lays upon me, and to this end, I have summoned you all, Colleagues and Members of the Legislature, to meet today and have now to inform you of the reasons for that summons.

2. Since the State Legislature met last in March 1950, much has happened that has caused our people sorrow and distress and has increased our burden of responsibility. We have lost our late Lokapriya Gopinath Bardoloi, who for years wore the mantle of Assam's leadership, whether the Congress was in office or out of office, or whether it was in the wilderness. The long strenuous period of public service covering more than thirty years, during which he sacrificed all personal comfort in the cause of his people, had begun to tell heavily on his physique during the last year of his life. But he preferred not to take care of his health. He put his body to maximum strain, moved by a sense of public duty. His tour to the Lushai Hills, undertaken to confer on the tribal people of that area, a substantial measure of self-Government, proved to be the last straw. Soon after his return from that exhausting tour, he succumbed to a severe heart attack which lost Assam, all so suddenly, the leadership of one who had not only enjoyed a special place among the makers of modern Assam, but who had also won regard and esteem outside our State as a valiant fighter for India's freedom.

3. His mantle has fallen on the sturdy shoulders of his able successor Hon'ble Shri Bishnuram Medhi, who was the Deputy Leader in Shri Bardoloi's time and was chosen unanimously as Leader after the latter's death. His wise and vigorous lead, during the last month and a half, is an augury which makes us all feel confident that Assam will face its coming tasks with every chance of speedy success. The same Ministers were chosen and the same Parliamentary Secretaries were re-appointed to their original tasks. This has greatly ensured continuity of policy and action and thus contributed to political stability in the State.

4. The 15th of August was a fateful day for Assam. Even as public gatherings to celebrate the day of termination of foreign rule had just closed and the people had reached their homes, nature's forces, hidden in the bosom of the high mountains which fringe the North-East boundary of India, shook almost the whole of Assam, causing terrible havoc in the upper half of the province. Thousands of homes cracked, some fell. The railway track lost its parallel and its level and it was twisted and pushed down, at some points, by several feet. Land subsided in many places, bringing the windows of houses in a line with the ground. Roads were torn as if they were cloth and they also lost their level owing to subsidence of the

earth. Smiling paddy fields were covered with sand, thrown up from the bowels of the earth. Floods followed the earthquake. A hundred rivers and rivulets, big and small, rush down the gorges of the Himalayas, and water the fields of the Assam Valley, and then merge into the Brahmaputra. These suddenly rose in flood and devastated hundreds of square miles, endangering men and cattle and the grain stocks of the villages. Men and animals, even the ancient Rhinoceros and the mighty elephant, were swept off by the sudden rush of mountainous torrents, and sucked down for hundreds of miles into the Bay of Bengal. The beds of some rivers were tilted and their waters hurried along new currents, eroding and cutting into the banks, on which lay towns and villages. Road communication was completely disrupted in the whole of North Lakhimpur Subdivision and portions of Dibrugarh Subdivision, and in the plains portion of Mishmi and Abor Hills Districts. In the valley, the North Lakhimpur Subdivision has had to weather the gravest difficulties. Hundreds of square miles were under water. In areas to the east of the Subansiri, the conditions were unimaginable. Some parts remained inaccessible by land or air for a considerable time. Brave pilots of some of the Tea Plantations rushed food supplies in their monoplanes wherever they could. The problem, however, required operations on a larger scale. The Army responded with its proverbial promptness, so did the Assam Rifles and the Police, and a composite rescue party of swimmer soldiers has been working in the worst parts of the North Lakhimpur subdivision with non-official relief organisations valiantly collaborating. The Airforce also rushed to the rescue of the distressed and since the 23rd of August, air-dropping of food has become a normal feature of the otherwise inaccessible areas within the plains.

5. High up in the hills, the havoc caused to man seems to have been very much greater. The hills were nearer the epicentre of the earthquake, and they bore the brunt of the shock. But a black curtain against news still covers those vast mountainous areas. On a very rough calculation, half the area of our north-east mountainous frontier, that is not less than 15,000 square miles, with a population of over three lakhs must have been badly shaken by the earthquake. We have almost no communications in these hills. Men can move only on foot on narrow bridle paths or hill men's tracks. It takes 15 to 20 days to go from the foothills to our northern-most boundary line. From parts

which are nearer to the plains, news is gradually filtering down. There have been great landslides in the hills. Villages, huts, men, cattle have suddenly disappeared, swallowed by the falling hill slopes, all buried alive, leaving no trace behind, destined to become the manure for future trees on a new face of the hills. At one place, the whole stretch of seven miles of hill-face has slid down, making the use even of any path or track impossible, and effacing into oblivion probably whatever life breathed in that area. The shapeless folds of the hills to our north-east, I am afraid, conceal the yet unknown fate of those who lived in thousands of small hamlets. There, among the hills, men, women and children, were given no chance even to open their mouth in a cry for life. No echoes rebound from the cruel hillslopes and no sign of life exists in many of the crude homes of the hillmen. Bit by bit, as each place in the hills is reached by parties of the Assam Rifles, or the starving surviving hillmen force their way to the plains, or in some other manner news reaches us, we come to realise the extent of the damage which the earthquake has probably caused in the hilly regions. A brief wireless message came a few days ago from an officer working in the hill areas who was himself marooned since August 15th. There is much that is tragic which can be read between the lines of that brief message. It says, "Abnormal landslides on craggy hill sides composed mainly of loose sand stones, almost vertical to water course, slipped down below with terrific force carrying with them gigantic volume of earth and anything that existed on the hill sides and swelling up rivers and streams at several points. Not a single hill escaped damage. All hills looked awfully ugly ragged and barren. Most drinking water buried or dried up and rivers and streams often subsided and suddenly flooded at unexpected moments. The first big shock of 15th August was continuously followed by tremors till 17th September. Hills were badly cracked and boulders were falling at odd intervals. Several houses, persons, bridges, animals and fields destroyed and some villages buried without trace. Many villagers are cut off and no news of their fate is available. The survivors were taking shelter on river sides facing immediate starvation as the poor people living from hand to mouth, had no stock of food even to meet an emergency. Maize, jungle yams and edible leaves also met the same fate and were hardly obtainable. It was a painful sight everywhere !".

6. In this great tragedy, the features of which I have been describing, there was a challenge to the people of Assam. I do not think that it was a mere coincidence that the tragedy

took place on the 15th of August. We thought the day of freedom could be commemorated by mere meetings and pledges. Nature gave us a rude shock. She wanted to teach us who are yet safe that the memory of freedom has to be kept fresh and alive by supreme acts of self-sacrifice and vigorous self-endeavour, and by disciplined battle against nature's own blind forces. We in Assam have thus been under a test and a trial ever since the 15th of August. Our capacity for self-action received a great stimulus by the visit of the Prime Minister, whose brief but fruitful stay in Assam has vitalised the official and non-official machinery in its relief operations. Everywhere local public organisations have come forward for relief operations. I feel that, on the whole, Assam is going to come out of this test and trial with full credit.

7. Our Chief Minister will be shortly placing before you a full statement of all that has been done to deal with the situation created by the earthquake and its consequences. I do not, therefore, propose to refer to the great effort put forth by each department of the Government, supplemented by the splendid work done by several non-official relief organisations. You will soon have the opportunity of listening to the Chief Minister's statement on this grave question and expressing your views and giving your valuable advice as to how we can function even more effectively in the service of our people at this time of their distress.

8. I know that I am voicing the heartfelt gratitude of the Government and the people of Assam at the magnificent response which the Central Government, its every Ministry, and each State Government, have been giving to whatever call the emergent situation in our State has led us to make upon them. But for the personal interest which the Central Government has been taking in solving all the problems which face us, particularly the dropping of food by air, I am certain the extent and speed of relief now given to the people would have been impossible. The Government of West Bengal has been particularly helpful and has been only too anxious to come to the aid of its sister State. The Marwari Relief Society, practically the first to be in the field and the Kashi Vishwanath Relief Society, both from Bengal, have by their good work added to the contribution of West Bengal to the solution of our difficulties. I hope out of the tragedy which we are facing, will flow some consequences which we may well welcome and it is my wish and prayer that the strengthening of forces for mutual appreciation and tolerance between the people of Assam and the people of West Bengal, may be one of those

welcome consequences. To the Government of East Pakistan, we are equally thankful for its help in the matter of food supplies and we are looking forward that, apart from its contribution of 10,000 maunds of rice, there would be other ways also in which, in token of goodwill and friendly neighbourliness, East Pakistan would be able to assist in the rehabilitation of a State with which its economic relationship is so interlinked. I am very grateful to my colleagues of the other States and numerous public bodies of India for opening Relief Funds to assist Assam. The true spirit of service with which the Army, the Airforce, the Assam Rifles and the Police, have jumped into the most dangerous and difficult fields of relief operations in Assam, is a chapter in their history of which they and the people of India may well be proud. Their fine work during the earthquake period has made people appreciate the patriotic sentiment which has now come to shape their function as important limbs of the Government.

9. Much as I would wish to dwell at fuller length with all that has been planned and achieved, promptly and successfully in regard to the varied relief operations that have become necessary, I feel that it would be more appropriate that our Chief Minister should give you a comprehensive official statement of these plans and achievements not only in compliance with that formal procedure which the situation demands but also because it is he who has been largely shaping the day to day actions of every department in regard to the earthquake situation. There is, however, one aspect of the situation, a reference to which from me, however brief, is, I believe, naturally due. This relates to the oft-repeated question which has been put to me by many sympathisers outside Assam as to the extent of the damage caused by the earthquake and of the relief needed. The best of efforts are being made to collect all the data needed for this purpose. But it is not appreciated by everyone that unlike the earthquakes which have taken place in other parts of India, communications in the North Lakhimpur region and in the hill districts have been so completely disrupted that many parts are inaccessible, not only for news but even for relief. Air-dropping could not reach all the marooned areas even in the plains till the water subsided. Even today parts of east Subansiri area have yet to be reached. In the hills, air-dropping has been out of the question owing to the weather. Bridle paths and tracks have been wiped out by the landslides. Only very rough approximations can be made of the extent of losses and the cost of relief. The

natural prominence given in the press to some of the more sensational features of the earthquake situation may lead to a wrong impression that there is undue exaggeration in regard to the consequences of the earthquake. It may similarly happen that too hurried a survey may lead one to under-estimate the extent of the damage caused. It has been estimated that the tea gardens have suffered a loss of nearly a crore of rupees. The cost of rehabilitating the four mauzas of North Lakhimpur which have suffered the most, has been calculated at about Rs.80 lakhs. These are but illustrations relating to regions which have been the subject of some examination. Thousands of houses in towns have to be rebuilt, the number of rural homes being much vaster. The extent of damage in the hilly regions of the north-east is literally an uncalculatable figure today. It would, therefore, be still premature to make an overall estimate of the damage caused by the earthquake and the cost of proper rehabilitation of the affected areas. It will run into several crores. I have spoken, I feel, at greater length about the earthquake than you thought I might do. I could not help it. I feel so full about this tragedy. It has absorbed my mind almost to the exclusion of all other problems. This, I believe, has been the fate of all of you. I could not therefore, restrain myself from taking up so much of your time. I crave your indulgence for it.

I would wish now to deal briefly with some of the matters, which, in one form or another, will be coming up before this session.

10. The food situation in our province is causing serious anxiety to your Government. The situation has two aspects. The stock position and the price level are both of equal and inter-related importance. This year we began very well in the matter of procurement. During the first five months of procurement your Government was able to secure this year as much as 111,661 tons, as compared with only 61,837 tons in 1948-49. But unforeseen factors began to check the progress of procurement. Among these factors were firstly, the large-scale influx of Hindu refugees due to the serious communal disturbances of March last; secondly, the wanton destruction of foodgrains in the communally disturbed areas; thirdly, the almost wholesale return of displaced Muslims after the foodgrains had been destroyed, creating a fresh liability and, fourthly, the non-cultivation of considerable *Aus* lands due to the unsettled communal situation. Other causes relating to temporary wagon shortage and continued drought also operated to hinder and limit this year's procurement. On the top of it all,

has come the earthquake, devastating vast areas in North Lakhimpur Division and elsewhere in Dibrugarh and Sibsagar districts and destroying some of the grain stocks stored in villages in the flooded regions, particularly in the North Lakhimpur Division. We have thus not only lost present sources of procurement and may have to face reduced production in the coming cultivating season but have also incurred a heavy liability in feeding the victims of the earthquake, who have lost their all including food and the wherewithal to purchase it. Your Government has been straining every nerve to meet these various unforeseen developments and is determined to take all steps to tide over the temporary difficulty. Outside help in a varied form from the Central Government, from the Punjab, from West Bengal, from Patiala, from East Pakistan and elsewhere has been secured. Internal sources of further procurement are being tapped and, as you are no doubt aware, a well-planned drive for punitive action against hoarders of food has been launched in selected areas in four districts of the State. If the people co-operate in this objective, which is in consonance with their own interests, the drive should result in a radical change very soon in our stock position.

11. The aspect of the price level of foodgrains needs equal attention. Profiteers in food are out to fatten on the distress of the people. This is suicidal. India has long since lost its wonderful tradition of the past when trade really served and did not fatten on society. We have exceptions even today but when prices rule higher in unaffected regions than in those which have been devastated by the earthquake, it proves that profiteers want to invite rigorous State actions. Your Government have no intention to allow this situation to continue and will not hesitate to take the strongest action under the law to meet this challenge of the profiteer. Even the long arm of the Preventive Detention Act would have to be used to deal with the crisis.

12. Among the many difficult and delicate problems which my Government has had simultaneously to tackle, is that of dealing with Hindu refugees from East Pakistan and the returning Muslim evacuees from there back to Assam. It has been estimated that 114,000 Hindus from East Pakistan had already reached Assam before the disturbances there of February 1950. Since then the "new" refugees, numbering nearly 394,000, making a total of 508,000, have arrived. Of these, according to figures available to my Government, less than

20,000 have returned to Pakistan. Every attempt is being made by the Government and the people of Assam to settle these refugees from East Pakistan who have suffered such heavy material losses and such acute distress and agony. The problem is largely that of settling agriculturists on land. It is reported by district officials that large numbers of agriculturists among the refugees have taken to cultivation, either as adhiars, bhagidars or agricultural labourers. Government have settled 1,120 "old" refugees in Nowgong district and 205 in Darrang district. Among the "new" refugees, 350 families have been settled on land in Kamrup district. Schemes for the rehabilitation of 3,600 families are under preparation for Kamrup and Goalpara districts where they can be more easily accommodated. As regards temporary rehabilitation, lands have been allotted for the crop season to about 38,000 displaced persons in the district of Goalpara. Excluding the Cachar District, where relief and rehabilitation is under the Central Government, about Rs.6 lakhs have been spent so far on the relief of Hindu refugees and about Rs.5,70,000 on their rehabilitation including loans issued. Along with the influx of refugees from East Bengal to Assam, a flow soon started in the reverse direction of Muslim immigration to East Pakistan. In regard to Muslim evacuees, it is estimated that about 119,000 left Assam for East Bengal in the months of February and March 1950. But after the Prime Ministers' agreement of April 8, 1950, 108,000 Muslim displaced persons have, according to official reports, already returned to their homes in Assam. Up to the end of August, about 81,000 Muslim displaced persons had received from Government about Rs.8,90,000 by way of relief and rehabilitation benefits. It will be seen that the problem of rehabilitating the returned Muslim evacuees is nearing solution. Reciprocal conditions do not, it must be frankly stated, yet exist in East Pakistan to induce a majority of the Hindu refugees to return to East Bengal, and according to reports which are reaching us, conditions there seem to be still such as would discourage hopes of any proper rehabilitation of large numbers of the Hindu evacuees from East Pakistan. Your Government has, therefore, before it still a problem of rehabilitating adequately the East Bengal Hindus who would remain away in Assam. My Government hopes that with the co-operation of the people, the schemes for rehabilitation, which are under preparation or progress, will soon be completed so that this difficult and delicate problem could be happily solved.

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13. Important developments have taken place affecting the large tribal population living to the south of the Brahmaputra to which some reference is necessary and may be useful. As you know, autonomous self-governing institutions, called District Councils, are to be set up in these southern tribal areas. Government are anxious to hold elections to the District Councils in the six autonomous districts within this region as early as practicable and to transfer to those bodies the functions which are to be discharged by them under the provisions of the Sixth Schedule of the Constitution of India. The necessary Rules and Regulations for the conduct of elections to the District Councils, to govern the procedure of business therein, and for the establishment of an executive machinery to implement the decisions of these Councils, are now being drafted in close consultation with the Tribal Advisory Councils in the various districts. It is, however, Government's desire that even during the brief interim period, pending the establishment of these Councils, the representatives of the tribal people should be associated with the administration of their areas. In pursuance of this desire, Government have already set up Advisory Councils in five out of the six Autonomous Districts, representative of the principal shades of opinion in those districts. ✓

14. Though these Advisory Councils have no statutory basis, Government have been treating them as "Provisional District Councils", and consulting them on all matters which will later fall within the purview of the District Councils when these bodies come to be set up. In the Sixth district, namely the Naga Hills District, we have not yet been able to form an Advisory Council. Discussions have been taking place with the Naga representatives for the establishment of such a Council, and it is hoped that it will come into being there also in the near future.

15. It has all along been recognized that the provisions of the Sixth Schedule, which have been framed after careful thought to meet the special requirements of the tribal people, cannot be foisted on large numbers of non-tribal people, who happen to be living within the geographical limits of the Autonomous Districts, as they are constituted at present. Even at the time the provisions of the Sixth Schedule were being drafted, it was suggested that these areas, inhabited predominantly by non-tribal people, but which, due to reasons unconnected with the life of the tribal people came to be included within the hill districts, should be excluded from the machinery created for the special requirement of the tribal

people, and the boundaries of the Autonomous Districts should be re-defined accordingly in the Sixth Schedule itself. But as the Constituent Assembly did not consider it necessary to go into such details like the definition of the boundaries of the Autonomous District, power was vested in the Governor to exclude areas from the Autonomous Districts as defined in the Schedule. In deference to the wishes expressed by non-tribal people in those areas where they predominate, but which have hitherto, for various reasons been comprised within the Autonomous Districts as they are at present defined, Government propose to appoint a commission to consider the exclusion of such "non-tribal areas" from the Autonomous Districts and to make recommendations. A similar commission is also to be appointed to examine the exclusion of Shillong and its neighbourhood from the jurisdiction of the Autonomous United Khasi Jaintia Hills District Council, as it is considered essential that the State Government should have unfettered control over the capital town, as also over the small area with which life in Shillong is intimately and vitally connected.

16. Action has also been taken to transfer the plains portions of the Frontier Tracts, at present comprised within the Part B Tribal Areas of the North-East Frontier Agency, to normal administration, and to incorporate them in the adjoining normally administered districts. This action has been necessitated by the fact that the vast majority of the people in that portion are non-hill tribals, and have expressed the desire to come under the normal system of administration.

17. Though our relations with Pakistan have improved since the conclusion of the Indo-Pakistan Agreement, the *hats* on the Khasi Hills-Pakistan border have not yet revived. In the days before the partition, large quantities of oranges, *pan* leaves, *tezpata* and betelnuts used to be sold by the Khasi producers to traders from Sylhet, and the rice requirements of our border areas used to be met by Sylhet. Since the partition, the trade across the border has practically ceased, and the situation became even worse after the devaluation of the Indian currency. In order to find alternative markets for the produce of the border areas, a temporary airstrip was constructed at Shella last year, wherefrom large quantities of oranges were flown to, and sold at competitive prices in Calcutta. A procuring organisation was set up at Shella with a view to ensure that the producers got at least a minimum price for their produce.

Motor transport at nominal charges was also provided at the roadheads at Dawki and Cherrapunjee, for the transport of the produce from the interior to the markets at Shillong and Gauhati. Though it is expected that trans-border trade will revive to some extent this year, arrangements similar to those of last year may have to be made again this year for the transport of the border produce to alternative markets in the Indian Dominion. The practicability of constructing more airstrips on the border is being investigated, and the possibility of starting small scale industries of canning and fruit juice preparation is being explored.

18. A scheme for the development of the Autonomous Districts had been formulated and submitted last year to the Government of India for the provision of funds. Intimation has since been received to the effect that a sum of Rs.24 lakhs will be sanctioned by the Government of India this year towards the cost of the development schemes in Autonomous Districts. Survey work on one of the projects included in the scheme, namely the Mawphlang-Balat Road Project, which will link up the western sector of the Khasi Hills border areas with Shillong, and is proposed to be financed from this grant, is now in progress.

19. My Government have been endeavouring to curb and suppress violent anti-State activities. Among the parties responsible for these activities is the R. C. P. I. This party has had to be declared an unlawful association. Its members are believed to have been responsible for murders, robberies and intimidation particularly in some of the Tribal Areas and the Sibsagar subdivision. They are also creating difficulties in the way of procurement and distribution of supplies with a view to bring about artificial scarcity and distress and discontent. Government are determined to deal firmly with this as also other organisations which follow the method of violence against the State. Large-scale operations have commenced in Sibsagar subdivision. We hope the people there will soon come out openly to support the action which the Government have taken and actively co-operate to end the terroristic campaign which has disfigured the name of a district which stood for peace and progress in Assam's past history.

20. My Ministry will bring before you several measures of legislation which are necessary for furthering public interest. Among them are Bills to amend the Assam Agricultural Income-tax Act, the Assam Land (Requisition and Acquisition) Act, the Assam Contingency Fund Act, the Assam Rural Panchayat Act, the Assam Primary Education Act, the

Assam Legislative Chambers (Members Emoluments) Act, the Assam Forest Act and the Assam Professions, Trades, Callings and Employments Taxation Act. The Ministry will also be bringing among the new Bills, the Assam Pests and Diseases Bill, the Assam Animal Preservation Bill, the Assam Forest Products (Acquisition) Bill, the Assam Drugs (Control) Bill, the Assam Evacuee Property Administration Bill. Your attention to two measures may be drawn. The Assam Evacuee Property Administration Bill has been framed with a view to implement one of the provisions of the Prime Ministers' Agreement of 8th April 1950. It provides for the administration of the immovable property of immigrants who do not return to Assam and seek restoration of property before 31st December 1950. The other measure relates to the Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill. I know you all appreciate the splendid help given by the Army in Assam in regard to the needs of the emergent situation caused by the earthquake. They are undertaking grave risks to help the people. We find that among all the States of India, Assam was the only one which has been imposing the professional tax on our Army Officers who happen to come and serve in Assam. The above measure is intended to remove this discrimination. I hope that the measure will receive your cordial support.

21. I am afraid I have detained you too long. You will be dealing with all these numerous questions in the course of the coming two three weeks. They will receive from you, I have no doubt, the best of consideration and your labours will result in sound decisions fruitful for the good of your people. Assam has weathered many a storm before and lived to progress from stage to stage. The tasks of freedom and the crisis of the earthquake are calling its people to rise and take up the challenge of those tasks and that crisis. I feel confident that Assam will rise to the occasion and deal with every problem with determination and thoroughness, with wisdom and promptness, and, with the strength arising out of such success, play its due part in the larger affairs of the country and contribute in the fullest measure towards the building up of a prosperous and powerful free India.

J A I H I N D

Motion on His Excellency's Address

The Hon'ble the SPEAKER Order, order.

Under rule 20 (2) of the Assam Legislative Assembly Rules, I hereby report to the Assembly that his Excellency the Governor has been pleased to make a speech, a copy of which is laid on each Member's table.

I have received notice of a Motion from Shri Purna Chandra Sarma, M.L.A., which is as follows:—

“That a respectful address be presented to His Excellency the Governor of Assam as follows:—

‘Your Excellency,

We the Members of the Assam Legislative Assembly assembled in this Session offer our humble thanks to Your Excellency for the most illuminating speech which Your Excellency has delivered to this House’.”

I hereby fix Thursday, the 28th September, 1950, as the date for discussion of the Motion or matters referred to in His Excellency's speech. This will be taken up as the first item immediately after “Questions” on that day.

Notice of any amendment to the Motion or the address made by His Excellency the Governor may be given so as to reach the Assembly Secretariat before 2 P.M. on Wednesday, the 27th September, 1950.

Shri Purna Chandra Sarma to move his Motion.

Shri PURNA CHANDRA SARMA: Mr. Speaker, Sir, I beg to move that a respectful address be presented to His Excellency the Governor of Assam as follows:—

“Your Excellency,

We the Members of the Assam Legislative Assembly assembled in this Session offer our humble thanks to Your Excellency for the most illuminating speech which your Excellency has delivered to this House.”

As a day has been fixed for discussion of the Motion, I do not like to speak further now.

Mrs. BONILY KHONGMEN: Mr. Speaker, Sir, I beg to second the Motion moved by my hon. Friend, the Chief Whip of the Government Party, for presenting a respectful Address to His Excellency for the most illuminating speech that he has delivered this morning. I believe we are all greatly satisfied to note the glowing tribute that His Excellency has paid to our late Chief Minister, our beloved Shri Gopinath Bardoloi. We have also heard about the distress of our people in various parts of Assam especially in North Lakhimpur, Dibrugarh, Sibsagar and other Hill Districts, who are very much affected by the earthquake; and we are looking forward to the statement of our Hon'ble Chief Minister for the various plans that Government are preparing for the relief of these distressed people. We should also like to mention here about His Excellency's speech referring to the formation of Autonomous Districts in the Hill areas. We hope Government will do their best to help these people who are still very backward and also we hope Government will help the people who are living in the border of Pakistan. These people have borne their distress with great calm and patience. Their immediate need is to find out ways and means to export their produce and I hope Government will leave no stone unturned to devise ways and means to help these people who are living in the border areas.

Prsentation of Amendment to the Public Service Commission Regulation under Article 320 (5) of the Constitution of India

The Hon'ble Srijut BISHNURAM MEDHI: Mr. Speaker, Sir, under clause (5) of Article 320 of the Constitution of India, I beg to lay out copies of Notification* No.AAP.97/48, dated the 19th June, 1950, containing Amendment to Regulation No.25 of the Assam Public Service Commission.

This Memorandum has already been placed in front of the hon. Members. I need not take the valuable time of the hon. Members by going through the printed Memorandum. The only suggestion is that the question in regard to the suitability of candidates in case of appointment to be made in industrial and commercial undertakings owned or managed by the Department of Transport and Industry is proposed to be excluded from the purview of these regulations. With these few words I lay this Memorandum before this August House.

Condolence Motion on the death of Lokopriya Gopinath Bardoloi, the late Chief Minister of Assam

The Hon'ble the SPEAKER: Order, order.

Friends, we meet for the first time after a great calamity that befell us. The cruel hand of Death has snatched away from our midst our dear friend, late lamented Gopinath Bardoloi, with a suddenness that was shocking. Friends, the sudden and premature demise of Lokopriya Bardoloi has left a void in this country and has caused irreparable loss to the people of Assam especially at a time like the present when administration of the State is beset with problems of varying complexity. Lokopriya Bardoloi was a man of affable temper and winning manners. With these qualities he endeared himself to every one that came in contact with. Friends, to me the loss of Lokopriya Bardoloi is a personal loss. I have lost in his death one of my sincerest friends. We entered the University almost simultaneously. We joined the struggle for independence in the same year and shared the indignities and sufferings that lay in the thorny path of our struggle for independence. Lokopriya Bardoloi was an ideal student being as he was one of the best students in the class. Bardoloi was the best cricketer in the field. For his many qualities of head and heart he was elected unanimously as Leader of the Congress Assembly Party in 1937. The onerous duty that devolved upon him both as Leader of the Opposition and Leader of the House was discharged by him to the satisfaction of all concerned. The tribal, backward and other minor communities had absolute confidence in his leadership. Eloquent proof of implicit faith in Lokopriya Bardoloi's Leadership was evidenced on his being elected as Leader of the Legislature in 1946. Friends, the period from 1946 up to the last moment of his laying down the reins of administration of the State of Assam was a trying time for our beloved leader. Friends, you remember the anxious time that the people of Assam had to pass when the proposal for grouping of Assam with Bengal was mooted by the Indian leaders of political thought including Pandit Jawaharlal Nehru. But Lokopriya Bardoloi with indomitable courage of conviction fought against this grouping proposal, and this evoked admiration from the people living in the remotest nook

and corner of the State of Assam. Justness of the anti-group fight had the unreserved support of the Father of the Nation, Mahatma Gandhi. The people of Assam felt proud and should feel proud for having among them a leader of a moral and mental calibre of Lokopriya Bardoloi. We are definitely poor to-day by losing a personality of the type of Lokopriya Bardoloi. The whole country mourns his loss and the loss to Assam at this time is indescribable. With these words, Gentlemen, I move the following Condolence Motion—

“This Assembly expresses its deepest sorrow at the premature and untimely demise of Hon’ble Sri Gopinath Bardoloi, the late Chief Minister of the State of Assam and expresses its sincerest sympathy and condolence to Srijukta Surabala Bardoloi and other members of the bereaved family and as a mark of respect for the departed great soul, the House do stand adjourned for the rest of the day.”

The Hon’ble Shri BISHNURAM MEDHI: Mr. Speaker, Sir, on behalf of myself as well as on behalf of my Party, I whole-heartedly support the Motion which has just now been moved by yourself. Lokopriya Bardoloi was an intimate friend of mine. I had been in his association since my school days, and by his sudden demise I have lost a great personal friend and I am missing him in every moment of my life. He was a valiant fighter and leader in the struggle for independence. He joined this struggle of Non-violent, Non-Co-operation under the leadership of Mahatma Gandhi since 1920. And since then he had been continuously taking a prominent part in this struggle and sacrificed everything in this mortal world. He did not hesitate to undergo the hardships and deprivations that came in the wake of this struggle, and when through this struggle by non-violence we obtained independence for the country he was rightly selected as the Leader of our Party and he undertook the responsibility of constructing an independent India and an independent Assam.

The whole country was as a matter of fact stunned and plunged in grief when the news of the sudden and unexpected death of our beloved Leader, Lokopriya Bardoloi, was heard on the morning of the 6th of August, 1950.

He was imbued with the lofty ideals of Mahatma Gandhi and dedicated his life in carrying out the message of peace and good-will among all sections of the people in all his activities. He sacrificed his life and suffered everything in the mortal world to serve the country and people thereof.

Unity of the people of Assam and the protection of the interests of the backward and undeveloped people were the ambitions of his life. By his sagacity, toleration, far-sightedness and universal love succeeded in uniting the different linguistic and cultural groups of the people living in plains and hills of this beautiful State into a harmonious unit. I consider it now the duty of ours to consolidate this unity and cement it permanently so that every citizen of this State may be imbued with the spirit of oneness and pull its strength and resources for the economic development and social upliftment of the people living in this strategic State. We are passing through a great crisis caused by the recent earthquake and we are feeling his absence most when we are faced with this calamity to rise to the occasion and to rebuild Assam so that it can take its proper place as a Frontier State of the Indian Union.

His loving and inimitable ways succeeded in knitting together our Party and the Government into a team with a purpose and gave impetus to all of us and his selfless devotion to duty gave inspiration in our efforts to implement the policy and programme of the Party and the organisation we represent.

His approach to all problems was dominated by a spirit of toleration and understanding of the opponent's point of view. His winning manners and his endeavour to appreciate the point of view of the Opposition, drew the admiration of those who happened to differ from him. His courage of conviction was so strong that he had faced the whole galaxy of the prominent leaders of India against the proposal of including Assam in the group with other parts of India. He stood like a rock and opposed this view and left no stone unturned to persuade the leaders of India and the Members of the Working Committee of the All-India Congress Committee to accept his view. Thus after buffeting from place to place he thought of placing himself under the guidance of Mahatma Gandhi when he saw that almost the whole of India were in favour of the proposal of grouping. In this he was left all alone and he saw the danger not only to Assam but to India also. He approached Mahatma Gandhi and Mahatma Gandhi gave him his blessings. He ultimately succeeded in persuading other prominent Leaders of India also to accept his views. By his bold stand he not only saved Assam from this catastrophe but also strengthened the cause of India as a whole. His struggle against this proposal of grouping was felt everywhere in India and thereby he rose in the estimation of every prominent Leader in the Country for his far-sightedness, courage and determination.

As a Member of the Constituent Assembly his whole effort was to incorporate the provisions in the Constitution of India for safeguarding the interests of the tribal and other backward people living in Assam and elsewhere. By his untiring and undivided devotion for the cause for which he stood, he succeeded in incorporating provisions in the Constitution for the safeguarding of the interests of the people living in the hills and plains.

He was mainly responsible for incorporating the provisions in the Constitution for formation of the District Autonomy in the Hill areas, by which our brethren in hills will have full autonomy in the matter of preservation of their culture, the customary laws and protection of agricultural lands for their own development. Soon after the Constitution came into force on the 26th of January last, his first task was to take steps in setting up these Autonomous District Councils. And with that object in view he immediately started moving from place to place and met the different representatives of the different hill tribes and constituted the Advisory Councils. In spite of his heart trouble and without caring a little for his health, he took the risk of moving from place to place for setting up the Advisory Councils preliminary to the constitution of the District Councils under the provision of the Sixth Schedule of the Constitution, in the 9 Autonomous Hill Districts and his last journey to the Lushai Hills was almost responsible for his untimely, unexpected and sudden death.

We all mourn today and we pay our homage to our departed Leader and try to seek his inspiration to carry out what has been left undone. I consider it our bounden duty that we must carry out the uncompleted task that he has left. I hope the whole country, in view of the difficulties created by the earthquake and in view of the several problems that we have to face now, will all combine to help us in our efforts to ameliorate the sufferings of our people who have been affected by this earthquake and subsequent floods. We have lost our Leader, a forceful Leader, but in his place the united efforts of all is necessary to carry out our task with the inspiration that we can derive from him.

In supporting this Motion I not only pay homage to him but also seek his inspiration to carry out the task that he has started and left unfinished. May God help us in our efforts and may God give his departed soul peace and rest so that he can guide us in our endeavours to construct new Assam with new set-up!

With these remarks, Sir, I on behalf of myself as well as on behalf of my Party wholeheartedly support the Motion that has been moved by you.

Maulavi SAIYID MUHAMMUD SAADULLA: Mr. Speaker, Sir, on behalf of myself as well as the members sitting on this side of the House I support the Motion which you have so feelingly moved.

My contact with the late Gopinath Bardoloi is as old as 40 years. During this period I have marked one great quality in him, *i. e.*, his not losing patience with any one. This is a quality which ought to adorn everyone, but it sticks very gracefully upon one who is the leader of a party and, what is more, the Leader of the House. As has been very well said by you, Sir, he was very amiable in temper, suave in his manners and a perfect gentleman. But the greatest quality that I have admired in him is the quality of looking to the other man's point of view. This is neither the time nor the place to dwell upon the very many qualities of his head and heart. The two previous speakers have dilated upon them. I have also spoken at length in another condolence meeting. But I would place before the House just one incident to show what I mean. The hon. Members are aware that this House was first summoned to meet on the 7th of this month. Later on that was cancelled and fresh summons called us to attend the Session on the 20th September. The late Gopinath Bardoloi was out on tour at the time. So, I immediately wrote to His Excellency the Governor that if the Session commenced from that date no Muslim Member would be able to attend, at least in the beginning. I pointed out that 23rd September would be celebrated by the Muslims throughout Assam and India in the second greatest festival of their religion—I mean Id-uz-zuha—and no Muslim would like to leave his family members alone to celebrate this great festival which unfortunately often times caused disturbances in the country, and, therefore, the date ought to be changed either to the 25th or 26th of this month. His Excellency immediately wrote back to me by my own messenger that, as was well-known to me, the calling of the Session, although the summons were issued in the name of His Excellency the Governor, was really the business of the Chief Minister and his Cabinet and he said that he would forward my letter to the late Prime Minister as soon as the latter returned to Shillong. I have been reliably informed, Sir, that my letter suggesting a change of the date of the Session was considered by the late Mr. Bardoloi. He consulted his Cabinet and immediately saw the point I had raised and agreed to change the date to the 25th. This clearly shows that he was not dogmatic but open to reason. Assam can ill spare him at this present juncture when, as has been detailed in the illuminating speech of His Excellency the Governor, we are faced with so many difficult and practically insoluble problems. We have the problem of the refugees from East Pakistan, who clamour for settlement in this Province while the present Ministry has been attempting to convince the world that there is not an inch of land on which any fresh settlement can be made with an outsider. Then there is the problem of the displaced persons, the return of those hapless immigrant Muslims who were driven off by mob fury from this Province in February and March last. His Excellency has placed the figure of those who have returned at a little over a lakh, and those who had gone out of the Province at a lakh and a quarter. My own estimate is a little higher, but it is quite correct to say that a little more than a lakh has already returned. The rehabilitation of these people on their former lands, to which they have legal rights even now, has become a thorny problem, for as soon as these people went out leaving their lands fallow, our present Hon'ble Chief Minister took steps to see that those lands did not remain fallow and unproductive, and so some of the lands at least were settled

with the refugees and with other people to grow crops. Now the Muslims have returned and are wanting their lands back thus creating a very delicate situation. I won't dilate on this any further.

Then, Sir, when our coffers are at a very low ebb, when, as I have been pointing out during each Budget Session, our deficit very nearly amounts to 40 per cent. of our total income, we needed a man of the popularity and personality of the late Bardoloi to carry on negotiations with the Centre for financial help. Added to that, as the Hon'ble Chief Minister said, has been the problem of relief and rehabilitation of the earthquake-affected people. We required the tact of Gopinath Bardoloi to tackle all these, but unfortunately the cruel hand of death has snatched away that personality from amongst use. It is good to mourn, but it is better to learn the lesson which the late Gopinath Bardoloi left to us. I hope those who now adorn the Government benches will try to emulate and adapt their conduct in dealing with public matters to the way in which the late Bardoloi discharged the burden of the office of Chief Ministership of Assam.

Sir, when we are condoling the demise of our popular Chief Minister, Gopinath Bardoloi, I think it is but meet, fair and just that we also condole the death of late Rai Bahadur P. C. Dutta, who had adorned both the Government benches in this House as well as sat in the Opposition. Most hon. Members are aware that the late Rai Bahadur was a Minister in Assam from 1922 to 1926. Later on, he became an Executive Councillor in 1934 and remained as such for about three years. In 1937 he was one of the leaders of opposition and later on he became the first Advocate General of Assam. He was so intimately connected with this House or with this Province that I feel that we should express our sorrow at his death through at the ripe age of 81. I think, if hon. Members have no objection, you will be pleased to accept my suggestion and add further condolence to Rai Bahadur Dutta.

The Hon'ble Srijut BISHNURAM MEDHI: Just when I came into the House, I drew the attention of the hon. the Speaker that it would be meet and proper to move a Motion of condolence at the death of Rai Bahadur P. C. Dutta and he said that it should be moved on the 28th September, that is, day after tomorrow.

Maulavi Saiyid MUHAMMAD SAADULLA: Mr. Speaker, Sir, I did not know what passed between you and the Hon'ble Chief Minister, but I would request you that another name may be added, *i.e.*, the name of late Maulavi Abdul Bari Choudhuri, who was a member of this House till the partition of Assam in the Referendum of Sylhet; he was transferred to the East Pakistan Legislative Assembly but unfortunately though very young and shaping very prominently, cruel hands of death took him away. I hope, his name be added by the Leader of the House in his condolence motion.

Mr. C. W. MORLEY: Mr. Speaker, Sir, this is a very solemn occasion in which we are assembled to pay a final tribute to the greatness of Lokopriya Gopinath Bardoloi, who has been for so many years so intimately associated with the affairs of this House and with the political life of the State.

You, Sir, the Hon'ble Leader of the House and the Hon'ble Leader of the Opposition have already indicated in fitting and appropriate terms the unique position which our late Chief Minister occupied. With these sentiments, which have been already expressed, I wish to assure the House, we are in the fullest agreement. Much of his life was spent in the wilderness of opposition, in leading the numerous campaigns which culminated in the achievement of

Independence, but throughout he always displayed towards the British residents in Assam kindness, friendliness and sympathy. Even after Independence had been achieved, he always made us feel that the British community still held an honoured position in the life of the State. It would, I fear, take too long to attempt any comprehensive appreciation of those great qualities which he possessed so abundantly and utilised so unsparingly in the service of the country. He remained unaltered by the power of office except in so far as it strengthened his resolve to do his utmost for the good of the people. His faith in the ideals for which he had striven throughout his life never weakened and he brought to that idealism a practical knowledge of affairs of State which contributed so much to the success which he deservedly attained. He knew full well his health was impaired and that in the shelter of retirement he could still look forward to many years of repose, yet he did not hesitate but continued to work indefatigably to the end.

I am confident that the historian of the future will recognise that within the walls of this House he made an outstanding and significant contribution in furthering and developing the highest traditions of Parliamentary Government. In recent years he was fortunate in possessing a more than handsome democratic Parliamentary majority, yet he was scrupulous in seeing that the rights of other Parties were fully safeguarded and he was always eager to pursue the democratic path of legislating by common agreement. In the death of Lokopriya Gopinath Bardoloi, Assam has lost a very great statesman and we are all the poorer for his passing.

It is a great, if melancholy, privilege to have been invited to speak in support of this Motion and I take this opportunity of associating the Planting and Commerce Group and all my countrymen with the condolence motion to his illustrious memory.

The Hon'ble the SPEAKER: I hope, hon. Members will adopt this Motion all standing for two minutes in reverential silence for the departed soul.

(The Motion was adopted by the House all standing in silence for two minutes.)

(Adjournment)

The Assembly was then adjourned till 10 a.m., on Thursday, the 28th September, 1950.

SHILLONG:

The 3rd November 1950.

R. N. BARUA,

Secretary, Assam Legislative Assembly.

APPENDIX F

The 19th June 1950

No.AAP.97/48 —In exercise of the powers conferred by the proviso to Clause (3) of Article 320 of the Constitution of India, the Governor of Assam is pleased to make the following amendments to the Assam Public Service Commission Regulations published under Notification No.903-H., dated the 19th April 1937 :—

(1) Regulation 25 :—

Insert the following as a new entry :—

“25-C.—It shall not be necessary for the Public Service Commission to be consulted as regards the suitability of candidates in case of appointments to be made in any industrial and commercial undertaking owned or managed by the Department of Transport and Industries.

(2) Regulation 26 :—

Substitute the words “in regulations 25, 25A, 25B and 25C” for the words “in regulations 25 and 25A” as inserted by correction slip No.21.

B. C. KAPUR,

Secretary to the Government of Assam.

MEMORANDUM FOR THE ASSEMBLY

CIRCULATED UNDER CLAUSE (5) OF ARTICLE 320 OF THE
CONSTITUTION

**SUBJECT :—Appointments—Exclusion from the purview of the Assam
Public Service Commission.**

In its meeting held on 21st December 1948 the Cabinet decided that appointments made by Government on contract basis would be excluded from the purview of the Assam Public Service Commission. But it was subsequently pointed out by the Transport Department that the said decision did not fully meet the requirement of the Board of Control, State Transport, which had been empowered by the Assembly by its resolution, dated the 27th September 1948, to appoint its officers and staff. Accordingly the Transport Department moved for an amendment in the Assam Public Service Commission Regulations. The Cabinet in its meeting held on the 6th and 7th December, 1949, therefore decided that appointments in any industrial and commercial undertaking owned or managed by the Transport and Industries Department would be excluded from the purview of the Assam Public Service Commission, and Regulation 25 of the Assam Public Service Commission Regulations was amended accordingly by the Notification No.AAP.97/48, dated the 19th June 1950.

It is therefore laid before the Assembly for its approval of the amendment published in the Notification No.AAP.97/48, dated the 19th June 1950, in accordance with clause (5) of Article 320 of the Constitution.

B. C. KAPUR,

Secretary to the Govt. of Assam.