Elections to the third legislative council were held in November 1926. The percentage of poll in that election was 43.\textsuperscript{1} As many as twenty two elected members of the previous council were defeated in the general elections. The five nominated members were also newcomers. The House therefore had twenty six new members (one seat remaining vacant).

The Swarajist party had a fairly effective organisation in most of the villages and employed an army of propagators, who could influence the voters.\textsuperscript{2} Although 19 Swarajist contested the election only 14 of them were successful. However, the position of the Swarajists was stronger in the Council as there existed two separate groups among the moderate members of the Council, instead of the one Independent party of the previous council. The Responsive cooperation party fielded 7 candidates, 4 of whom were elected.

Although the European planters, and non-official Europeans, rendered assistance to Independent candidates in the general election at Jorhat, Golaghat, Dibrugarh and Tezpur constituencies against Swarajya party candidates, all

\begin{footnotesize}
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\item[1.] ICR. p.519.
\item[2.] A.J. Laine to Commissioner, Assam Valley Division, No. 473 of 18 May 1927; J. Hazlett to Chief Secretary No. 166, T, 30 May 1927, Assam Sectt (Poll).
\end{itemize}
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these seats were bagged by the latter. In the Assam Valley out of 12 non-Muslim seats, the Swarajya party captured eight, Independent one and Responsivists three. Six of the eight non-Muslim seats in the Surma Valley were won by the Swarajya party. Two Muhammadans elected with the support of the Swarajists in that valley preferred to join the Muhammadan Independent group with the definite object of working the reforms and pressing for further political concessions before the Royal Commission. T.R. Phookan was reelected to the Central Legislative Assembly and N.C. Bordoloi was elected to the Legislative Council unopposed from the Mangaldoi constituency. Nilmoni Phookan a leading moderate of the Independent party was unseated as a result of an election petition. The Swarajya party candidates Lakheswar Borua defeated Nilmoni Phookan, in the by-election for the Dibrugarh non-Muslim seat in March 1927. This was a great victory for the Swarajya party which strengthened their position in the Council considerably. Saadulla was reelected, but P.C. Dutta, the Local self-Government Minister was defeated by the Swarajya party candidate Rasiklal Nandi Mazumder.

The Swarajists once again formed the Swarajist Nationalists coalition party, with the co-operation of a few moderate Independent members and elected Nobin Chandra Bordoloi an erstwhile "No-changer", as its leader and Brojendra Narayan Chaudhary as the Deputy Leader.

The Muhammadan members of the Surma valley led by Munawwar Ali and a member from Brahmaputra valley formed a new party called the Nationalist party.\(^4\)

The Government was a solid block of twenty two in a 52 member House, which included 7 officials, 8 planting and other Europeans, two ministers and 5 nominated members.\(^5\)

The reconstituted Council met on 22 February 1927. Bipin Chandra Ghosh an Independent from Goalpara moved the first no confidence motion in the history of the Council on 28 February 1927 against the two ministers Saadullah and Nichols Roy. He alleged that Saadulla was guilty of "breach of faith to the people" for opposing the resolution for the full responsible Government for voting against popular measures such as the construction of 'lepers' asylum in the Assam Valley, abolition of grazing tax, modification of the terms of land revenue, withdrawal of repressive law, and release of political prisoners. The no confidence motion was made possible by the new rules adopted on 27 October 1926 on the recommendation of Muddiman Committee. Munawwar Ali from Surma valley supported the motion on the ground that Saadulla had no following among Muslims except a handful of Mussalmans of the valley from which he comes." Many Independent members of the Surma valley supported the motion. The Swarajists were not interested in the composition of the Ministry, but they decided to vote in favour of the motion without taking part in the

\(^4\) FHA, vol. II, p.117.
\(^5\) ALCP Vol. 8, 3 April 1928 p.260.
debate. The motion was defeated by 28 to 22 votes.6

The number of censure motions carried during the budget session of 1927 proved that Swarajya party had considerably increased its strength. Apart from the censure motions on the reserved subjects, about half a dozen motions were carried against the policy of the ministers for education and local self-Government. Whenever matters concerning the general improvement of the province were discussed the Swarajists received support not only from the Independents but also from the European tea planters headed by W.D. Smiles. The presence of Bordoloi, Botham and W.D. Smiles, improved the tone of the debates and difficult problems were solved by mutual discussion. Bordoloi as the leader of the Swarajya party, adopted a moderate tone in the debates and a conciliatory attitude within and outside the Council.

Speaking on the budget on 1 March 1927, Bordoloi pointed out that only 32 percent of the expenditure had been allotted to the transferred subjects in that year. R.K. Hatibaruah mentioned that the "working of the budget for three years" was about to convert him "from the position of a non-violent non-cooperator to that of a rapid revolutionary", because he felt that the transferred departments had been starving since 1924, whereas 80 percent of the budget ought to have been spent on it.7

A resolution tabled by several members recommending the dismissal of the police Sub-Inspector involved in the "Torn Koran case" was moved and carried on 13 September 1927. The Moderates and the Swarajists seized the opportunity to attack the Government and the police pursued by it for the suppression of the Non-Cooperation Movement. While the Muhammadan members joined hands with them for the alleged insult to the Holy Koran, the "other moderates" accused the Government for abuse of authority. As many as twenty-nine members, representing nearly all the non-officials in the Council, supported the resolution. The official and planter members remained neutral. 8

The next budget session of the Council began on 28 March and ended on 28 April 1928. The Swarajists boycotted the Council, except when the grant of supplies important bills or other matters were discussed. On 29 March 1928 the Government introduced the Assam Stamp (Amendment) and Court Fees (Amendment) bills for consideration. These two bills sought to make permanent the rates of Stamp and Court fees which had been in force since 1922. The government assured the Council to allot the revenue accruing from those enhanced fees to the transferred departments. The Swarajists with the help of the Independents refused to take the bills into consideration and rejected them by 75

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8. The case arose out of a house search conducted by public at the village of Maijbhag Golapganj P.S. in 1922 during the Non-cooperation Movement. The owner alleged that copies of the Holy Koran were torn by the police. The Government after losing the case agreed to meet the cost of the suit including the damages awarded by the court but refused to take action against the Police officer. PHA, Vol.II, p.119.
to 15 votes. However, B.K. Das, no confidence motion (3 April 1928) questioning the authority of citizenship status and nationality of Nichols Roy, the minister for local self-Government was defeated by 27 to 21.  

The Swarajya party members gave up their earlier boycott policy and attended the Council throughout the September session of 1928 and took active part in the proceedings of the House. R.K. Chaudhary moved a resolution in this session recommending the postponement of the realisation of newly assessed revenue demands in the districts of Kamrup, Sibsagar, Nowgong, and Darrang until proper legislation on re-assessments of land revenue was enacted. His contention was that for the enhancement of revenue no particular rule was followed. Moreover the Government did not take the margin of profit of the settlement holders into consideration. By a bare majority vote this was adopted.  

The Simon Commission and Assam

The working of the Act of 1919 exposed some glaring inadequacies. Realising this, the British Government appointed the Indian Statutory Commission, on constitutional Reforms, on 8 November 1927, under Section 84A of the

10. In the September session alone 358 questions, 7 reductions to the supplementary demands for grants and 4 motions or bills were disposed of No.514-6-
Government of India Act, 1919. Sir John Simon was the Chairman and all the other six members were also British and members of Parliament. The non-inclusion of any Indian in the body provoked the Indians. Hence the Commission earned for itself the deriding term of the all-white Commission. The general reaction was one of "profound dissatisfaction and righteous indignation. The nationalists, irrespective of their party affiliation, unanimously decided to boycott the Commission." Efforts were made to mobilize public opinion against the Commission throughout the country. The plan formulated by the AICC included public demonstrations as well as non-cooperation with the Commission's work by the members of the Indian Legislatures. A social boycott of the members of the Commission received the sanction of all the parties.

11. Assam Sectt. Proceeding. Appt. & Pol. September 1927. (The Govt. of India Act, 1919, contained a provision that at the end of ten years, an enquiry commission be appointed to determine what further action, if any should be taken to extend, modify or restrict the degree of responsible government), Majumdar, n.l, p.307.

12. On November, 8, 1927, Lord Irwin announced the formation and composition of the Simon Commission. He declared that the appointment of the Commission two years before the fixed statutory period was due to Indian political pressure. But Lord Birkenhead's biography makes it clear that his main object in advancing the date of enquiry was to keep in his own hands the nomination of the personnel of the Commission and to prevent the risk of a future Labour government having anything to do with the composition of the Commission - A.C. Banerjee, Indian Constitutional Documents. Vol.III p.170.


The feeling of exasperation touched even Assam. The first manifestation of it was expressed at a public meeting organised in Sylhet on 16 November 1927. The reaction of the D.C.C. was similarly bitter. It opposed not only the appointment of the Commission but also suggested the appointment of a parallel Commission. Resentment gradually spread throughout the Assam Valley. The activities of the congress Swarajists helped to heighten the issue against the Commission. The beating of drums, the hanging of posters in public places, as well as the distribution of handbills were some of the works undertaken by the Swarajists.

As against the unanimity of the Congress, the Indian Muslims were divided. A section of them under the leadership of M.A. Jinna extended support to the boycott programme of the Congress. But the faction of the All India Muslim League led by Muhammad Shafi, proposed to cooperate with the Simon Commission.

In Assam, the Anjuman Islamia decided to welcome the Commission on 25 January 1928 at Maulavi Bazar. The Shafi faction of the Muslim League resolved at a meeting held in Sylhet on 27 and 28 January 1928, to form the provincial Muslim League, with Munawwar Ali as the President.

17. APAI, 26 November 1927 (reported by C.S. Gunning) 15 February 1928.
20. APAI, 1 February 1928.
A forty members Assam provincial Muslim League Council, which included all the Muslim Legislators of the province, except the Council's President was formed early in 1928. It was this Muslim League that thrived in Assam. It pleaded before the Commission for separate communal electorates.22

The pro Jinnah group was equally active in Sylhet. It proposed to invite Syed Jalaluddin Hashani of Calcutta to popularize the issue of boycott as well as to organise a hartal on the day of the Commission's arrival.23 Hashani arrived and addressed several meetings on 27 January 1928. He called upon both Hindus and Muslims to make the boycott a success. Efforts were also made by the people of Goalpara to invite Nazrul Islam, the nationalist poet, on a propaganda tour. But this did not materialize.24

The Simon Commission arrived in India on 3 February 1928. The nationalists greeted its arrival with black flag demonstrations and shouts of 'Go back Simon'. Dibrugarh observed the day with a hartal which completely paralysed the normal life in the town.25 At Dhubri, the students boycotted the classes. At Gauhati, the Local Boards and Municipal offices remained closed. At Sibsagar, a section of the students of the Government High School boycotted the classes.26 Students of Sylhet and Karimganj too stayed

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24. The Goalpara leaders making the request sent a telegram to Subash Chandra Bose, which was intercepted by Police. AFAI, 1 Feb. 1928 and Conf.B, File No.73C/1928 Assam Sectt. (1 Poll).
26. Ibid.
away from their classes. Though hartal was observed in almost all places of Assam, a section of the Muhammadans in both the valleys did not respond to the call. Everywhere, the Swarajist took the lead in popularising the boycott issue. In June 1928, Sundarimohan Das and Bipin Chandra Pal addressed public meetings at a number of places in the Surma valley and urged upon the people to boycott commission. To counteract the pro-Commission attitude of a handful of Muslims, the local Khilafatists of Sylhet met on 3 June 1928, under the presidentship of Abdul Matin Chaudhary. The meeting urged the Muslims to preserve their identity as nationalists and not "to sell themselves for a mess of pottage". It further resolved to organise a provincial Council of Muslim League with Faiznur Ali as the president and Muhammad Tayebulla as the Joint Secretary, in order to organise the Muslims along nationalists line. While delivering the presidential address at the Assam students' conference at Tezpur on 17 and 18 October 1928, Tarunram Phookan pointed out that the very composition of the Commission was 'humiliating' and 'dishonourable' to the Indians. The Goalpara Youths' Association also decided to boycott the Commission.

On the other hand, the Assam Government proposed on
3 April 1928 in the Council to constitute a seven member Committee "for purpose of cooperating with the Statutory Commission on constitutional reforms". The Council adopted the official proposal by 31 to 15 votes, to form a seven member Committee to assist the Simon Commission of the votes in favour, 13 were solid European votes. This was a major defeat for congress in the Council. The Committee was duly constituted on 9 April 1928, with W.D. Smiles as the Chairman and Arjanali Majumdar, Mukundanarayan Barua, Keramat Ali, Sadananda Powerah, Munawwar Ali and Amar Nath Ray as member. The Swarajists felt aggrieved at the constitution of the Committee. A Swarajist member tabled a resolution "recommending to the Government that the members of the Committee appointed to cooperate the Commission be directed not to submit any proposals or make any recommendations to the Commission without previously taking the approval of the Council." The President of the Council disallowed the motion on the ground that it was not the concern of the local Government to issue such directions to the Committee. The Government also rejected a similar attempt initiated by the Swarajists later on.

The Commission arrived at Shillong on 2 January 1929. As most of the Assam Congress leaders were away in Calcutta in connection with the Indian National Congress.

33. ACLP, Vol. 8, 3 April 1928, p.260.
34. Home Poll, File No. 1-28-Poll, F.R., First half of September 1928, NAI
session there, effective boycott demonstrations were not organised anywhere in Assam. The Commission was received by a Mauzadar with four hundred men. The Syem of Mylliem erected a welcome arch in Shillong in honour of the Commission. The Commission received 27 memoranda from various groups and organisations of the province in addition to the one submitted by the Assam Government. Most of them represented sectional or communal interest. The Assam Government's confidential memorandum to the Commission somehow found its way to Amrit Bazar Patrika, which published a synopsis of it on 5 October 1928 and remarked: ".... the constitution evolved by the Assam Government is admirably united to keep up the antagonism between the forces of nationalism and communalism."

The aforesaid memorandum proposed the retention of the existing status of a Governor's province with the full benefit of the reforms. Along with this it sought to retain communal representation to comparatively small social groups like the Ahoms, Marwaris, land holders and others. The official attitude appeared unpalatable and evoked much criticism. A few moderate leaders from Tezpur expressed the view that communal electorate caused communal tension. On the other hand, Sayidur Rahman an Assamese Muslim planter justified separate electorate for the Muslims and said on 3 April 1928.

36. Ibid.
37. Ibid.
38. Indian Quarterly Register, July-Dec. 1928, pp 53-117.
40. Ibid.
"It is the sincerest desire of our community at the present moment despite what Hon'ble members like Mr. Jinnah may say that this separate electorate is absolutely vital to our existence. This separate electorate has been enforced in Kenya, Palestine, Cyprus, Austria, Hungary and other countries."\textsuperscript{41}

The Government explaining its stand said that the retention of communal representation was essential especially in the light of communal tension and clash of sectional interests and that the communal representation did not create friction but only recognised the existing differences. One significant element of it was the suggestion for the abolition of the official block and the retention of nominated members in the Council. The idea was that the removal of officials would facilitate smooth working in the legislature as their absence would reduce tension and antagonism between the officials and the elected members. The Government however, agreed to transfer all the subjects to Ministers with certain safeguards as regards law and order. The police authority in Assam was not in favour of transfer of the police department to a Minister. The Inspector General of Police, Assam, told the Commission that the Indian and European police officers would find it difficult to discharge their duties.\textsuperscript{42} On the other hand, the Assam Police Association, a body of Inspectors, Sub-Inspectors and Assistant Sub-Inspectors submitted a memorandum to the Commission on 5 January 1929, pleading for the transfer of the police department to Minister's charge. They believed this would

\textsuperscript{41} ALCP, 17 Sept. 1928 Vol.8, p.271.
\textsuperscript{42} Indian Quarterly Register, July-Dec. 1929, pp.53-117. and Conf. 4 File No.33C, March 1929, Assam Sectt(Poll).
The seven member committee of the Assam Legislative Council recommended universal adult suffrage with the minimum age limit of 25 years or a universal household suffrage. It was opposed to creating a second chamber and strongly recommended that dyarchy should go. The Commission wound up its discussion at Shillong on 7 January 1929 and later visited Doomdooma, Sajikhowa and Kohima. The Commission left the province on 11 January 1929.

After the Simon Commission's departure, the Council had a stormy budget session. On its closing day, 27 March 1929, the Government was voted out when Munawwar Ali of the Nationalist party brought a no-confidence motion against Nichols Roy, Minister for Local self Government. Congress Swarajists were also ready not to miss this grand opportunity to put the Government into disarray, however, they were least interested about the personnel consisting of the Ministry. The motion was carried by 17 to 14 votes. Realising the difficulty of the situation, the Governor prorogued and thence prematurely dissolved the Council in April 1929, without any reason being assigned for the action.

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43. Report of the Committee of the Assam Legislative Council to cooperate with the statutory commission, Indian quarterly Register, July-December 1929, pp. 53, 117.
44. Ibid.
45. ALCP (1929), Vol. 9, pp 940 - 1 967 and N. 70.
Swarajist stood firmly united on the question of re-drawing the provincial boundaries on a linguistic basis. B.N. Chaudhary moved therefore a resolution in July 1924 for the transfer of Sylhet to Bengal. R.K. Hatibaruah said in support of the resolution: "As we all know, the Indian National Congress is committed to a policy of self determination ....... I believe the present is an opportune moment when the wishes of the people of Sylhet should be recorded". Difficulty arose, however, from the side of Bengali speaking Cachar which was not keen on the vivisection of the province. But if Sylhet were transferred to Bengal, there was no point, it was argued in retaining Cachar. Under the circumstances, the original resolution was modified by the mover to include Cachar within its scope so that the Cachar votes could be turned in his favour. Of the three Cachar members, two lent their support to the amended resolution but the third still opposed it. The Council passed the motion by 22 to 18. Incidentally, Nilmoni Phookan voted for the resolution. The Government of Assam should not stand in the way, provided that Assam status as a Governor's province remained unimpaired. In their letter of October 1925, the Government of India, however, made it sufficiently clear that Assam's future status was an independent and separate question, not to be linked with that of Sylhet. 46

46. ALCP (1924), Vol. 4, pp 568-621; Governor's address on 13 July ALCP (1925), Vol. 5, p 1589, ALCP (1926), Vol. 6; pp 660-3.
The issue, therefore, continued to remain controversial. There was neither a clear cut consensus on the Cachar question nor an a priori official assurance about Assam's continuity as a Governor's province following its loss of territory. A special session of the council in January 1926 voted 26 to 12, to recommend only Sylhet's transfer to Bengal. A second resolution recommended that in no case should Assam lose its major provincial status. Official members refrained from voting on the first motion. All Sylhet members, except two Muslims and all Indian members from Brahmaputra Valley, except Saadullah and two other Muslim members, voted for the motion. All the three Cachar members – two Hindus and one Muslim voted against it. They were opposed to Sylhet's transfer to Bengal, unless Cachar was also transferred. Another motion recommending the transfer of Cachar was, however, defeated.47

None of the Sylhet leader was apparently keen on tagging Cachar to Sylhet. Obviously they conceded to the general Assamese opinion that Cachar was historically, if not linguistically, an integral part of Assam. In the Surma Valley, Political Conference held on 1 July 1928, a resolution recommending the inclusion of both Sylhet and Cachar into Bengal was defeated by an overwhelming majority. The conference voted for the transfer of Sylhet alone.48 Thus

47. Ibid, pp 126 and 194; Kutubuddin Ahmed's speech, ALCP (1928) Vol. 8, p.715.
public opinion in both the valleys emerged united on the transfer question. As the voting in the council suggested, a majority of the Surma valley Muslim members were also behind the move.

Divisive communal politics were, however, gaining a new dimension since the appointment of Simon Commission. Throughout his legislative career, Saadullah had opposed all proposals to transfer Sylhet. He explained the logic of his opposition in clear terms as early as 1926. He argued that as long as Sylhet remained in Assam, Muslim who constituted one-third of the provincial population would remain a respectable minority and hold the balance of Assam's electoral politics. But with the Muslim majority district of Sylhet gone to Bengal, they would lose the position in Assam for ever. On the otherhand, the change would enhance the proportion of Muslims in Bengal's population not even by one percent. He thus built a case for an undivided Assam in the larger political interests of Muslims in India. 49

This theory had many champions like Abdul Matin Chaudhury in the other Valley. In fact, the provincial Muslim League Council was formed in 1928, precisely to counter the move of Sylhet transfer. In September 1928, the Sylhet question was reopened in the Council with official backing, in an attempt to revise its earlier stand. Hazi Muhammad Bakht Mazumdar, the scion of an ancient Sylhet Zamindar Family and a Khan Bahadur, moved a resolution on 17 September

asserting that the people of both Sylhet and Cachar were opposed to their transfer to Bengal. In a frantic attempt to defeat the resolution Basanta Kumar Das moved an amendment that a referendum be arranged to ascertain the desire of all chawkidari and Municipal rate - payers of Sylhet and Cachar regarding the transfer question. Nothing sort of a referendum on the basis of universal adult suffrage would, however, have proportionately reflected the voice of Muslims. But neither side was keen on it, although such a measure was suggested in his speech by Dowerah. The amendment of Das was rejected by 29 to 17 votes. All the 13 Muslim votes were solidly against the amendment. The original resolution was thereafter passed without a division. The debate rang the death-knell of the heretofore cleverly contrived Swarajist hegemony in the Council. Never again was the demand for the transfer of Sylhet to Bengal moved in the legislature in the form of a resolution. For Muslim members from both the valleys were henceforth solidly opposed to this idea.

50. ALCP (1928), Vol. 8, pp 784 and 811 - 2.