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**THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES**

**Official Report**

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**Volume I, 1947**

*( 17th November to 27th November, 1947 )*

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**First Session  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)  
1947**



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Tuesday, 18th November, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

## DECLARATION BY MEMBERS.

The following members made the declaration under Rule 2C:—

- Rai Sahib Raghuraj Singh (Eastern States—Group II);
- Raja Saheb of Bobbili (Madras: General); and
- Shri V. R. Kalappa (C. P. and Berar: General).

**Mr. Speaker:** Unfortunately, Mr. Kalappa has lost his power of speech. Therefore, the Secretary will read the Declaration on his behalf and he will sign the Register.

(The Secretary then read the Declaration on behalf of Mr. Kalappa, who then signed the Register.)

## STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

### REHABILITATION OF REFUGEES FROM PAKISTAN.

1. **\*Shri Biswanath Das:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

- (a) the number of refugees that have come over to India from different Provinces and States of Pakistan and *vice versa*;
- (b) the number that is receiving aid from Government;
- (c) details of the arrangements made with the Government of Pakistan to keep the moveable and immoveable properties safe;
- (d) the number, if any, that desire to return to Pakistan and *vice versa*; and
- (e) any programme or arrangements made for their rehabilitation?

**The Honourable Shri K. O. Neogy:** (a) The number of evacuees who arrived in the territories of the Indian Union prior to the setting up of the Military Evacuation Organization on 4th September, 1947 cannot be accurately estimated. A very rough estimate suggests that the number was about 13 lakhs. The total number of Non-Muslims evacuated by the Military Evacuation Organization from West Punjab and North West Frontier Province between the 4th September, 1947 and the 11th November, 1947 is 20,19,126. About 2,40,000 Non-Muslims have been evacuated from Sind by sea and Rail. A rough estimate of migration from Bhawalpur is 80,000. No separate figures are available for Baluchistan. The number of Muslims evacuated by the Military Evacuation Organization from East Punjab and East Punjab States between 4th September, 1947 and 11th November, 1947, is 19,34,436. Figures prior to that date are not available.

(b) The number of Non-Muslim refugees in camps in East Punjab and Delhi

Province is about seven lakhs fifty thousand. Besides there are about three lakhs refugees in relief camps in the United Provinces.

(c) The Pakistan Government have issued two Ordinances for custody of evacuee property and its use for rehabilitation of refugees. The broad features of both Ordinances have been incorporated in the East Punjab Ordinance on the same subject. The East Punjab Ordinance has been extended by the Central Government to Delhi. The Ordinance provides for custody of moveable and immovable property and interim administration of industrial and business concerns of evacuees. Where this is essential the Custodian may sell immovable property. Representations to the Government of West Punjab that stock-in-trade of Non-Muslim shopkeepers may be sold subject to a reserve price on the basis of invoice value or on the basis of appraisal by assessors have not proved successful. In Delhi and East Punjab the Custodian is assisted by an Advisory Committee. The Government of West Punjab have refused to accept the suggestion from the Government of India for the appointment of an Advisory Committee to assist the West Punjab Custodian.

(d) Government have no information.

(e) East Punjab Government have set up a Department of Rehabilitation with a Directorate each for Rural Rehabilitation and Urban Rehabilitation. According to a well organised scheme, Deputy Commissioners have been made responsible for allotment of land to agriculturist refugees, in their districts, in consultation with non-official Advisory Committees. Out of the total area of forty five lakh acres abandoned by Muslims in East Punjab, thirty three lakh acres are cultivable, of which twelve and a half lakh acres have been allotted and over one lakh seventy seven thousand families have been settled. For Urban refugees, residential accommodation is to be provided, by the Resettlement Staff set up in each District under the Deputy Commissioner, associated with Urban Resettlement Committees in each District town.

In response to an appeal from the Central Government nearly all Provinces and many States of the Indian Union have offered accommodation either for temporary care or for resettlement and rehabilitation of refugees. According to the latest estimates it seems likely that one half million refugees from West Punjab and N. W. F. P. cannot be resettled in East Punjab. The Government of India is very shortly starting a programme of dispersal of refugees to accommodation offered elsewhere in Provinces and Indian States.

So far as Urban rehabilitation is concerned the Government of India have asked the Provincial Governments and Indian States to examine quickly and report on the possibilities of suburban development schemes in the vicinity of big towns.

In Delhi the Government of India are exploring the possibility of reserving for refugees certain sites both in residential and industrial areas.

Arrangements have been made for the registration and placement of refugees through Employment Exchanges and for the training of a large number of refugees in technical and vocational trades in training centres which were started in the first instance for demobilised Services personnel.

The question of giving financial assistance to refugees is receiving attention. Sanction has already been accorded to the grant of loans to students and trainees whose parents and guardians are unable to find funds, having become refugees, in order to enable them to prosecute their studies or training in India or abroad.

The question of giving advances to women who have lost their husbands or supporters and to others is under active consideration. For those wishing to set up their own industries, assistance on the lines of the provisions contained in Aid to Industries Acts of certain Provinces and assistance in kind are contemplated.

A Loans Section has already been set up in the Ministry of Relief and Rehabilitation. The possibility of setting up a Rehabilitation Finance Corporation is under expert scrutiny.

Many other aspects of rehabilitation are under active examination. For instance, possibility of absorbing a large number of skilled workers in Railway Workshops after short periods of training is being examined. Centres are being started in various relief camps where refugees will be engaged on remunerative occupations like Spinning and Weaving, Hosiery knitting, Button making etc. Houses for women and children are being set up at Jullundur and Delhi. Schemes for vocational training of juveniles are being prepared. Altogether the rehabilitation programme will be a comprehensive one but any action that can be taken on particular aspects of rehabilitation is not being and will not be held up.

**Pandit Balkrishna Sharma:** May I know, Sir, if the Government are aware that recently the Pakistan Government have taken possession of all the safe deposit vaults and whether any reciprocal action is being contemplated by the Government here?

**The Honourable Shri K. O. Neogy:** I am afraid my Honourable friend's information is not quite correct. No safe deposit vault has yet been taken possession of by the West Punjab Government. What has happened is that a Notification has been issued under which the West Punjab authorities would be competent to take possession of safe deposit vaults unless the Managers-in-charge are prepared to operate them with effect from the 20th of this month. On this subject several representations have been made by this Government. I should like to read out the earliest telegram that was sent protesting against this proposal. This telegram was sent by the Honourable the Prime Minister to the Prime Minister of Pakistan on the 8th of November last. In view of the importance of the subject, I make no apology for reading out the entire text of this telegram.

"I understand that the West Punjab Government has passed an order requiring owners and managers of safe deposit vaults to resume work by the 20th November failing which that Government will take possession of the vaults. I shall be grateful for urgent information, as to whether this report is correct. If it is, I must lodge the strongest possible protest against the order of the West Punjab Government. Conditions in Lahore and other towns where safe deposit vaults are located are so insecure for non-Muslims that the managers and their staff will be incurring great personal risk in attempting to resume work by the 20th of November. Moreover I am reliably informed that the number of small depositors is less than 5 per cent. The Managing Director of one of the safe deposit vaults went to Lahore some time ago and tried to open the vault but was prevented from doing so. If in these circumstances the West Punjab Government take possession of the vaults that would mean expropriation of property worth an immense amount of money. Our Minister for refugees has telegraphed to you suggesting an inter-Dominion Conference on various matters on the 11th of this month. I understand that no reply has yet been received by him. I hope it will be possible for this Conference to be held soon and the subject of safe deposit vaults may be included in the agenda. Pending such discussion, I would ask that the order said to have been issued by the West Punjab Government should be withdrawn. I should be grateful for a very early reply."

The date of the telegram is 8th of November and no reply has yet been received to this telegram.

Another telegram was sent later. But meanwhile we had sent a Memorandum indicating the various points which we desired to be raised for purposes of discussion at the proposed inter-Dominion Conference, and the question of safe deposit vaults occupied a very prominent position in that Memorandum.

**Shri M. S. Aney:** May I suggest that the Honourable Member lays all these documents on the table instead of reading it?

**The Honourable Shri K. O. Neogy:** If that is the desire of the House I could lay on the table all relevant documents in this connection, but may I just wind up this particular point by mentioning that the Prime Minister sent another

telegram on the 15th of November and there again the protest was renewed and a constructive suggestion was made. I would read out only that portion of the telegram which contains the constructive suggestion.

"If you must insist on opening these vaults within the next three or four days, I would ask that the vaults be opened in the presence of the Deputy High Commissioner and other officers accompanying him. Depositors now resident in Pakistan may open their lockers, but lockers belonging to persons now resident in India should not be touched. As soon as business of residents in Pakistan has been completed the vaults must be put under double lock, the key of one lock being detained by representative of the West Punjab Government and the key of the other lock being retained by the Deputy High Commissioner or an officer nominated by him for the purpose. We will be prepared to make available as many officers as may be necessary, so that one of our own officers will be present at each safe deposit vault to operate the double lock and afford access to persons resident in Pakistan during specified hours. I suggest that this arrangement is absolutely essential until the matter is discussed further at the next inter-Dominion Conference. I would emphasize that persons resident in Pakistan should be afforded locker space only after complete identification and with reference to entries made in safe deposit vaults registers."

To this telegram again no reply has been received.

**Dr. B. Pattabhi Sitaramayya:** May I know if as one of the items of long-range programme of rehabilitation Government have considered the building of one or two cities, notably at Kurukshetra and elsewhere, in order to provide immediate occupation to the thousands that are gathered there and also to provide amenities for the urban population to move among these refugees?

**The Honourable Shri K. O. Neogy:** That point has been under active consideration for some time. The specific question raised by the Honourable Member as regard the possibility of building a town at Kurukshetra came up, I understand, for the consideration of the Advisory Committee attached to our Ministry the other day. It does not seem, as far as I can judge, that it will be advisable from the technical point of view to have the idea of a city at Kurukshetra adopted. But we have not yet examined the proposal with the help of experts. As regards other towns, as I have indicated in reply to the main question, we are considering the possibility of extending suburban development near about New Delhi apart from reserving an area in an industrial locality. Then again, the most important point in this connection is the question of the capital of East Punjab. That question has been gone into by a committee appointed by the East Punjab Government, and I understand the report presented by that committee is under examination. As soon as a decision is taken as regards the location of the capital of the East Punjab Government the object that my Honourable friend has in view will be very largely achieved.

**Shri Biswanath Das:** With reference to part (c) of the question, have Government seen very serious protests in the press that refugees coming from Pakistan were subject to a search of their properties and that they were relieved of all their moveable properties before coming to India? This was also noticed by Mr. Suhrawardy who made a protest about it. Have the Government of India made any protest or representation about this to the Pakistan Government? If so, on what dates were protests made and with what result? Is there any possibility of these moveable properties which were taken away forcibly by the Pakistan authorities being restored to these refugees?

**The Honourable Shri K. C. Neogy:** I will request my Honourable friend to wait till another question which raises this specific issue is reached. I am going to answer that question when it comes up in some detail.

**Mr. B. Paker Sahib Bahadur:** Sir, in view of so many facts and figures involved in these long answers and also in view of the importance of the subject matter of the question, may I suggest that the answers may be typed and circulated so that supplementary questions may be asked tomorrow?

**Mr. Speaker:** That, I am afraid, is not possible.

**Shri Biswanath Das:** Will the Honourable Minister be pleased to lay on the table all papers in this connection showing what action has been taken and also replies from Pakistan Government so that Honourable Members may know that Government are taking adequate and necessary steps in this regard?

**The Honourable Shri K. C. Neogy:** I shall certainly do so.

**Shri Mohan Lal Saksena:** May I know if in view of the importance of this subject Government will be prepared to allot a day for its discussion in the House?

**The Honourable Shri K. C. Neogy:** That is a matter for the Honourable the Prime Minister.

**Lala Deshbandhu Gupta:** I have already written to the Leader of the House formally to allot a day for discussion.

**The Honourable Pandit Jawaharlal Nehru:** Sir, Government are agreeable to allot a day for the discussion of this subject.

**Mr. Speaker:** I find that in some questions there are requests for information which involve long statements to be made and an unduly long time is taken over these statements. In such cases involving long statements, I would suggest to Honourable Members that they may first ask unstarred questions and any questions arising on replies thereto may be put as starred questions so that it would be easier for all honourable members to get the information and ask supplementaries.

**Prof. N. G. Ranga:** Sir, in that case time will be lost in giving fresh notice of a starred question and getting an answer. If that suggestion were adopted I think it would be more convenient to circulate these answers in advance to Members—as agreed upon in the other legislature—and that will provide better opportunities for Members.

**Mr. Speaker:** In the changed circumstances, the former agreement will not do. I just made a suggestion; otherwise the difficulty is that we can never go through the list of questions. Two or three questions will take up the whole question hour and all the other questions will go in as unstarred. So I suggest that Honourable Members may first ask for a statement to be laid on the table of the House. It is for Honourable Members to consider the suggestion.

#### GEOLOGICAL SURVEY OF CERTAIN DISTRICTS OF THE DECCAN STATES.

2. \***Shri R. R. Diwakar:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether an intensive geological survey of each District has been made by the Geological Survey Department;

(b) if the answer to (a) above be in the affirmative, when was such a survey made of the following Districts: (i) Bijapur, (ii) Belgaum, (iii) Dharwar, (iv) North Kanara, (v) South Kanara, (vi) Bellary, (vii) Coorg, and (viii) Nilgiris

(c) whether any such survey was undertaken by the Survey Department of the Government of India at the request of the Deccan States and the State of Kolhapur;

(d) if the answer to (c) above be in the affirmative, when was such a survey made and of which of the States;

(e) whether the Reports of all such surveys are published; if so, whether copies of the reports are available to the public;

(f) whether geological maps of different districts are published, if so, on what scale and whether such maps are available for sale to the public; and

(g) if the answer to (f) above be in the negative, whether Government are planning to undertake the work of such a survey and the publication of geological maps of different areas on 'an inch a mile' scale?

**The Honourable Shri N. V. Gadgil:** (a) An intensive geological survey has been made only of some areas, but a geological reconnaissance survey of nearly all districts in India has been completed by the Geological Survey of India.

(b) Intensive geological survey of these Districts was carried out as mentioned below—

(i) Bijapur—In 1944-45, 1945-46 and 1946-47, but not yet completed.

(ii) Belgaum—In 1936-37, but not yet completed.

(iii) North Kanara—In 1927-28, partially.

Detailed survey in the districts of Dharwar, South Kanara, Bellary, Coorg and Nilgiris has not yet been taken up although reconnaissance survey in each of these Districts was done previously.

(c) Yes.

(d) The survey of a portion of Mudhol State was carried out during the Field Season 1946-47, at the request of the Resident, Deccan and Kolhapur States.

(e) Yes; copies of reports are available to the public except that unpublished reports can be had only through the local Government concerned.

(f) Yes, on various scales ranging between 1 inch = 32 miles and 1 inch = 1 mile, and they are available on sale to the public.

(g) The detailed survey of different areas all over India is contemplated to be carried out progressively according to the projected 5-year plan of the Geological Survey of India depending on the availability of modern 1" topographical sheets, on the geological importance of the area and on the availability of trained officers.

**Prof. N. G. Ranga:** Is it contemplated that the whole survey will be completed in these five years?

**The Honourable Shri N. V. Gadgil:** That is the idea, if the material, as suggested in answer to part (g), is made available.

**Prof. N. G. Ranga:** Are any vigorous steps being taken to train the necessary surveyors and other scientists needed and also to manufacture the instruments needed for this purpose?

**The Honourable Shri N. V. Gadgil:** As regards training the personnel steps are being taken; as regards manufacture of material steps are contemplated.

**Shri V. I. Munishwami Pillai:** Are Government aware that the Madras Government recently undertook a survey and unearthed the existence of many useful minerals such as lignum, etc.? Will they consider acting with the Government of Madras in this matter and doing something to complete the research?

**The Honourable Shri N. V. Gadgil:** Whatever is possible to be done will be done by the Geological Department.

**Pandit Lakshmi Kanta Maitra:** May I know if private Indian companies will be permitted to go on prospecting surveys?

**The Honourable Shri N. V. Gadgil:** Private Indian companies are not banned from doing private prospecting or surveying of minerals provided they get the necessary license from the local Governments concerned.



**Prof. N. G. Ranga:** Will any efforts be made to get into cooperative relations with the Indian universities, in order to get a sufficient number of undergraduates trained in geological work so that they can be recruited by the Government of India?

**The Honourable Shri N. V. Gadgil:** My Honourable friend may be pleased to know that only a fortnight before a circular had been sent to all the Indian Universities asking them to recommend such graduates or undergraduates as are willing to be trained under the direction of the Geological Survey of India.

**Shri R. E. Diwakar:** May I know whether there is perfect co-ordination in the efforts in this line between the Provincial Governments and the Central Government?

**The Honourable Shri N. V. Gadgil:** So far as I am aware, Provincial Governments do not do much work in this connection, but if they do certainly there will be coordination on the lines indicated by the Honourable Member

#### PUBLICATION OF THE RESULTS OF GEOLOGICAL SURVEY.

**3. \*Shri R. E. Diwakar:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether Government are contemplating to make available to the public all materials collected after investigation and research by Geologists in different centres in the provinces?

(b) What steps are taken by Government to create interest in the industrialists and the public for the utilisation of geological resources of their local areas?

(c) Is there any Bureau or a publicity branch of the Geological Department where free advice and information can be had on requisition by industrialists?

**The Honourable Shri N. V. Gadgil:** (a) Materials collected after investigation and research by officers of the Geological Survey of India, are published regularly in the "Memoirs", the "Records", the "Palaeontologia Indica" and occasionally in special works such as the "Manual of the Geology of India", the "Bibliography of Indian Geology", etc. in special geological maps, and in books, published from time to time, by officers of the Survey on geology and allied subjects. A list<sup>†</sup> of the publications of the Geological Survey is placed on the table. Besides the publications aforesaid, a Mineral Information Bureau was started in 1946 to supply information and advice to the public.

(b) The publications of the Geological Survey of India including their "Bulletins of Economic Minerals" and the quarterly journal "Indian Minerals" are intended to popularise utilization of local geological resources amongst industrialists and the public. The well-equipped Library of the Geological Survey can be freely used by the public and serves the same purpose. The Mineral Information Bureau in the Geological Survey is intended to give advice to the public in matters of development and utilisation of mineral resources. The Government of India have also addressed Provinces and States, advising them to control their mining concessions with a view to encouraging domestic utilisation and local processing, refining and treatment of ores and minerals.

(c) Yes. The Mineral Information Bureau in the Geological Survey of India is maintained for this purpose.

**Shri B. Das:** Is the Honourable the Minister aware that the previous Government had the habit of informing London and New York about the discovery of minerals first and the Geological Survey did not publish such news till ten years after.

<sup>†</sup>Not printed in the debates. A copy placed in the Library of the House.—*Ed. of D.*

**The Honourable Shri N. V. Gadgil:** I am not aware of any habit of the previous Government. I know about the present Government and its policy towards this.

**Shri B. Das:** Has the practice of the present Government so changed that the Indian public can know all about the geological and mineral discoveries since he took charge?

**The Honourable Shri N. V. Gadgil:** Whatever information my honourable friend or other industrialists want will be readily available.

**Shri K. Santhanam:** Will the Honourable Member print a pamphlet for the information of this House giving the mineral position of India?

**The Honourable Shri N. V. Gadgil:** I shall bear this suggestion in mind.

#### APPEALS FROM THE HIGH COURTS IN INDIA.

4. **\*Shri R. R. Diwakar:** (a) Will the Honourable Minister of Law be pleased to state whether appeals from the High Courts in India still lie to His Majesty in Council?

(b) If the answer to part (a) above be in the affirmative, are they governed by the same laws and regulations and rules as before?

(c) If the answer to part (a) above be in the negative, what is the forum to which appeals are to be preferred from the decisions of the High Courts in different provinces?

(d) Are the appeals now pending before the Judicial Committee of the Privy Council to be heard and disposed of by them?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes.

(b) Yes.

(c) Does not arise.

(d) Yes, unless a provision to the contrary is made in the new Constitution.

**Shri M. Ananthasayanam Ayyangar:** What sort of Court do the present Government propose to set up for appeals from the High Court?

**The Honourable Dr. B. R. Ambedkar:** That is not a matter for the Government to decide but for the Constituent Assembly.

**Shri M. Ananthasayanam Ayyangar:** Is the Honourable the Law Member aware that in the new set up under the present Government of India Act and the Dominion Independence Act that with regard to appeals to the Privy Council the jurisdiction of the Privy Council may be abolished and vested in the Supreme Court?

**The Honourable Dr. B. R. Ambedkar:** I do not know if the Government can take a decision when the Constituent Assembly is sitting for the purpose of defining the Constitution.

**Shri M. Ananthasayanam Ayyangar:** Did not the previous Law Member want to bring about a resolution to take action under Section 299 and other sections of the Government of India Act to avoid appeals going to the Privy Council in certain matters?

**The Honourable Dr. B. R. Ambedkar:** I do not know if that position remains as it was. I admit that the Law Member then was proposing action as referred to by my Honourable friend but there was nothing in contemplation with reference to the making of the new Constitution.

**Mr. Speaker:** Order, order. Will the Honourable Member, Mr. Ayyangar, ask for the information? This seems to be going into an argument.

**Shri M. Ananthasayanam Ayyangar:** I did ask for the information. But the Honourable Member does not appear to know what has gone on before!

**The Honourable Dr. B. R. Ambedkar:** I said I am aware of it!

**Shri M. Ananthasayanam Ayyangar:** Does the Honourable Member propose to take action under the present Government of India Act?

**The Honourable Dr. B. R. Ambedkar:** I do not think such an action can be taken when we know that within a few months the new Constitution will be framed.

**Shri K. Santhanam:** Is the Honourable Member aware that if the establishment of a Supreme Court is delayed till the new Constituent there will be great transitional difficulties when the Constitution comes into force?

**Mr. Speaker:** Order, order. It is a question of opinion.

JURISDICTION OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL TO  
DECIDE PENDING APPEALS.

5. **\*Shri R. R. Diwakar:** (a) Will the Honourable Minister of Law be pleased to state whether it is a fact that the Judicial Committee of the Privy Council will have jurisdiction to entertain, hear and finally decide the appeals now pending before them and those that will be filed hereafter, so long as no changes are made in the existing enactments like the Civil Procedure Code?

(b) What is going to be the future policy of the Dominion Government with regard to the Privy Council?

(c) Do Government propose to consider the advisability of the early establishment of a Supreme Court with the jurisdiction of the Privy Council?

(d) If so, what is the approximate time required for the establishment of such a Court?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes.

(b) The future policy of Government in regard to Privy Council appeals will naturally be in accordance with the decision of the Constituent Assembly as incorporated in the new Constitution.

(c) No; not until the new Constitution is brought into force.

(d) It is not possible to give an estimate at present.

**Seth Govinddas:** May I know if the Constituent Assembly decides that no appeals should be made to the Privy Council, what is going to happen to the cases which have already been sent to the Privy Council before that decision is reached?

**The Honourable Dr. B. R. Ambedkar:** I am sure the Constitution Assembly will make appropriate provision to cover such cases when coming to its decision.

DETAILS *re* LABOUR ORGANISATIONS IN THE INDIAN UNION.

6. **\*Shri S. Nagappa:** Will the Honourable Minister of Labour be pleased to state:

(a) the number of labour organisations in the Indian Union province-wise;

(b) the office-bearers of the organisations;

(c) the nature of labour; and

(d) the nature of protection given by Government to the labourers?

**The Honourable Shri Jagjivan Ram:** (a) I lay on the table a Statement (No. I) giving information, as far as available, regarding the number of trade unions registered under the Indian Trade Unions Act, 1926.

(b) The information asked for is not available.

(c) It is not understood what the Honourable Member means by 'nature of labour' but if he desires information regarding trade unions classified according

to industry, the same has been furnished in the Statement (No. II) laid on the table.

(d) This can hardly be dealt with effectively in the form of a question and answer. The Honourable Member might, however, refer to the various Central and Provincial Acts which provide protection for workers in different ways. Many aspects of labour, as the Honourable Member may be aware, fall within the Provincial sphere.

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STATEMENT I

Total number of registered trade unions provincewise during the year 1945—46

Name of Province.	Number of Trade Unions
Bengal . . . . .	*417
Madras . . . . .	241
Bombay . . . . .	114
U.P. . . . .	81
Bihar . . . . .	53
Delhi . . . . .	47
C. P. & Berar . . . . .	46
Assam . . . . .	15
East Punjab . . . . .	† 7
Orissa . . . . .	7
Ajmer-Merwara . . . . .	4
Coorg . . . . .	1

\*Separate figures for West Bengal are not readily available.

† Figure is based on the return furnished by the Government of the Punjab for 1944-45.

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**STATEMENT II**  
Classification of registered Trade Unions according to industry.

	Delhi	Madras	Bombay.	C.P. † & Berar	† East + Punjab	Ajmer Merwara	U.P.	Bihar	Orissa	† Assam	† Bengal	Coong
Oilways & Transport	5	34	15	5	2	..	14	5	..	1	16	..
her than tramways	..	1	..	..	..	..	..	..	..	..	1	..
ramways	..	39	30	7	3	1	27	2	..	..	8	..
exiles	1	17	5	2	..	..	3	2	..	1	2	..
Printing Press	2	6	7	18	..	..	..	..	..	..	..	..
Municipal	..	..	4	..	..	..	..	..	..	..	3	..
Seamon	..	7	8	..	..	..	..	..	..	..	4	..
Docks and Port Trusts	..	3	14	9	1	..	4	7	1	1	3	..
Engineering	28	123	36	11	1	3	33	37	4	11	50	1
Miscellaneous	47	241	114	46	7	4	81	53	7	15	99	1
Total												

\* Figures are based on annual returns furnished by Provinces for 1945-46.

† Figures are based on annual returns furnished by the Provinces for 1944-45.

‡ Separate figures for West Bengal are not available. There were 417 registered Trade Unions in the whole of Bengal but industrial classification is available only for 99 unions.

†† Four unions which are known to be in the sylhet District have been excluded.

**Shri H. J. Khandekar:** Does the Government know that the Scheduled Caste labourers in the Bombay Presidency are not allowed to work in the weaving department of textile mills?

**The Honourable Shri Jagjivan Ram:** I do not think that arises.

**Mr. Speaker:** Order, order. It is more or less a question which can be raised in the Bombay Assembly.

**Shri H. J. Khandekar:** It is a question relating to a department of the Government of India.

**Mr. Speaker:** But it is a question that should first be raised with the Bombay Government.

**Shri S. Nagappa:** Arising out of the answer to clause (c) of the question, when I referred to the nature of labour I meant both industrial as well as agricultural labour. I would like to know from the Honourable Minister what steps have been taken by the Government of India to relieve the troubles of agricultural labour?

**The Honourable Shri Jagjivan Ram:** The answer is there, already. If I may be permitted to deal in detail, I may inform the House and the Honourable Member that agricultural labour is also covered under the Trade Union Acts. Agricultural labourers may organise and form their own trade unions under the Trade Unions Act. I am aware that the condition of the agricultural labourer is far from satisfactory and I may inform my Honourable friend that Government is not ignoring their problem. An enquiry is proposed and a questionnaire has already been sent to the Provincial Governments inviting their suggestions for necessary additions and amendments in it and as soon as their suggestions are received a pilot enquiry will be instituted.

**Shri S. Nagappa:** May I know if the Honourable Minister is aware that Provincial Governments have been taking shelter under the plea that the Central Government is preparing some legislation in order to relieve the distress of the agricultural labourers? If the Central Government is taking any steps in this direction, may I know at what stage such legislation is?

**The Honourable Shri Jagjivan Ram:** I may inform my honourable friend that soon after this question a question on that subject is coming up and if my friend will wait till then, he will have ample opportunity to know more on the matter.

#### LEGISLATION FOR PROVIDING AMENITIES TO LABOUR

7. \***Shri S. Nagappa:** (a) Will the Honourable Minister of Labour be pleased to state whether there is any scheme or proposal to bring in legislation (i) to redeem the debts of labourers; (ii) to form Wage Finding Boards in the case of agricultural labourers; and (ii) to insure the lives of both agricultural and industrial labourers and to provide old age pensions?

(b) If so, when will these measures be introduced?

**The Honourable Shri Jagjivan Ram:** (a) (i) No.

(ii) I am not clear whether the Honourable Member is referring to the establishment of Wage Boards. If so, I would refer the Honourable Member to the Minimum Wages Bill, now before the House, which provides for the constitution of Wage Boards and the statutory fixation of minimum wages for workers in agricultural employments.

(iii) There are provident fund schemes in operation in individual industrial concerns. Recently, as a result of the recommendations made by the Coal Conciliation Board, a decision has been taken to institute provident funds for the benefit of all workers in the coal mining industry. The question of instituting

similar schemes for other industrial workers and of organising life insurance schemes for the benefit of workers is under my consideration.

(b) Answers to (a) cover the point.

**Shri S. Nagappa:** Arising out of the answer to part (i) of the question that no legislation is contemplated by the Central Government to redeem the debts of the labourers, may I know whether the Government is aware that especially agricultural labourers are not able to clear their debts in spite of their serving their creditors throughout their lives? Will the Honourable Minister please state what steps the Government is proposing to take in order to redeem them from their debts?

**The Honourable Shri Jagjivan Ram:** I may inform the Honourable Member that some of the Provincial Governments have already been taking the necessary steps in this direction. Some provinces have got debt redemption acts. If necessary, provincial governments should be induced to take further action in the matter.

**Shri S. Nagappa:** With reference to part (ii) of the question regarding Wage Boards, may I know whether in the fixation of wages the area or locality where the present wages are prevailing will be taken into consideration or will they make it uniform throughout, without taking local conditions into consideration?

**The Honourable Shri Jagjivan Ram:** I think this question could be more appropriately raised when the Minimum Wages Bill comes up for consideration.

**Prof. Shibban Lal Saksena:** With reference to part (ii) of the question, may I know whether the minimum wages will be fixed for agricultural labourers in different areas?

**The Honourable Shri Jagjivan Ram:** I have already informed the House that agricultural labour will be covered under the Minimum Wages Bill. As regards the details the Honourable Member will have the opportunity of making suggestions when the Bill comes up for consideration in the House.

**Prof. N. G. Ranga:** Is it not a fact that none of the provincial debt relief acts concerns itself with the indebtedness of agricultural workers and there is a case for at least relief to the agricultural workers from the burden of their inherited debts?

**The Honourable Shri Jagjivan Ram:** There is a necessity for that but the provincial assembly will be a better forum for that purpose than this House.

**Pandit Lakshmi Kanta Maitra:** Can the Honourable Minister give an idea to the House as to the volume or size of the indebtedness of agricultural labourers? Have the Government any idea?

**The Honourable Shri Jagjivan Ram:** It is very difficult to give an answer.

NUMBER OF CASES TRIED BY THE FEDERAL COURT AND PRIVY COUNCIL.

8. \***Shri S. Nagappa:** Will the Honourable Minister of Law be pleased to state:

(a) the total number of cases tried by the Federal Court during the last three years—year wise; and

(b) the total number of cases that have gone to the Privy Council?

**The Honourable Dr. B. B. Ambedkar:** (a) The total number of cases heard by the Federal Court during the three years 1944, 1945 and 1946 was 34, 16 and 2 respectively.

(b) The total number of Indian appeals filed in the Privy Council during the same three years was 58, 69 and 61 respectively.

**Shri B. M. Gupte:** May I know how many cases of appeals were reserved by the Privy Council?

**The Honourable Dr. B. R. Ambedkar:** That does not arise.

**Shri Biswanath Das:** In view of the fact that none of the Commonwealth countries are allowing their litigant public to prefer appeals to the Privy Council will the Honourable Minister please state whether this Government is thinking of making any interim arrangement between the decision of the Constituent Assembly on this question and the present day?

**The Honourable Dr. B. R. Ambedkar:** I do not quite follow my Honourable friend's question but I can tell him that the Government is examining the matter and if they find it feasible they may take interim action.

**Shri Biswanath Das:** May I know what is the specific question that is being examined? My question is very clear and specific. What I said was that no Commonwealth country is allowing its litigant public to prefer appeals to the Privy Council. In view of the fact that India is one of the Commonwealth countries, will the Government please consider the question or have they considered this aspect of the question of making any interim arrangement between the decision of the Constituent Assembly and the present day?

**The Honourable Dr. B. R. Ambedkar:** I said that the Government is considering the matter and before any action could be taken Government have to see that the Federal Court becomes a Supreme Court and has got the full complement of judges to discharge the functions that will devolve on them if they were to discharge the functions of the Privy Council.

**Mr. B. Paker Sahib Bahadur:** Is the Honourable Minister aware that the previous government was contemplating the question of providing appeals to the Federal Court, according to the option of the party, in addition to appeals lying to the Privy Council, in view of the fact that the Federal Court judges had not sufficient work to do and this measure could afford to facilitate the litigant public to pursue their appeals from the high courts?

**The Honourable Dr. B. R. Ambedkar:** The whole question is being considered.

#### MIGRATION BETWEEN INDIA AND PAKISTAN.

9. \***Mr. E. K. Sidhwa:** Will the Honourable Minister of Relief and Rehabilitation please state:

(a) the total number of non-Muslim population in West Punjab as at present and also the total number of Muslim population in East Punjab;

(b) how many non-Muslims there are still in West Punjab who are waiting for migration to East Punjab and *vice versa*;

(c) the population of non-Muslims in the North West Frontier Province as at present and how many of them still require to be migrated from this Province;

(d) the approximate population of non-Muslims in Baluchistan and how many of them still remain to be migrated from that province; and

(e) the number of non-Muslims evacuated from Sind between 1st September upto date?

**The Honourable Shri K. O. Neogy:** (a) According to the 1941 census there were 36 lakhs of Non-Muslims in the West Punjab and 53 lakhs of Muslims in East Punjab including states.

(b) The number of Non-Muslims left in West Punjab Refugee camps was 9,76,356 on the 11th November 1947. There are also scattered groups of Non-Muslims whose exact number are not known. Muslims left in the East Punjab on the same date were 10,70,583 according to the figures supplied by the Military Evacuation Organization.



(c) According to the 1941 census there were 2-38 lakhs Non-Muslims in N.-W.F.P. and about 20,000 in tribal areas. On 1st November, the number of Non-Muslims in N.-W.F.P. and the tribal areas was 48,500. Reports suggest that all require to be evacuated to the Indian Union.

(d) The approximate population of Non-Muslims in Baluchistan in 1941 was 66,000. The number of Non-Muslims still to be evacuated is not definitely known.

(e) About two lakhs and forty thousand Non-Muslims were evacuated from Sind by sea and Rail upto the 6th November, 1947.

**Seth Govinddas:** May I know by what date the Government think the evacuation scheme will be completed?

**The Honourable Shri K. C. Neogy:** We very much hope that the process will be completed, in any case, by the middle of December.

**Seth Govinddas:** Have Government made an estimate about the cost of this evacuation?

**The Honourable Shri K. C. Neogy:** So far as any accurate estimate is concerned, it is not available. This point has been raised in another question and I was, hoping to be able to answer that.

**An Honourable Member:** Is it the intention to compulsorily evacuate the Muslims from East Punjab to West Punjab?

**The Honourable Shri K. C. Neogy:** No, Sir. This question arises with reference to the next question where I am expected to make a statement in this matter.

**Prof. N. G. Ranga:** Will Government be able to say how many non-Muslims have been evacuated from Baluchistan, because they say that they do not know how many are there?

**The Honourable Shri K. C. Neogy:** Baluchistan evacuation is proceeding by air mostly, and we have certain information as regards the people who have come away. But having regard to the difficulty of communication there, it is rather difficult at the moment to make any definite estimate. But we are trying our best to see that everyone who is desirous of being evacuated is evacuated.

**Shri Rameshwar Prasad Sinha:** May I know whether adequate arrangements have been made by the Government for the safety of the lives and properties of such of the non-Muslims as have still to be evacuated from the Pakistan Dominion?

**The Honourable Shri K. C. Neogy:** I have already covered it partly in reply to part (c) of question No. 1, because that question covers the case of all evacuees from Pakistan. The question whether those who are still to be evacuated stand in a better position than those who have already been evacuated, with reference to the property owned by them, is rather difficult to answer because theoretically they may be in a position while there to dispose of their property. But I do not know whether in practice they are in a position either to dispose of all their property or make any special arrangements for the protection of their interests.

**Prof. N. G. Ranga:** Are we to understand that poor people are also being given a chance of being evacuated from Pakistan by air, free of cost?

**The Honourable Shri K. C. Neogy:** In exceptional cases, they are. But in the beginning the people evacuated by air were those who could pay for the passage. So long as we could get full loads of that type of persons, we could only make an exception in favour of people who needed special attention due to their ill-health, old age and so on.

**Shri Ajit Prasad Jain:** What is the number of Non-Muslims still awaiting evacuation from Sind?

**The Honourable Shri K. C. Neogy:** I do not know what the Honourable Member means, because so far as Sind is concerned it is not our information that every non-Muslim is desirous or determined to get evacuated. I can give him the census figure of Sind of the non-Muslim population which is 12.65 lakhs according to the Census of 1941. The number of persons evacuated from Sind so far has been 2,40,000. I do not know whether it will be safe to assume that the rest, namely over 10 lakhs of non-Muslims in Sind, are all anxious to be evacuated.

**Lala Deshbandhu Gupta:** May I know the number of persons who have been evacuated from Delhi?

**The Honourable Shri K. C. Neogy:** I am afraid I have not got the figures of Delhi in particular.

**Dr. Bakshi Tek Chand:** Arising out of the answer of the Honourable Minister, may I ask if the figures given by the Honourable Minister include the number of non-Muslims who have been evacuated, or are awaiting evacuation, from Bahawalpur State?

**The Honourable Shri K. C. Neogy:** As far as I can see, this question has nothing to do with Bahawalpur State.

**Mr. B. Paker Sahib Bahadur:** May I know the policy of the Government as regards this evacuation? Is it to encourage the evacuation of non-Muslims from Pakistan to Hindustan and to encourage the evacuation of Muslims from Hindustan to Pakistan, or is it their policy to discourage both these kinds of evacuation and to ask people to stick to their homes?

**The Honourable Shri K. C. Neogy:** This issue has been specifically raised in question No. 11. But if the House so desires, I am prepared to state in substance the answer which I was proposing to give to that question.

**Mr. Speaker:** I would prefer the answer to go in at this stage because there are only five minutes left in question hour and thereafter no supplementary questions can be put. The Honourable Minister may give the answer now.

**The Honourable Shri K. C. Neogy:** The policy of Government in this matter has been stated more than once. On the 30th August 1947 this was the declaration that was made by the Government of India in agreement with the Government of Pakistan:

"Whereas they will do everything possible to facilitate the movement of those refugees who have decided to move from one side of the boundary to the other, they wish to appeal to the minorities in their areas not to move except under government auspices and proper guards."

Then, later, on the 3rd September, as a result of an inter-Dominion conference, a statement was issued from which I would like to read out an extract:

"The immediate task to which the Governments must devote all their resources and energy is to give protection to all refugees and evacuees in both West and East Punjab and to get safely across the border all those who desire to cross over from West to East Punjab or from East to West Punjab."

Again, as a result of an inter-Dominion conference held on the 19th and 20th September, the following declaration was made on behalf of both the Governments:

"The situation in the Punjab has developed in such a way that mass movement of Muslims from East Punjab and of non-Muslims from West Punjab is taking place. The Governments of India and of Pakistan have therefore decided that the movement of these people from East to West Punjab and vice versa is to have first priority. They have agreed to co-operate with each other in this matter to the fullest extent and to take all steps to ensure that the movements in both directions are completed with the greatest possible speed and with the fullest measure of security."

**Shri Raj Krishna Bose:** May I know whether anything was done to evacuate quickly the Harijans of Sind who sent frantic appeals to Government?

**The Honourable Shri K. O. Neogy:** This matter has been engaging our attention and recently it has been decided to appoint special officers from among the Harijans to look after their interests in regard to their evacuation as also in regard to their resettlement.

**Mr. R. K. Sidhwa:** May I know in what part of Baluchistan the non-Muslims are stranded, by which it is not possible for the Government to bring them either by rail or by road transport?

**The Honourable Shri K. O. Neogy:** I would like to have notice of that question as it will require examination.

**An Honourable Member:** What is the position in respect of non-Muslims in Bahawalpur State which has acceded to Pakistan?

**Mr. Speaker:** It does not arise. This question refers to West Punjab, North West Frontier Province, Baluchistan and Sind.

**Shri R. V. Dhulekar:** May I know why preference was given for evacuation by air for those persons who paid the fares and why urgency of the persons desiring to be evacuated was not taken into consideration and why they were not also evacuated by air free of cost?

**The Honourable Shri K. O. Neogy:** Air evacuation, although it is a very expensive process, is not very helpful so far as numbers are concerned. Therefore it was thought that when alternative methods of evacuation were being employed, there was no justification in the very first instance for providing absolutely free transport by air for all without any discrimination.

(b) WRITTEN ANSWERS.

EXPENDITURE ON MIGRATION BETWEEN INDIA AND PAKISTAN.

10. **\*Mr. R. K. Sidhwa:** Will the Honourable Minister of Relief and Rehabilitation please state the total expenditure incurred by the Government of India on account of migration of population from the province of one Dominion to the province of another Dominion and also maintenance of refugees camps in the Dominion of India, upto the middle of October 1947?

**The Honourable Shri K. O. Neogy:** The precise figures are not available, but it is estimated that the Government of India had incurred a liability of about five crores by the middle of October 1947.

POLICY OF GOVERNMENT OF INDIA *re* MIGRATION OF POPULATION

11. **\*Mr. R. K. Sidhwa:** (a) Will the Honourable Minister of Relief and Rehabilitation please state what is the policy of the Government of India as regards migration of people from the province of one Dominion to the province of another Dominion?

(b) Is it left to each province to give relief to the immigrants?

(c) Have the Government of India contributed any amount for their maintenance?

**The Honourable Shri K. O. Neogy:** (a) The policy of Government of India is to discourage mass migration from one Province to another. In the case of Punjab, however, this Government in agreement with the Government of Pakistan have decided that the East and the West Punjab Governments will give the maximum assistance towards the evacuation of refugees from one province to the other and will make all necessary arrangements for refugees prior to evacuation. In all cases, however, individuals wishing to migrate are allowed to do so.

(b) Initially each province is meeting the expenditure on the migrants but, most of these provinces have come to Government of India for assistance.

(c) Yes. The Kurukshetra Camp is being run directly by this Government, the East Punjab Government has also been given assurance of full support. All expenditure on evacuation is falling on this Government and the extent of this expenditure is likely to be considerable.

Honourable Member is also referred to my answer to starred question No. 10.

EXPENDITURE ON REFUGEE CAMPS AND NUMBER OF PERSONS AWAITING  
TRANSFER TO INDIA

12. \*Mr. R. K. Sidhwa: Will the Honourable Minister of Relief and Rehabilitation please state:

(a) the amount spent over the refugees and their camps upto the end of October, 1947 by the Government of India;

(b) the amount allotted to provincial Governments and the name of such Governments for the purpose of refugees;

(c) the total number of refugees at the end of September, 1947 in Delhi;

(d) how many persons still remain within the Pakistan Government area who want to be transferred to the Indian Area;

(e) what arrangements are being made to complete this transfer; and

(f) how many persons still remain in the Indian area to be transferred to the Pakistan area?

The Honourable Shri K. C. Neogy: (a) It is not possible to estimate at this stage the amount spent by the Government of India on refugees and camps. It will be some time before even approximate figures become available. The magnitude of the task may be indicated by the fact that evacuation has been carried out by air, by sea, by rail, by foot convoy through various agencies at various places. Relief supplies of food, medicines, of warm clothing, of tents and numerous other items have been rushed by different Ministers to different points. So far as camps are concerned they have been administered by Provincial Governments prominently in East Punjab and United Provinces. In Delhi relief camps were administered under the control of the Delhi Emergency Committee. The big relief camp at Kurukshetra became the direct responsibility of the Central Government.

(b) The following allotments have so far been made to Provincial Governments: East Punjab—6½ lakhs; Delhi—7 lakhs.

For further information, the Honourable Member is referred to my answer to his question No. 10.

(c) The total number of Non-Muslim refugees in Delhi at the end of September was about twelve thousand in the refugee camps and approximately one and a half lakhs living with their friends and relations.

(d) The Honourable Member is referred to my answer to his question No. 9 (b) and (c). It is not possible to estimate the number of persons who still remain in the other parts of the Pakistan Government area who desire to be transferred to the Indian area.

(e) Co-ordination has been established between the Military organisations of the Indian and Pakistan Governments; joint committee has been formed for laying down train movements. Arrangements have been made for the proper guarding of refugee camps pending their movements and also of trains. Evacuation by air is also in swing; in addition to the planes owned by Indian Companies, a fleet of about 20 planes have been chartered from the B. O. A. C. Evacuation by sea is taking place from Sind.

(f) The Honourable Member is referred to my answer to his question No. 9 (b). It is not possible to give an estimate of the number of Muslims in other parts of the Indian Union who desired to be transferred to the Pakistan Government area.

PROVISION OF ACCOMMODATION TO THE EMPLOYEES OF GOVERNMENT OF INDIA.

13. \*Mr. R. K. Sidhwa: (a) Will the Honourable Minister of Works, Mines and Power please state the total number of employees in the subordinate and inferior grade service of the Government of India in Delhi, who have not been provided with Government accommodation?

(b) Have Government any programme for providing houses to them? If so, within what period will they be completed?

(c) What provision for accommodation has been made for the Government of India employees who opted out from Pakistan and have joined their service in New Delhi?

The Honourable Shri N. V. Gadgil: (a) The total number of employees in the subordinate and inferior services of the Government of India in Delhi who have no Government accommodation to live in, are 13,375 and 12,270 respectively.

(b) The Government of India have the following building programmes on hand with a view to relieving the acute housing shortage in Delhi:

Construction of 200 officers' flats, 1,000 clerks' quarters and 1,000 peons' quarters in New Delhi and 1,000 clerks' and 250 peons' quarters in Old Delhi.

Provided building materials are available, it is expected that the building should be completed within a year's time. However, the present supply position is extremely acute and uncertain.

(c) The following arrangements have been made for the accommodation of repatriated officials of the Government of India.

All accommodation classed as 'Special Accommodation' is being allotted exclusively to married officers drawing less than Rs. 600 p.m. while higher officers are accommodated in Constitution House and York Hotel. For single officers accommodation is provided in the Kitchner Road and Lodi Road Hostels. So far 1,177 quarters have been allotted to these repatriated staff and there are still 1,125 persons on the waiting list in addition to 675 employees of the Railway and Posts and Telegraphs Departments who are not eligible for accommodation in the General Pool. Attempts are made by the Custodian of Evacuees property to meet their needs on a priority basis as far as possible.

CONSTRUCTION OF DAMS ACROSS LAXMANATERTHA AND HARANGI RIVERS.

14. \*Mr. C. M. Poonacha: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether any schemes have been drawn up by the Coorg Administration to construct dams across the rivers Laxmanatertha and Harangi;

(b) if so, whether these schemes have been approved by the Government of India;

(c) whether Mysore State Government have raised any objections to the construction of these dams;

(d) whether Coorg Administration has referred the matter to the Government of India for necessary action: if so when: and

(e) what action Government have taken in the matter?

The Honourable Shri N. V. Gadgil: (a) Yes. The scheme with regard to the Harangi river was prepared by the Coorg Administration in 1907 and revised in 1910, but the papers are apparently not available in the records of the Coorg

Administration. The scheme in respect of Laxmanatërtha has been prepared in 1941. A fresh scheme will have to be prepared for the Harangi project.

(b) Yes.

(c) The Honourable Member is referred to the reply to part (b) of the starred question No. 853 given on 11 March, 1947 at the previous session of the Legislative Assembly.

(d) Not so far.

(e) The Chief Commissioner of Coorg, who was asked to furnish certain details for the purpose of addressing the Government of Mysore to withdraw their objections to the Laxmanatërtha Project, gave a reply in April 1947 which was referred to the Central Waterways Irrigation and Navigation Commission. The Commission deputed two of their officers to visit the dam site and to collect further data. They have just returned from Coorg and their report is under consideration by Central Waterways Irrigation and Navigation Commission.

#### IMPORT OF MINERAL OIL

15. \***Shri Debi Prosad Khaitan**: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) how much mineral oil is imported into India and how much of it is refined oil and how much raw oil;

(b) the number of refineries in India and the quantity refined per year; and

(c) if Government put up their own refineries to refine raw oil, how much saving can be made in terms of money on the refined oil imported and how would that saving affect our scarcity of Dollar and Sterling Exchange?

**The Honourable Shri N. V. Gadgil**: (a) 2,549,856 tons of refined mineral oil was imported into India and Pakistan combined, during the year 1946. These are the latest figures available. No raw (crude) oil was imported. Figures for India alone are not available.

(b) There is only one refinery in India at Digboi in Assam and the quantity of refined oil produced in that refinery during 1946 was 183,998 tons.

(c) Government have been for some time considering the question of setting up refineries in this country with the object of manufacturing refined products from imported crude oil, and estimates of the costs involved are being worked out in consultation with the Oil Companies. Until such estimates are ready it is not possible to state, at this stage, what saving, if any, could be effected in foreign exchange, or, in the value of refined products as compared with the prices being paid for the imported oil.

PUNJAB NEWSLETTER PUBLISHED IN CALCUTTA *Statesman* OF 28TH SEPTEMBER, 1947, re PAKISTAN TALK OF FORTIFYING BORDERS

16. \***Shri Biswanath Das**: Will the Honourable the Prime Minister be pleased to state:

(a) whether Government have seen the Punjab Newsletter from its staff correspondent published on page 11 of the moffusil edition of the *Statesman* of Calcutta dated the 28th September 1947, stating that "there is talk in high Pakistan circles of fortifying their borders";

(b) whether Government have seen the article published on page 1 of the *Statesman* of Calcutta dated the 29th September, 1947 under the heading "Pakistan appeals to Dominions—ending communal disorders—Britain used as channel";

(c) the action taken in regard to the matters referred to in (a) and (b) above; and

(d) whether Government propose to place all the papers in this regard on the table of the House?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes.

(b) Yes.

(c) Government have no knowledge of the alleged talks in high Pakistan circles of fortifying their borders. As regards (b), the Government of India fully explained their point of view to His Majesty's Government in the United Kingdom to whom the Pakistan proposal had been addressed.

(d) Since the correspondence which originated with the Pakistan Government was addressed to the United Kingdom Government, it is for the latter Government to decide whether it should be published and, if so, when.

NEWS PUBLISHED IN THE *HINDUSTAN TIMES* DATED 20TH SEPTEMBER, 1947,

re PAKISTAN GOVERNMENT'S CIRCULAR TO MUSLIM OFFICERS IN INDIA

17. \***Shri Ram Chandra Gupta:** (a) Will the Honourable the Prime Minister please state whether the attention of Government has been drawn to the news item published in the *Hindustan Times*, Delhi, dated the 20th September, 1947, that the Pakistan Government has sent a Circular letter to the Muslim Officers holding key-posts in the Dominion of India, asking them to stick to their posts in order to serve the cause of Pakistan?

(b) If the reply to part (a) above be in the affirmative, do Government propose to place a copy of the said letter on the table of the House?

(c) If the reply to part (a) above be in the negative, do Government propose to make enquiries now and inform the House of the contents of such letters?

**The Honourable Pandit Jawaharlal Nehru:** (a) Government have seen the news item in question.

(b) Government are not in possession of the letter reported in the news item.

(c) Government do not consider it necessary to make any enquiry of the Pakistan Government on the basis of the news item.

NEWS AGENCY FOR WESTERN PUNJAB

18. \***Shri Ram Chandra Gupta:** (a) Will the Honourable the Prime Minister be pleased to state whether Government are aware that the news from the Western Punjab regarding communal situation are extremely meagre?

(b) If so, do Government propose to urge on the Pakistan Government the necessity for issuing daily reports regarding communal situation?

(c) Do Government propose to devise their own agency for this purpose?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes, but there has been an improvement during recent weeks.

(b) It was agreed at a Conference between the two Dominion Governments that both the East and West Punjab Governments should issue daily reports about the situation in their areas. This is at present being done.

(c) There is a Deputy High Commissioner for India at Lahore and District Liaison Officers under him who also collect factual information regarding West Punjab.

EVACUATION OF NON-MUSLIM REFUGEES FROM WESTERN PAKISTAN

19. \***Shri Ram Chandra Gupta:** (a) Will the Honourable Minister of Relief and Rehabilitation please state what is the total number of non-Muslim refugees in India from the West Punjab, North West Frontier Province, Baluchistan and Sindh?

(b) How many non-Muslims are still awaiting departure for India from the aforesaid provinces?

(c) How many non-Muslims were killed while in refugee camps or in transit from West Punjab to India?

(d) How many non-Muslims were killed in West Punjab from the 1st August, 1947 till the 30th September, 1947, and from the 1st October, 1947 to the 15th October, 1947?

(e) How many non-Muslim girls and ladies were kidnapped and how many of them have not yet been restored to their relations during the recent riots?

**The Honourable Shri K. C. Neogy:** (a) Total number of Non-Muslims evacuated by the Military Evacuation Organization from West Punjab and N.-W. F. P. between 4th September, 1947 to 11th November, 1947 is 20,19,126. About 2,40,000 Non-Muslims have been evacuated from Sind by sea and rail. Rough estimate of migration from Bhawalpur is 80,000. No separate figures are available for Baluchistan. The figures of evacuees who arrived in the territories of the Indian Union prior to the setting up of the Military Evacuation Organisation cannot be accurately estimated. A very rough estimate would suggest that the number was about thirteen lacs.

(b) The Honourable Member is referred to my answer to clause (d) of question No. 12.

(c) Reliable figures are not yet available.

(d) No figures on which any reliance can be placed are available.

(e) No definite figure is yet available.

#### LOSS BY NON-MUSLIMS IN PAKISTAN FROM ARSON AND SEIZURE OF PROPERTY.

**20. \*Shri Ram Chandra Gupta:** (a) Will the Honourable Minister of Relief and Rehabilitation please state how many houses and other buildings belonging to the non-Muslims in Pakistan were burnt during the recent riots?

(b) What is the total amount of loss of property of non-Muslims in the West Punjab?

(c) Is it a fact that the non-Muslims migrating from the West Punjab, North West Frontier Province, Baluchistan and Sindh are not allowed to bring their movables to India? If so, what action do Government propose to take in this connection to protect the rights of these persons?

(d) How many buildings belonging to the non-Muslims in West Punjab have been put in possession of Muslims in Lahore and other district cities?

(e) What action do Government propose to take to get the said properties returned to the non-Muslims to whom they belong?

(f) Is it a fact that non-Muslims who own factories, workshops, mills, etc., in West Punjab are not allowed to remove the machinery and other materials to India? If so, what action do Government propose to take in the matter?

**The Honourable Shri K. C. Neogy:** (a) No definite figures are yet available.

(b) Property falls in several categories. But broadly speaking it may be divided into Urban and Rural and secondly Movable and Immovable. So far as immoveable property is concerned, it is recorded in Revenue papers or in cadastral surveys. Property belongs to evacuees who are either in East Punjab or in Delhi. In Delhi the Central Government has appointed a Registrar of Claims whose jurisdiction is so far as the registration of claims of Non-Muslim refugees is concerned is not confined to persons now residing in Delhi (Delhi Province). A suggestion was made some time ago to the Governments of East Punjab, the United Provinces and Bombay to set up similar machinery for registration of claims. Governments of East Punjab and United Provinces have appointed a Registrar of Claims but no information is



available about Bombay. Until comprehensive registration is completed it is not possible to give even a rough estimate of immovable property of evacuees in Pakistan.

So far as movable property is concerned there are again several categories. There is stock-in-trade of merchants in shops. In these cases no inventory is available. The Custodian of Property in West Punjab was auctioning this property from time to time. Representations made by the Government of India led to suspensions of auctions; but it is understood that property is now being disposed of by tender. A suggestion that a reserve price be put on these stocks on the basis of invoices to be furnished by owners or on the basis of appraisal by assessors was not accepted by the Government of West Punjab. Much movable property is in vaults of banks and safe deposits. No inventory is available in such cases. There are stocks of cotton and grain hypothecated with banks. Again no inventory is made in such cases.

So far as personal property is concerned evacuees in a large number of cases have locked up their premises and come away. It is not possible for Government to compile data and attempt a valuation unless this item is also included in the Claim forms. In some cases this information is given but not generally.

(c) Yes. Government have protested to the Government of Pakistan in some cases. The situation has improved, though complaints regarding searches still continue.

(d) Government have no information.

(e) The West Punjab Government has appointed a Custodian of Evacuee Property; under the ordinances in force, Non-Muslims who have left Pakistan can return to claim their properties. No action from this Government is called for return of properties.

(f) This is correct. Government is negotiating with the Pakistan Dominion Government in this matter.

OBSERVATION BY INDIA'S HIGH COMMISSIONER IN CANADA *Re* INDIA REMAINING  
IN THE BRITISH COMMONWEALTH.

21. \*Shri Dip Narayan Sinha: Will the Honourable the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a Press Report appearing in the *Hindustan Times* of the 3rd October, 1947, on page 4 at the foot of column 3, in which Mr. H. S. Malik, India's High Commissioner in Canada is reported to have observed that "India . . . would remain in British Commonwealth"; and

(b) whether it is a fact that the High Commissioner represented the views of the Government of India in making the above observation?

The Honourable Pandit Jawaharlal Nehru: (a) Yes. Mr. Malik was addressing the Canadian Club on the occasion of his first public appearance in Ottawa, and what he actually stated was as follows:

"It is a matter of great joy that Britain and India have parted as friends without bitterness. I am sure that our connections will continue to be friendly and goodwill will prevail. I do know that a good many of us hope that conditions in India and other places will make it possible that India may continue to be a member of the Commonwealth of British Nations. \* \* \* One thing is essential. The public mind of India must be convinced that its members will be treated in the same way as other members in all parts of the Commonwealth."

(b) It will be clear from the quotation given in reply to (a) that the High Commissioner was not making a statement of the Government of India's policy.

## APPOINTMENT OF INDIA'S HIGH COMMISSIONERS AND AMBASSADORS.

22. \*Shri Dip Narayan Sinha: Will the Honourable the Prime Minister be pleased to state :

(a) the names of India's High Commissioners and Ambassadors so far appointed, with the names of countries of their deputation;

(b) the period for which each of the High Commissioners and Ambassadors will serve;

(c) whether it is a fact that India's High Commissioners and Ambassadors have got Indians on their staff; and

(d) whether it is a fact that Government have decided to replace all the non-Indians by Indians on the staff of India's High Commissioners and Ambassadors abroad?

**The Honourable Pandit Jawaharlal Nehru:** (a) A statement has been placed on the table of the House.

(b) The normal period of appointment is three years but most of our heads of missions have been appointed for one year in the first instance.

(c) All appointments in the grade of Officers are now held by Indians, except in the Office of the High Commissioner for India in London where some such appointments are still held by non-Indians. This is a legacy, from the past. As these non-Indian officers vacate their posts they will be replaced by Indians.

(d) The accepted policy is that all key positions abroad should be held by Indians. An exception may have to be made in respect of clerical and menial posts owing to the difficulty of finding suitable Indian personnel for such posts, except at disproportionately high cost.

*Statement showing the names of Indian High Commissioners and Ambassadors and the countries to which they are accredited.*

## HIGH COMMISSIONERS.

Name.	Country to which accredited.
Mr. V. K. Krishna Menon . . . . .	United Kingdom.
Mr. Sri Prakasa . . . . .	Pakistan
Sir R. P. Paranjpye . . . . .	Australia.
Mr. H. S. Malik . . . . .	Canada.
Dr. M. A. Rauf . . . . .	Burma.
Mr. J.A. Thivy (Representative).	Malaya.
Mr. V.V. Giri ( Representative) . . . . .	Ceylon.

## AMBASSADORS.

Mr. Asaf Ali . . . . .	United States of America.
Mr. K. P. S. Menon . . . . .	China.
Mrs. Vijaya Lakshmi Pandit . . . . .	U.S.S.R.
Sardar Surjit Singh Majithia (Ambassador-designate) . . . . .	Nepal.
Mr. Ali Zaheer (Ambassador-designate) . . . . .	Iran.
Sir B. Rama Rau . . . . .	Japan.

## CASUALTIES AND LOSS TO HINDU-SIKH EVACUEES FROM WEST PUNJAB.

23. \*Shri Debi Prasad Khaitan: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of Hindus and Sikhs killed during the recent disturbances in the West Punjab—district wise;

(b) the number of Hindu and Sikh evacuees evacuated from the West Punjab—district wise;

(c) the number of Hindu and Sikh women abducted or missing in the West Punjab;

(d) the approximate value of property lost by the Hindus and Sikhs in the West Punjab in the shape of (1) lands, (2) immovable property, such as houses, (3) merchandise, (4) Industrial concerns, machines, buildings etc., and (5) household possessions and personal effects; and

(e) what arrangements have been made by the Government of India themselves or the Government of Pakistan for compensating industrialists, businessmen and shopkeepers of West Punjab who have now evacuated to India?

The Honourable Shri K. O. Neogy: (a) No figures on which any reliance can be placed are available.

(b) The Honourable Member is referred to question No. 1 (a) by Shri Biswanath Dass. Separate figures for West Punjab or district-wise totak are not available.

(c) Figures are not yet available.

(d) The Honourable Member is referred to the answer given by me to clause (b) of question No. 20 by Shri Ram Chandra Gupta.

(e) The question of Government assuming responsibility for compensation to industrialists and others in respect of property left behind in either Dominion and in the event of such responsibility being accepted, the method of evaluation and scales of compensation are matters under consideration; and it is proposed to discuss these matters with the representatives of Pakistan Dominion shortly in order to explore possibilities of settlement.

## CASUALTIES AND LOSS TO NON-MUSLIMS AND MUSLIMS IN WEST AND EAST PUNJAB.

24. \*Shri Gopal Narain: Will the Honourable Minister of Relief and Rehabilitation please state:

(a) the numbers of Hindus and Sikhs killed in West Punjab and Muslims killed in East Punjab;

(b) how much land and property have been left behind by Hindus and Sikhs in West Punjab and by Muslims in East Punjab; and

(c) the number of Hindus and Sikhs left at present in West Punjab and Muslims in East Punjab?

The Honourable Shri K. O. Neogy: (a) No figures on which any reliance can be placed are available.

(b) The Honourable Member is referred to the answer given by me to clause (b) of question No. 20 by Shri Ram Chandra Gupta.

(c) Non-Muslims left in West Punjab refugee camps were 9,76,356 on 11th November, 1947. There are also scattered groups of Non-Muslims whose exact numbers are not known. Muslims left in East Punjab were 10,70,588 on the same date according to the figures supplied by the Military Evacuation Organization.

## CONSTITUTION OF THE FEDERAL COURT.

25. \*Shri Phulan Prasad Varma: (a) Will the Honourable Minister of Law be pleased to state whether Government are aware that the Constituent Assembly of India has passed certain transitional provisions by which the Federal Court will be deemed to be the Supreme Court, and will be the ultimate appellate authority and new appeals will lie to the Supreme Court instead of to the Privy Council?

(b) If the answer to part (a) above be in the affirmative, what steps have Government taken or are going to take to implement these provisions?

(c) Are Government aware that in the transitional provision it has been laid down that the cases pending before the Privy Council will be disposed of by the Privy Council?

(d) If the answer to part (c) above be in the affirmative, do Government propose to clarify as to what exactly is meant by the expression 'pending'?

(e) Are Government aware that there is a great deal of uncertainty in the mind of the litigant public, Advocates and High Court Judges regarding the precise position in the matter?

(f) If the answer to part (e) be in the affirmative, do Government propose to issue a statement on the subject?

The Honourable Dr. B. R. Ambedkar: (a) Government have seen the relevant portions of the memorandum embodying the recommendations of the Union Constitution Committee, which were subsequently adopted by the Constituent Assembly.

(b) Government cannot take any steps to implement these recommendations until a provision is included in the Constitution which is now being framed by the Constituent Assembly.

(c) No, Sir. The memorandum referred to above does not contain any such recommendation.

(d) Does not arise.

(e) Government are not aware of any uncertainty in the mind of the litigant public. They have received certain enquiries on the subject from members of the bar but these do not suggest that there is a great deal of uncertainty.

(f) The resolution adopted by the Constituent Assembly is clear enough and Government do not consider it necessary to issue any statement in regard to it at this stage.

## STRENGTH AND COST OF INDIAN EMBASSIES AND HIGH COMMISSIONER'S

## OFFICES ABROAD

26. \*Shri K. Santhanam: Will the Honourable the Prime Minister be pleased to state:

(a) the present strength and estimated cost of the Indian Embassies in (i) The United States of America, (ii) The Union of Socialist Soviet Republics, and (iii) China; and

(e) China; and

(b) the present strength and estimated cost of the offices of the High Commissioners in (i) the United Kingdom, (ii) Canada, and (iii) Australia?

**The Honourable Pandit Jawaharlal Nehru:** A statement has been placed on the table of the House.

*Statement showing the present strength and estimated cost of the Indian Embassies in (a) The United States of America, (b) The Union of the Soviet Socialist Republics, and (c) China; and of the Offices of High Commissioners in (a) United Kingdom (b) Canada and (c) Australia.*

Name of Embassy or Office of High Commissioner	Present strength (excluding lowest grade like messengers)	Approximate gross estimated cost per annum.
1 Embassy of India in the United States of America, Washington.	47	Rs. 12,10,000.
2 Embassy of India in China, Nanking	15	Rs. 7,23,400. (In addition a sum of Rs. 5,00,000 has also been sanctioned during the current financial year for purchase of land and construction of building for the Embassy.)
3 Embassy of India in the Union of the Soviet Socialist Republics, Moscow.	15	Rs. 11,29,100.
4 Office of the High Commissioner for India in the United Kingdom, London.	692	Rs. 66,00,000.
5 Office of the High Commissioner for India in Canada, Ottawa.	10	Rs. 4,18,000.
6 Office of the High Commissioner for India in Australia, Canberra.	10	Rs. 2,04,000.

#### VALUATION OF PROPERTY LEFT OVER BY EVACUEES.

**27. \*Shri K. Santhanam:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the estimated area of agricultural land abandoned by Hindus and Sikhs in West Punjab, their estimated value and annual income;

(b) the number of houses in the urban areas abandoned by Hindus and Sikhs in West Punjab and their estimated value;

(c) the extent and value of agricultural land and houses in the urban areas abandoned by Muslims in East Punjab; and

(d) whether any agreement has been arrived at between the Governments of India and Pakistan regarding the method of valuation and disposal of these properties and the settlement of the claims of migrants on both sides?

**The Honourable Shri K. C. Neogy:** (a) and (b) Figures are not yet available to form even an approximate estimate.

(c) No valuation has been attempted.

(d) The matter is being taken up with the Pakistan Dominion Government.

#### PROVISION OF ACCOMMODATION TO GOVERNMENT SERVANTS IN DELHI.

**28. \*Shri K. Santhanam:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the number of Government servants in Delhi who have applied for but have not yet been allotted Government quarters;

(b) the steps which are being taken by Government to relieve the acute shortage of housing accommodation in the city;

(c) whether there is any proposal to build an upper storey to all the Government quarters in New Delhi; and

(d) whether steps will be taken to reduce the size of compounds of officers' bungalows and utilize them for building new quarters?

**The Honourable Shri N. V. Gadgil:** (a) A statement showing the position is placed on the table of the House.

(b) With a view to relieving the acute shortage of housing accommodation for Government servants, Government have decided to construct the following additional quarters: 200 officers' flats, 1000 clerks' quarters and 1000 peons' quarters in New Delhi and 1000 clerks' quarters and 250 peons' and duffry quarters in Old Delhi.

(c) There is no proposal to build an upper storey to all the existing Government quarters in New Delhi. This is not feasible as the roofs, walls and foundations were designed for single storey buildings only. Government however propose to take different areas along some important roads one by one and consider the feasibility of building multi-storeyed houses in these areas.

The quarters referred to in the answer to part (b) will have one or more upper storeys. It is the intention of Government to have multi-storeyed buildings wherever possible in all future constructions.

(d) Government hope ultimately to reduce the size of compounds of residential buildings owned by them in New Delhi, as far as practicable. Each case will have to be separately considered on merits.

*Statement showing the number of Government servants who have applied for but not yet been provided with Government quarters.*

The number of officers and staff who have applied for but not been provided with Government accommodation in Delhi is as follows:—

(1) Officers drawing Rs. 600 or more p. m.	196	
(2) Married Officers drawing less than Rs. 600 p. m.	13,212	including 650 Officers of the Eastern Punjab Railway and P.&T. Department who have applied for, but are not eligible for accommodation in the Central Government, Pool.
(3) Single officers drawing less than Rs. 600 p. m.	152	
(4) Class IV officers	12,270	
Total	25,841	

#### NEGOTIATIONS BETWEEN GOVERNMENTS OF INDIA AND CEYLON *re* INDO-CEYLON PROBLEMS.

29. \***Shri M. S. Aney:** Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that the Ceylon Government have expressed their keen desire to the Government of India to open negotiations for the settlement of Indo-Ceylon problems as soon as possible after the elections under the Soulbury Constitution are over and a new government responsible to the legislature is formed in Ceylon;

(b) whether the Government of India have received any communication in regard to the above subject from the New Government of Ceylon; if so, whether Government propose to place it on the table of the House; and

(c) if not, whether the Government of India have taken any steps to urge on the New Government of Ceylon the necessity of opening negotiations and arriving at a satisfactory settlement without delay in the interests of better understanding between Ceylon and India?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes, Sir.

(b) No, formal communication has so far been received from the newly formed Government of Ceylon on this subject but the Prime Minister of Ceylon has expressed to our Representative in Ceylon his desire to come to India for discussion with us at the end of this year. We would welcome his visit.

(c) Does not arise.

#### INDIA'S HELP TO THE VIET-NAM.

**30. \*Prof. N. G. Ranga:** Will the Honourable the Prime Minister be pleased to state:

(a) whether the Viet-Nams' appeal for India's help in its struggle for freedom against French Imperialism has been considered by the Government of India;

(b) whether any representations have been made by the Government of India to the French Government to achieve an earlier understanding with the Indo-China people by recognising their national independence; and

(c) what other steps are being taken by Government to aid the Viet-Nam people?

**The Honourable Pandit Jawaharlal Nehru:** (a) The Government of India have seen press reports to the effect that Dr. Ho Chi-Minh had appealed for India's assistance for the Viet-Nam Republic in its struggle against France. No such appeal has, however, been received directly.

(b) and (c). The Government of India have repeatedly brought to the notice of the French Government their own deep sympathy, and that of the people of India, for the nationalist cause in Indo-China, and their strong desire to see this dispute settled as quickly as possible. They have also made it clear that no facilities can be granted in India for the furtherance of the French war effort in Indo-China.

#### GOVERNMENT OF INDIA'S EMBASSIES AND APPOINTMENT OF AMBASSADORS AND FIRST COUNSELLORS.

**31. \*Prof. N. G. Ranga:** Will the Honourable the Prime Minister be pleased to state:

(a) the number and the names of the countries in which the Government of India have opened their Embassies;

(b) the names of our Ambassadors and their first Counsellors and the provinces they come from; and

(c) the sum which the Government of India have spent and the sum they propose to spend on each one of these Embassies and the plans of Government for the opening of similar Embassies in other countries?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b) A statement (No. I) is laid on the table of the House.

(c) As regards the first part of the question, a statement (No. II) is laid on the table.

As for the second part, the position is as follows :

The Embassy in Nepal will be formally opened very soon and the expenditure likely to be incurred up to 31st March, 1948 is estimated at about Rs. 52,000. Before the end of the current financial year diplomatic representation may be established in Belgium, France, Switzerland and Egypt. Details, however, have not yet been worked out. It is anticipated that the cost of these new Embassies will not exceed Rs. 3,25,000. Budget demands for the year 1948-49 have not so far been formulated.

#### Statement No. I.

Showing the countries in which the Government of India have opened Embassies, the names of the Ambassadors and their first counsellors and the provinces they come from.

S. No.	The name of the country	The name of the Ambassador and Province of origin.	The name of the first counsellor and Province of origin
1	United States of America	Mr. Asaf Ali, —Delhi	Mr. B.R. Sen, — Bengal.
2	China	Mr. K.P.S. Menon, C.I.E., Travancore State.	(Post does not exist).
3	Russia	Mrs. Vijaya Laxmi Pandit, United Provinces.	Mr. A.V. Pai, —Madras.
4	Iran	Mr. Ali Zaheer (Ambassador designate) United Provinces	Post does not exist)
5	Nepal	S. Surjit Singh Majithia, (Ambassador-designate) Punjab.	(Post does not exist).

#### Statement No. II.

Showing the expenditure incurred or to be incurred on the Embassies in various countries.

I. Expenditure incurred during the financial year 1946—47 (based on revised estimates for that year)—

(1) Indian Embassy in United States of America Rs. 7,76,500

(2) Indian Embassy in China Rs. 4,10,000

II. Estimates of expenditure incurred during the period from 1st April 1947 to 14th August 1947— Not available:

III. Estimates of expenditure proposed to be incurred during the period from 15th August 1947 to 31st March 1948 :—

(1) Indian Embassy in United States of America Rs. 7,56,600

(2) Indian Embassy in China Rs. 4,52,100 plus

Rs. 5,00,000 for purchase of land and construction of building for the Embassy.

(3) Indian Embassy in Russia Rs. 7,05,700. (This includes about rupees two lakhs, initial expenditure for furniture and equipment).

(4) Indian Embassy in Iran Rs. 46,000.

In addition to the above the following expenditure also is being incurred in connection with the Indian Information Services attached to the Embassies:—

(i) Indian Information service, United States of America (Washington) Rs. 3,37,500

(ii) Press Attache, Shanghai Rs. 62,000

(iii) Press Attache, Tebran Rs. 43,400



## CULTURAL MISSIONS TO MIDDLE EASTERN COUNTRIES.

32. \*Prof. N. G. Ranga: Will the Honourable the Prime Minister be pleased to state:

(a) whether Government propose to consider the advisability of sending Cultural Missions to the Middle Eastern countries especially the Arab States and Egypt; and

(b) if so, whether Government propose to take early steps in sending such Missions with a view to establishing and strengthening cultural ties between those countries and India?

**The Honourable Pandit Jawaharlal Nehru:** The Government of India do not at present contemplate sending purely Cultural Mission to the Middle East. They have already agreed to exchange Ambassadors with Iran and Egypt and it is hoped that these diplomatic Missions will not only look after our political and economic interests but will also strengthen the cultural ties between these countries and India.

## STATUS OF INDIANS UNDER NEW SCHEME OF POLITICAL REFORMS IN MALAYA.

33. \*Prof. N. G. Ranga: Will the Honourable the Prime Minister be pleased to state:

(a) whether the Government of India have made any representation regarding the new schemes of political reforms in the Federation of Malay States; and

(b) if so, what response has been made in regard to the grant of equal rights of citizenship to Indians in Malaya?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). Suitable representations have recently been made to His Majesty's Government in the United Kingdom on the Constitutional Proposals for the Federation of Malaya. These are intended to secure representation of the Indian community on the Federal Executive Council and to facilitate their admission to the Malayan Citizenship. Under the Constitution Proposals all Malayan citizens will be treated equally and will have the same rights. No reply has yet been received from the United Kingdom Government.

## ANTI-INDIAN PROPAGANDA BY PAKISTAN REPRESENTATIVES ABROAD

34. \*Prof. N. G. Ranga: Will the Honourable the Prime Minister be pleased to state:

(a) whether Government are aware of the Anti-Indian propagauda that is being carried on by the Representatives of Pakistan in Australia; England, U.S.A. and the Middle-East countries; and

(b) and if so, whether any representation has been made to Pakistan Government to stop such unfriendly propagauda or to substantiate their allegations?

**The Honourable Pandit Jawaharlal Nehru:** (a) The Government of India are aware that their actions and policies as well as events in India have been presented by spokesmen of the Pakistan Government in certain countries in a wholly misleading light. According to their information, this has not happened in Australia.

(b) The Government of India have not considered it worth while to make any representations to the Pakistan Government. Steps have been taken, however, to counteract mis-representations of the kind referred to in the answer to part (a).

## CASUALTIES AND LOSS TO NON-MUSLIMS IN PAKISTAN.

**35. \*Shri Jagat Narain Lal:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the total number of Non-Muslims killed and injured in the Pakistan area and the approximate cost of the property of Non-Muslims destroyed in that area;

(b) the total number of refugees who arrived in India from Pakistan area up to the end of September, 1947 and their distribution in India province-wise;

(c) the total cost incurred by the Central Government over them so far;

(d) the total cost incurred over them so far by each of the provinces of India; and

(e) the steps that Government have taken for the safety of the Non-Muslims in the territory of Pakistan?

**The Honourable Shri K. C. Neogy:** (a) No figures on which any reliance can be placed are available. Data for assessing the approximate value of the property are not available.

(b) The Honourable Member is referred to my answer to question No. 1 by Shri Biswanath Das. The number of refugees who were evacuated from West Punjab and North West Frontier Province by the Military Evacuation Organisation between the 4th September and 28th September, 1947 was 6,52,827. No separate figures for other Provinces are available. The figures of their distribution, province-wise in India, are not yet available.

(c) The Honourable Member is referred to my reply to Questions No. 10 and 12(a) by Mr. R. K. Sidhwa.

(d) Bihar.—Rs. 2,52,500 sanctioned for expenditure, so far.

West Bengal.—Expenditure of Rs. 97,000 incurred upto end of October, 1947.

Orissa.—Nil till end of October, 1947.

Bombay.—Rs. 46,486 so far (Part expenditure, as reports awaited from certain district officers).

C. P.—Rs. 11,240 spent so far.

Madras.—Expenditure incurred Rs. 46,000.

U. P.—Expenditure of Rs. 13 lakhs sanctioned upto end of October, 1947.

Assam; East Punjab.—Report awaited.

(e) Government have appointed Deputy High Commissioners at Karachi and Lahore and a special officer at Peshawar. The East Punjab Government have appointed a Chief Liaison Officer, a Deputy Chief Liaison Officer and District Liaison Officers in each of the districts. Arrangements have been made for close guarding of the Refugee Camps with units of Indian Army. Evacuation has been systematised and intensified by closer co-operation between Military Evacuation Organization and the Government of Pakistan. Evacuation of isolated pockets and concentration of Non-Muslims in larger numbers has also been attempted as a first step to evacuation in more inaccessible areas.

## STEPS FOR COMPENSATION FOR LOSSES SUSTAINED BY NON-MUSLIMS.

**36. \*Shri Jagat Narain Lal:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state what steps have Government taken to secure compensation for the losses sustained and the property left behind by those who

have been killed or injured and who are still staying in Pakistan and those who have migrated from Pakistan?

**The Honourable Shri K. C. Neogy:** The Honourable Member is referred to the answer given by me to clause (b) of Question No. 20 by Shri Ram Chandra Gupta.

#### DAMODAR VALLEY SCHEME PROJECT

**37. \*Shri B. A. Mandloi:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether besides the multi-purpose project of the Damodar Valley Scheme, Government have got examined any other such schemes?

(b) If so, what are the names of those schemes with reference to the Province or Provinces in which they are to be undertaken?

(c) Have Government fixed any order of priority in working out any of the schemes?

(d) when these schemes are likely to be undertaken?

**The Honourable Shri N. V. Gadgil:** (a) Yes.

(b) A statement showing the various multi-purpose development schemes under investigation by the Central and the Provincial Governments is laid on the table of the House. This has been compiled on the basis of information available with Central Waterways, Irrigation and Navigation Commission.

(c) and (d). The order of priority in Provinces is as given in the statement; but it is likely to be modified according to circumstances in future. As regards the schemes undertaken by Central Technical Power Board and Central, Waterways, Irrigation and Navigation Commission the Tilaiya and Konar Dam Projects on the Damodar river and the Hirakud dam on the Mahanadi are more or less ripe for execution. The Bhakra Project in East Punjab, the Tungabhadra Project in Madras, the Rihand dam in United Provinces, and the Mor Project in Bengal are also ripe for execution. Preliminary work is going on in respect of the Tilaiya, Konar, Hirakud and Bhakra dam projects as also in some other provincial Government projects.

It is difficult to state when the actual construction of each project will begin, as that will depend on the results of further investigations, financial implications and the available of personnel, equipment and materials.

*Statement showing the various multi-purpose developed schemes under investigation by the Central and Provincial Governments referred in part (b) of Starred Question No. 37 in the Constituent Assembly of India (Legislative) for 18th November 1947.*

(i) Mahanadi Valley Scheme in Orissa.

(ii) The Damodar Valley.

(iii) Kosi Dam Project in Nepal and Bihar.

(iv) Narbada, Tapti and Sabarmati projects in Bombay, Central Provinces, Baroda, Central India and Kathiawar States.

(v) Indravati and Sabri schemes in Bastar State.

(vi) Brahmaputra, Barak and Someshwari rivers valley development schemes in Assam.

(vii) Sone Valley Scheme in Bihar, United Provinces and Rewa State.

*Under investigation by the East Punjab Government*

(i) Bhakra Dam Scheme.

*Under investigation by the United Provinces Government*

- (i) Rihand Dam Scheme.
- (ii) Nayar Dam Scheme.
- (iii) Ramganga Dam Project.

*Under investigation by the West Bengal Government:*

- (i) Mor Project.

*Under investigation by the Madras Government*

- (i) Tungabhadra Project.
- (ii) Ramapadsagar Project.

*Under investigation by the Coorg Administration*

- (i) Lakshmanteertha Project.
- (ii) Harangi Project.
- (iii) Barapole Schemes.

*Under investigation by the Patiala Government*

- (i) Dochi Dam Scheme.

*Under investigation by the Kotah, Mewar and Indore States*

- (i) Chambal Scheme.

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**UTILIZATION OF NARBUDDA, TAPTI AND MAHANADI RIVERS FOR MULTI-PURPOSE SCHEME**

**38. \*Shri B. A. Mandloi:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the Government of India in co-operation and consultation with the Central Provinces and Berar Government contemplate to utilise the Narbudda, Tapti and Mahanadi rivers for multi-purpose scheme, *viz.*, transport, irrigation and electricity?

(b) If so, have the above schemes taken a definite shape and when are they likely to be undertaken?

**The Honourable Shri N. V. Gadgil:** (a) Yes.

(b) The investigation of the Narbuda and Tapti schemes is just being started; the work will be completed as quickly as possible by the Central Waterways, Irrigation and Navigation Commission. It is not possible to say at present when the projects will be ripe for execution.

In respect of the Mahanadi the Central Waterways, Irrigation and Navigation Commission have completed the preliminary investigations and submitted a report to the Orissa Government. That Government considered it and placed it before their Legislature. The Provincial Legislature have considered the report and authorised the Orissa Government to give effect to the recommendations made in the report. The Orissa Government have since accorded their administrative approval to the Hirakud Dam Project and have requested the Government of India to ask the Commission to undertake construction of the Project as Agents of the Orissa Government. At a Conference consisting of the representatives of the Governments of Orissa and Central

Provinces and Berar and some States on the 14th November, it was decided to proceed urgently with the construction of the Hirakud Dam. The work will commence as soon as detailed designs are completed and other necessary preliminaries finished.

#### COMPENSATION FOR LOSS OF PROPERTY TO EVACUEES.

**39. \*Seth Govinddas:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) how much property has been estimated to have been left by non-Muslim evacuees in Pakistan;

(b) how much property has been estimated to have been left by Muslim evacuees in India; and

(c) what agreement, if any, is reached about awarding compensation for the loss of property sustained by evacuees?

**The Honourable Shri K. C. Neogy:** (a) The Honourable member is referred to the answer given by me to clause (b) of Question No. 20 by Shri Ram Chandra Gupta.

(b) The Honourable member is referred to the answer given by me to clause (c) of Question No. 27 by Shri K. Santhanam.

(c) It is proposed to take up the question with Pakistan Government Representative shortly.

#### SELECTION OF AMBASSADORS, HIGH COMMISSIONERS, CONSULS, ETC.

**40. \*Shri Mohan Lal Saksena:** (a) Will the Honourable the Prime Minister be pleased to state whether Government propose to review the policy in determining the selection of Ambassadors, High Commissioners, Consuls, Charge de' Affairs, Personal Envoys, Agents, etc?

(b) How many of them at present are non-officials and how many are civil servants?

**The Honourable Pandit Jawaharlal Nehru:** (a) The policy is and has been to select the most suitably qualified person and needs no review.

(b) Of posts of the rank of Minister and above eleven are held by non-officials and three by officials. Among consular posts three are held by non-officials and two by officials.

#### ESTABLISHMENT OF DEVELOPMENT BOARD

**41. \*Shri Mohan Lal Saksena:** (a) Will the Honourable the Prime Minister be pleased to state as to when and how the Development Board is proposed to be established?

(b) What will be its functions and approximate cost of its maintenance?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). As a Development Board is already in existence, I presume that what the Honourable Member has in mind is the setting up of a Central Organisation for planning. That matter is under consideration.

#### REPORT ON WORKING OF OFFICE OF ECONOMIC ADVISER TO GOVERNMENT OF INDIA

**42. \*Shri Mohan Lal Saksena:** (a) Will the Honourable Minister of Commerce be pleased to state the nature of the work of the Economic Adviser to the Government of India?

- (b) Is the Statistical Section also working under him?  
 (c) Are any periodical reports issued about the working of his office?

(d) If so, when was the last report issued and was the same supplied to members of the Legislature?

**The Honourable Shri N. V. Gadgil:** (a) Broadly speaking, the functions of the Economic Adviser consist of the collection, study and interpretation of all economic information bearing or likely to bear on India's economic welfare and the supply of information and advice to Government as a whole and to the executive Ministries as required.

- (b) Yes.  
 (c) No.  
 (d) Does not arise.

#### WORK OF INDIAN DELEGATION TO WORLD TRADE CONFERENCE IN GENEVA

**43. \*Shri Mohan Lal Saksena:** Will the Honourable Minister of Commerce be pleased to lay on the table of the House a statement regarding the work of the Indian Trade Delegation to the World Trade Conference in Geneva?

**The Honourable Shri N. V. Gadgil:** The Conference at Geneva which the Honourable Member has in mind is presumably the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment. The Committee has prepared a draft Charter which will be discussed at the World Conference scheduled to meet at Havana on the 21st November, and the Indian Delegation took an active part in the shaping of this draft. A copy of the report of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment containing the draft Charter is placed on the table of the House. The Indian Delegation also conducted tariff negotiations with the other countries represented at Geneva. The results of these negotiations are embodied in a general agreement† on Tariffs and Trade which has been released today. A press note‡ issued in that connection, a copy of which is placed on the table of the House, indicates the scope and nature of these negotiations.

#### APPOINTMENT OF LABOUR OFFICER FOR BURMA

**44. \*Shri S. Nagappa:** Will the Honourable the Prime Minister be pleased to state:

- (a) whether it is a fact that the Government of India propose to appoint a Labour Officer for Burma;  
 (b) if so, whether Government propose to select an Andhra, as most of the labourers in Burma are Andhras who can express only in Telugu language;  
 (c) whether Government have received any representation from any Andhra Public Body to this effect; and  
 (d) if so, what are the representations and what action has been taken by Government so far in the matter?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes.

(b) The selection is being made through the Federal Public Service Commission and the candidate considered by the Commission to be best suited for

the post will be chosen. The Honourable Member's statement that most of the labourers in Burma are Andhras is not borne out by available figures.

(c) and (d). Relevant extracts from a representation received from the Honorary Secretary, Andhra Provincial Hindu Religious Affairs Council, Pali, and Government's reply are placed on the table

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*Extracts*

EXTRACT FROM A LETTER, DATED THE 10TH JUNE 1947, FROM THE HONORARY SECRETARY, ANDHRA PROVINCIAL HINDU RELIGIOUS AFFAIRS COUNCIL, PALI, TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMONWEALTH RELATIONS.

\* \* \* \* \*

Our Council feels it a dire necessity to send one Andhra man to Burma who can come down to the level of the labour classes in order to gain close contact with them just to represent their grievances to the Indian Representative of Burma.

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EXTRACT FROM A LETTER No. F. 30-10/47-O.S. (II), DATED THE 18TH JULY 1947, FROM THE GOVERNMENT OF INDIA, DEPARTMENT OF EXTERNAL AFFAIRS AND COMMONWEALTH RELATIONS, TO THE HONORARY SECRETARY, ANDHRA PROVINCIAL HINDU RELIGIOUS AFFAIRS COUNCIL, PALI.

The Government of India have sanctioned the post of a Labour Officer in the office of the Representative of the Government of India in Burma and an appointment thereto is likely to be made shortly. Such an officer, when appointed, will look after the interests of Indian labourers including Andhra labourers in Burma.

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ANTI: INDIAN PROPAGANDA IN BRITISH AND AMERICAN PRESS

45. \*Pandit Hirday Nath Kunzru: (a) Will the Honourable the Prime Minister be pleased to state whether Government are aware that the reports sent by correspondents of British and American newspapers in India about the Punjab disturbances to England and the Dominions, the United States and China have been one-sided and exaggerated and have tended to create a prejudice against India in these countries?

(b) What steps have been taken by the Indian Embassy in the United States and the Indian High Commissioner in England to counteract this anti-Indian propaganda in these countries?

(c) Have Government impressed on the correspondents concerned the imperative necessity of fairness and accuracy on their part?

**The Honourable Pandit Jawaharlal Nehru:** This question is the concern of the Ministry of Information and Broadcasting and will be answered by the Deputy Prime Minister on a day allotted to that Ministry.

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APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES

46. \*Pandit Hirday Nath Kunzru: (a) Will the Honourable the Prime Minister be pleased to state whether Government have made any efforts in the course of this year to persuade the British Government to agree to the appointment of Indian Agents in those British Colonies where there is a settled Indian population? If so, what has been their result?

(b) If Government's efforts have been successful, what are the Colonies where Government propose to appoint Indian Agents?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). At the request of the Government of India, which was repeated this year, His Majesty's Government in the United Kingdom have agreed in principle to the appointment of Indian Agents in East Africa, Fiji, Mauritius and the British West Indies subject to agreement being reached about their precise status and functions. Discussion is now in progress between the two Governments on the status and functions of the Agents.

**MODIFICATION OF IMMIGRATION BILLS BY GOVERNMENT OF KENYA, UGANDA  
AND TANGANYIKA**

**47. \*Pandit Hriday Nath Kunzru:** (a) Will the Honourable the Prime Minister be pleased to state whether the Immigration Bills which the Governments of Kenya, Uganda and Tanganyika proposed to place before their Legislatures last year have been modified in any respect in response to the representation of the Government of India, and if so, in what respect?

(b) Have Government received any representations from the Indian Communities in these Colonies regarding the new Bills? If so, on what points?

(c) What steps have been taken by Government to protect the interests of the Indians concerned?

**The Honourable Pandit Jawaharlal Nehru:** (a) Following representations from the Government of India, the 1946 Immigration Bills have been revised, and the new Immigration Bills published in April 1947 contain the following improved features:

(i) The definition of a "prohibited immigrant" has been modified so as not to apply to permanent residents so that a permanent resident as well as a person born in one of the East-African territories will not be liable to deportation.

(ii) A "permanent resident" of the colony will automatically be entitled to an entry permit or entry pass under the revised regulation.

(iii) The holder of a passport containing a certificate of permanent residence issued under authority will automatically be entitled to inter-territorial movement.

(iv) Requirements of capital from immigrants intending to engage in business or trade have been considerably reduced.

(b) Yes. Apart from raising objection to the basic principles of the Bills, representations have been made against the under-mentioned provisions in the Bills.

(i) Arrest without warrant of a person suspected of having contravened the immigration law.

(ii) The requirement of medical examination of immigrants at the will of the Immigration Officers.

(iii) Prohibition of a change of prescribed occupation within five years of entry.

(iv) Failure to provide for the constitution of the prescribed Authority for granting entry permits and of the Appellate Tribunal in the body of the Bills.

(v) Wide rule-making powers left to the local governments.

(c) Government have made suitable representations to His Majesty's Government in the United Kingdom.



## ESTABLISHMENT OF ADVISORY COMMITTEES OF THE ASSEMBLY

48. \***Pandit Hirday Nath Kunzru:** Will the Honourable the Prime Minister be pleased to state whether Government propose to take steps during this session to establish Advisory Committees of the Assembly similar to those which existed before the 15th August, 1947, to advise them on matters concerning external affairs and the interests of overseas Indians?

**The Honourable Pandit Jawaharlal Nehru:** It is proposed to establish such Advisory Committees.

## CONFLICT BETWEEN LANDLORDS AND AGRICULTURAL LABOUR

49. \***Shri V. I. Munishwami Pillai:** (a) Will the Honourable Minister of Labour be pleased to state whether Government are aware that the relationship between landlords and agricultural labour is getting greatly strained due to the present low wages with the result that the sowing and harvesting operations yield smaller output of foodgrains?

(b) What efforts do Government propose to make in order to create a contented labour?

**The Honourable Shri Jagjivan Ram:** (a) Government are aware that the relationship between landlords and agricultural workers is strained in some parts of the country.

(b) Suitable action is being taken by Provincial Governments to settle the differences between employers and workers. The Minimum Wages Bill, now before the House makes provision for the statutory fixation of minimum wages. Government are also in correspondence with Provincial Governments regarding the institution of an enquiry into the conditions of agricultural labour. It is proposed to start with a pilot enquiry. The object of this and a fuller enquiry that may be planned later is to obtain the data necessary for the formulation of measures for improving the conditions of agricultural workers.

## RECRUITMENT OF LABOUR IN THE PLANTATION AREAS

50. \***Shri V. I. Munishwami Pillai:** (a) Will the Honourable Minister of Labour be pleased to state whether Government are aware that a large number of coolies are recruited for labour in the plantation areas in the ghats and mountains for very low wages?

(b) Is it a fact that in some parts of India large number of coolies employed by certain landlords are being sold to other landlords who in turn sell them to owners and managers of plantations in the ghat areas?

(c) If the answer to part (b) above be in the affirmative do Government propose to make enquiries and to abolish such system?

**The Honourable Shri Jagjivan Ram:** (a) The question of wages for plantation workers was considered at the first meeting of the Plantation Labour Conference held in January last. Employers in Assam and Bengal then agreed to the payment of an additional dearness allowance. It was agreed at the Conference that a Family Budget Enquiry should be conducted to collect the data for fixing fair wages. The report embodying the results of the enquiry in Assam and Bengal is under print. The report in respect of the South Indian plantations is expected to be completed shortly. The second meeting of the Plantation Labour Conference will be held early next year and one of the important subjects that will come up for consideration at the meeting will relate to the fixation of fair wages.

(b) Government are not aware of the practice referred to by the Honourable Member.

(c) Does not arise.

#### INDIAN MILITARY MISSION IN GERMANY

**51. Shrimati D. Velayudhan:** (a) Will the Honourable the Prime Minister be pleased to state whether Government have received any complaint regarding the Indian Military Mission in Germany?

(b) Who was in charge of the Military Mission and when was it formed?

(c) Had Government given any instructions regarding the duties and responsibilities of the Mission?

**The Honourable Pandit Jawaharlal Nehru:** (a) I would invite the Honourable Member's attention to the answer given to Mr. G. B. Dani's question No. 718 on 4th March 1947 and to the Press Note dated the 28th February 1947 of which I placed a copy, on the same date, on the table of the House, in connection with my answer.

(b) The Mission began functioning in February 1946. Major General D. Stuart was Chief of the Mission until August the 15th of this year, when he was succeeded by Col. M. S. Wadalia.

(c) Yes.

#### REPATRIATION OF INDIANS FROM GERMANY.

**52. \*Shrimati D. Velayudhan:** (a) Will the Honourable the Prime Minister be pleased to state whether Government have got out of Germany all the Indians who were imprisoned or put in concentration camps there?

(b) Are Government aware of the whereabouts of one Mr. Nambiar who was kept in German concentration camp?

(c) Has he been released from there?

(d) If so, what steps have Government taken to bring him back to India?

(e) Are Government aware that he had not even enough clothing and that the Military Mission did not care anything about his welfare?

**The Honourable Pandit Jawaharlal Nehru:** (a) The attention of the Honourable Member is invited to a press note issued by the Government of India on 28th February 1947, of which I placed a copy on the table of the House on 4th March 1947.

(b) The information of the Government of India is that Mr. Nambiar is in Switzerland.

(c) and (d). Do not arise.

(e) Government have received no complaint to this effect.

#### RESCUE OF ABDUCTED HINDU AND SIKH WOMEN FROM WEST PUNJAB AND REHABILITATION OF REFUGEES.

**53. \*Shrimati D. Velayudhan:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the measures Government have taken to get back the abducted Hindu or Sikh women in the Punjab;

(b) the number of abducted women till now rescued;

(c) whether Government have any idea of the number of Hindu and Sikh women abducted in West Punjab;

(d) whether Government have any scheme for the rehabilitation of the refugees;

(e) whether Government propose to take any measures to accept them as citizens of the Indian Union if they do not wish to go back to their old homes;

(f) the measures Government have taken to get back the movable property of the evacuees from West Punjab;

(g) the measures Government have taken to protect the landed property of the Hindus and Sikhs left in the West Punjab;

(h) whether they will be given any price for their property left there; and

(i) whether Government have taken any measures to allot them lands for the normal settlement of the refugees wherever lands are available in the Provinces?

**The Honourable Shri K. C. Neogy:** (a) Abducted Hindu and Sikh women in the West Punjab are being recovered through the agency of Military Evacuation Organisation and Liaison Officers, with the help of local authorities.

(b) and (c). Figures are not yet available.

(d) The Honourable member is referred to the answer given by me to clause (e) of Question No. 1 by Shri Biswanath Das.

(e) Yes.

(f), (g) and (h). The Honourable member is referred to the answer given by me to clause (b) of Question No. 20 by Shri Ram Chandra Gupta.

(i) Allotment of land will be done by the Provinces or States where the refugees are to be rehabilitated. The Honourable Member is further referred to the answer given by me to clause (e) of Question No. 1 by Shri Biswanath Das.

#### ABOLITION OF THE TITLE "HIS EXCELLENCY" USED BY INDIAN GOVERNORS.

**54. \*Shrimati D. Velayudhan:** Will the Honourable the Prime Minister be pleased to state:

(a) whether Government are aware that titles such as "His Excellency" are used by our Indian Governors, and;

(b) whether Government propose to abolish such titles?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes.

(b) Government do not propose to take any action in this matter at present.

#### REMITTANCES FROM FRENCH INDO-CHINA TO INDIA.

**55. Shri V. N. Pillai:** Will the Honourable the Prime Minister be pleased to state:

(a) the stage at which the matter of the removal of the ban on remittances from French Indo-China to India, stands at present, subsequent to the interim offer made by the French Government to allow remittances upto Rs. 200 per mensem;

(b) whether steps have been taken to implement even that offer allowing Indians in French Indo-China to remit upto Rs. 200 per mensem per recipient in India;

(c) whether the Debt Settlement Agreement which was hoped to be completed soon, has been reached, if not, whether the Government of India propose to move in the matter and instruct the Vice Consul at Saigon to conclude the Debt Settlement and to remove the blockade and facilitate free remittances to India;

(d) whether the Government of India propose to consider the advisability of arranging to distribute the sum of Rs. 45 lakhs of the frozen assets of the French Indo-China Government in India among the Indian Nationals in India proportionate to the amounts to their credit in Indo-China;

(e) whether the Government of India propose to advance to the Indian Nationals a sum of at least Rs. 15 lakhs, as in the case of Burma Evacuees, with a view to relieving the immediate distress of the Indian Nationals struggling in India; and

(f) whether any representations have been made by the Indo-China Association and other bodies regarding this matter and if so, whether any action has been taken thereon, giving relief to the Indian Nationals owning property and funds in Indo-China, either by releasing the frozen assets of Indo-China Government with the Government of India, or by making advances to such persons to be recouped out of their holdings in Indo-China, through the Agent of the Indian Government there?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). The French Government have agreed to allow remittances by Indians in Indo-China subject to a maximum of Rs. 200 per head, and an overall limit of Rs. 50,000 per mensem. They have however stipulated that these arrangements will take effect only after the Debt Settlement Agreement is signed.

(c) Negotiations for the conclusion of a Debt Settlement Agreement are still in progress between the Government of India in the Ministry of Commerce and the French representatives in India. This matter has to be settled in India and not by the Indian Consul at Saigon. I understand that only one point now remains for settlement and it is hoped that the Debt Settlement Agreement will be signed in the near future.

(d) No, Sir. The course suggested by the Honourable Member would amount to the forfeiture of the French assets in India, which would not be justified.

(e) The Evacuee Relief Scheme is in process of being wound up and it applied in any case only to persons who were forced to flee from enemy occupied territories during the war. So far as persons dependent on remittances from Indo-China are concerned, the Government of India will be prepared to consider the grant of an advance in rupees, against a corresponding deposit in piastres in Indo-China, in any case of proved hardship. Each case will be considered on its merits and it is not possible to say what the amount involved would be.

(f) The Government of India have received representations from various individuals as well as organisations. As to the action possible on these representations, I would refer the Honourable Member to the replies I have just given.

#### DEBT SETTLEMENT ARRANGEMENT WITH FRENCH GOVERNMENT OF INDO-CHINA.

56. \*Shri V. N. Pillai: Will the Honourable Minister of Commerce be pleased to state:

(a) the circumstances under which the debt settlement arrangement with the French Government of Indo-China have been delayed;

(b) whether it is a fact that in spite of representations made by various associations and interests to remove the ban of the free flow of funds into India, no action has yet been taken and if so, the reasons for the delay; and

(c) whether any suggestions have been made by the President of the Indo-China Association for solution of this problem of blocked up funds and if so, what action is proposed to be taken thereon and when?

**The Honourable Shri N. V. Gadgil:** (a) The Government of India regret that in spite of the anxiety of both the Government of India as well as the French Government to conclude a Debt Settlement Agreement with the least possible delay, it has not been possible to sign an agreement owing to differences of opinion between the two Governments on certain points. Most of the difficulties have now been resolved and there is only one point outstanding on which a reply from Paris is awaited.

(b) The ban referred to in the question has not been imposed by the Government of India but by the French Government. Government of India have made strong representations to the French Government, and a provisional agreement has now been reached on the question of remittances. As soon as the Debt Settlement Agreement has been signed, the arrangement will come into effect.

(c) Some suggestions were made but Government of India are anxious not to take any steps without the agreement of the French Government. They are, however, making every effort to settle this matter satisfactorily with all possible speed.

AGREEMENT BETWEEN PRIME MINISTERS OF INDIA AND PAKISTAN  
re DISCONTINUANCE OF SEARCHES OF REFUGEES.

**57. \*Pandit Hirday Nath Kunzru:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether it is a fact that an agreement was arrived at between the Prime Ministers of India and Pakistan on the 14th September that the searches of the refugees should be discontinued?

(b) Is it a fact that the Government of India have discontinued the searches but not the Government of Pakistan?

(c) What is the reason given by the Government of Pakistan for continuing the searches?

**The Honourable Shri K. C. Neogy:** (a) Yes. In terms of a Press Communique issued from Government House Lahore on 3rd September 1947, after a meeting between the Prime Minister of India and the Prime Minister of Pakistan, the Provincial Governments of East Punjab and West Punjab agreed that evacuees will be permitted to take away at their discretion and within the limits of transport available moveable property, including licensed weapons, food, domestic animals, cars and vehicles which are not licensed for public use. There has been no explicit agreement in regard to N.-W. F. P. and Sind, but the Prime Minister Pakistan has on more than one occasion accepted the position that the agreement pertaining to West and East Punjab should apply to N.-W. F. P. and Sind also.

(b) Government of India have adhered to the agreement. But numerous cases have come to notice in which searches have continued in some parts of the Dominion of Pakistan.

(c) The reason given is that search is needed for unlicensed arms and the ban on export of bulk merchandise and certain specified articles. Searches have been particularly severe in Sind but as a result of representations made by the Government of India the position has improved now. The Government of N.-W. F. P. have issued an Ordinance prohibiting the export of items like electric goods, sewing machines, watches, cycles, typewriters, woollen and silken clothes. Under the pretence of powers conferred by this Ordinance, local officials, in many instances, are carrying out harassing searches. The position regarding searches in West Punjab has also improved.

**INDIAN ARMY AND THE INDIAN AIR FORCE (AMENDMENT) BILL**  
[RECONSTRUCTION OF SELECT COMMITTEE]

**The Honourable Sardar Baldev Singh** (Minister for Defence): Sir I move:

"That the Select Committee on the Bill further to amend the Indian Army Act, 1911, 12 NOON and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendment to the Administrator General's Act, 1913, be reconstituted with the following persons as members thereof, namely, Shri T. T. Krishnamachari, Shri L. Krishnaswami Bharathi, Shri U. Srinivasa Mallayya, Shri K. Santhanam, Shri Brajeshwar Prasad, Dr. V. Subrahmanyam, Shrimati Renuka Ray, Sardar Jogendra Singh, Shri Mohan Lal Saksena, Shri Jainarain Vyas, Col. Shri Maharaj Himmat Singhji, Shri Bikramlal Sondhi, Shri A. P. Pattani, Shri M. S. Aney, Shri Nandkishore Das, Mr. Hussain Imam, Shri S. K. Patil, Shri V. C. Kesava Rao, Pandit Hirday Nath Kunzru, and the Mover.

**Mr. Speaker:** Motion moved:

"That the Select Committee on the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, be reconstituted with the following persons as members thereof, namely, Shri T. T. Krishnamachari, Shri L. Krishnaswami Bharathi, Shri U. Srinivasa Mallayya, Shri K. Santhanam, Shri Brajeshwar Prasad, Dr. V. Subrahmanyam, Shrimati Renuka Ray, Sardar Jogendra Singh, Shri Mohan Lal Saksena, Shri Jainarain Vyas, Col. Shri Maharaj Himmat Singhji, Shri Bikramlal Sondhi, Shri A. P. Pattani, Shri M. S. Aney, Shri Nandkishore Das, Mr. Hussain Imam, Shri S. K. Patil, Shri V. C. Kesava Rao, Pandit Hirday Nath Kunzru, and the Mover.

May I know from the Honourable the Mover of the motion the period within which the Select Committee is to report and the quorum?

**The Honourable Sardar Baldev Singh:** If the Select Committee can finish its deliberations during the present session, the intention is to pass the Bill during this session.

**Mr. Speaker:** Whatever the intention, it has to be made clear in the motion itself, and even now the Honourable Member may add the date and the quorum.

**The Honourable Sardar Baldev Singh:** I suggest that the quorum may be five, and the Select Committee may be directed to report by the 30th of November.

**Mr. Speaker:** The Select Committee will report by the 30th of November and the quorum will consist of five.

**Shri Biswanath Das** (Orissa: General): Sir, reference to a Select Committee means that the House accepts the principles underlying a Bill. The Bill in question has not been discussed on the floor of this House. It may have been discussed previously and the previous legislature may have accepted the principles underlying this Bill. But so far as this Legislature is concerned, it has not been discussed nor has the principle underlying the Bill been accepted. Under these circumstances I raise the point of order namely that the motion made by the Honourable Sardar Baldev Singh is out of order and cannot be referred to a Select Committee without this House going into the principles and accepting those principles and agreeing to a reference to the Select Committee.

**Mr. Speaker:** It is not possible to agree to the point of order raised. This House has succeeded the previous House. It has taken everything that has come before that House and the stage at which the Bill was, has to be taken as the stage at which it should be taken here. It is provided for by section 30 of the Government of India Act and I do not think the matter may be treated as a *de novo* subject coming here. It is only a question of reconstitution of the Committee. The principle has been accepted by this House.

**Shri Biswanath Das:** Am I entitled to make my submission to you in this regard?

**Mr. Speaker:** No, I have now given a ruling.

The question is:

"That the Select Committee on the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, be reconstituted with the following persons as members thereof, namely, Shri T. T. Krishnamachari, Shri L. Krishnaswami Brajeshwar Prasad, Dr. V. Subrahmaniam, Shrimati Renuka Ray, Sardar Jogendra Singh, Shri Mohan Lal Saksena, Shri Jainarain Vyas, Col. Shri Maharaj Himmat Singhji, Shri Bikramlal Sondhi, Shri A. P. Pattani, Shri M. S. Aney, Shri Nandkishore Das, Mr. Hussain Imam, Shri S. K. Patil, Shri V. C. Kesava Rao, Pandit Hirday Nath Kunzru, and the Mover, with instructions to report by the 30th November, 1947, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## MINIMUM WAGES BILL

### RECONSTITUTION OF SELECT COMMITTEE

**The Honourable Shri Jagjivan Ram (Minister for Labour):** Sir, I move:

"That the Select Committee on the Bill to provide for fixing minimum wages in certain employments be reconstituted with the following persons as members thereof, namely, Prof. N. G. Ranga, Pandit Balkrishna Sharma, Shri R. R. Diwakar, Shri K. M. Munshi, Dr. B. Pattabhi Sitaramayya, Shrimati G. Durga Bai, Shri Rohini Kumar Chaudhuri, Shri Satya Narayan Sinha, Shri V. C. Kesava Rao, Diwan Chaman Lall, Shri T. A. Ramalingam Chettiyar, Shri M. Ananthasayanam Ayyangar, Nawab Muhammad Ismail Khan, Haji Abdus Sattar Haji Ishaq Seth, Pandit Hiralal Shastri, Mr. Frank R. Anthony, Shri Brijlal Nandlal Biyani, Shri Biswanath Das, and the Mover, with instructions to report on the first day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. Speaker:** Motion moved:

"That the Select Committee on the Bill to provide for fixing minimum wages in certain employments be reconstituted with the following persons as members thereof, namely, Prof. N. G. Ranga, Pandit Balkrishna Sharma, Shri R. R. Diwakar, Shri K. M. Munshi, Dr. B. Pattabhi Sitaramayya, Shrimati G. Durga Bai, Shri Rohini Kumar Chaudhuri, Shri Satya Narayan Sinha, Shri V. C. Kesava Rao, Diwan Chaman Lall, Shri T. A. Ramalingam Chettiyar, Shri M. Ananthasayanam Ayyangar, Nawab Muhammad Ismail Khan, Haji Abdus Sattar Haji Ishaq Seth, Pandit Hiralal Shastri, Mr. Frank R. Anthony, Shri Brijlal Nandlal Biyani, Shri Biswanath Das, and the Mover, with instructions to report on the first day of the next session of Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim):** Sir, as you know, as regards the constitution of these Committees, the practice of this House has been to refer to the Parties for members to be included in the Committees. I find that on these two motions that have been made, as far as I know, no reference has been made to any of the Parties. Names have been entered

without getting the consent of the Parties. However, Sir, I do not want to raise the issue now. I do not know what the new practice is. I should like to speak to my colleague on the other side to find out the position, but for the present I accept this under protest.

**Mr. Speaker:** I wanted to refer to the point from a different point of view. Honourable Members know that I have not been able to make any allotment of seats. On account of not knowing many of the Members of the House and on account of Members changing their seats, it is difficult for me to find out who is desirous of speaking or putting a question. So it would be better if we could come to some arrangement on that; and then I think it would be possible to evolve the old procedure but at present we are just trying to proceed as best as we can.

I will now put the motion to the House.

The question is:

"That the Select Committee on the Bill to provide for fixing minimum wages in certain employments be reconstituted with the following persons as members thereof, namely, Prof. N. G. Ranga, Pandit Balkrishna Sharma, Shri R. R. Diwakar, Shri K. M. Munshi, Dr. B. Pattabhi Sitaramayya, Shrimati G. Durga Bai, Shri Rohini Kumar Chaudhuri, Shri Satya Narayan Sinha, Shri V. C. Kesava Rao, Diwan Chaman Lall, Shri T. A. Ramalingam Chettiyar, Shri M. Ananthasayanam Ayyangar, Nawab Muhammad Ismail Khan, Haji Abdus Sattar Haji Ishaq Seth, Pandit Hiralal Shastri, Mr. Frank R. Anthony, Shri Brijlal Nandlal Biyani, Shri Biswanath Das, and the Mover, with instructions to report on the first day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

#### UNITED NATIONS (PRIVILEGES AND IMMUNITIES) BILL

**The Honourable Pandit Jawaharlal Nehru** (Leader of the House): I beg to move, Sir:

"That the Bill to give effect to the Convention on the Privileges and Immunities of the United Nations be taken into consideration."

Sir, the Bill is more or less a formal one giving certain privileges and immunities to representatives of the United Nations, which are normally accorded to members of the diplomatic corps. India being a Member of the United Nations Organisation should give these privileges to the representatives of the U.N.O.

**Mr. Speaker:** Motion moved:

"That the Bill to give effect to the Convention on the Privileges and Immunities of the United Nations be taken into consideration."

**Shri B. Das** (Orissa: General): Sir, in free India we are today discussing a measure relating to the U.N.O. for the first time. It is not my object here to oppose the privileges proposed to be granted by this Bill. As proposed, representatives and officers of the U.N.O. will be entitled to certain privileges and immunities amounting to rights possessed by members of the diplomatic corps. But may I ask the Prime Minister what steps he will take to prevent the possibility of these representatives or officers or their families or guests acting as spies for their countries? Sir, during the recent Punjab disturbances, we had the painful experience of how the representatives of the B.B.C. of England circulated news in America and England—exaggerated news and false stories about India. I would like to be assured by the Government that they will see that the powers sought to be granted by this Bill are not abused by those who enjoy them.

My second point is in connection with India's position in the U.N.O. Sir, India is a Member of the U.N.O. and of the U.N.E.S.C.O. Only two days



ago I read in the paper that there were only 14 outsiders and no Indian personnel employed there whereas 814 were either American or British. Is it going to be the privilege of the American swash-bricklers or the British bullies to monopolise all secretariat jobs in the U.N.O. or the U.N.E.S.C.O.? I believe India pays very heavily for the organisation of the U.N.O. But are we going to be treated as helots there? Why should we not have an equal share prorata to our financial contributions in the loaves and fishes? America and England have lost their colonies and empires; they want to control Asia through this U.N.O. organisation as they tried to do through the League of Nations now defunct. I may be told that it is not so, but from my past experience I know the attitudes of the Americans and the English. Therefore, I do hope that the Prime Minister will give an assurance to this House and to the country at large that in the organisation of U.N.O. and U.N.E.S.C.O. and any other organisations that may spring forth from the U.N.O. dreams, Asia and particularly India will have proportionate and prorata representation in the personnel of the staff of those bodies. Our old friend, Dr. Pillai, who is our representative in the U.N.O. was complaining publicly that Indians are not there. Sir, I am not against the ratification or acceptance of these privileges to representatives of the U.N.O., but I do not want the old idea to be accepted that because India was a colony or is a Dominion of Britain, she must foot the bill while the Englishman and the American wander all over the world and talk any nonsense that they like.

**Shri K. Santhanam** (Madras: General): Sir, I support the motion, but I want to make a point, which may appear technical but which is really a matter of principle. I do not think it is right that in any legislation the executive should be given the power to prescribe punishments. It is the natural prerogative of a legislature to prescribe punishments. Here in Clause 2 at the end there is a provision that "without prejudice to the generality of the foregoing power, provision may be made for the punishment of persons offending against the order." I understand that the real object of this provision is that the Government of India want to apply the sanctions or punishments which may be prescribed by the League of Nations, or otherwise they will come to the legislature for adding sections giving punishment. If that is so. . . .

**Pandit Thakur Das Bhargava** (East Punjab: General): May I raise a point of order, Sir? The Honourable Member is referring to the other Bill dealing with the provisions of the Charter of the United Nations.

**Shri K. Santhanam**: Oh, I am sorry.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, I support the principle of the Bill and recommend to the House that it may be accepted as it stands even without an amendment. It is to our advantage to have this enactment passed into law as early as possible. The headquarters of the United Nations, as all the Members of the Assembly know, is in America and our officers, our delegates, our ambassadors, all have to go there. Ten to one, a provision like this will be to our advantage. There is no immediate chance of any of the officers of the U.N.O. being stationed in this country and the immunities that we are giving here may not be taken advantage of for a long time to come. It is only mutual and reciprocal and therefore there ought to be no difficulty about it at all. As a matter of fact, if I may remind such of the Honourable Members here who were in the previous legislature, we passed a similar provision regarding the International Bank. The International Bank has its branches in various countries and the Bank itself has been recognised to be a corporate body and a juridical personality with a right to own immovable property in various countries, the right to enter into contracts for purchase and sale of property and also a right to sue and be sued. Its officers and other

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dignitaries have been granted similar immunities and privileges. We have passed that into law.

Article I of the United Nations Organisation says that it shall possess juridical personality. This is contained in Schedule of this Bill, Article I, Section 1. Article II refers to its right to possess property, funds and assets, which follows as a natural consequence. The third Article refers to facilities in respect of communications for its Members. The fourth is in regard to the privileges of persons who can act as representatives of the members of the U.N.O. such as the right of entry into various places, the right to proceed from one place to another and so on. In Article V, the officials are allowed the same privileges as the representatives of the members in Article 4. Article VI extends the immunities to experts who come on particular missions on behalf of the United Nations. Therefore, Articles IV, V and VI relate to immunities to Members, representatives, officers and experts. They all stand on the same footing and are in the same category. Article VII refers to *Laissez-passer*, namely, *visas* on the production of which officers may move from country to country. That is only to facilitate easy passage of the officers and avoid delay. There is nothing wrong in it. Such *visas* are provided only to persons who come on business and not in their private capacity. Lastly, Sir, as regards disputes that might arise in relation to the property of the Organisation or its action in a particular country, a provision is made in Article VIII where it is laid down that such disputes might be referred to the International Court of Justice. This measure, I am sure, follows Articles 104 and 105 of the United Nations Charter which we all know is a model convention which has been adopted by various countries. It is therefore but befitting that we on our part should pass these conventions immediately. Then there is a provision which seeks to give power to the Central Government to modify these provisions in relation to similar International Organisations. Our Honourable Health Minister, Shrimati Amrit Kaur, presented to us yesterday a motion for adopting the Constitution of the World Health Organisation and circulated the same to us. Article 66 under Chapter 15 of that book relates to the legal capacity, privileges and immunities. Therefore, it is in the fitness of things that provision has been made in this Bill for extending these immunities and privileges to various other International Organisations. We are a member of the United Nations and what is expected of us is that we adopt the conventions laid down by the U.N.O. Therefore, the sooner we pass this Bill the better it will be for us, our officers and others who have to go to the U.N.O. and various other organisations.

**Prof. N. G. Ranga** (Madras: General): Sir, I wish the speech which has just come from my friend Mr. Ananthasayanam Ayyangar had come from the Leader of the House, because the convention has been till now for the mover of the Bill to state the general scope and objects of the Bill, so that the House would be helped to have a proper appreciation of the subject and then proceed to discuss the particular question before it. Secondly, Sir, I know that whatever we may say here today, we cannot freely move any amendments affecting any material portion or section of this Bill, because it is a Bill which is based on an agreement reached by the representatives of all nations at the United Nations level. Therefore, we are generally expected to pass it as it is. At the same time, it is relevant to make our observations in the hope that they will be taken into consideration by the U.N.O. at the proper time either at the initiative of our own delegates or the delegates of any other nation. I wish to make only one suggestion and that is in relation to part (b) of Section 5 in Article II which reads thus:

"The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency."

I take it, Sir,—and I am speaking subject to correction—that these various monetary institutions that have been brought into existence by the United Nations Organisations will also be able to come under the provisions of this particular Bill and therefore would be entitled to all these various immunities and privileges. Therefore it will be possible for them to move their head office from one country to another. If the news of the movements of these funds were to be made public at any time, it is likely to upset the internal financial economy of that country and its credit also. Supposing some millions of pounds were to be deposited in our bank and it is published, then immediately it is quite possible that our credit goes up in the eyes of the other nations, but supposing for their own reasons they withdraw these funds and that news is also published, it is quite possible that some other nations might begin to think that there must be something wrong with the credit of our country. Therefore, Sir, I suggest that the news of such transfers of funds from one country to another belonging to the United Nations and on the initiative of the United Nations should not be published and should be known only to the Governments concerned and in regard to all other provisions I am in general agreement and I do feel that my Honourable friend Mr. B. Das if he were to take into consideration all the facts relevant to this matter will come to the conclusion that on the whole India stands to gain rather than would lose by passing this Bill.

**Shri B. Das:** I did not oppose it.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I am more or less a newcomer to this House and I am not used perhaps to talking on every possible occasion. I hope, Sir, that under your guidance and guidance of the House, I will improve in course of time. But I had always thought when anybody talked that there should be something worth talking about. On the other hand some of my Honourable colleagues think otherwise. I have just put forward a Bill which is essentially simple, everything that can be said about it has been said in the drafting of that which has been circulated. It is an obvious thing. Indeed it is inconceivable to me how anybody could not accept it *in toto* and yet I am reminded that I should repeat these clauses to this House and waste the very valuable time of this House. Well, if the House so desires, of course we can do that. But I do not think it will be advantageous to this House or the country to speak when it is not necessary to speak.

I listened with great interest to the speech which my Honourable friend Mr. B. Das delivered. My interest was heightened at every stage and into every expression he used. I could not connect it with the previous words. It became a jig-saw puzzle of ideas and words thrown about without any connection and without any relevance to the subject under debate. It is our business to see how many Indians are appointed to the United Nations and of Mr. Pillai who is representing India. Mr. Das referred to the nonsense that is talked by Members of the League of Nations or the United Nations. It was very interesting to have a glimpse into Mr. Das's mind and his opinions on the subject, but I should like to know what it had to do with this Bill in regard to the Immunities and Privileges to be granted to the Members of the United Nations. Either the United Nations are good enough for us to join them or they are not. If they are not good enough we should go out of it. If they are good enough then the inevitable consequences that must follow must be accepted. They are an International Organization and we must give them the same rank as we give normally to the representatives of nations, that is we consider them a juridical personality with all rights and privileges pertaining thereto. That means that any representative of theirs has a certain Ambassadorial status in regard to searches and other customs. It inevitably follows that the question is not whether an Indian should be appointed there or an Englishman or a Frenchman or anybody else. If it is said that the United Nations is not a worth-while organization, that it does not play fair towards

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Asia or India, therefore we should not go there, I can understand that position, although I completely disagree with that. I think the United Nations as it is, is a very important organization. It is an organization which has, at any rate, some element of hope in it of pulling this world out of the morass in which it has sunk. It may fail, of course, but there is an element of hope in it and we have pinned ourselves to it and we should therefore co-operate with it and give it every possible facility. If we have any grievance against any employment or otherwise; we can take it up. If the grievances become so big that you want to come out of the United Nations you can do so, but so long as we are there we must treat it with the respect that it deserves. In fact we ourselves are members of it and if we talk in that fashion and without respect we ourselves lessen in our own respect in regard to an organization which we have joined. When we talk of the representatives of the United Nations we find that there are several Americans or Czechs or Russians; there may be Indians also going to other nations. Are you going to say that you will not treat the representatives of the United Nations in India as they should be treated as ambassadors and therefore, necessarily when your representatives go elsewhere they also cannot have their special treatment? It is an impossible position. This Bill, Sir, I submit is an obvious simple proposition which we must accept if we accept the United Nations. There may be some minor amendments which may or may not have been changed here and there. Some reference was made in the course of one or two speeches to them. But these documents are generally drafted in consultation with the United Nations Office and various countries adopt the same wording as far as possible. Two or three amendments have been suggested. May I say, Sir, that there are one or two formal amendments, just to change article 1 or 2 because the change has occurred since the Bill was introduced, a change in the whole status of India. Otherwise, I submit, Sir, that this Bill should be passed as it is.

**Mr. Speaker:** The question is:

"That the Bill to give effect to the Convention on the Privileges and Immunities of the United Nations be taken into consideration."

The motion was adopted.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That in sub-clause (1) of clause 1 of the Bill, the brackets and figures '(1)' be omitted."

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 1 of the Bill, the brackets and figures '(1)' be omitted."

The motion was adopted.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That sub-clause (2) of clause 1 of the Bill be omitted."

**Mr. Speaker:** The question is:

"That sub-clause (2) of clause 1 of the Bill be omitted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

**Shri K. Santhanam:** I move:

"That in sub-clause (1) of clause 2 of the Bill, the word 'British' be omitted."

It is more or less consequential to the motion for deletion of sub-clause (2) of clause 1. There is no reason why in a matter concerning foreign policy we should make a law and confine it only to British India.

**The Honourable Pandit Jawaharlal Nehru:** I accept the amendment.

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 2 of the Bill, the word 'British' be omitted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I beg to move:

"That in clause 3 of the Bill, for the words 'agreement or convention' in both places where they occur, the words 'agreement, convention or other instrument' be substituted."

**Mr. Speaker:** The question is:

"That in clause 3 of the Bill, for the words 'agreement or convention' in both places where they occur, the words 'agreement, convention or other instrument' be substituted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in clause 3 of the Bill the word 'British' wherever it occurs be omitted."

**Mr. Speaker:** The question is:

"That in clause 3 of the Bill the word 'British' wherever it occurs be omitted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

The Schedule was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move: .

"That the Bill, as amended, be passed."

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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#### UNITED NATIONS (SECURITY COUNCIL) BILL

**The Honourable Pandit Jawaharlal Nehru** (Leader of the House): Sir, I move:

"That the Bill to enable effect to be given to certain provisions of the Charter of the United Nations, be taken into consideration."

This is an even shorter Bill than the previous one, and in effect it is to enable India to give effect to any general sanctions devised by the United Nations against any other country. In discussing this the only possible effect that might be considered is whether any punishment should be laid down at present or whether it should be left for future decision. It was pointed out by an Honourable Member who by mistake thought he was speaking on this Bill that normally power should not be given to Government to fix any punishment. That is perfectly correct and I have no doubt that when the time comes the legislature will do it. But for us at the present moment to fix any punishment would create difficulties. This Bill enables us to participate in economic sanctions against any particular country. It is not armed warfare; nevertheless it is an approach to warfare. At the present moment certain economic sanctions are functioning as between India and South Africa. Suppose we lay down some kind of punishment for those who offend against those sanctions, we can hardly lay down a very heavy punishment. There may be

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a fine or a month's imprisonment; I can very well conceive of offences which are very grave even in regard to sanctions as between India and South Africa. There may be black marketing; some Indian or other person may try to make money by sending gunny-bags from India to South Africa. I consider that a very serious offence against the nation's policy and liable to heavy punishment. How are you going to deal with such a thing, if you put it in, without knowing what the situation will be? Any punishment laid down in this Bill, as is suggested in one of the amendments, would I think be unfortunate. It is of course true that it is not desirable that Government should be given a free hand; that depends entirely on the Government, i.e., on the responsible character of Government. If an occasion arises when sanctions are to be enforced against a country it is obvious that this will be a very important matter nationally and internationally. The matter will have to come up before the Assembly and will be discussed in connection with foreign affairs, international relations, etc. It is hardly likely that this kind of thing can be done quickly and speedily and in secret. The ultimate decision may perhaps however have to be very speedy. When the United Nations begin to function it means that a large number of nations have to agree, and that takes time. But the final decision may be very speedy; the legislature may not be sitting and Government may have to take action. As soon as the legislature meets obviously it discusses the situation and lays down any further policy to be pursued and punishments to be inflicted, etc. I would submit that in a short Bill of this kind we should not limit the Government's power to lay down punishments, etc. Also in such matters, normally speaking, we are following a draft which is an agreed draft among other countries. Sir, I move.

**Mr. Speaker:** Motion moved:

"That the Bill to enable effect to be given to certain provisions of the Charter of the United Nations be taken into consideration."

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, all Honourable Members will remember that Italy made war on Ethiopia. At that time India was a member of the League of Nations. A similar provision was there for economic sanctions in the League of Nations Charter against an aggressive party to be applied by the other members; the League Council passed such a Resolution. A similar enactment was not in the statute-book at that time but I remember that the then Finance-Member Sir James Grigg brought forward a measure for imposing economic sanctions against Italy as both parties—Italy and Ethiopia were members of the League of Nations, and the former had started on an aggressive warfare. But things have so changed that in India today, after the 15th August, we have a responsible Government of the people. Under the League of Nations there is a similar provision for economic sanctions, it being obligatory on members to apply them as soon as the League Council passes such a resolution. But there is no such statute authorising it to impose economic sanctions like the present Bill. Previously there was a foreign Government in charge of the administration. We need not hesitate now to empower the present Government with powers to apply economic sanctions as and when necessary. We have heard the Leader of the House tell us how occasions might arise when it may not be possible to approach the Assembly and introduce a particular Bill asking for permission to impose a particular kind of economic sanction. That must be left to the Government for the time being inasmuch as it is open to the House in an open session to take the Government to task if necessary. I am sure the Government will consult the Assembly before economic sanctions are applied. If it is not in session, I am sure the Government will place the matter before this Assembly when it meets for ratification. Whether the Government brings it forward for ratification or not, it is open to the Assembly to express its approval or displeasure and call upon the Government to withdraw these sanctions. It is

in the nature of things that the Government will of its own accord come to the Assembly and explain its attitude when a matter of such serious consequence comes up for a decision and it takes the decision without consulting the Assembly.

Therefore, I thought these safeguards might be introduced, though if the Assembly is in session, the Government will not impose sanctions unless the Assembly is consulted and the vote of the Assembly is taken. If the Assembly is not in session, then immediately on a session being called, the matter must be placed before the Assembly for approval. Unless this is done it will lapse on the expiry of six months. These are the ways in which I wish to restrict the powers of the Government for the good of the country and to see that the vote of the Legislature is taken. Even without such formal amendments to this Bill and directions to the Government, the Government will I hope take steps to consult this House and carry this House from time to time along with it. Therefore, it seems that particular clause for ratification is unnecessary. Mr. Thakurdas Bhargava has given an amendment that this matter should be placed before the Assembly for ratification. I would appeal to him not to press this amendment at this stage.

As regards the last portion of Clause 2 for empowering the Central Government to make provision for the punishment of persons offending against the order, no doubt as the Honourable the Premier in his opening remarks suggested it is normally not a power vested in the Executive. If any particular sanctions are applied, the citizens of India or any other persons may act, in which case, a deterrent punishment may be called for. When we are not having the facts before us it may not be possible to adjudicate what kind of sanctions may have to be applied. Some matters may not require such serious sanctions. Therefore, I consider it would be safer to leave this power in the hands of the Executive to find out and prescribe sanctions in a general way. I am sure the Executive will not abuse its power and would not differentiate between man and man. General orders would be issued about the nature of the sanctions. Such a power was suggested to the Executive under the Defence of India Rules. It may be said that under the Defence of India Act, it was a black Act. Under the Defence of India Rules they were able to prescribe punishments. It might be said we are not in the same situation as when it was necessary to pass the Defence of India Rules or Act. It is not so. This Act will come into operation at such time and circumstances when normally one would expect the Defence of India Rules to come into operation. The Defence of India Rules are usually under contemplation on the eve of war. This will be provided in an emergency. On the other hand in the Articles of the United Nations Charter, Article 41 seeks to apply economic sanctions. If those sanctions do not apply, it will not be a sufficient deterrent. Articles 42, 43 and the following insist upon armed force being supplied by the particular nation. Therefore, as soon as the Government is called upon to take action with regard to the imposition of these sanctions, we must assume that a state of war practically arose, and therefore it is nothing normal. We are accustomed to such rules and such power being vested in the Executive under the Defence of India Act and Rules. When an emergency arises this will take its place. Therefore there is nothing objectionable in the Bill. I commend it to the acceptance of the House.

**The Honourable Pandit Jawaharlal Nehru:** I have nothing further to say.

**Mr. Speaker:** The question is:

"That the Bill to enable effect to be given to certain provisions of the Charter of the United Nations, be taken into consideration."

The motion was adopted.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That in sub-clause (1) of clause 1 of the Bill, the brackets and figure '(1)' be omitted."

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 1 of the Bill, the brackets and figure '(1)' be omitted."  
The motion was adopted.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That sub-clause (2) of clause 1 of the Bill, be omitted."

**Mr. Speaker:** The question is:

"That sub-clause (2) of clause 1 of the Bill, be omitted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That in clause 2 of the Bill, after the words 'make such provisions', the brackets and words '(including provisions having extra-territorial operation)' be inserted."

**Mr. Speaker:** The question is:

"That in clause 2 of the Bill, after the words 'make such provisions', the brackets and words '(including provisions having extra-territorial operation)' be inserted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

The title and the preamble were added to the Bill.

**The Honourable Pandit Jawaharlal Nehru:** Sir, I move:

"That the Bill, as amended, be passed."

May I say in answer to what Mr. Ananthasayanam Ayyangar said about an assurance to the Assembly that it will be consulted before decisions on matters like this are taken, that so far as I am concerned and also so far as the Government is concerned we gladly give the assurance that every matter will be brought before the Assembly at the earliest possible moment. In fact I can hardly conceive of such important matters being dealt with by the Government without frequent and constant reference to the Assembly and I hope that the convention may grow up that at least once in every session the Assembly will discuss foreign affairs in all their aspects. Sir, I move.

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

## INDIAN TRADE UNIONS (AMENDMENT) BILL

**The Honourable Shri Jagjivan Ram** (Minister for Labour): Sir, I move:

"That the Bill further to amend the Indian Trade Unions Act, 1926, as reported by the Select Committee be taken into consideration."

At this stage I do not propose to make any long speech. The present Bill provides that where the trade unions are registered and fulfil certain



conditions they should be recognised. If we were to analyse the number of strikes that we have had we will find that many of the disputes arose out of this question. When the workers organise themselves and present their grievances or demands to the employers, many of the employers are not in a mood to recognise the unions with the result that the relation between the employers and the employees start with some bitterness from the very beginning. The Bill provides that where the unions fulfil certain conditions, the unions should be given recognition by the employers and in case the employers fail to recognise the unions, the unions will have a right to represent their case to the labour courts and the labour courts will force the employers to recognise the unions. No doubt there is some element of compulsion in it but in the interest of the trade union movement in this country it is necessary that the workers are given some protection and that protection is there. *viz.*, that the workers will get an opportunity to conduct negotiations with the employers and settle their differences as far as possible by mutual understanding. The Bill as it stands is no doubt in favour of the working classes to a greater extent but at the same time, we cannot say that it goes against the employers or the industry, because a contented labour force is in the interest of industry as well. So the Bill is not only in the interest of the working classes but it is also in the interest of industry and the employers as well. With these words I commend that the Bill be taken into consideration.

**Mr. Speaker:** The question is:

"That the Bill further to amend the Indian Trade Unions Act, 1926, as reported by the Select Committee be taken into consideration."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

**The Honourable Shri Jagjivan Ram:** Sir, I beg to move:

"That in part (b) of clause 3 of the Bill, in the proposed clause (b)(i) to section 2, in the proposed definition of 'employer', for the words 'a Government in British India', the following be substituted, namely:

'The Central Government or a Provincial Government'."

The amendment is consequential to the constitutional changes in the country.

**Mr. Speaker:** The question is:

"That in part (b) of clause 3 of the Bill, in the proposed clause (b)(i) to section 2, in the proposed definition of 'employer', for the words 'a Government in British India', the following be substituted, namely:

'The Central Government or a Provincial Government'."

The motion was adopted.

**The Honourable Shri Jagjivan Ram:** Sir, I move:

"That for part (d) of clause 3 of the Bill, the following be substituted, namely:

'(d) after clause (k) as re-lettered by this section, the following clause shall be inserted, namely:

"(1) 'strike' has the meaning assigned to it in the Industrial Disputes Act, 1947 (XIV of 1947), 'illegal strike' means a strike which by virtue of any law for the time being in force is illegal, and 'irregular strike' means an illegal strike or a strike declared by a Trade Union in contravention of its rules referred to in clause (d) of section 28D," "

**Mr. Speaker:** The question is:

"That for part (d) of clause 3 of the Bill, the following be substituted; namely:

'(d) after clause (k) as re-lettered by this section, the following clause shall be inserted, namely:

"(1) 'strike' has the meaning assigned to it in the Industrial Disputes Act, 1947 (XIV of 1947), 'illegal strike' means a strike which by virtue of any law for the time being in force is illegal, and 'irregular strike' means an illegal strike or a strike declared by a Trade Union in contravention of its rules referred to in clause (d) of section 23D,"."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 3 as amended stand part of the Bill."

The motion was adopted.

Clause 3 as amended was added to the Bill.

**The Honourable Shri Jagjivan Ram:** Sir, I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in the heading of the proposed section 23B, for the words 'Industrial Courts', the words 'Labour Courts' be substituted."

In the Industrial Disputes Act we have got Labour Courts instead of Industrial Courts. This amendment is necessary to be in conformity with that Act.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in the heading of the proposed section 23B, for the words 'Industrial Courts', the words 'Labour Courts' be substituted."

The motion was adopted.

**Shri K. Santhanam** (Madras: General): Sir, I beg to move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in the proviso to sub-clause (1) of the proposed clause 23B, for the words 'with the High Court' the words 'the Chief Justice of the High Court' be substituted."

Sir, my reason for the amendment is that consultation with the High Court is a thing to be elaborated upon and defined, whether it is to be a majority of the Judges or otherwise. I don't think such elaborate procedure is necessary. Consultation with the Chief Justice should suffice for the purpose. Sir, I move.

**Mr. Speaker:** Amendment moved:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in the proviso to sub-clause (1) of the proposed clause 23B, for the words 'with the High Court' the words 'the Chief Justice of the High Court' be substituted."

**Shri M. Ananthasayanam Ayyangar** (Madras: General): I am surprised at the amendment moved by my friend Mr. Santhanam. I thought he was a greater democrat than any person professing himself to be so. It is unfortunate, I think, that our experience has not been so good as that of Mr. Santhanam. High Court means Judges of the High Court by majority. With regard to the Agricultural Relief Act passed in Madras, due to the whims and fancies of the presiding officer, judgments were coloured in favour of the lenders and the Act which was intended to benefit the borrower was stifled. I am not however casting any reflection against any judge. The Chief Justice might be a gentleman, but he will always choose a man according to his liking. I am not therefore in favour of giving absolute power in the hands of one Judge. After all he cannot escape human nature and his own associations. I think it is better to leave the clause as it stands without any particular amendment.

**Shri K. Santhanam:** Sir, I am not pressing the amendment.

**Mr. Speaker:** Has the Honourable Member leave of the House to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

**Shri K. Santhanam:** I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, for part (d) of the proposed clause 28D, the following be substituted, namely:

'(d) that its rules provide for the procedure for ascertaining the opinion of the majority of the members of the Trade Union before declaring a strike;'"

Sir, the clause as it stands says that the rules provide for the procedure for declaring a strike. This may mean that the Chairman or the President of the executive may declare a strike. So a mere declaration of procedure has no meaning. I have tried to give substance to this clause by saying that the procedure should be for ascertaining the majority opinion of the members. A strike should be declared after ascertaining the opinion of the majority of the members. I hope this amendment will be acceptable to the House.

**Mr. Speaker:** Amendment moved:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, for part (d) of the proposed clause 28D, the following be substituted, namely:

'(d) that its rules provide for the procedure for ascertaining the opinion of the majority of the members of the Trade Union before declaring a strike;'"

**Prof. Shibban Lal Saksena** (U. P.: General): Sir, I am surprised at this amendment by my friend Mr. Santhanam. The reason is probably that he has not been in active labour work. Otherwise he would not probably have put in the amendment. In fact all Labour Unions, when they declare a general strike, have got elaborate methods for ascertaining the will of the members. But if this sort of provision is put into this Bill, for every small strike a referendum will have to be taken. Then probably all trade union activity will come to an end. Most strikes never take place. When the notice of a strike is given, the machinery of conciliation is put into operation, or the dispute is referred to some tribunal by the Government, and the strike never comes off. Lawful and regular strikes, if they are made so difficult as Mr. Santhanam wants them, will become almost impossible. I think the general clause as laid down here is quite good and it does give discretion to the unions to lay down their detailed method of ascertaining the opinion of the members. I do not think any very elaborate declaration should be necessary or will be helpful.

**Mr. Speaker:** The House will now adjourn for Lunch. Discussion will proceed at 2-30 p.m.

*The Assembly then adjourned for Lunch till Half past Two of the Clock.*

The Assembly re-assembled after Lunch at Half past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

**Shri H. V. Kamath** (C. P. and Berar: General): May I request you, Sir, to extend the Lunch recess from 1½ hours to 1¾ hours?

**Mr. Speaker:** The original practice here has been to have an hour and a quarter for Lunch, and I think we better work longer hours. Further it would become too late in the afternoon to carry on after 5 p.m. The Honourable Minister for Labour is not here. The House was proceeding with the Bill further to amend the Indian Trade Unions Act as reported by the Select Committee. Clause 4 was under consideration and the amendment of Mr. Santhanam was under discussion. I believe Professor Ranga wanted to speak before the House rose for Lunch.

**Prof. N. G. Ranga** (Madras: General): Mr. Speaker, Sir, I am inclined to support Mr. Santhanam's amendment, but that is because I am anxious that no union which is interested in deciding upon a strike should be able to do so unless it has the consent of at least a majority of its own members for that strike. Otherwise Sir, it may so happen that a union may be representing only 20 or 50 per cent of all the labour employed in any one concern or industry,

[Prof. N. G. Ranga]

and if you do not provide at least for a majority of its own members to decide in favour of a strike, it would mean that the decision in favour of a strike can only represent a tiny minority of the total number of the workers employed in the concern or industry. We want to safeguard ourselves against such a contingency, but at the same time some of my friends brought to my notice one other difficulty and that is a union may not be representing the labour in any particular concern but in a number of concerns for a particular industry and if you were going to insist that all its members who are employed not in any particular concern where there is going to be a dispute, but in all other concerns where there is no difficulty at all and no dispute at all, then it may mean that an unnecessary amount of trouble may be caused to all those other people who are not interested in it at all. I do not think it is such a very relevant or insuperable difficulty because any strike, if it is to be a success, should first of all evoke the sympathy and support of the general body of the workers employed in any one industry, and if those people employed in other concerns where there is no difficulty at all are also of the opinion that in the particular concern under question there are such troubles caused to the workers that they should be helped to go on strike, then such a strike is sure to be a success because it is sure of the sympathy and support of all the workers in the other concerns.

**An Honourable Member:** Sir, the Government is not represented in this House and I rise to a point of order whether we can in such circumstances proceed with the present discussion.

**Mr. Speaker:** There is somebody on behalf of Government taking notes and the Honourable Rajkumari is here. The Honourable Member may proceed.

**Prof. N. G. Ranga:** Therefore I do not think it is such an insuperable difficulty. I find this particular amendment has a special virtue of its own. Supposing a union which represents only 5 per cent or 10 per cent. of all the workers employed in any one industry—and that is so in the case of a large number of unions in our country—has this in one of its rules that if a majority of its working committee were to decide in favour of a strike, it should be empowered to go on strike, then I am afraid it is going to be an untenable position. Therefore, it is most essential that Government should stipulate the rules subject to which alone any union should be empowered to go on strike. Now it may be argued why not leave it to the Government then to make rules? Why stipulate this condition here alone? My answer to that question is this: that it is better to place on the statute the provision that until and unless the majority of the members of any particular union which wants to go on strike agree to that strike and to that decision, there should not be any strike, so that that strike can be sure of success. I do not think it needs very much argument. The only thing I wish to assure my friend who was opposing it in the morning is that some of us also have had some experience in organizing and running these unions and we know only too well that no decision is so popular with many unions—not with all, I do not even mean to say with a majority of the unions—as to go on strike because there are so many difficulties at any time that the workers are suffering from that if only their leaders could agree among themselves to advise the workers to go on strike, there will always be a certain amount of support for that suggestion to go on strike. We want to guard ourselves against such snap decisions. It is for this reason, Sir, that I am more in favour of this amendment than in favour of the points raised by my honourable friend this morning.

**Shri Khandubhai K. Desai (Bombay: General):** Mr. Speaker, Sir, on the amendment just moved by my honourable friend Mr. Santhanam I would like to offer a few observations. The amendment appears to have been moved through some misapprehension. The Select Committee's Report is very clear on the point. The condition precedent to the granting of recognition is that it provides for the procedure for declaring a strike. I think that should be enough. A union can only be recognised if it has got in its rules certain procedure for

the procedure for declaring a strike. I think that should be enough. A union can only be recognised if it has got in its rules certain procedure for declaring a strike. Let that be left to the union and if in the course of working, it is found that the rules are abused, or the right that has been given is abused, then it may be a matter for amending the legislation in future.

Assuming the amendment is accepted, what will be the result? Say in a City like Bombay or Ahmedabad, there are very large industrial unions with membership ranging from forty to fifty thousand. Suppose there is a dispute in a particular mill on which the union decides—or the workers of that particular mill decide—that there should be a strike, to go and get the opinion of the majority of the members means that out of 50,000 members at least more than 25,000 should vote for the strike. I think instead of preventing a strike this procedure might mean that you might give a handle to foment a general strike. So I would very strongly urge my friend on this side to withdraw his amendment and not press for it.

**Shri T. A. Ramalingam Chettiyar (Madras: General):** Mr. Speaker, Sir, I for one am with Mr. Ranga on this question. Sir, the immediate past has shown us that strikes are resorted to for reasons and for no reasons. Any personal misunderstanding brings out a strike and there are such a large number of strikes that one does not know what the position of Industry is going to be in the future. Production has gone down very low and the situation is very critical. So it is up to everybody, Sir, who feels any responsibility about the future of our country to see not only that the labourers get their due but also that they realise their responsibility and they do their duty. What now happens is a Secretary or a President of a Union, when he has got a quarrel with the management, at once calls off and there is a strike; it goes on sometimes to the benefit of the labourers and very often to their detriment. Without any sense of responsibility this sort of thing is going on. So, Sir, if there is a ballot taken among all the persons who are likely to be affected and if there is a clear majority for a strike nobody objects that there may be a strike. But without it, to commit the labourers who are mostly ignorant and who are easily taken in by scheming men who force them into a strike, seems to me to be not doing any kindness to labour at all. If we are going to help labour, it should only be by adequate legislation which will really give power to labourers themselves and not to one or two people who may have their own axe to grind. So it is in that sense and in the interests of the country that we should avoid very hasty strikes and the resultant economic dislocation. Sir, I support the amendment moved by Mr. Santhanam.

**Shri Ajit Prasad Jain (United Provinces: General):** Mr. Speaker, Sir, as I listened to the speeches made in favour of the amendment, I felt that most of the speakers have hit beyond the mark. An examination of this Bill will show that a trade union can be recognised by the employer irrespective of the fact whether it lays down any procedure for going on a strike or not. So the main argument that the strike should not be resorted to in an irresponsible manner falls to the ground. It means that if a trade union is recognised by an employer of his own accord then the rules may or may not contain any condition prescribing the procedure for going on a strike. But if on the contrary, out of cussedness or for any other reason, the employer refuses to recognise the union by private negotiation and a trade union has to take the assistance of a court, then in that case clause 28D lays down that one of the conditions of the recognition would be that the rules must provide for the procedure for declaring a strike. A look at the heading of Section 28 D clearly indicates that this clause lays down conditions for the recognition by order of a labour court. Thus general and sweeping criticism that the amendment of Mr. K. Santhanam will provide against hasty strikes does not hold water.

[Shri Ajit Prasad Jain]

Then, Sir, a look at clause 28F will show that the executive of the trade union has been vested with considerable powers. It can enter into negotiations about conditions of employment or non-employment or the terms of employment or conditions of labour of all or any of its members. India is a vast country. Labour conditions vary from place to place. In certain places the executive may be a very fully representative body and it should be very hard that we should be laying down any hard and fast majority rule by an enactment. I have known of some of the trade unions which lay down that a strike would be resorted to only when three-fourths of the members of the trade unions poll for a strike. Now an amendment of that nature rules out even a condition like that. I think that in a vast country like ours there must be considerable flexibility. We should not lay down any hard and fast condition. The clause as it stands, namely that the rules must provide a procedure for declaring a strike before a trade union could be recognised through a labour court is, I think, a sufficient safeguard and any more tampering with or narrowing down the liberty of the labourers would hamper the growth of trade union movement. I wish, Sir, that we should not behave in the manner of the old mother-in-law who lays down too many "Do this, Don't do that". It is a question which deals with the welfare of labour and since we want a strong and healthy labour movement to grow in this country I think it would be inappropriate to lay down too many conditions which may hamper the growth of a free and healthy trade union movement. With these few remarks I oppose the amendment of Mr. K. Santhanam.

**Diwan Chaman Lall** (East Punjab: General): Sir, the time of the House is precious and I do not want to waste much of it. The amendment which has been moved by my Honourable friend has apparently been conceived in a mood of thoughtlessness. The objections to this particular amendment are not only based on principle but also on procedure. I would like, first of all, my Honourable friend to look at the terms of his amendment. It says that "the rules of a trade union, before the trade union can seek and obtain recognition through a labour court, shall provide for the procedure for ascertaining the opinion of the majority of the members of the trade union before declaring a strike". Now, I want my Honourable friend to regard the words that he has used and to analyse them. As it is, a trade union declares a strike after wanting to obtain the opinion of its members. According to my Honourable friend's amendment, it must obtain the opinion of the majority of the members. Suppose only 30 per cent. of the union members vote in a strike ballot and 70 per cent. do not vote, then what happens? According to my Honourable friend, although there may be unanimity of opinion regarding the 30 per cent. who have actually participated in the voting, yet the strike cannot take place. You must compel, according to this amendment, the majority of the members to declare their opinion. Therefore 51 per cent. must declare their opinion before you are able to declare a strike. If I call for a strike ballot and only 30 per cent. of members participate in that ballot and all the 30 per cent. are in favour of the strike, even that verdict will not be accepted if this amendment is adopted.

**Shri K. Santhanam**: On a point of explanation, Sir. The words are: "the procedure for ascertaining". Whether they vote or not is not mentioned there.

**Diwan Chaman Lall**: "Procedure for ascertaining the view"—How are you going to ascertain the view or opinion except by getting 51 per cent. to declare it? I would like to know how otherwise it is possible to get them to declare their opinion. As I said, my Honourable friend has not really thought carefully over this particular matter. What he has really thought about is that he wants—and quite rightly in a democratic age,—that the majority should be allowed to declare their view, but this amendment does not cover that. Nor does it cover another important point.

Here we are dealing, as one Honourable Member has stated, with recognition not between a union seeking recognition from an employer of its own

accord but with one where a dispute has arisen and the employer refuses to grant recognition to its union. My Honourable friend ought to remember that many a strike has taken place in this country on this very basis of the employer refusing to grant recognition to a particular union, and it is for the purpose of facilitating the grant of that recognition that the Honourable the Labour Minister has provided for a particular procedure for going before the law court. All that is needed is that the union that seeks recognition must be a registered union. It must have its own executive properly elected and it must have a particular procedure laid down according to the exigencies of the situation regarding the ascertaining of the opinion of its members in the case of the declaration of a strike. That is all that is necessary. My Honourable friend speaking on behalf of the employers found himself in the circumstances of adversity in company with my Honourable friend Prof. Ranga and went beyond the point in trying to emphasise the necessity of preventing strikes. He has used certain expressions which, I am quite certain, that in sober moments when he thinks about this proposition and regards the dignity of labour, the great necessity of organising labour, he would not employ. One of the expressions was "labourers led by scheming men who force them to a strike". Now, may I ask my Honourable friend when he expatiated on the evils of a strike 'led by scheming men' and when he said that it caused great hardship, did he not realise that no scheming man can keep men out of work and out of food and out of shelter not only for themselves but for their families, their wives and their children unless the men themselves are so hard hit that they must necessarily back the strike men? (*An Honourable Member*: They can do so by going on strike). Going on strike is not such an easy matter as my Honourable friend considers. Even last year when we were faced with a general communication strike it was the general body of the workers which prevented the strike. There were leaders who believe, not because they were scheming men but because they honestly believed it that it was right for them at that particular moment to go out on strike and yet the general body of the workers stood firm and did not go out on strike. My Honourable friend must consider that these judicial things are not going to prevent strikes.

But there is another aspect of this subject. It was referred to in general terms by another speaker. If we are going to deal with this matter in a proper manner, we must understand the particular structure of a trade union today. Trade unions in India are of various kinds. There are the particular occupational unions engaged in one particular industry or one particular factory. There are Federations of unions and combinations of unions. Now it is obvious that these little unions may form themselves into Federations as they have done in India in many places. According to this amendment if it is passed, it will be essential and necessary for the entire Federation to be involved in a particular local strike. A group of machine-men in the Government of India Press got out on strike over an absolutely local grievance, but if you accept this amendment, you will be compelling the entire Federation to go into action and instead of localising that particular strike to the machine-men, you will be involving every Government of India Press in that particular strike. I submit, first of all, that this amendment should not have been placed in this clause which seeks to obtain recognition through the agency of the Labour Court for the unions which are denied recognition by my Honourable friend's colleagues—the employers, and secondly, that it is a very dangerous principle to import into the recognition of a particular trade union. It may have most exceedingly adverse effects instead of the beneficial effects which my Honourable friend the Mover of the amendment contemplates. Therefore, Sir, I vehemently oppose the amendment both on principle and on matters of procedure.

**Mr. B. K. Sidhwa** (C.P. and Berar: General): **Mr. Speaker, Sir, the Select Committee Report on this Trade Union Bill is really very important. Unfortunately, Sir, all of us, new members, are at a disadvantage in not studying it thoroughly well and sending certain amendments, as Bills and copies of Select Committee Reports were received by us only yesterday. I do not want to make a grievance of it, but those of the Honourable Members who were old members have had the advantage of studying the Bill itself and the Select Committee Report. I do not want to say that they have not given due consideration to the conditions that exist in the country today as far as industrial labour is concerned.**

Sir, let me tell you as far as the conditions of labour are concerned they are changing every day and this report which has been submitted and probably considered, a few months ago will have to be radically changed if it was to be considered to-day by the Select Committee. I am sanguine that in the next Budget I won't be surprised if some other important changes are to be brought

if the Select Committee passes it as it is. Well, Sir, whatever it may be the Select Committee's report is before us and we are considering this and this particular aspect of this clause which is under consideration, I am very very strongly opposing the amendment moved by Honourable Mr. Santhanam. Mr. Santhanam's amendment wants to stiffen the rights of the labourers as far as the question of strike is concerned. It is very clear from it that he wants the majority decision of the members, the total number of members, not the total number of members present at the meeting. It makes a world of difference and those who are interested in labour affairs they know that when a question of strike comes in they come in very large number. It is up to the trade unions to make what rules they like. Some I know are interested in the trade unions. Some make two-thirds majority, some three-fourths majority and some a bare majority. They are themselves very mindful of it. They are very particular that the strike weapon is not to be used lightly. Let me tell you, Sir, that there is a wrong belief that the question of strike is treated lightly. That conception is wrong. The heads of the labour unions know their responsibility and before taking a decision they thoroughly go into the matter and before they allow the labourers to take a decision on the strike they put all the *pros* and *cons*, the result of it and the consequences of that strike if it comes up and then eventually when they feel that a strike is an absolute necessity then they allow it to go on. Therefore to bring an amendment that only those unions who shall declare by a majority shall have the right of recognition is wrong. Sir, my view of recognition is absolutely different. I will come when the section B clause comes in. When the union is registered under the Trade Union Act, when all the provisions of this Act have been fully fulfilled by the labourers and is duly registered and its number is given by the Government. I see no reason why it should not be automatically recognised by the employers. That is our grievance, Sir and that would be in accordance with changed times. Sir, that will be a real and a modern measure in the interests of the labourers. I endorse what as my Honourable friend Diwan Chaman Lall stated there have been strike when employers refused to recognition. Notwithstanding every requirement being fulfilled they refuse to recognise the union and the consequence have been strikes. We want to prevent that. The Government must realize that today. Before a union is registered the Registrar scrutinises each and every clause—several clauses there are in one of the applications which is submitted to the Registrar for Trade Unions—many times he returns to the trade union officials if one mistake is made and I know in some instances these returns are returned half a dozen times to fulfil the requirements. After having done that I fail to understand why the employers should come in the way of the labourers by merely stating that they do not recognise because they consider it beyond their dignity to sit by their side and discuss labour



problems. It is the co-operation that is wanted by the labourers with the employers. Several unions are working successfully by co-operating with employers. Some of the employers are very good and the recognition of the trade unions is done in an automatic way. But there are yet many who do not show these views. Those people should be taught a lesson. They are responsible for the breakdown of the social structure and not only that particular union and that particular factory suffers but it has an adverse effect upon other allied industries. Government, therefore, should see to it that they are automatically recognised after the registration, if they want to avoid such strikes. I am clamouring for this right of recognition for the last nine years whenever I had an occasion to do so, but in vain. Sir, therefore, I do submit that the Honourable Minister in charge of this Bill shall have to reconsider this matter if he really wants to avoid strikes. If the strike is to be avoided then the real method is the recognition of the union after it is duly registered. There should be no kind of interference by the employers and there should be no quibbling on this matter by the employers. They must see that the process goes through and therefore, Sir, I strongly oppose the amendment. I am rather surprised that Mr. Ranga who professes to be a champion of the labourers and agriculturists—he represents labour and presides over all India functions of the industrialists and he goes to the International Labour Conference—and he wants to curb the rights of the labourers.

**Prof. N. G. Ranga:** Certainly not.

**Mr. R. K. Sidhwa:** What is it then. You want them to do certain things which is certainly against their right and their privileges. Show me any rule which is extravagant or rules which are going quite contrary to the provisions of the ordinary strikes. You have the experience in this matter. Can you show me any union where such a rule exists. You will not, I am sure. I can show you a number of such unions which have got two-thirds majority. Therefore, Sir, with these words, I strongly oppose the amendment.

**श्री गोपीकृष्ण विजयवर्गीय :** श्रीमान सभापति जी, मैं इस अमेंडमेंट का विरोध करने के लिये खड़ा हुआ हूँ। देशी रियासतों में हम इसका अनुभव करते हैं कि मिल मालिक लोग अकसर मजदूरों का संगठन बनाने के काम में बहुत अड़ंगे लगाया करते हैं। आज कल जब कि देश स्वतंत्र हो गया है और अब मजदूर किसानों का राज्य होना चाहिये जब कि इस देश में अधिकांश लोग श्रमजीवी हैं। ऐसे समय में किसी ऐसे अमेंडमेंट या कानून का पास होना जिससे कि मजदूरों पर ज्यादा बंधन लगाये जाय, बहुत ही अनुचित है। मैं समझता हूँ कि दिन प्रति दिन अब ऐसा समय आगया है कि हमको समाजवाद की तरफ जाना चाहिये और श्रमजीवियों को ज्यादा ताकत देनी चाहिये। यह बड़े अप्सोस की बात होगी कि इस असेम्बली के द्वारा एक ऐसा कानून बनाया जाय और मालिक लोग उसका बेजा फायदा उठायें और इस असेम्बली के मेम्बरान की राय से मजदूरों पर बंधन लगाने वाले कानून बनें। इसलिये इस अमेंडमेंट का विरोध करना बहुत जरूरी है। यह कहा जाता है कि बार बार *Lightening strikes* होजाती है और मजदूर बहुत आसानी से (*strikes*) कर डालते हैं। दीवान चमनलाल ने बतलाया कि हड़ताल करना बहुत मुश्किल होता है आसान काम नहीं है। हड़ताल

करके अपने बच्चों को भूखा मारना बहुत मुश्किल है। ऐसी परिस्थिति में हमको यहां इस अमेंडमेंट को कभी मंजूर नहीं करना चाहिये और इसका हर एक मेम्बर को विरोध करना चाहिये।

*(English translation of the above speech.)*

**Shri Gopikrishna Vijayavargiya** (Gwalior State): Mr. President, I rise to oppose this amendment. We in the Indian States apprehend that the mill-owners generally create many obstacles in the formation of labour union organisations. Now when the country has achieved its independence there should be a government of labourers and agricultural workers—there being a great majority of people in this country who are labourers. At the present moment it would be quite improper to pass any legislation or amendment which may tend to impose more restrictions on the labour organisations. I think that time has come now when we should move day-to-day towards Socialism and thus add to the strength of the labourers. It is a matter of deep regret that such a law should be made by this Assembly which would be misused by the employers. And this would result in the passing of legislation imposing restrictions on the workers with the consent of the members of this House. Therefore then it is very imperative that the amendment should be opposed. It is said that there are frequent "lightening strikes" and labourers resort to strikes very easily. Dewan Chaman Lall has stated that it is not an easy job to go on strike. On the contrary it is a difficult task. It is very difficult to starve one's children by proceeding on strikes. Under these circumstances we should not approve this amendment here and every member should oppose it.

**Shri H. V. Pataskar** (Bombay: General): I have listened to the debate which have gone on in respect of the simple provision which is proposed to be introduced. I may first of all point out that if we went through the report of the Select Committee, then it is clear that this provision does not affect the question of recognition by mutual agreement. Therefore, as recognition could be had by mutual agreement between the parties the point would only arise when the matter comes to the labour court as a result of no agreement between the employers and employees regarding such recognition. The provision in this Act is that "Before a trade union shall be entitled to demand recognition by order of the labour court under section 28C, it must fulfill certain conditions" and one of the conditions is that it must make rules providing for the procedure for declaring a strike and I think that this is good enough in itself. For instance, whenever the rules are going to be framed by any union normally they would make a provision that its decision was arrived at not by the Chairman or by anybody else but by a majority of the members. What procedure in this connection should be followed and how it should be arrived at are matters of detail which need not be gone into at the time when such a provision is being made in the Act itself. The principal idea and motive underlying Mr. Santhanam's amendment is probably this that strikes may not take place unnecessarily. (But I think his amendment goes into needless details which might create unnecessary complications. The provision as it stands is simple enough. What is to be seen is whether there is proper provision for declaring a strike; and we would normally expect that any trade union in making provision for such procedure would make rules which are sound and good. It may be another thing when the matter goes to court, but before that we expect that the pro-

cedure provided for will be for the good of all parties. The whole trouble is due to the fact that there is a good deal of mutual distrust between the employers and the works, and therefore the discussion has taken two extreme forms. So far as the object of this legislation is concerned I think the provision is quite simple and I think it only means that there should be some procedure for declaring a strike. We should presume that the procedure for declaring a strike would be a normal procedure, and it would prescribe that only if the majority of the members of the union wishes to go on strike then alone a strike can be brought about. Whether the authority in this regard should be with the Chairman or there should be some other method of ascertaining the wishes of the members of the trade union is a matter of detail in which I think we need not go. I therefore, think that the provision is quite good for the purpose for which it is intended, and the more we go into greater details, the more trouble we are likely to create and there will be greater misunderstanding between the two parties.

**The Honourable Shri Jagjivan Ram:** Sir, I sympathise with my Honourable friend Mr. Santhanam and I have every sympathy with the object with which he has moved this amendment. But I am afraid the purpose which he has in view will not be served if his amendment is accepted. I quite appreciate his anxiety that whenever any strike is to be started the majority of workers in the factory or industry should support the strike. But I am afraid that by making this provision that purpose is not going to be served. Suppose in a union the membership consists of 15 per cent. of the workers employed in the factory or industry; if a majority of this 15 per cent. has to decide whether a strike is to be declared or not, it will mean that if only eight per cent. decide to start a strike it will be started. That will defeat the very purpose that Mr. Santhanam has in view. There will be other complications as well which have been elaborately discussed by so many speakers. The provision is very simple; it provides that in the constitution of the union a provision is to be made as to how a strike has to be declared. And I think the labour court while granting recognition to the union will take into consideration all these factors. I may point out to Mr. Santhanam that this is only for such cases as are referred to the labour courts; it does not come in where there is voluntary recognition by the employers. And I think in this view of the matter he will withdraw his amendment.

**Shri K. Santhanam:** Sir, I beg leave of the House to withdraw the amendment.

**Mr. Speaker:** Has the Honourable Member leave of the House to withdraw his amendment?

The amendment was by leave of the Assembly withdrawn.

**Shri K. Santhanam:** Sir, I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in part (f) of the proposed clause 28D, the words 'and has been for at least six months prior to the date of the application to the Labour Court for recognition' be omitted."

Sir, I am afraid many of my Honourable friends have got a notion that I am against the trade union movement or that I want to make things harder for the workers. But it is just the reverse and my amendments will show that I am trying to make the Bill more consistent, precise and practical. In the report of the Select Committee the minority has rightly urged that this period of six months is wholly unnecessary and there should be recognition of trade unions already registered if they fulfil all these other conditions laid down in this clause. If the court finds that all these conditions are satisfied I do not see any necessity for insisting that it should be six months old. Sometimes in times of stress unions are properly formed and organised and to recognise them may be the best way to avoid an industrial strike, and therefore we may leave it to the court. I do not see why after registration this

[Shri K. Santhanam]

long delay is insisted upon. I hope these amendments of mine will convince my Honourable friends that my intention is to help the workers against their own minority who want to drag them into strikes, and in other cases against employers who deny them their rightful privileges. Sir, I move.

**Mr. Speaker:** Amendment moved:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in part (f) of the proposed clause 28D, the words 'and has been for at least six months prior to the date of the application to the Labour Court for recognition' be omitted."

**Prof. Shibban Lal Saksena:** Sir, I congratulate my Honourable friend Mr. Santhanam on having brought forward this amendment. Unfortunately, as has been pointed out, we received copies of the Bill and the Select Committee report only this morning and we have had no time to give notice of amendments and we are thankful to Mr. Santhanam for giving this amendment. He has pointed out that after all the conditions are fulfilled there is no sense in giving six months' time to the employer to recognise a union. As one with experience I may say that if this condition is there the whole purpose of this Bill will be frustrated. This Bill relates to recognition to trade unions. If we read the whole Bill we will find it difficult to say whether labour has gained by it more rights or has incurred greater liabilities. Mr. N. M. Joshi who was a member of the Select Committee has observed that perhaps the advantages to labour accruing out of this Bill do not outweigh the disadvantages. If this provision about six months' time is insisted upon and the only right which a union gets after recognition is the right to receive replies to its letters from the employers, I do not see any use in the time of this House being taken up over this discussion. At present when no such Bill is in existence, the unions which are not recognised carry on negotiations with the employers; they make settlements and bargain with the employers. If the Bill is passed, the employers will stop taking any notice of the unions and they will stop replying to them; they will only say that you must get recognition first. If a union is registered say, for one month and satisfies all these conditions for recognition and still has to wait for five months more, the result will be that in spite of the fact that it represents 90 per cent. of the workers they will neither deal with it nor correspond with it. Thus the whole purpose of the Bill will be frustrated if this condition is imposed. Mr. Joshi has suggested that once a union is registered it should be entitled to be recognised and the other conditions which are being imposed should not be there. But if they are retained that is sufficient reason that no further delay should be caused in the recognition of a trade union after a trade union is registered and satisfies these conditions. Then there is the Labour Court. It is supposed to be composed of eminent persons. If in their collective wisdom they decide that a union satisfies all the conditions laid down by law and will genuinely serve the workers, then there is no sense in delaying its recognition. I hope, therefore, that the Honourable Minister will consider seriously whether by insisting on the retention of these words which Mr. Santhanam has asked to be deleted, he will not be frustrating the whole purpose of the Bill. I therefore request the House not to agree to the retention of these words. You have said that the unions will be recognised if they are representative of all the workers, if they have a procedure for declaring strikes and if they have an executive committee which meets at least every six months. I do not see then why further six months must pass after registration for the recognition of such a union. It is only when every condition is satisfied and when the inspectors have inspected all the registers that unions can get registration. If this Bill is passed today, all the unions which are functioning and which are responsible for much of the industrial peace in the country, will become useless. The employers will say, "We will not deal with you until you get recognition" and

the whole of the present machinery will be upset. Labour will take the law into their own hands and they will go on strikes for the continuation of their existing privileges. If the Honourable Member is really in earnest that there should be industrial peace and that unions should be recognised, he should accept this amendment of my friend, the Honourable Mr. Santhanam.

**Shri Jagat Narain Lal** (Bihar: General): Unfortunately I do not see eye to eye with the Honourable Member Mr. Saksena who has just supported the amendment. I stand for the sub-clause as it is. As the Bill has emerged from the Select Committee, they have been well advised in putting this condition. The reason is that a trade union should be of some standing before it can claim recognition. Any trade union worth its salt, any trade union which has strength behind it, is bound to be recognised by an employer. Mr. Saksena evidently is wrong when he says that if this clause is accepted, all trade unions which are in existence will be defunct because employers will refuse to recognise them and they will have to wait for six months. I hope he knows that any labour union which has strength behind it is bound to be and already stands recognised by an employer. In any field where factories exist and labour work, often more than one labour union comes into existence. Several labour unions established by different organisations can come into existence at one and the same time and it is very necessary that labour unions should be allowed to develop strength to a certain extent. Any trade union which has become registered will require some time before it can send its application. It will naturally ask the employer for recognition. There may be correspondence. All that is bound to take a month or two and then there will be time for it to approach the labour court. Therefore, Government in putting this condition that a trade union should be registered six months before it makes that application have acted rightly and this condition ought to be insisted upon by Government before it can ask any employer to give due recognition to a trade union. Therefore, I support the sub-clause.

**Mr. E. K. Sidhwa** (C. P. and Berar: General): I would be inconsistent if I opposed the amendment of my friend, Mr. Santhanam. It is a well-thought out amendment and it should be supported by the House. My Honourable friend, Mr. Saksena, has made out a very good case in support of this amendment. After all, the union having been duly registered, why should it be held over for six months? Therefore, as we are aspiring at a future date by another amendment to be brought by the Honourable the Minister to amend this clause automatical recognition after registration—I feel that this is a very happy amendment and it must be accepted. I do not want to say anything more on this matter because the amendment itself is very self-explanatory and I see no reason why it should not be supported by the Government. The Honourable the last speaker's argument did not appeal to me. It may be advantageous to the employer as he rightly remarked for waiting for six months, but what is the advantage to the employer by allowing the union to wait for six months. That he has not narrated. On the contrary the irritation between the employer and employee will increase within that period and the justification for a strike will grow and they will affect very many other institutions. Therefore, as it is stated in the amendment, it is very necessary that this sentence should be removed from the original draft. I therefore support the amendment.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): I am in entire agreement with my honourable friend and the mover of the amendment that these labour unions must be recognised as early as possible. But they have ignored the later provision in 28(E) "Where a registered Trade Union having applied for recognition to an employer has failed to obtain recognition within a period of three months from the date of making such application....."

[Shri M. Ananthasayanam Ayyangar]

After its registration, three months are allowed for an employer to find out whether it is a union which has to be recognised. Thereafter there are only three months more and the union can apply to a court for recognition. Do my friends want that no time should be allowed to the employer and that as soon as it is registered the employer must recognise the union? On the other hand, they are agreed as set out in 28E that some time must be left for the employer to recognise a union. If those three months are left, as we contemplated, we have got three months more after the refusal by an employer and before an application is made. Does my honourable friend say that the latter three months period is too long and therefore ought to be curtailed? Or, the moment some rejection letter is received from the employer immediately they must rush to a Court? Though there must be sympathy for the labour union, it is really out-doing its local conceptions. I am afraid there is no benefit to labour at all. If my honourable friend thinks that six months is too long, should that be reduced to four months? I do not agree with this on principle, but there must be some time lapsing between one application and another. Therefore, Mr. Santhanam should consider whether it is worth while pressing the amendment.

**Shri Ajit Prasad Jain:** Sir, from the trend of the speeches opposing the amendment it appears that some of the Honourable Members think that the strength of a union arises from the duration that it has been in existence and not from its membership. Clause 28E lays down that one of the conditions for recognition of a union by an order of the Court is that it should be representative of all workmen employed by the employers. That makes it abundantly clear that no trade union which does not enjoy representative character and the confidence of the employees can be recognised by a court of labour. If you look at the opening paragraph of section 28E you will see that first the trade union has to apply to the employer for recognition and if for three months the employer does not give the recognition to the union, the union gets the right to apply to the court of labour for recognition, that is for compulsory recognition on the fulfilment of the conditions laid down under section 28D. The clause under discussion, *viz.*, sub-clause (f) of clause 28D prescribes a further period of apprenticeship of six months after which a trade union can be recognised by a court of labour. I fail to see any reason why this double period should be laid down. It stands to reason that an employer should be given a reasonable time during which he may decide whether or not he should voluntarily recognise the union but then to lay down a second period of apprenticeship appears to be an anomaly. It is open to the employer to recognise the trade union on the first day of its inception. As for the status and position of the trade union sufficient provision has been made in clause 28D before it can be recognised through a labour court and as such I do not see any force in the argument that clause (f) should be retained in this Bill.

**The Honourable Shri Jagjivan Ram:** Sir, I feel inclined to accept the amendment and therefore I do not propose to make any speech.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in part (f) of the proposed clause 28D, the words 'and has been for at least six months prior to the date of the application to the Labour Court for recognition' be omitted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in sub-clause (3) of the proposed clause 28E, for the words 'is entitled to recognition by the employer under this section', the following be substituted, namely:

'has fulfilled all the conditions for recognition set out in section 28D'."

This is only to clarify section 28E, sub-clause (3). The words "entitled to recognition by the employer" involves not only the satisfaction of the conditions of section 28D but the court will be free to insist on other conditions not mentioned. I do not think it was the intention of the Select Committee that further conditions should be insisted upon and therefore the minority report have suggested that this might be clarified. I am doing so accordingly.

**The Honourable Shri Jagjivan Ram:** Sir, I do not accept the amendment.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in sub-clause (3) of the proposed clause 28E, for the words 'is entitled to recognition by the employer under this section', the following be substituted, namely:

'has fulfilled all the conditions for recognition set out in section 28D'."

The motion was negatived.

**Shri K. Santhanam:** Sir, I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in sub-clause (2) of the proposed clause 28F, for the words 'arrived at' where they occur for the second time, the words 'intimated to the executive' be substituted."

The time between intimation and when the conclusion is arrived at is rather indefinite and there may be a long interval between the arrival of a conclusion and the intimation to the executive of the trade union. Therefore the proper time must be only the time when it is intimated. So I move the amendment.

**The Honourable Shri Jagjivan Ram:** Sir, I accept the amendment.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, in sub-clause (2) of the proposed clause 28F, for the words 'arrived at' where they occur for the second time, the words 'intimated to the executive' be substituted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, after the proposed clause 28F, the following new clause be inserted, namely:

'28F (A). The executive of a recognised Union shall be entitled to—

- (i) display notices of the Union within the premises where its members are employed;
- (ii) collect subscriptions from its members within such premises; and
- (iii) make through Union representatives personal investigation regarding complaints of its members by going within the premises of the establishment;

and the employer shall make reasonable arrangements for all these purposes'."

The reasons for this amendment are given in the minority report of the Select Committee. I understand that there is some opposition to this amendment. I suggest that each of the clauses may be put separately, so that those clauses which are practically non-controversial, as for instance clause (1) may be adopted. I do not think there can be any objection for the employers being asked to allow the union executive to display its notices within the premises: otherwise how are members to know what the union has decided? It is the most convenient way. I think it is quite necessary and is a reasonable thing.

[Shri K. Santhanam]

As for collecting subscriptions, there may be difficulties. If the general opinion is that it is not desirable, I should not like to press it.

As for the third clause, I think it is quite necessary, because if there is no such provision for investigation within the premises any allegation by the worker will be believed by the trade union and it may become the beginning of a strike. Therefore it is good in the interest of the employer to allow the accredited representatives of the trade union within the premises of the establishment and investigate. If that is done, I am sure in 99 cases out of 100 they will find that the mistake was with the complaining labourer and thus many causes of misunderstanding between the employer and the workers will be removed. I think this is as much in the interest of the employer as of the worker and I hope sub-clauses (i) and (iii) will be accepted and if there is any difficulty about sub-clause (ii) I am quite willing to drop it.

**Mr. Speaker:** Amendment moved:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, after the proposed clause 28F, the following new clause be inserted, namely:

28F (A). The executive of a recognised Union shall be entitled to—

- (i) display notices of the Union within the premises where its members are employed;
- (ii) collect subscriptions from its members within such premises; and
- (iii) make through Union representatives personal investigation regarding complaints of its members by going within the premises of the establishment;

and the employer shall make reasonable arrangements for all these purposes."

**Shrimati Renuka Ray (West Bengal: General):** Mr., Speaker, Sir, I fully support this amendment. I should first like to say that the Members experience a little difficulty because these Bills were only sent to us this morning and unless my honourable friend Mr. Santhanam had brought these amendments and thereby helped many of the Members, these matters may have gone by default.

I think that the purpose of this Bill, which is the growth of healthy trade unionism in this country, will to a large extent be lost if these provisions are not there. I do not think I need recapitulate the fact that trade unionism in this country is not only weak but is hardly existent in many types of employment. It is true that in recent months there has been an increase in the tendency for strikes amongst labour which is well organised. But we should not forget that so far as the vast number of labourers are concerned they are extremely ignorant, unorganised and fully exploited by the employers. Take for instance the employment in tea plantations. Tea plantation labour, as the House knows is one of the most exploited types of labour. In such cases it is not possible to start trade unionism at all unless some such provision is put into the Bill. From my own experience I should like to say that about a year ago I went down in Assam with some other members on an investigation of tea plantation labour in Assam. Before we went into this area we had first to ask the tea planters Association for permission to go to these gardens and we were asked whether we had come on behalf of the Trade Union Congress. As we were going as social reformers we were given permission without any difficulty into these tea gardens in Assam. But the point remains that had we been going for the purpose of starting trade unions, however good they might have been from the point of view of the employees, and employers and the country in general we should have failed to obtain permission. Of course when we went there we tackled the tea plantation garden managers about this and we were put off with the excuse that irresponsible persons not really interested in the healthy growth of trade unionism who came were not really interested in the welfare of the tea plantation labour, and so they had to be careful. This is merely one example and the same thing is true of many other types of employment. We should bear in mind when we think of a Bill like this coming into effect,



that it is not only the case of the labour where it is fairly well organised but the case of labour where it is still unorganised, to which we must direct our attention. In the later case it will just not be possible to have trade unions at all unless these provisions allowing facilities to trade union workers to enter premises and post notices and investigate conditions are embodied in this Bill, it will not be possible for trade unionism to grow properly in this Country. There is no point in a lengthy speech, as I feel that such a provision will and must be accepted even by such employers who desire the welfare of their labour. Organised and better informed labour will also lead to more efficient labour, and ultimately help national development in its many and varied aspects. These provisions are in keeping with the spirit of the objects and reasons of this Bill. I particularly wish to support the amendment and I hope the House will also support it.

**Prof. Shibban Lal Saksena:** Sir, I again wish to thank my Honourable friend, Mr. Santhanam for having brought this amendment. In fact in their Minute of Dissent to the Select Committee Report, the three members, Mr. N. M. Joshi, Miss Maniben Kara and Mr. S. Guruswami, wanted five conditions to be included. They say:

"We are of the opinion that the Bill even as it emerges out of the Select Committee places heavy restrictions on the Trade Unions seeking recognition and provides only a few advantages."

This Bill is putting some obligations on the Trade Unions. Henceforth Trade Unions will not be able to go on strike merely on their liking, but they will have to go through several formalities. I desire that labour should feel that while their freedom is being somewhat restricted, they are being given some rights without which trade unionism cannot spread rapidly. As these three experienced labour leaders have said, 'the only privilege allowed by the Bill to a recognised Trade Union is to receive replies to its letters and have interviews with management'. They say 'We feel that in addition to the above, facilities to enable it to do its work effectively should be provided by the employer to a recognised Trade Union. Some of the facilities we would like to be provided are given below; etc.' Of these five facilities, three are given in this amendment and two have been omitted, which I would have liked to be included. The two items omitted are:

- (c) Leave of absence to members of the executive for attending meetings and for negotiating with the employer; and
- (d) Consultation with representatives of the Union before making any change in the working conditions, particularly when the change happens to be to the disadvantage of the workers.

My Honourable friend Mr. Santhanam has taken only three out of the five conditions. I would request the Labour Member to extend the scope of Mr. Santhanam's amendment and to include in it all the five facilities which have been suggested.

My reason is simple. I know the Labour Member represents a class which is the labour class and I can certainly say that he has the welfare of labour genuinely at heart. But as one who has been devoting much time to this work for many years past I wish to say that so far trade unionism has not made many strides. Before the Ministry took reins in April 1946 there were in the United Provinces 34 registered Trade Unions. Today their number is about 300, so that with the coming of the new times the number of Trade Unions has increased to about nine times and probably it will go on increasing at an even more rapid stride. I want this progress should be maintained. But our experience shows that the reason why Trade Unions cannot go on with more rapidity is that the employers are putting so many obstacles in the way of the growth of trade unionism. I will give some example. In U.P. there

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are seventy working sugar factories. On the seventy factories there are registered unions in sixty. These Unions have for the last one year been struggling for better wages and have also got some. But the friction is there. The strikes are due to two things. The employers will not negotiate. They will try to victimize the workers who are the officers of the Union and find faults with them. The General Secretary of the U. P. and Bihar Chini Mill Mazdoor Federation in the U.P. was dismissed for the fault of collecting subscriptions inside the factory. If you do not permit him even to collect the subscriptions due to the Union from the members in the factory, I really wonder how they can function. In the Ahmedabad Textile Labour Union which Mahatma Gandhi founded and which today is one of the strongest unions the employers deduct the subscription from the workers' wages with their consent. I do not see why the officers of the Union should not be allowed to collect the subscription inside the premises. They are simple, honest persons and will not abuse their powers. And it does not take much time to take subscription from a member. There are so many other difficulties put forward in their way. The employer will not allow them to investigate complaints by visiting the spots where the incident occurred. If you are imposing so many obligations and conditions for recognition, the Unions must also have certain rights to perform elementary functions without which they cannot breathe and live. I therefore suggest that they must have the three rights mentioned in this amendment plus the two rights which Mr. Joshi, Miss Karna and Mr. Guruswami have suggested from long experience. Our sister has also just pointed out the condition of the tea gardens. She said that it is very difficult to proceed with trade unionism unless these rights are accorded. In every field of industrial labour, the conditions are the same. If these rights are granted, this Bill will be a sort of charter of freedom to them for uninterrupted work. Otherwise there are so many restrictions imposed in this Bill that it will become very difficult for Trade Unions to function. I am sure that if these rights are accepted and incorporated in this Bill, then by the end of the next year we shall have a much larger number of Unions registered and recognised, and labour will become much more organised. At present it is very difficult to organise it. Any worker who is a member of the union is victimized. Among the strikes in the sugar industry last year, at least 75 per cent. were caused on account of victimisation of active workers of the Trade Unions.

I have been connected with the O. and T. Railwaymen's Union and I know that there was recently a strike in Gorakhpur district for twelve hours. The whole machinery was upset because the representatives of the Union had not the right to go and inquire the complaints of the workers. As soon as the strike was there, in twelve hours the whole thing was put right. So what I say is that all these strikes which really occur on account of some small thing happening somewhere can be remedied if these facilities are given to the registered Trade Unions and unions which have gone through all the elaborate tests which have been put forward in this Bill. If you give these rights I can assure you the unions would welcome this Bill; otherwise this Bill would curtail their power of bargaining. I wish that this amendment of Mr. Santhanam should be accepted and I would request the Honourable Labour Minister to include the two other rights suggested by Mr. N. M. Joshi in his dissenting note. I think that in some places the leave demanded is already given. In the Railways, and the Postal Department for example, I know that whenever meetings of the recognised unions, are held the members are given leave, but I know that it is not given in other places. There is a Government Labour Committee holding enquiry in Cawnpore. Labourers come and attend meetings to give evidence; but they do not get leave with pay. I think, they must not lose wages for such days. I think it is very important in

the interests of organising labour on a proper footing that the members should be given leave with pay for attending important meetings. These are the elementary rights which experienced labour representatives have asked for in the Select Committee. Probably the Committee is overweighted with persons who have no sympathy for the workers, but I know that our Honourable Minister has the welfare of labour at heart. On so many occasions he has given his own views about the welfare of labour and I am sure his heart beats in unison with us. I am sure the Labour Minister, by giving these rights, will earn the eternal gratitude of the labourers of this country and will promote the welfare and organisation of labour. I am also sure that at present organized labour is comparatively very small. The total number of unorganised labourers is much larger, but the reason is that it is impossible to organize unions in many places. When these rights are given, I am sure much of the labour will become organized and illegal strikes will become things of the past. I hope that the Honourable the Labour Minister will accept the amendment and in this way earn the gratitude of labour as a whole.

**Shri Jadubans Sahay (Bihar: General):** Sir, I join in the appeal just made to the Honourable Minister for the acceptance of the amendment moved by Mr. Santhanam. Had this amendment been moved before, I would have felt difference in lending my support to it, but after the 15th August, conditions have changed. Is it too much for us to beg of the Honourable the Minister for Labour to allow these privileges to a recognised union? I am not one of those who stand in defence of persons who have been condemned as scheming and misleading labour, but I submit, Sir, that it is not too much to ask this House and the Honourable the Minister to allow the labour union executives to display notices of the union on the premises. If you are going to give charge of the industries to labourers in the years to come, then Sir, would you not allow the executive of recognised unions to display notices over the premises of the unions: and for us to debate over this right in the year of grace 1947, Sir, rather seems ridiculous. I would also request the Honourable Minister to allow the executive of a union to collect subscriptions from its members within such premises. Is it very wrong, Sir, for us to ask that the union executives should be allowed to collect subscriptions within the premises of a union? Where should they go to collect subscriptions? There are some employers—I do not mean all, but I do say a majority of them—who are hostile to labour unions. They ask them to get out of the premises. They enunciate section 144. I shall not bother this House with the details of the sorrows which the labourers are suffering from in this country. Enough to say that this request is a very modest one, that the labour union executive should be allowed to collect subscriptions within the premises of such unions. When the entire control is to pass into the hands of labour, it is not too much to ask that they should be allowed to collect subscriptions within their premises.

Again, Sir, regarding the third amendment, it has already been said by one of the Honourable Members that if Union representatives are allowed to go into the premises and investigate into the complaints of its members, some of the strikes would not occur. It is wrong to suppose that in all cases those who work in the labour unions are always unreasonable. That is not the case, Sir. We know that these laws are not meant for the protection of those who have to work in the fields and factory. These are paper laws which are broken in a thousand ways by the employers as they have vast resources at their disposal. But so far as labourers are concerned they do not have the resources or the intellect at their disposal. Therefore it is always better that employers should know who the masters are; they should be made to know that labourers and the kisans are the real masters. And therefore, Sir, it is not too much to ask that Labour Union representatives should be allowed to go into the premises and try to investigate into the charges levelled by its

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members, certainly with the help of the employers. If this is given, if this responsibility is saddled over the shoulders of labour workers, Sir, 4 P.M. then the labour workers will also be trained to take over the responsibility of the factory in the days to come. With these few words, Sir, I commend this amendment for the acceptance of the House.

**Mr. R. K. Sidhwa:** Mr. Speaker, Sir, so far there has been no opposition to this amendment. Of those who have spoken, nearly four Honourable Members are in complete agreement with this amendment. That shows the very reasonableness of the three suggestions that have been made in this amendment and I am sure the Honourable Minister will feel the mind of the Members and accept the suggestions because their reasonableness is not one-sided. The reasonableness and fairness in these three suggestions are in the interest of both the employers and the employees. I will cite in a moment, Sir, how they are advantageous to both of them.

The first suggestion is "to display notices of the Union within the premises where its members are employed". It is a very healthy suggestion. Formerly and even now, the notices are displayed privately; instructions are sometimes given by the labour union representatives—some members give one instruction and others give another instruction. But according to the present suggestion the notice will be displayed at the premises where they are employed—open to the public, open to the employer and open to the employees. That is a great advantage to both of them. Employers do not have any complaints to make that any underhand or secret proposals have been made by the employees or that they have been taken by surprise.

Coming to the second proposal, namely, "to collect subscriptions from its members within such premises", it is certainly an advantage to the labour unions to be given facilities for collecting subscriptions from the premises because that really gives them a little advantage of collecting subscriptions on the salary day. What happens now is that some unions collect subscriptions outside often leading to subscriptions not being properly accounted for. Now it is laid down that the facility should be given to collect them openly in the premises so that there may not be any underhand game by any of the officials of the labour union. So from that point of view it is of advantage to both the classes.

The third one is a very important suggestion and much has been said on it. It allows the union representatives to enter the premises and enquire into any grievances and make a report. Many a times one-sided complaints are made and no opportunity given to the employees' representatives, with the result that it gives a one-sided view, although an enquiry has been made afterwards. The present suggestion is a good solution. By it, when a complaint is made the labour representatives ask for authority to enter the premises, see the labour union, see the employers' representatives, exchange views, and possibly come to a settlement on the spot and avoid a strike. That is the underlying idea of this suggestion and I am very glad to notice from the dissenting note of the previous Members—Mr. Joshi and others—that they also have suggested on these lines. They have also suggested another thing: leave of absence to members of the executive to attend meetings and for negotiating with the employers. As far as the first part is concerned, namely leave for attending the meetings, I am in agreement with it. Let me tell you, Sir, that our own Railway Board have recognised leave of absence for the North-Western Railway for members of the union attending the meetings. Their leave is granted and they are treated as present and passes also are given. People coming from far off places are given passes because it is recognised and the Government—even the

bureaucratic Government of the post—have recognised this right of allowing the union members to be present at the meetings by giving due facilities, free railway passes and also marking them present.

**Pandit Lakshmi Kanta Maitra** (West Bengal: General): Any allowances?

**Mr. B. K. Sidhwa**: Why should there be any allowances? They spend from their own pockets or from the union funds. They are poor, but they spend for it. If the employer would give then any such facilities I would certainly support it. Some of the unions where the facilities are given are working very nicely. It creates a cordiality between the employer and the employee. Those days are gone when the worker had to beg for his rights.

Having explained all this, I do not know whether there may be any Member who would oppose this amendment. So far there is none but even if there are any, I hope it would be a negligible number and that the House would support it.

**Dr. B. Pattabhi Sitaramayya** (Madras: General): Mr. Speaker, I labour under the disadvantage of being quite new both to this House as well as to the labour problems. The only labour I have known is spinning 500 yards every day; but it is individual labour.

I find that the trade unions are being referred to here. Trade unions, on pondering over the subject, strike me as corresponding to the opposition parties in this House. It is a Government composed of the Party in power and the party in opposition. Really both form one composite whole. You cannot dissociate one from the other. The trade union looks after the interests of the labourers while the employers look after their own interests and also, in their view, the interests of the labourers; so that if the two form two halves of a composite whole, both must be regarded as forming one indivisible unity. Just as you provide, Sir, in this House for rooms for Parties, where Party notices are posted and where Party collections are made and where also Party investigations are made, even so it is up to the employers to give not merely these three facilities which my friend has categorized in his amendment but to give premises for the office of the trade union. Once that is given all these difficulties will disappear. The employers must look upon the Trade Union as really helping them from their own standpoint. If this organic relationship is recognised—and that is what I would understand by the recognition extended to Trade Unions by the employers of factories—then all this conflict will disappear and each will try to work in consonance with the interests of the other. Well, if they are to be given such premises, I wish the Honourable Minister in charge of Labour would rise to the occasion and incorporate some such provision and arrange for offices "at which they are able to display their notices, collect their subscriptions and even investigate". Otherwise I feel a little difficulty in accepting the third of these suggestions.

Well, my friend who has spoken just before me has suggested that there was no opposition to the amendment. I was going to ask him not to hallo till he was out of the wood. On the third point, unless the arrangements I have suggested are made, I find that as things stand, an investigation in the premises is likely to disorganise the work of the factory. What is meant by "within the premises of the establishment"? I think it is the place where the work of the factory is going on. If I am right, it may be the office of the factory; at any rate it may not be the actual place where the machinery is located for then it will certainly disorganise the work of the machinery were any person who claims to be an officer of the Trade Union, to go with his entourage, his typists and his writers and office machinery in order to hold an

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investigation in the midst of the work of the factory. He will be attracting the attention of all the workers and the work will be disorganised and it will be very demoralizing. But if the "premises of the establishment" mean the out skirts of the outer compound, then of course I would support the suggestion. If the Honourable Minister in charge would not accept my suggestion, I would like to cut out the third and request him to accept the first two.

**Shri V. I. Munishwami Pillai** (Madras: General): Mr. Speaker, Sir, coming as I do from a plantation area and knowing the difficulties of the plantation labourers, I can safely represent to the Honourable Minister for Labour that the amendment of my friend Mr. Santhanam is quite fitting with the conditions of the labourers in the plantations. During the past several decades, the European planters who owned the tea estates did not allow the representatives of the labourers even to approach their premises not to talk of representing their difficulties regarding habitation, facilities for drinking water, etc. When the Honourable Labour Minister paid a visit to the south, he was good enough to come to the plantations and he saw for himself the condition in which the labourers were living. I know as a matter of fact that he was flooded with representations not only from the plantation areas, but from other labour areas as well.

Sir, the very labour agents who are working for the betterment of the labourers are considered to be untouchables and the managements in the past did not, as I said, even allow them to enter their premises to know what difficulties the labourers were having. It was not possible for the labourers to come together and discuss their difficulties and to present a united case. Even in the matter of collection of subscriptions, the managements always stood against them and would not allow the subscriptions to be collected when their payments were made. Therefore, I entirely agree with the three points which my friend's amendment clearly lays down. Particularly, the third point about access to their very premises, I think is highly necessary. I feel, Sir, on the whole that this amendment is quite fitting and would request the Honourable Labour Minister to accept it.

श्री आर० वी० धुलेकर : स्पीकर महोदय, मुझे आश्चर्य मालूम पडता है कि आनरेबिल मिनिस्टर आफ लेबर अभी तक क्यों चुप है, उन्होंने इस संशोधन को अभी तक क्यों नहीं मंजूर किया। कभी कभी ऐसा जरूर होता है कि मिनिस्टर के पास कोई ऐसी आखिरी बंदूक होती है जिससे बहुत से लोग जो बोल चुके हैं उसको निशाना बनाकर सारी बहस को खत्म कर देती है। ऐसा भी जरूर असेम्बलियों में हुआ करता है कि सरकार की ओर से कोई न कोई ऐसे मेम्बर कुछ न कुछ ऐसा कहते हैं जिससे यह मालूम पड़े कि गवर्नमेंट इस तरह कि जो ३ बातें यहां उपस्थित की गईं उनको मंजूर करने में क्यों हिचकिचा रही है। इस हाउस के चारों ओर से संशोधन के पक्ष में लोग बोल रहे हैं और अभी तक गवर्नमेंट की ओर से यह नहीं जाहिर होता कि आखिर उनको क्यों हिचकिचाहट है। मैं तो यह समझता हूँ कदाचित कोई ऐसी बात छिपी हुई है। किन्तु जो दो-तीन सुझाव किये गये हैं उनमें कोई बात नहीं पाई जाती। डाक्टर पट्टाभौ ने यह कहा कि नोटिस रखने के लिये और वहां मासिक चंदा उगाहने के लिए एक दफ्तर होना चाहिये मैं समझता हूँ वह बात ठीक है। इसलिये जब हाउस के हर तरफ से यह बात कही जा रही है तो मैं समझता हूँ कि आनरेबिल मिनिस्टर साहब को तुरंत इस सुझाव को मंजूर कर लेना चाहिये।

(English translation of the above speech)

**Shri R. V. Dhulekar** (U. P.: General): **Mr. Speaker**, I am surprised to see why the Honourable Minister for Labour has been silent all along. Why has he not accepted this amendment until now? Sometime it does happen that the Minister has some bombshell to throw as a last thing which makes the people who have spoken its target and finishes the debate. It is also noticed in assemblies that some of the Government members say on behalf of the Government some such things that go a long way to suggest why the Government is hesitating in accepting the proposals that have been put forward. The members are speaking in favour of the amendment from all sides but it is not yet clear from the Government side what hesitation they have. As far as I can understand there is something mysterious about it. But whatever two or three suggestions have been put forward do not indicate anything in this respect. **Dr. Pattabhai** said that there should be an office for keeping the notices and collecting the monthly subscription. I think he is right. Therefore when from every side of the house this is being said I think the Honourable Minister should accept the suggestion at once.

**Shri Jaipal Singh** (Bihar: General): **Mr. Speaker**, Sir, I have great pleasure in supporting the amendment that has been moved by **Mr. Santhanam**. In a way, the amendment removes the odour of untouchability from Trade Unions. There have been very few employers indeed who have permitted Trade Union activities to take place within their premises. I know in Jamshedpur, for example, there is one steel company which, recently, has been permitting Trade Union executive to collect all their subscriptions and also do other work within their premises, but that may be the only exception I can cite. In the vast majority of cases, Trade Union workers are considered as dangerous and they are not permitted to come within the premises. Whenever there have been Tri-partite Conferences convened by the Government of India, employers have never lost an opportunity to say that they were in favour of encouraging a healthy growth of Trade Unionism. To my mind, here is a way of their doing it. If the Honourable Minister will accept this amendment and if the House will accept it, it simply means this, that the Trade Union workers, without interfering with production, will be enabled by law to come into direct contact with employers. That is the value of the amendment. That part of it which concerns the collection of subscriptions, to my mind, is the least important aspect. 28F (a) (i) and (iii) are very important because, whatever may be done within the premises, has to be done in conjunction and in close co-operation with the employers. The phrase here used as "reasonable arrangements". I think that should dispel the fear of **Dr. Pattabhi Sitaramayya** that the activities of Trade Union executives would detract from production. "Reasonable arrangements" does not mean that the Trade Union executive will be sitting outside the premises like untouchable parishes. The employers and workers representatives will be in a position to go right inside and see things for themselves. By an examination of facts on the spot everyone can be convinced. I think that is the method which is going to promote better industrial relationships between the employers and the employed and I feel that the House would be doing a great service to the labourers in this age of effective collective bargaining. After all, trade unionism stands for that, namely, to enable the unions to function more easily and with greater facility.

I have great pleasure in supporting the amendment.

**Mr. Hussain Imam** (Bihar: Muslim): **Mr. Speaker**, I do not wish to intervene in the debate or to talk much on the merits, because on that point much has been said in favour of it and I have not heard any serious opposition to these proposals. I am more concerned with the procedural aspect of the matter. I think, Sir, that it will shorten the labour of the Assembly if the Government could indicate what it proposes to do in connection with amendments by some

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method so that where the Government is prepared to accept an amendment we may have a shorter debate, but if the Government is not willing to accept it, it need not stifle the debate by making a prominent announcement of its position because it will act as a party discipline to stifle the debate. I do not want to stifle the debate but where it is a useless debate it should be shortened. When the Government is prepared to accept it—Government and its members have much important work to do, it is no use to anybody if a thing which is already accepted should take up the time of the House. The Government should indicate its right and the present-day Government should behave in a manner, not the same as the former Government which had points of prestige and which had certain interests to serve. The National Government is supposed to look after the interests of the people and the use of the party machinery to defeat amendments is a wrong method. What I appeal, Sir, is that if the suggestion is reasonable, fair and justified, it should be accepted and the party machinery should not be used to defeat the Motion. You may accept or may not do so, but fact remains that there is a party discipline. There ought to be. I say it ought to be, but what I am saying is that the Government should not use that machinery. It should be amenable to reason and accept the suggestions which on the face appears to be reasonable and in the interests of the people.

**Diwan Chaman Lal:** The only reason why I rise to support my Honourable friend's amendment is because of the serious opposition raised by Dr. Pattabhi Sitaramayya. I do not think the fears which he expressed are really genuine fears. If he listened carefully to the speech of the Lady Member, who gave a history of her experiences in the tea plantations he would see the urgency for investigation of complaints made by union officials under reasonable conditions, so that those complaints may be properly investigated.

In 1929, when I was the President of the All India Trade Union Congress, I made it a point to devote my energies towards the organization of plantation labour in Assam and for that purpose we sent an organiser to examine the conditions but, unfortunately, he was not able to get inside the tea plantations. Evidently he was got hold of by the Employers' Association, given some sort of drug and the next morning found himself on the steamer on his way to Burma, where we rescued him in due course.

In 1930 on the Labour Commission we went to Assam and investigated tea conditions on the spot and you will find the investigation in 17 volumes of evidence that have been collected on various topics connected with labour in India, but I can say with confidence that in no part of India did I find such horrible conditions verging upon semi-slavery, almost slavery, as I have found in the tea plantations of Assam. There was a man, the Sardar, in charge of cooly labour in the plantations. Invariable he was armed with a whip and if any organiser dared to go into these plantations, he was arrested for criminal trespass and the man was tried by the managers themselves of these tea estates, who had magisterial powers, which they utilised in order to prevent any outsider going into these plantations. Knowing all that I think my Honourable friend Dr. Pattabhi Sitaramayya will agree that there is an urgent necessity for a direction being given so that a legal right accrues to the working classes to obtain permission to go into these premises and estates and investigate labour conditions. Then again, as my Honourable friend has pointed out very ably, there is no permission being given for anybody to go in at any time and make an investigation but it is only under reasonable conditions. There is a story that when "Man and Superman" was first performed on the London stage, a play by Mr. Bernard Shaw, the whole audience after the third act applauded, but there was one man sitting up in the gallery who hissed and shouted when Shaw came on to the stage to receive the applause. Bernard Shaw addressed himself to that one man in the gallery. He said, "My friend I may agree with you" (Dr. Sitaramayya



in this case). But what we are two against all these others with their plantlets. May I suggest to my Honourable friend that he may accept this amendment?

**Dr. V. Subrahmanyam (Madras: General):** I support this amendment of Mr. Santhanam. If this amendment is accepted it will really help the employers, because the Managers of the Associations bring grave allegations against labourers. Once I was taken to a cement factory, near Trichinopoly and asked to interfere in a matter. I was not a labourer nor a member of that Association, but still I was refused admission and after all with great difficulty I managed to meet the Manager and he brought out grave allegations that such and such machinery were broken and certain other tools were thrown away. They gave reports of the happenings to their head offices. As regards the breaking of the machinery and other things, I think they are having some registers where they record that such and such a machine was repaired in such and such a year and some other things. If this amendment is approved and the Honourable the Minister accepts it, much misunderstanding can be removed and much help will be done to the labourers. So this will be very helpful matter for the labourers.

**The Honourable Shri Jagjivan Ram:** Sir, I have listened to the debate with all the attention that it deserves. It sometimes so happens Sir, that in our anxiety to do some good to the cause which is dear to us we lose sight of the dangers involved in the proposals. I for one, and more so when an appeal has been made from certain quarters to my class instinct, am one with the object of the amendment. Not only because I come from a class which is primarily the most exploited, but also I being to a party whose objective has always been to raise the common man to a higher level. As I have said I am one with the object of this amendment, but we have also to consider whether there is some danger in this proposal or not, and whether the proposal will work to the disadvantage of the working-classes. If after that through examination you find that it is only in the interest of the working classes, then I will not have the least objection in accepting the amendment.

I will take the amendments item by item and will take them in the reverse order in order to facilitate the argument.

“(iii) To make through Union representatives personal investigation regarding complaints of its members by going within the premises of the establishment and the employer shall make reasonable arrangements for all these purposes.”

I find that Diwan Chaman Lal has left. But I am not in the position of Mr. Bernard Shaw and I do not take Dr. Pattabhi Sitaramayya to be the man in the gallery. If I am opposed to this amendment, Sir, I am not opposed on the ground on which Dr. Pattabhi Sitaramayya will oppose it. I do not oppose it. Rather I feel that it is superfluous. In view of the fact that in the Trade Dispute Act which the Legislative Assembly passed recently provision has been made for the constitution of works committees in every factory and industry, with a view that the day to day problems which may arise in the factory or in the industry may be smoothened by mutual discussion and negotiation between the employers and the employees. When a provision like that is already there on the statute book, I do not find any utility of this provision and I am sure the Mover of this amendment will withdraw it. The second item relates to the collection of subscriptions from the members within the premises. On the face of it this appears to be useful from the point of view of growth of Trade Unions. I am one of those who believe that the healthy growth of Trade Unionism is not only imperative but absolutely necessary in the interests of the industry of this country. But this Bill is not for organised labour; organised labour is in a position to take care of itself and will

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not wait for an Act like this where compulsory recognition is forced on the employers. Organised labour will fight out its own battles and settle with the employers; this Bill is primarily meant for disorganised labour which is not in a position to organise itself and face the employers or—if I may say so, coerce them to accept their reasonable demands. I know the condition of plantation labourers; I know that even if this provision is made in this Bill it will not help plantation labourers. Criminal trespass, for instance, will be there. In the tea plantation area the roads belong to the planters and I was told in Assam that people are not allowed to enter not merely the tea estate premises but even to use the roads; that would be criminal trespass.

**Prof. Shibban Lal Saksena:** Provision should be made to remove that disability.

**The Honourable Shri Jagjivan Ram:** I am coming to that, if my Honourable friend will have patience. It is not for the Trade Unions Act to remove that disability. But I may inform my Honourable friend that soon after I assumed office as Minister I convened a tripartite conference for plantation labour. I brought the facts to the notice of the planters and I may inform the House that I had reasonable success in persuading the planters not to behave as they had been behaving in the past; and I think the political change in the country is in itself a great change in the attitude of the planters and there will be no restrictions as used to be there in the past. There are other labourers; we have to think of labourers who are disorganised and whose condition is even worse than that of plantation labour. It may not be quite palatable to many labour leaders and workers when I say that very few labour leaders have given any attention to that section of labour which requires their attention the most, and that is agricultural labour. Nobody has taken the trouble to go to them because they are scattered; they are not so easy to organise and it is no easy to make collections from them. It may be, as I said, unpalatable to some sections but that is a fact. This Bill is primarily meant for that section of the working classes which are the most exploited and the most disorganised. You conceive only of factories and you then think of entering those premises. I conceive also of places where there are no factories and no premises.

The second thing is that if provision is made for collection of subscription from members within the premises, what will be the result? The result will be that the membership of the union may increase very soon, but there is another danger as well; and I want to point it out not only to the Mover of this amendment but to the supporters also. If even after that the House feels that this provision is necessary I as one representing a popular Government will have to mend before it. But I see a real danger in this, the development of yellow unions which will go against the working classes, the formation of unions which may be to the liking of the employers themselves, and the employers will have every advantage for the collection of subscriptions from the workers through their own agents who may be elected with their connivance to offices in the union. We have to guard against that. I as one who has the interests of the working classes at heart feel that that danger is there and that the employers will be in a better position to utilise the provision to their own advantage as against the interest of the workers. If I oppose this I do it on that consideration, that the interests of the working classes will not be promoted by this.

Then I come to the first item. There are some persons who may take undue advantage of this but I shall not have any serious objection to this clause being accepted.

There has been some talk about obligations being put upon unions in this Bill. I do not find that there is any serious obligation put on the unions; and if any conditions have been laid down I personally feel very strongly that

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are in the best interest of the working classes and of the growth of trade unionism itself. If I have put in these provisions I have not done so in order to safeguard the interest of the employers or of industry but to safeguard the interest of the workers and the trade unions. Any one who feels that these obligations have been put on the trade unions in order to prevent the growth of trade unionism, has not understood the spirit of trade unionism at all. There are obligations on the employers as well which will be found in clause 28-K and to which I will draw attention. If my Honourable friend Prof. Shibban Lal Saksena had taken care to go through this clause he would not have raised all those points about the executives being coerced, prosecuted, discharged, dismissed and fined, etc. All these provisions are there. I not only come from the working classes but I have also some experience of working among the working classes; and if Mr. Saksena speaks from experience I also speak from experience. So I say that if he had taken care to go through this clause he would not have raised all those points.

Sir, I do not propose to reply to all the points that have been raised. I have placed my views on these amendments before the House; if the House feels that the amendment as it stands should be accepted I will have some real difficulty.

I strongly feel that clause (ii) will go against the interests and the healthy growth of trade unionism and clause (iii) is unnecessary in view of the provisions of the Trades Disputes Act. I am prepared to accept clause 1.

**Prof. Shibban Lal Saksena:** Will the Honourable Minister appoint a sub-committee to go into this sector again and to amend it by providing safeguards against the points he made out?

**The Honourable Shri Jagjivan Ram:** I have given my view. I accept clause (i) and not (ii) and (iii).

**Mr. Speaker:** I should like to have one point clarified. In case the Honourable Member is prepared to accept (i), does he accept it as it stands?

**Shri K. Santhanam:** The language has to be changed.

**Mr. Speaker:** I am asking the Honourable the Minister that when he accepts the amendment, he will have to see how it fits in with the other parts of the legislation. Therefore it will be a question of language also.

**The Honourable Shri Jagjivan Ram:** Yes.

**Mr. Speaker:** I will put the amendment to the House. I shall now divide it into two parts: No. (i) to be taken first and Nos. (ii) and (iii) will then be taken together.

**Shri K. Santhanam:** I wish to ask leave of the House to withdraw parts (ii) and (iii).

**Prof. Shibban Lal Saksena:** Leave is not granted, Sir!

**Mr. Speaker:** Even when clause (i) is accepted, so far as the language is concerned, the words "and the employer shall make reasonable arrangements for all these purposes" will have to undergo a change.

**Shri K. Santhanam:** "For this purpose," and '(i)' will go.

**Mr. Speaker:** We will accept the language as it comes. I therefore wish to split the amendment into three parts, but meanwhile the Honourable Member wishes leave to withdraw parts (ii) and (iii).

**Shri M. S. Aney (Deccan and Madras States Group):** Is it permissible for a Member to withdraw parts of an amendment? If he must, he either withdraws the whole or none.

**Mr. Speaker:** I was considering that difficulty. But I made the suggestion because I thought that if an amendment could be put to the House in parts there is no reason why the Chair could not allow him to withdraw any part.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): The whole thing depends upon whether the amendment is divisible. The amendment in question is clearly divisible and can be withdrawn, in part.

**Mr. Speaker:** Has he got leave of the House to withdraw parts (ii) and (iii)?

**Some Honourable Members:** No,

The Assembly refused leave to withdraw.

**Mr. Speaker:** I am putting the amendment to the vote in three parts. We will take the first part.

The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, after the proposed section 28F, the following new section be inserted, namely:

'28F (A). The executive of a recognised Union shall be entitled to display notices of the Union within the premises where its members are employed and the employer shall make reasonable arrangements for the purpose.'

This is subject to the understanding that the language will be revised and that the revised language will come in as an amendment in the proper form in the third reading.

The motion was adopted.

**Mr. Speaker:** I will take the remaining two together.

**Dr. B. Pattabhi Sitaramayya:** Does the House give permission to do so.

**Mr. Speaker:** The permission to withdraw must be unanimous. If any one opposes it, I must put it to the House.

**Prof. Shibban Lal Saksena:** Put clauses (ii) and (iii) Separately, Sir.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, after the proposed section 28F, the following new section be inserted, namely:

'28F (A) (ii) The executive of a recognised Union shall be entitled to collect subscriptions from its members within such premises, and the employer shall make reasonable arrangements for this purpose.'

The motion was negatived.

**Mr. Speaker:** The question is:

"That in clause 4 of the Bill, in the proposed Chapter IIIA, after the proposed section 28F, the following new section be inserted, namely:

'28F (A)(ii) The Executive of a recognised Union shall be entitled to make through Union representatives personal investigation regarding complaints of its members by going within the premises of the establishment, and the employer shall make reasonable arrangements for this purpose.'

The motion was negatived.

**Mr. Speaker:** The question is;

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4 as amended was added to the Bill.

Clause 5 was added to the Bill.

**The Honourable Shri Jagjivan Ram:** Sir, I move:

"That for part (b) of clause 6 of the Bill, the following be substituted, namely:  
'(b) in sub-section (2), after the words "that section" the words and figures "or in or from any return referred to in section 28I" shall be inserted.'

This is a formal amendment. Instead of 28K it should be 28 l.

**Mr. Speaker:** The question is:

"That for part (b) of clause 6 of the Bill, the following be substituted, namely:

'(b) in sub-section (2), after the words "that section" the words and figures "or in or from any return referred to in section 28I" shall be inserted.'

**Mr. Speaker:** The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6 as amended was added to the Bill.

**Mr. Speaker:** Clause 7

**Prof. Shibban Lal Saksena:** Sir, I have not tabled an amendment to this clause, as I got the Bill only this morning. The Honourable Minister said just now while he was replying to the debate on another amendment that he had provided certain obligations on the part of employers also. He has provided a penalty for unfair practices and here it is mentioned that unfair practices will be punishable with a fine to the extent of Rs. 1000. I should point out that this is an illusory provision, because for an employer the paying of a fine of Rs. 1,000 is nothing, the corresponding obligation upon the workers is that they cannot go on strike except under very stringent conditions and if they resort to an irregular strike the recognition of the union itself can be taken away. I should therefore think that some punishment of imprisonment should be provided as a penalty, for unfair practices by proprietors because that would be really effective and would act as some sort of deterrent to make them carry out their obligations. I would suggest that the Honourable Minister should provide the punishment of imprisonment up to one month to the proprietors if any unfair practices are found to have occurred in their concerns.

**The Honourable Shri Jagjivan Ram:** I have nothing to say except that the provision here is sufficient to meet the purpose. I do not think that for all employers the sum of Rs. 1,000 is nothing. My Honourable friend himself knows that there are many employers for whom Rs. 1,000 is quite a sufficient amount. Let this provision be given a trial.

**Mr. Speaker:** The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. Speaker:** The further motion, I believe, will have to be taken up tomorrow. Meanwhile the Honourable Member will have the language of the amendment settled.

*The Assembly then adjourned till Eleven of the Clock on Wednesday, the 19th November, 1947.*