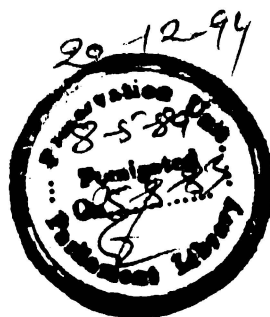


# PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

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VOLUME II, 1950

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FIRST SESSION  
OF  
PARLIAMENT OF INDIA

1950

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PARIAMENTARY DEBATES  
(PART I—QUESTIONS AND ANSWERS)

Saturday, 8th April, 1950

*The House met at a Quarter to Eleven of the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

AIR ROUTES FROM INDIA TO BRITAIN AND AUSTRALIA

\*1494. **Shri Sidhva:** (a) Will the Minister of **Communications** be pleased to state whether any agreement has been reached with foreign firms in connection with air routes from India to Britain and Australia?

(b) Is there any direct air service from India to Australia at present?

(c) If so, what is the name of the company who runs the service and when was the agreement finalised?

(d) Did any Indian company apply for a licence for this route?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) No, Sir. I may add that air services between India and a foreign country are operated under agreements between the Government of India and the Government of such country under which the Indian Government and the foreign Government obtain reciprocal rights to designate their respective national air companies to operate such services; there is, thus, no question of our having an agreement with any foreign firm.

(b) and (c). Yes, Sir. Two foreign companies namely, Qantas Empire Airways and British Overseas Airways Corporation, being designated by their respective Governments are operating air services between India and Australia, the former under the terms of a bilateral Agreement concluded with the Government of the Commonwealth of Australia on the 11th July 1949 and the latter under temporary arrangements, pending negotiations for a bilateral Agreement, with the Government of the United Kingdom.

(d) Yes, Sir. A provisional licence was granted on 22nd January 1949 valid upto 30th September 1949 to the Indian Overseas Airlines, Ltd., for the operation of a scheduled service on this route, but the Company was not able to commence operation of the service.

**Shri Sidhva:** May I know whether answer to part (d) is given?

**Shri Khurshed Lal:** Yes; it is a pretty long one.

**Shri Sidhva:** The hon. Minister stated that a permit was given to the Indian Overseas Airlines Ltd. May I know whether any stipulation was made in the advertisement that no subsidy will be given?

**Shri Khurshed Lal:** I do not remember the exact terms of the advertisement; but it was not the intention at that time to give any subsidy.

**Shri Sidhva:** Is it a fact that that company has now asked for a subsidy?

**Shri Khurshed Lal:** Not that I know of.

**Shri Sidhva:** May I know whether any company runs service between India and Australia?

**Shri Khurshed Lal:** No Indian company.

**Shri Sidhva:** The hon. Minister stated in reply to part (b) that a new agreement is likely to take place with the British Overseas Airways Corporation. May I know under what conditions they are running at present and what is the period for which they have been allowed to run the service?

**Shri Khurshed Lal:** As I said, there is no agreement between the Government of India and the B.O.A.C. and the Qantas Empire Airways. We do not enter into any agreement with any foreign company. What we do is that we enter into bilateral agreement with the foreign Government and under the agreement, they as well as we acquire reciprocal rights to designate our respective companies to operate. There is no such agreement.

**Shri Sidhva:** My point is this. Have any negotiations taken place between the Government of India and the Government of Australia in this respect, whether the negotiations are still continuing and if so when it is likely to be entered into and whether these service conditions will be considered?

**Shri Khurshed Lal:** If my hon. friend had listened to the answer, he would have noticed that the agreement with the Government of Australia was concluded on the 11th July 1949. There is therefore no question of any negotiations.

**Shri Sidhva:** I did not follow. I want to know whether any period has been mentioned in the agreement.

**Shri Khurshed Lal:** I do not remember the exact period. If my hon. friend wants, I can supply the information.

#### COLLECTION OF TOLL ON RAILWAY BRIDGES

\*1495. **Shri Sidhva:** (a) Will the Minister of Railways be pleased to state whether any toll on railway bridges over Sabarnati (Ahmedabad) is collected?

(b) If so, what toll is charged per passenger and per vehicle and what was the amount recovered during the period 1948-49?

(c) Is it contemplated to remove this toll charge, if not, why not?

(d) On how many Railway bridges in India toll is charged, and what are their names?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) Yes.

(b) The toll is charged at the rate of three pies per person per each way of crossing (children in arms being exempted). No vehicles are allowed on the footpath. The collection of toll is let out annually, as a result of tenders, to

a contractor, who pays the railway a fixed lumpsum. The Railway received Rs. 7,983 for the financial year 1948-49.

(c) The question of abolition of this toll charge is under examination.

(d) Toll is charged on the following five railway Bridges: (1) Sabarmati (On B.B. and C.I. Railway), (2) Tapti (On B.B. and C.I. Railway), (3) Kistna (On M. and S.M. Railway), (4) Kukra (On O.T. Railway), and (5) Chilwa Tal (On O.T. Railway).

**Shri Sidhva:** Do I understand correctly, Sir, the reply to part (b) that three pies per passenger is charged and no charge is made on vehicles?

**Shri Gopaldaswami:** No vehicles are allowed.

**Shri Sidhva:** May I know whether the Government of India decided five years ago that no toll should be charged from passengers on any of the bridges and if so have Government considered and revised the previous decision in this matter?

**Shri Gopaldaswami:** I do not know about the decision five years ago. Whenever a request has come for the abolition of any particular toll, on a particular bridge, it has been considered on the merits. As a matter of fact, one toll was abolished quite recently, on the O.T. Railway.

**Shri Sidhva:** Does Government intend to abolish the toll on the Sabarmati bridge?

**Shri Gopaldaswami:** We are considering it, as I have said.

**Shri Sidhva:** What is the total amount realised?

**Shri Gopaldaswami:** Rs. 7,983.

**Shri R. Velayudhan:** Since how long has this collection of tolls on railway bridges been in vogue?

**Shri Gopaldaswami:** It is difficult to answer that question. My recollection is that tolls have been levied on railway bridges for quite a long time. It depends upon when the particular bridge was constructed and when the decision was taken to impose a toll.

**Dr. Deshmukh:** May I know what is the total revenue from tolls over all these bridges?

**Shri Gopaldaswami:** I am afraid I have not got the figures for every one of the five tolls that I have mentioned. I have the figures only for Sabarmati toll.

#### ELECTRIC INSTALLATION IN DELHI

\*1496. **Shri Sidhva:** (a) Will the Minister of Works, Mines and Power be pleased to state whether the new additional machinery for electric installation in Delhi has arrived and if so, is it installed and what is the capacity of the same?

(b) If not, when is the machinery likely to arrive?

(c) How many new connections have been given in Delhi for industrial, lighting and other purposes during the year 1949?

(d) How many applications are still pending for new connections?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) and (b). Part of the additional machinery ordered for installation in the Central Power House

of the Delhi Central Electric Power Authority, has arrived at site and is under erection. The remainder will arrive by instalments upto 1951.

(c) A statement is laid on the Table.

(d) Approximately 8,000 applications are still pending with the Delhi Province Electricity Power Control Board.

#### STATEMENT

	Light.	Industrial	Others	Total
(i) Total No. of connections sanctioned in 1949 ...	1,007	212	48	1,267
(ii) Number connected up in 1949 ...	201	56	33	290
(iii) Total No. awaiting connection on 1-1-1950 ...	806	156	15	977

Out of 1,267 connections sanctioned in 1949, about 980 connections were sanctioned in the months of November and December, 1949.

**Shri Sidhva:** Arising out of part (c) of the question, may I know what is the procedure in the matter of giving permits for electric connection? Is it by rotation or do some special considerations prevail in the matter?

**Shri Gadgil:** The procedure roughly is this. Applications are received and registered and they are placed before the Council or Board and the relative priorities are taken into consideration and on that basis connections are sanctioned.

**Shri Sidhva:** Has the attention of Government been drawn by certain Associations and individuals that the rotation system is not strictly followed and that those who have come at a later stage are given connection and those who have come earlier are not given?

**Shri Gadgil:** A few cases of that kind may have happened. But, the explanation given to the Ministry by the Board were found satisfactory.

**Shri Sidhva:** May I know whether refugees to whom the Rehabilitation Finance Administration gives loans for purposes of industry were not given electric connection, whether they have written to the Works, Mines and Power Ministry to see that in order to fulfil the object, they should be given preference and what decision Government has taken in the matter?

**Shri Gadgil:** The considerations that weigh with the Rehabilitation Ministry are not the considerations that weigh with the Board.

**Shri Sidhva:** I said Rehabilitation Finance Administration.

**Mr. Speaker:** Order, order; let us hear the answer.

**Shri Gadgil:** The main limiting factor is the availability of power. If all these 8,000 applications are granted, 27,000 KW would be necessary. That would be available by 1951. Steps are being taken to that end. A block of 5,000 KW would be available in November 1950 and an additional block of 20,000 by September 1951.

**Shri Sidhva:** Sir, my question was whether the Government of India have decided that refugees would get preference and in view of the fact that the Rehabilitation Finance Administration gives loan for rehabilitating these people, do Government, in his Ministry, adhere to that decision?

**Shri Gadgil:** The Rehabilitation Section may grant loans but that is always subject to other priorities which are taken into consideration by the Electricity Board.

**Dr. Deshmukh:** What is the proposed investment on this new additional machinery?

**Shri Gadgil:** I require notice because the orders were already placed and as stated in my answer, a substantial portion of the machinery is already on the site.

**श्री द्विवेदी :** क्या कारण है कि जो लोग पहले से प्रार्थना पत्र देते हैं उनकी अजियों पर गौर नहीं होता और जो लोग बादमें अजियां देते हैं उनको पावर मिल जाते हैं ?

**Shri Dwivedi:** How is it that applications filed by people earlier are not considered while others applying later get the power?

**श्री गाडगिल :** इस सवाल का जवाब मैंने दे दिया है ।

**Shri Gadgil:** I have already replied to that question.

**Shri Deshbandhu Gupta:** May I know whether it is a fact a substantial portion of the machinery was delayed because licenses were not issued to them for many months and the Delhi Electric Power Authority or the Ministry concerned could not arrange to get the import license in time?

**Shri Gadgil:** The position was whether we should have a thermal station or whether we should wait for a few months more to get electricity from the hydro-electric works at Nangal but ultimately we came to the conclusion that it is much better to have a thermal station and the machinery was then ordered.

#### RAILWAY COLLISIONS

\*1497. **Dr. M. M. Das:** (a) Will the Minister of Railways be pleased to state whether there was any investigation made to find out the men responsible for the three major 'head-on-collisions' that took place in the Indian Government Railways in the year 1948-49?

(b) If so, who were found responsible and what punishments were given to them?

(c) What was the total amount the Railways had to give as compensation for the killed and injured?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes; enquiries were held by the Government Inspector of Railways.

(b) A statement showing particulars of the staff found responsible for the accidents is laid on the Table of the House. The question of punishments to the staff is awaiting the results of prosecutions against them by the Police.

(c) The payment so far made amounts to Rs. 2,162-8-0.

## STATEMENT

*Particulars of the staff found responsible for the three major collisions which occurred on the Indian Government Railways during the year 1948-49.*

Brief description of the accident	Designation of the staff on whom varying degrees of responsibility were fixed for the accident
(1) Collision between 171 Up Goods and 314 Down Workmen's train between Sultangunge and Gangania stations on the Sahibganj Loop of the East Indian Railway at about 20-20 hours on 30.4.1948.	(i) The Driver of 814 Down. (ii) The Guard of 314 Down. (iii) The Driver of 171 Up.
(2) Collision between 49 Up Passenger and 8 Down Nainital Express between Shahgarh and Puranpur Station on the Oudh Tirhut Railway at about 2-20 hours on 14-9-1948.	(i) The Assistant Station Master, Shahgarh Station. (ii) The Guard of 49 Up. (iii) The Driver of 49 Up.
(3) Collision between a Down Light Engine and 63 Up Passenger between Pipraich and Bodarwar stations on the Savan Loop of the Oudh Tirhut Railway at about 5-0 hours on 12-8-1948.	(i) The Assistant Station Master, Pipraich Station. (ii) The Station Master, Bodarwar Station. (iii) The Driver of the Light Engine.

**Dr. M. M. Das:** May I know the number of railway staff involved in this investigation?

**Shri Santhanam:** In these three collisions, nine members of the staff are under prosecution.

**Dr. M. M. Das:** May I know the total number of killed and injured in these collisions?

**Shri Santhanam:** Total number killed is 43, injured 96.

**Dr. M. M. Das:** What is the total amount of loss suffered by the Railways in the rolling stock, etc., in addition to the compensation paid to the victims?

**Shri Santhanam:** I have not got the information.

**Shri Kamath:** What was the total amount claimed as compensation by the injured and the relatives and dependants of the killed, and on what basis was compensation actually awarded?

**Shri Santhanam:** Each claim is dealt with on its merits. There are many claims still pending.

**Shri Kamath:** How many have been so far disposed of by this amount of Rs. 2,162-8-0?

**Shri Santhanam:** In the E.I.R., there are 2 cases pending and in the O.T.R. 31 cases are pending involving Rs. 3,35,000 and in the third case 16 cases involving Rs. 2,28,000 are pending.

**Shri Kamath:** My question was how many cases were decided in this amount of Rs. 2,162-8-0?

**Shri Santhanam:** Two, one killed and one injured.

**Shri Sonavane:** What was the amount of compensation paid to those who were killed?



**Shri Santhanam:** For one case of death we paid Rs. 2,100.

**Shri Kamath:** What was the amount claimed in this case?

**Shri Santhanam:** I have not got such details on hand now.

**Shri Dwivedi:** What new precautionary measures are being adopted to avoid these collisions in the future?

**Mr. Speaker:** It is an oft-repeated question.

**Shri Hanumanthaiya:** Were the engines involved in these collisions new ones or old ones?

**Shri Santhanam:** I require notice of that.

#### RESERVE POOL PLANT DEPOT AT HARDNAGUNJ

\*1498. **Dr. M. M. Das:** (a) Will the Minister of Works, Mines and Power be pleased to state whether the transportable power set sold to the Government of the Punjab (Pakistan) from the Reserve Pool of Electric Generating Plant has been removed by the Government of Pakistan from the Stores Depot at Hardnagunj and if not, why not?

(b) Who is paying the expenses of the staff engaged at the depot to keep an eye on the power plant?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) The Government of Punjab (Pakistan) have not yet taken delivery of the transportable power set sold to them. The Pakistan Government have been reminded from time to time to send the necessary wagons, including wagons of special type, to take away the plant from the Hardnagunj Depot to Lahore. Their reply is awaited.

(b) The cost of the small staff retained to look after the plant will be found initially by the Government of India, but it is intended to recover the amount subsequently from the Government of the Punjab (Pakistan). The Pakistan Government have been informed accordingly.

**Dr. M. M. Das:** May I know the date on which the power plant was sold to Pakistan?

**Shri Gadgil:** There were two transportable sets allotted to the undivided Punjab. In September 1948 the two Punjabs came to an understanding and each agreed to receive one. The Pakistan Punjab paid us Rs. 14,37,900 in September 1949. We informed them to take delivery of this before the end of December 1949 failing which the cost of maintenance would be charged to them.

**Dr. M. M. Das:** May I know whether the Pakistan Government have informed the Government of India about the reasons for their not taking delivery of this set?

**Shri Gadgil:** The reason given was that wagons of special types were not available with them and they wanted us to supply them wagons but we had not enough. So they have been asked to take these sets in their wagons early.

**Dr. Deshmukh:** Is it not a fact that Pakistan Government has to pay us large amounts and would it not be possible to take this as a set-off against our dues from them?

**Shri Gadgil:** They have actually paid Rs. 14,37,800 as price of this plant and they would have to pay the maintenance cost to us.

**RAILWAY STAFF OPTING FOR SERVICE IN INDIA FROM PAKISTAN RAILWAYS AND  
Vice Versa**

**\*1499. Dr. M. M. Das:** (a) Will the Minister of Railways be pleased to state the total number of railways staff, who opted for service in India from Railways now lying in Pakistan and *vice versa*?

(b) Have Government received the service records of all India opting staff from Pakistan Railways and if not, why not?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) The number of staff who have opted for India from the section of the Railways now lying in Pakistan is approximately 60,000. The number of staff who have opted for Pakistan from Railways now lying within India is approximately 83,000.

(b) No. The service records of approximately 13,600 employees out of the total of 60,000 employees are still to be obtained from Pakistan Railways. The collection and despatch of such records are matters which ordinarily will require some time.

**Dr. M. M. Das:** May I know whether Pakistan has informed the Indian Government as to when they are not in a position to send these files?

**Shri Gopaldaswami:** They have been telling us that they will send them as soon as they trace them and are ready for despatch.

**Dr. M. M. Das:** May I know whether we have sent all such records?

**Shri Gopaldaswami:** Some reports are due from us to Pakistan. It is about 5,618, I believe.

**Shri Sidhva:** Is it not a fact that in the absence of the service records the seniority of those who have come from Pakistan to India has been affected and consequently their promotions have also been affected? If so, what steps do Government intend to take in the matter?

**Shri Gopaldaswami:** I am afraid I am not in a position to give a very exact answer to the hon. Member's question. I believe in several cases seniority according to the records received from Pakistan has been taken into account: more than that I am not in a position to say at present.

**Shri Sidhva:** Is it not a fact that several individual employees have made representations to their officers about their seniority not being considered, in view of the fact that their records have not been received? If so, do Government propose to take any note of it?

**Shri Gopaldaswami:** If representations have been made, those representations will be considered as soon as we come into possession of the service records concerned.

**Shri Tyagi:** May I know if the period of their service in Pakistan will be taken into account for calculation of their pension?

**Shri Gopaldaswami:** Yes.

**Shri Hossain Imam:** I want to know the number of the records which have come from Pakistan to India and the number of records that have been sent from India to Pakistan.

**Mr. Speaker:** The hon. Minister has already replied to that question.

**Shri Gopaldaswami:** I said that 60,000 records were due from Pakistan and all but 13,000 and odd have been received. From India 88,000 were due from us to them and all but 5,613 have been sent to Pakistan.

**Khwaja Inait Ullah:** May I know the number of railway servants who in the first instance provisionally opted for Pakistan and afterwards changed their option to permanent employment in India?

**Shri Gopaldaswami:** The original figure that we had so far as opting for Pakistan is concerned was 1,26,000 but that included employees on those portions of the North Western and Bengal Assam Railways which fell in India. The actual number of employees who came from all the portions now in Pakistan and were provided on the various Indian Government Railways is 59,899 and I gave that figure as approximately 60,000.

**Khwaja Inait Ullah:** My question was whether those workers who provisionally opted for Pakistan and then afterwards changed their option permanently for India were taken in service?

**Shri Gopaldaswami:** We did so, within the time prescribed.

#### DELHI TRANSPORT STRIKE

\*1500. **Shri Kesava Rao:** (a) Will the Minister of Transport be pleased to state the number of workers penalised in the Delhi Transport strike?

(b) What is the number of workers who deserted the service as a result of punishment?

(c) What was the number of workers who did not return to work after the strike was called off?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) There was no question of penalising the workers. The strikers were notified that unless they resumed duty on a particular date they would be considered to have been discharged from service and others recruited in their place. When the strike was abandoned the new recruits had to be discharged slowly and some of the strikers had to wait.

(b) None.

(c) The number of strikers yet to be absorbed is two.

**Shri Kesava Rao:** May I know whether it is a fact that increments of certain workers who took part in the strike were stopped?

**Shri Santhanam:** Not so far as I know.

**Shri Kesava Rao:** May I know whether it is a fact that some workers have resigned as a protest against the non-fulfilment of their grievances?

**Shri Santhanam:** No, Sir. We have taken back 1,225 out of 1,227 workers but in the normal course there may be a few people who may come in or go out. But that has nothing to do with the protest.

**Shri Kesava Rao:** May I know whether any of their grievances were redressed?

**Shri Santhanam:** Yes, Sir. Many of the grievances have been redressed and others are being looked into by the new Transport Authority.

**Shri E. Velayudhan:** May I know whether the workers who struck work were paid for the period of their strike?

**Shri Santhanam:** Oh, no.

#### EMPLOYMENT OF DISPLACED PERSONS FROM EAST PAKISTAN AT CHITTARANJAN

\*1502. **Shri S. C. Samanta:** Will the Minister of Railways be pleased to state whether any policy has been adopted for finding employment for displaced persons from East Pakistan at Chittaranjan and what is the percentage of displaced persons employed at Chittaranjan against the permanent cadre?

**The Minister of Transport and Railways (Shri Gopaldaswami):** The policy laid down for employment of displaced persons from East Pakistan in the Locomotive Works at Chittaranjan is that other things being equal, the East Bengal refugees should be given preference. The percentage of displaced persons to the total number of staff employed at Chittaranjan against the permanent set up is 18—81.

**Shri S. C. Samanta:** May I know whether all vacancies are advertised in the newspapers before the appointments are made?

**Shri Gopaldaswami:** I think the selection is made after calling for applications. I am not sure whether the vacancies are advertised in the newspapers.

**Shri S. C. Samanta:** May I know whether instructions have been issued by the Railway Board to the General Manager at Chittaranjan regarding the recruitment of artisans from Bombay, Madras and other Provinces for employment in such capacity?

**Shri Gopaldaswami:** Instructions have been issued to the General Manager at Chittaranjan to recruit skilled workmen from the Railway workshops in the various railway systems but even in those cases if there is a refugee from East Bengal who in other respects is equal to an applicant from any of our workshops that refugee will get the preference.

**Shri B. K. Das:** How many East Bengal refugees have so far been appointed?

**Shri Gopaldaswami:** Number of displaced persons in class III are 9 and in class IV 260.

**Shri B. K. Das:** How many of them are technical persons?

**Shri Gopaldaswami:** I am sorry I have not got the information.

**Shri Sidhva:** Is it a fact that the services of some of the skilled technicians at Chittaranjan were terminated and people from other railways have been taken in their place? If so, what were the reasons?

**Shri Gopaldaswami:** Is it the hon. Member's suggestion that the services of certain refugees were terminated?

**Shri Sidhva:** Yes.

**Shri Gopaldaswami:** I am afraid he knows more about it than I do at the present moment.

**Shri S. C. Samanta:** May I know whether posts or vacancies under the Mechanical Department are advertised in the newspapers?

**Shri Gopaldaswami:** I have already said that I could not say whether they are advertised in newspapers. Perhaps in some cases they are advertised and in other cases not and I am not in a position to answer the question.

**Shri Sidhva:** May I know if any representation has been received by his Ministry from such persons.....

**Mr. Speaker:** I do not think that I should allow questions on representations from subordinates.

**Shri Sidhva:** It is a large number: it is not one or two.

**Mr. Speaker:** That may be.

POWER CONNECTIONS TO INDUSTRIAL CONCERNS IN DELHI

\*1503. **Shri R. Velayudhan:** Will the Minister of Works, Mines and Power be pleased to state:

(a) the number of power connections sanctioned to Industrial concerns in 1949 by the Chief Commissioner, Delhi; and

(b) whether any industrial concern after receiving power connection, was not supplied with power in the year 1948 and if so, why?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) 212 power connections were sanctioned in the year 1949.

(b) 458 applications for industrial power were sanctioned in 1948 but only 230 could be connected up and supplied with power due to shortage of power supply in Delhi.

**Shri R. Velayudhan:** May I know to how many industrial concerns power was supplied in 1949?

**Shri Gadgil:** 212 power connections were sanctioned in 1949. I think the actual connections were 37 out of 228 sanctioned in 1948. Out of 56 in which power was given 31 are going to be connected. All told the total is about 110.

گیانی جی - ایس . مسافر : کیا کلکشن دیلے کے لئے اور بجلی سہائی کرنے کے لئے  
ایک ہی اتھارٹی ہے ؟

**Giani G. S. Musafir:** Is there one and the same authority for giving the connections as also supplying electricity?

**Shri Gadgil.** The sanctioning authority is different from the authority that actually gives the connections.

**Shri J. R. Kapoor:** Is there any preferential treatment being accorded to refugees in the matter of grant of power connections for industrial purposes?

**Shri Gadgil:** The demand from a refugee is taken into consideration.

**Khwaja Inait Ullah:** May I know how many out of these industrial concerns were owned by refugees?

**Shri Gadgil:** I require notice for that.

**Shri J. R. Kapoor:** Do I understand the hon. Minister to say that any preference is given to refugees or is it that only the fact is taken into consideration just as the facts of other applicants are taken into consideration?

**Shri Gadgil:** The fact that they are refugees is taken into consideration.

**Shri Sidhva:** Apart from the concession given to essential services, may I know whether concession is given to other industrial concerns also?

**Mr. Speaker:** Concession in what?

**Shri Sidhva:** In giving connections.

**Mr. Speaker:** Not concessions in rates?

**Shri Sidhva:** No, Sir.

**Shri Gadgil:** Certain connections became available. On account of the fact that in any particular area there was no outstanding demand of the previous year, as power was available in that particular area applicants who had not applied in 1948 but made applications in 1949 were given connections. In other cases some special priority was given on account of merits.

**Shri Sidhva:** What was the special merit on which special concession was given?

**Shri Gadgil:** In each case there was some special ground which, according to the Board, justified deviation from the normal course.

**Shri Kishorimohan Tripathi:** May I know whether it is the policy of the Government to give first priority in supplying electrical energy to such industries as are protected by Government and with which Government have placed orders?

**Shri Gadgil:** That must be one of the circumstances that might have been taken or would be taken into consideration by the Board.

**Shri N. S. Jan:** May I know why connection was not given to those persons to whom sanction was given in 1948, and why they were not preferred for giving connection in 1949 over those who applied in 1949?

**Shri Gadgil:** I have already explained the position. In any area where power became available, first preference was given to those who applied in 1948. But if there was no outstanding demand of 1948, and the best use is to be made of power available, those who came later on were given connections; only in a few cases, as I stated, was special concession given.

**Shri Deshbandhu Gupta:** May I know whether it is not a fact that connections are sanctioned after enquiring into the availability position of power? Why was not power given after a connection had been sanctioned?

**Mr. Speaker:** He need not argue.

**Shri Deshbandhu Gupta:** I just want information on that, Sir. He has stated that connection was sanctioned but power was not given. Therefore, I want to know whether the availability position was not enquired into first before sanctioning the connection.

**Shri Gadgil:** The assumption is that everywhere people use what is actually sanctioned, but as a matter of fact my hon. friend knows it very well that there has been pilfering on a very large scale.

**Shri Deshbandhu Gupta:** Sir, with your permission may I ask my hon. friend.....

**Mr. Speaker:** He has asked the question and got the reply.

**Shri Deshbandhu Gupta:** But it is not the reply to the question.

**Mr. Speaker:** It may be so in the opinion of the hon. Member.

**Shri Sondhi:** Sir, it is not a reply to the question which he asked.

**Mr. Speaker:** In this respect, I consider that when there is a separate statutory Authority for the purpose of distribution of electricity, detailed questions of that type are absolutely unnecessary.

**Shri Sondhi:** You might rule out a question.

**Mr. Speaker:** Order, order. This House should make it a point, so far as is possible, not to interfere with the autonomy of such Authorities, and questions will be justified only if there is something very exceptional to be urged or to be known. All sorts of questions over the details of distribution are being asked. In fact, they are all disallowable questions.

**Shri Sondhi:** Once you allow a question the reply to it should come.

**Mr. Speaker:** It may be so.

**Shri Gadgil:** Sir, I protest against this. I maintain that I have been absolutely relevant so far as the question and the answer are concerned.

**Shri Sidhva:** Sir, if an Authority is constituted and if something goes wrong and we want information.....

**Mr. Speaker:** There is the question of maintaining the balance between the authority of this House and the freedom or internal autonomy of the institutions which have been granted that autonomy. I do not mean to maintain the proposition that even though this House is sovereign it cannot enquire into certain details. It has certainly got the right to enquire into any detail. But then, for the purpose of exercising that jurisdiction we must have the balance as to how far we should interfere with the autonomy of those bodies. That is the principal point to be borne in mind.

#### REGIONAL COMMISSIONERS

\*1504. **Shri Kesava Rao:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that Regional Agricultural Commissioners have been recently appointed by the Government of India?

(b) What are their functions and why has it been considered necessary to make these appointments?

**The Minister of Food and Agriculture (Shri Jai Ramdas Doulatram):** (a) Yes. One Regional Commissioner for Food Production has so far been appointed for the Bombay Region.

(b) A statement giving the main functions of the Regional Commissioners is placed on the Table of the House. It has been considered necessary to make these appointments in order to maintain a close liaison with the States and to keep a senior experienced officer on the spot who can watch the implementation and progress of 'Grow More Food' Schemes in States.

## STATEMENT

*Functions of the Regional Commissioners of Food Production*

- (1) To represent the Ministry of Agriculture, Government of India in each Region.
- (2) To maintain contacts with the heads of Administrations in States and States Unions in that Region in all matters concerning Grow More Food and to promote good relations and co-ordination of policy in such matters between neighbouring Administrations.
- (3) To watch and report periodically the progress made in the schemes in operation in the States, etc.
- (4) To apprise the Centre of the difficulties and desires of the States and States Unions in the implementation of the Food Production Schemes.
- (5) To check up the food production plans of the States and States Unions.
- (6) To make suggestions for the improvement in the schemes or for acceleration of their execution.
- (7) To render all necessary help to States, etc., in the procurement and movement of essential raw materials required for the implementation of the schemes.
- (8) To collect and reconcile relevant statistics.
- (9) To render all other help to the States and States Unions to attain the goal within the specific time limited.

**Shri Kesava Rao:** May I know whether it is a fact that Regional Food Commissioners are already working and this is a duplication of appointment?

**Shri Jairamdas Doulatram:** There are no Regional Commissioners working in regard to food production except one appointed now in Bombay.

**Shri Kesava Rao:** There are Regional Commissioners working in the various States. I want to know whether this appointment is a duplication of that.

**Shri Jairamdas Doulatram:** I am afraid the hon. Member is confusing these with the Regional Food Commissioners appointed by the Food Ministry to deal with the storage and distribution of food grains, whereas, this is a matter relating to food production plans in the States, and one of the links which was missing, that is close contact between the Central Government and the State Governments with regard to production schemes, has been supplied. The duties of the two Regional Commissioners are entirely different, and neither the one nor the other can take up the duties of the other.

**Shri Kesava Rao:** May I know on what scale of pay the present Agricultural Commissioners have been appointed?

**Shri Jairamdas Doulatram:** We have requested the Standing Finance Committee to sanction Rs. 2,000, but the desire is to have honorary Regional Commissioners and the one appointed in Bombay is an honorary Regional Commissioner.

**Shrimati Durgabai:** In view of the fact that the State Governments have already got their own Agricultural Officers, what is the specific scope of functions to be discharged by these Agricultural Commissioners, in addition to those functions already being discharged by the State Governments?

**Shri Jairamdas Doulatram:** The function of these officers is to represent the Central Government in regard to the day to day implementation of the 'Grow More Food' schemes. It was the desire of the House that we should see that



the schemes for which money is sanctioned are actually being carried out. Therefore, these officers will provide the day to day liaison between the Central Government and the State Governments. These officers are to go about, tour the whole state, see exactly how far the schemes are progressing, make suggestions, recommend to us whatever improvements are necessary as also discuss with the Local Governments action which they wish them to take.

**Shri Hanumanthaiya:** May I know how many Regional Commissioners are going to be appointed?

**Shri Jairamdas Doulatram:** At present the proposal is to have four Regional Commissioners for the whole of India. Each Regional Commissioner to deal with a few States.

**Shri Tirumala Rao:** May I know the qualification of these officers, technical or otherwise?

**Shri Jairamdas Doulatram:** The officer who has been appointed at Bombay was for a number of years the Secretary of the Ministry of Agriculture. Before that he was President of the Indian Council of Agricultural Research, and is an experienced administrator and has knowledge of agriculture as well. The appointment has been found to be very satisfactory even from the point of view of the State Government.

**Shri Kesava Rao:** May I know whether the Regional Food Commissioners who are already working in the various States will not do this work?

**Shri Jairamdas Doulatram:** They cannot possibly do it because the other job requires wholetime work. For instance, in Bombay, Calcutta or Madras, every day a number of ships are arriving and the Regional Food Commissioner has to deal with the food imports; he has to see to the distribution and storage of the food grains and their despatch day to day to all the regions to which we are supplying food grains. He is a wholetime man and he has no time to go about and deal with the production programme.

**Shri Rathnaswamy:** Is it the intention of Government to appoint a Regional Commissioner for Madras?

**Shri Jairamdas Doulatram:** Yes. Four Commissioners who are to be appointed and there is a proposal to appoint one for Madras.

#### IMPORT OF CANADIAN LOCOMOTIVES

\*1505. **Shri Rathnaswamy:** (a) Will the Minister of Railways be pleased to state whether specially trained mechanics are available in India for repairing the new model engines imported from Canada, or are the mechanics to be got from Canada?

(b) What is the difference in cost between a Canadian locomotive and an English-made engine of the same specification?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) It is presumed that the hon. Member refers to the WP type Broad Gauge locomotives built in Canada. The existing staff in Sheds and Shops are capable of attending to these engines and no specially trained mechanics are required for this purpose.

(b) No engines of this type were ordered in England. It is therefore not possible to give comparative costs.

**Shri Rathnaswamy:** May I know how many locomotives of the Canadian variety have been imported up to the present year?

**Shri Gopalaswami:** The number of W.P. locomotives ordered from Canada was 200. I am not sure whether all of them have arrived, but the greater part has arrived.

**Shri Rathnaswamy:** How many still remain to arrive?

**Mr. Speaker:** I think this question was dealt with some time back and the answer was very exhaustive.

**Shri Rathnaswamy:** I have another question. May I know the efforts which Government of India are making in regard to manufacturing locomotives in India?

**Shri Gopalaswami:** I have said several times what steps we are taking.

**Dr. M. M. Das:** May I know how many of these newly imported W.P. engines have required reparations up to now?

**Shri Gopalaswami:** If by 'reparations' the hon. Member means 'repairs', some of them have been to the workshops for certain repairs. I cannot give the exact number.

**Dr. M. M. Das:** May I know whether they have required minor repairs or major repairs?

**Mr. Speaker:** Next question. I think the question of repairs was also dealt with the other day.

#### DESTRUCTION OF AMMONIUM NITRATE

\*1506. **Shri Sanjivayya:** (a) Will the Minister of Agriculture be pleased to state whether the Government are aware that a huge quantity of ammonium nitrate was destroyed by fire in Patna, on the 27th of February 1950?

(b) If so, what is the quantity of the same?

(c) What is its value?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) to (c). According to the information received from the Government of Bihar about 2.922 maunds of Ammonium Nitrate valued at approximately Rs. 50,000 was destroyed by fire at Government farm, Patna, on the 27th February, 1950.

**Shri Sanjivayya:** May I know whether any enquiry was instituted in order to investigate how this incident took place?

**Shri Jairamdas Doulatram:** Government of India have nothing to do with this particular incident. The Ammonium Nitrate was property of the Bihar Government, and in reply to our enquiry we have been told that the matter is being investigated.

#### बगड़ चावल

\*1507. **श्री जागड़े :** (ए), क्या खाद्य मंत्री बतलायेंगे कि श्री आर० के० पाटिल, अन्न निदेशक की सिफ़ारिश के अनुसार बगड़ चावल से कितनी तादाद अनाज की बचत हुई ?

(बी) वह कौन से प्रयोजन हैं जिन के निमित्त इस चावल का प्रयोग हो सकता है ?

## HALF-POLISHED RICE

\*1507. **Shri Zangre:** (a) Will the Minister of Food be pleased to state what has been the saving in foodgrains as a result of acting on the recommendations of Shri R. K. Patil, Food Commissioner, regarding half-polished rice?

(b) What are the various purposes for which such rice can be used?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Presumably the hon. Member refers to the decision taken at the Premiers and Food Ministers Conference held in September 1948 in pursuance of which a directive was issued to the State Governments to ban the polishing of rice. Most States have passed orders banning the polishing of rice but no calculation of saving has been made.

(b) It is used as food.

**Shri T. N. Singh:** When questions are tabled in Hindi, the replies also may be given in Hindi.

**Mr. Speaker:** It is left to the hon. Minister concerned.

**श्री जांगड़े :** क्या माननीय मंत्री महोदय बतलायेंगे कि प्रति मन धान से कितना पालिश्ड राइस निकलता है और कितना हाफ पालिश्ड राइस निकलता है, यानी बगड़ चावल निकलता है ?

**Shri Zangre:** Will the hon. Minister be pleased to state what is the quantity of polished rice obtained from one maund of paddy and what is that of half-polished rice, that is *Baggar* rice?

**Shri Jairamdas Doulatram:** I am afraid I have not followed the question.

**श्री जांगड़े :** मैं माननीय मंत्री महोदय से यह पूछना चाहता हू कि प्रति मन धान से कितना पालिश्ड राइस निकलता है और प्रति मन धान से कितना हाफ पालिश्ड राइस निकलता है ?

**Shri Zangre:** I wish to ask from the hon. Minister what is the yield, from one maund of paddy, of polished and half-polished rice respectively?

**Shri Jairamdas Doulatram:** It depends very much on the actual operations in the mills. Some are able to produce a greater polish. It depends upon the technique of the mill and the number of milling processes, which vary from mill to mill and from province to province.

**श्री जांगड़े :** क्या माननीय मंत्री महोदय को मालूम है कि मध्य प्रदेश की सरकार न अकसर यह तय पाया है कि प्रति मन धान से बगड़ चावल करीब ढाई सेर अधिक निकलता है बनिस्बत पालिश्ड राइस के ?

**Shri Zangre:** Is it within the knowledge of the hon. Minister that the Madhya Bharat Government has come to the conclusion that the quantity of *Baggar* rice obtained from each maund of paddy exceeds the quantity of polished rice thus obtained by about two and a half seers?

**Mr. Speaker:** Order. order. I do not think that this question arises.

**Shri Tirumala Rao:** Have Government got any way of estimating the saving that they will effect by introducing this policy of not having any polishing of the rice?

**Shri Jairamdas Doulatram:** The saving works out to about 8 to 10 per cent.

**Shri Tyagi:** May I know the names of the States which have banned the polishing of rice?

**Shri Jairamdas Doulatram:** The majority of the States have banned it, but I understand that in the actual implementation the consumers have again to do a little polishing before they use the rice.

**Shri Kamath:** What measures have been taken, or are being taken, by the Publicity Section of the Ministry of Food to popularise or encourage the use of unpolished rice for food in view of the prevalent prejudice against unpolished rice?

**Shri Jairamdas Doulatram:** That propaganda is being done by the State Governments?

**Shri Satish Chandra:** Has the attention of Government been drawn to the fact that this unpolished rice is usually polished again by consumers at home, resulting actually in more wastage than saving?

**Mr. Speaker:** That is what he has already replied to.

**Shri Jairamdas Doulatram:** We are now taking steps to avoid that.

**Shri Sidhva:** May I know whether the hon. Minister has recently appointed an Honorary Adviser to tour the various places where rice is grown and make a report on this half-polishing system, and if so, what is the result?

**Shri Jairamdas Doulatram:** Government have appointed an officer to see that the operation in the mill is such that only the requisite polish is given, so that the consumer has to do no further polishing, seeing at the same time that the polish is not excessive. This means that the polishing will remove the husk, maintaining at the same time the nutritive element in the rice. The officer has toured many Provinces and we are awaiting his report.

**Mr. Speaker:** I think I must go to the next question.

#### STATUTORY CENTRAL COMMITTEES OF MINISTRY OF AGRICULTURE

\*1508. **Shri Chandrika Ram:** (a) Will the Minister of Agriculture be pleased to state what are the Statutory Central Committees attached to the Ministry of Agriculture and who are the members thereon?

(b) What are the powers and functions of these Committees?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (b). A statement giving all the information required is placed on the Table of the House. [*Copy placed in the Library. See No. P-78/50.*]

**Shri Chandrika Ram:** How many members are there on the Central Sugarcane Committee?

**Shri Jairamdas Doulatram:** The Central Sugarcane Committee is not a statutory body. So it has not been included in this statement.

**Shri Poonacha:** Is it a fact that one person is the Chairman of at least eight Committees?

**Shri Jairamdas Doulatram:** That is a fact. This matter was referred to on an earlier occasion and I have also given information as to what we intend to do.

**Shri Satish Chandra:** How are producers' representatives on these Committees selected?

**Shri Jairamdas Doulatram:** I think the producers are represented in all these Committees. I have not got the exact number, but in some they are six and in some they are.....(Interruption).

**Shri Satish Chandra:** My question was this: what is the method of selection of producers' representatives?

**Shri Jairamdas Doulatram:** We usually request the State Governments to send us their nominees of producers, because they are in touch with producers.

**Ch. Ranbir Singh:** May I know the number of the representatives representing various interests, that is, agriculturists, trade and industry?

**Mr. Speaker:** Does the hon. Member mean the method of representation?

**Ch. Ranbir Singh:** I mean the proportion of representation.

**Shri Jairamdas Doulatram:** We usually try to give equal representation on almost all the Committees. I think the trade, consumers and producers have equal representation.

**Shri Kamath:** Is it a fact that the Subsidiary Foods Committee has gone into cold storage?

**Shri Jairamdas Doulatram:** It does not arise out of this question. This question deals with statutory committees.

**Shri Kamath:** It may be so, but this is one of the important committees.

**Shri Tirumala Rao:** Are Government satisfied that a single President for about half a dozen Committees is able to discharge his functions efficiently?

**Mr. Speaker:** Order, order.

**Shri Poonacha:** Is it a fact that this person who is the Chairman of at least eight Committees was first an Honorary Adviser to the Government of India receiving Re. 1 per mensem and that he was subsequently appointed as Additional Secretary to the Ministry of Agriculture on Rs. 3,000?

**Shri Jairamdas Doulatram:** No. He is Honorary Additional Secretary. The appointment for which he is paid is the Presidentship of the I.C.A.R.

**Shri Sidhya:** The question was whether he was subsequently made Additional Secretary?

**Shri Jairamdas Doulatram:** That is a fact, but as I said, so far as the pay is concerned, it is by virtue of his appointment as the President of the I.C.A.R.

**Shri Sidhya:** May I know whether the honorary post was created for the purpose of giving this fat salary?

**Mr. Speaker:** Order, order, the hon. Member is making allegations. We shall go to the next question.

#### TAMPERING WITH RAILWAY TRACK BETWEEN GUDUR AND SULURPET

\*1509. **Shri Obaidullah:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the railway track was tampered with between Gudur and Sulurpet on the morning of 3rd March, 1950 when His Excellency the Governor of Madras travelled through the route;

(b) whether it is a fact that the line was set right by the railway authorities; and

(c) whether the authorities had taken necessary precautions when there were attempts at sabotage earlier in the day?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) On the morning of the 3rd March, 1950, two fishplates were found missing from the track between Gudur and Odur stations. It is, however, not known whether such was the condition at the time when 2 Up Calcutta Mail, by which H.E. the Governor of Madras travelled, passed over the spot a few hours earlier.

(b) Yes.

(c) Yes; all possible precautionary measures were promptly taken.

**Shri Ramaswamy Naidu:** Have Government received any suggestion from an Engineer of Messrs. Spencer & Co. in Madras about a device to detect tampering with the railway track?

**Shri Santhanam:** I remember to have seen a news-item in A Madras newspaper. But I am not sure whether any communication has been received by the Railway Board.

**Shrimati Durgabai:** In view of the fact that there is a frequency of such occurrences on this particular line, may I know whether Government have taken any special steps to protect this line?

**Shri Santhanam:** For many days, or perhaps weeks, past intensive patrolling has been instituted in this part of the track.

**Shri Sidhva:** What are the precautionary measures that Government intend to adopt to avoid the occurrence of such frequent accidents?

**Mr. Speaker:** This question was discussed when the hon. Member tabled a short notice question on the Calcutta Mail disaster.

**Shri Sidhva:** But the hon. Minister's reply was not satisfactory.

#### RAILWAY BOOKING OFFICE

\*1511. **Shri Obaidullah:** (a) Will the Minister of Railways be pleased to state whether it is proposed to open passenger Booking-offices in Daryaganj, Karol Bagh and Lodhi Road, if so, when and if not, why not?

(b) Are there facilities at present for carrying luggage and parcels from New Delhi and Old Delhi Junction stations by Railway-owned buses for delivery to the consignees living in the above three localities?

(c) If the answer to part (b) above be in the negative, do Government propose to introduce such a system, if so, when and if not, why not?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) It is not at present proposed to open booking offices in these localities. Lodhi Road area has not sufficient traffic to offer; Karolbagh is considered to be adequately served by Sadar Bazar City Booking Agency; and Darya Ganj area, by Hauz Kazi and Chandni Chowk City Booking Agencies.

(b) A street delivery service covering all the localities is in operation in Delhi and includes both old and New Delhi stations. The service, however, is limited to parcels and as it has not been well patronised, the question of its extension to luggage has not been considered. Moreover, most passengers prefer to carry their luggage with them.

(c) Does not arise.

TELEPHONE SYSTEM IN TRAVANCORE-COCHIN

\*1512. **Shri Sivan Pillay**: Will the Minister of **Communications** be pleased to state:

(a) the total mileage of telephone system in Travancore-Cochin before the integration of that State with the centre;

(b) the total amount spent thereon up-to-date by the State Government;

(c) whether Government propose to extend the telephone system within the State in the year 1950-51;

(d) whether Government propose to install auto-telephones in the State and if so, whether the expenses will be met by the Government of India or the State Government; and

(e) whether the agency arrangement regarding the local "Anchal" system includes the telephone system of the State also?

**The Deputy Minister of Communications (Shri Khurshed Lal)**: (a) 627 miles of line and 2,555 miles of wire.

(b) The total capital at charge on 31st March, 1950 is expected to be of the order of Rs. 50 lakhs.

(c) It is proposed to complete certain works of extension of telephone systems during 1950-51.

(d) It is proposed to complete the work of installation of auto-telephones in Trivandrum, Quilon and Alleppy which are in progress and cut them into service during 1950-51. Also it is proposed to take up the work of installation of an auto exchange at Kottayam during 1950-51. All the capital expenditure incurred in this connection after integration will be met by the Government of India.

(e) No.

**Shri Sivan Pillay**: May I know, Sir, whether Government propose to use imported material for the extension, or are they going to use indigenous ascuted wooden poles and insulators manufactured in the Porcelain factory of the State?

**Shri Khurshed Lal**: This matter has not yet been considered.

**Shri Sivan Pillay**: May I know what is the estimated cost of the proposed extension?

**Shri Khurshed Lal**: I have not got the figures with me.

GEOLOGICAL SURVEY OF THE HIMALAYAN REGION

\*1513. **Shri T. N. Singh**: (a) Will the Minister of **Works, Mines and Power** be pleased to state whether any steps are being taken to complete Geological survey of the Himalayan region, north and north-west of Uttar Pradesh?

(b) If so, when is the survey expected to be completed?

**The Minister of Works, Mines and Power (Shri Gadgil)**: (a) Yes. Every year parties of officers of the Geological Survey of India are sent out to the Himalayas, including the region north and north-west of Uttar Pradesh, and it is intended to continue this practice in future. A list of the investigations taken up during the last and the current field seasons in the portion of the Himalayas referred to is laid on the Table. [See Appendix VI, annexure No. 48.]

(b) It is not possible to say when the survey will be completed as its progress depends on a number of variable factors, such as, accessibility of the ground, the nature of the geological problems encountered, and the number of officers available for work in this region from time to time. I may however add that the Himalayan region occupies a prominent place in the long-term survey programme of the Geological Survey of India.

**Shri T. N. Singh:** May I know whether the preliminary surveys have indicated the possibility of finding minerals like copper, tin and iron?

**Shri Gadgil:** I have laid the results of the investigations on the Table, from which it appears that there is a possibility of finding copper.

**Shri T. N. Singh:** May I know whether the surveys that have been made so far include the Garhwal part, or was it confined to Tehri-Garhwal State?

**Shri Gadgil:** I do not exactly understand what is meant by the Garhwal part. But if the hon. Member wants to know in what areas surveys or investigations have been carried out, I am prepared to answer his question not now, but later on.

**Dr. Deshmukh:** May I know the total area that is intended to be surveyed and the area that has been surveyed so far?

**Shri Gadgil:** I require notice of that question.

**Dr. Deshmukh:** I just want to know the approximate square miles.

**Mr. Speaker:** He must collect figures for that.

**श्री द्विवेदी :** हिमालयन रीजन (Himalayan region) के अतिरिक्त दूसरे प्रदेशों में भी जियोलोजिकल सर्वे (geological survey) करने की योजना है ?

**Shri Dwivedi:** Is it proposed to carry out a Geological survey in any other region besides the Himalayan region?

**Shri Gadgil:** As far as I could understand the question, if the hon. Member wishes to know whether any investigations have been carried out in other provinces, the answer is that every year some selected areas are listed and parties are sent. The needs of the whole country are taken into consideration.

**Shri T. N. Singh:** May I know whether Government have received any reports of the possibility of finding petroleum in parts of Himalaya region north of Gorakhpur?

**Shri Gadgil:** So far it has not been traced.

**Shri Kamath:** Apart from such Himalayan schemes is there any proposal before the Government to survey other mountain ranges in India as well?

**Shri Gadgil:** As I have already stated, the needs of the country as a whole are taken into consideration and within the availability of funds and personnel, areas are listed and parties are sent.

**Shri Sidhva:** May I know the total number of geologists in India? Do Government consider that number to be sufficient for surveying the mineral resources of the whole country?

**Shri Gadgil:** Sir, in 1941 there were 29 officers; today there are 152; it is our idea to increase this number to 250 in the course of the next four years. If the hon. Member wishes to know what would be our total requirements, I would put the figure at 10,000.



**Shri T. N. Singh:** May I know whether Government or the Department concerned, have tried to seek the co-operation of the Geological Sections of Universities like the Banaras and Lucknow and the Allahabad Universities in this matter?

**Shri Gadgil:** Co-operation from whatever quarter it may be is welcome.

**Shri Tyagi:** Have the investigations made in the past brought any useful information?

**Shri Gadgil:** It is obvious from the statement and the reports of investigations laid on the Table.

## WRITTEN ANSWERS TO QUESTIONS

### POSTAL SAVINGS BANK ACCOUNTS

**\*1501. Sardar Hukam Singh:** Will the Minister of Communications be pleased to state whether it is a fact that interest on the Postal Savings Bank Accounts has not been paid during the last three years and if so, why?

**The Deputy Minister of Communications (Shri Khurshed Lal):** No, Sir. Interest statements have been issued by the Audit Offices for most of the accounts but in the case of some accounts there has been unavoidable delay in calculating interest on account of the dislocation caused by partition. Out of nearly 3½ million accounts, interest has not yet been calculated on only about 1,40,000 Savings Bank Accounts.

### NIGHT SCHOOLS FOR STAFF OF POST AND TELEGRAPH DEPARTMENT

**\*1510. Shri Kunhraman:** Will the Minister of Communications be pleased to state:

(a) the number and places of night schools started for imparting the background knowledge to lower grade staff of the Post and Telegraph Department;

(b) the total number who receive instruction in such schools;

(c) the amount of expenditure incurred under this account by the Government of India during 1949-50; and

(d) whether there is any proposal under consideration of the Government of India to introduce instructions in Hindi also in such schools for the benefit of those who are not conversant with the National Language?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) 30 night schools were started; two at Allahabad and one each at Lucknow, Gorakhpur, Kanpur, Howrah, Jodhpur, Nagpur, Raipur, Jubbulpore, Ajmer, Pilani, Gadarwara, New Delhi, Pachmarhi, Indore, Jaipur, Amritsar, Jaipur City, Kotah, Alwar, Patna, Bhagalpur, Chapra, Madras, Bangalore, Coimbatore, Cuttack, Sambalpur and R.M.S. 'N' Division (Calcutta).

Schools at Gorakhpur, Jodhpur, Patna, Amritsar and New Delhi have since been closed.

(b) 339.

(c) Rs. 9,388.

(d) Yes.

### "GUN CLUBS" FOR PROTECTION OF CROPS

**\*1514. Shri Sanjivayya:** (a) Will the Minister of Agriculture be pleased to state whether in any States "Gun Clubs" are formed to protect standing crops from destruction by wild animals?

(b) Do Government incur any expenditure on that account?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (b). Information is being collected from the States and will be placed on the Table of the House.

#### KALKALI—DHARMANAGAR RAILWAY LINE

**\*1515. Shri G. S. Guha:** (a) Will the Minister of **Railways** be pleased to state whether there was a proposal to construct a railway line from Kalkali Ghat in Assam to Dharmanagar in Tripura State?

(b) If so, was any survey made?

(c) Is it intended to complete the extension of the railway line?

(d) How is the transport of essential goods between Tripura and the rest of the Indian Union being carried on at present?

(e) Is it a fact that transport through East Bengal Railway is now almost impossible?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) and (b). I would refer the hon. Member to the reply given by me to Shri Sanjivayya's Starred Question No. 1,398 on the 4th instant.

(c) The question of construction of the line will be considered on receipt of the Survey Reports.

(d) By air, as far as possible.

(e) Yes.

#### TRACTORS

**\*1516. Shri Kahudiram Mahata:** (a) Will the Minister of **Agriculture** be pleased to state whether any small tractor suitable for a small farmer in India is in existence at present?

(b) If not, do Government propose to make such tractors available?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Although various types and sizes of tractors are in use in European countries none of them is considered suitable for Indian conditions.

(b) No. The average size of holding in India is too small for economical use of tractors so far devised.

#### RAILWAY LINE BETWEEN MANA MADURA AND TUTICORIN

**\*1517. Shri Ramaswamy Naidu:** (a) Will the Minister of **Railways** be pleased to state whether Government are investigating the proposal for constructing a railway line from Mana Madura to Tuticorin?

(b) If so, what stage has the proposal reached?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) The reply is in the negative.

(b) Does not arise.

#### ELECTRIC FANS IN CLASS II COMPARTMENTS

**\*1518. Shri D. S. Seth:** Will the Minister of **Railways** be pleased to state:

(a) whether electric fans have been installed in all the second class compartments of all the railways in the Indian Union;

(b) in which of the railways, it has not been possible to fit electric fans; and

(c) what is the approximate period by which the task is expected to be completed?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) Installation of electric fans in all Class II compartments has not yet been completed. Instructions to fit fans in Class II compartments were given only to Indian Government Railways. The Railways in the Indian States have come under Government control only from 1st April, 1950.

(b) and (c). Some of the Railways have fitted fans in all Class II compartments. It has, however, not been possible to complete the work on the following Railways. The approximate time by which the work is likely to be completed is given against each:

Railway	Period when the work will be completed.
(1) M. & S.M.	... 1951
(2) E.P.	... 1952
(3) E.I.	... 1953
(4) Assam	... 1954

#### LAVATORIES IN CLASS II COMPARTMENTS

\*1519. **Shri D. S. Seth:** Will the Minister of Railways be pleased to state:

(a) the reasons why, in the second class compartments, newly so converted from third class, lavatories have not been changed to the standard of the old second class or the ex-Inter class lavatories; and

(b) what is the probable period expected to be required for the change over?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) and (b). No third class compartments have been converted to class II and, therefore, the question of conversion of lavatories does not arise.

#### COMMISSION TO TRAVELLING AGENTS FOR SALE OF TICKETS

\*1520. **Shri G. S. Guha:** (a) Will the Minister of Railways be pleased to state what is the rate of commission, if any, paid to travelling agents for sale of railway tickets?

(b) Are the companies entitled to charge any extra commission from passengers in addition to the rate of commission paid by the Railways?

(c) Are Government aware that the Travelling Agency companies are charging commission from both parties?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Tourist Agents are allowed 10 per cent. commission on the sale of Class I and Class II (Special) coupon tickets issued by them to genuine overseas tourists and 5 per cent. commission on the sale of Class I and Class II (Special) tickets issued by them to residents in India.

(b) No. Recognised Tourist Agents appointed by Government are permitted to charge only authorised fares.

(c) Government have no such information nor has any complaint ever been made that a recognised Tourist Agency has charged more than the authorised fare.

## TOBACCO RESEARCH STATION, GUNTUR

\*1521. { **Shri P. K. Ramiah:**  
**Shri Galib:**

Will the Minister of **Agriculture** be pleased to state the reasons for closing down the Tobacco Research Station at Guntur, Madras Presidency?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** Government have not taken a decision permitting the Indian Central Tobacco Committee to close down the Tobacco Research Sub-Station at Guntur. This matter has been considered by the Indian Central Tobacco Committee, which has expressed an opinion that in the interest of economy, the Guntur Station should be closed down, as the same work can be undertaken by the Sub-Station at Rajamahendry, which is at a distance of 100 miles from Guntur. However, no proposal from the Indian Central Tobacco Committee has so far been received by Government.

## DELHI CENTRAL ELECTRIC POWER AUTHORITY

\*1522. **Shri D. S. Seth:** Will the Minister of **Works, Mines and Power** be pleased to state when the Government intend to take over the Delhi Central Electric Power Authority?

**The Minister of Works, Mines and Power (Shri Gadgil):** The Delhi Central Electric Power Authority has submitted a petition to the Court asking for permission to amend its Articles of Association. On receipt of this permission, it is proposed to transfer the traction section of the Authority, together with its assets and liabilities, to the Delhi Road Transport Authority set up by statute on 1st April, 1950. The remaining assets and liabilities will be transferred to a State Electricity Board for Delhi to be set up under the provisions of the Electricity (Supply) Act, 1948. It is difficult to say at this stage when the above transfers will be completed.

## QUARTERS AT VINAY NAGAR

\*1523. **Shri M. F. Mishra:** (a) Will the Minister of **Works, Mines and Power** be pleased to state whether it is a fact that a thousand quarters were constructed during the year 1949 in the Factory Road, Vinay Nagar, which were meant for the low-paid Government servants drawing up to Rs. 75 per mensem?

(b) Is it a fact that out of them only two hundred quarters were allotted to the low-paid Government servants and the rest went to high-paid Government servants?

(c) Is it a fact that as a result of a new interpretation being put on rules the low-paid servants have now no chance of getting accommodation in these quarters?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) No. Only 516 quarters were completed during 1949. The construction of the remaining quarters is in progress.

(b) No. Except 31 quarters allotted to lady clerks and 117 quarters temporarily allotted to officers, whose emoluments are more than Rs. 75 per mensem, and eight quarters where C.P.W.D. Enquiry Offices have temporarily been located, the rest have been allotted to Government servants getting Rs. 75 p.m. or less. The diversions were necessitated by the fact that drastic reductions recently made in the building programmes of the C.P.W.D. have resulted in a complete lack of fresh construction for officers drawing between Rs. 75 and Rs. 600 and over Rs. 1,000.

(c) No.

## ULAO AERODROME IN BIHAR

\*1524. **Shri M. P. Mishra:** (a) Will the Minister of Communications be pleased to state whether the Ulao aerodrome in the district of Monghyr (Bihar) is being abandoned?

(b) Is it a fact that the Kisans whose lands were requisitioned for the said aerodrome have not yet been paid compensation?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). There is no aerodrome in the District of Monghyr under the control of the Government of India and no land has been requisitioned by them for the construction of such an aerodrome.

## CULTIVATION OF OILSEEDS

\*1525. **Shri Balmiki:** Will the Minister of Agriculture be pleased to state:

(a) the total area under the cultivation of chief oilseeds, *vis.*, groundnuts, linseed, rape, mustard, sesamum and castor before "Grow More Food Campaign" started;

(b) the acreage of land out of this area diverted to the cultivation of food crops under the "Grow More Food Campaign"; and

(c) what oilseeds were exported during the year 1948-49 and what was their quantity?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) and (c). Two statements giving the information are placed on the Table of the House. [See Appendix VI, annexure No. 49.]

(b) The total acreage under oilseeds has not declined after the introduction of 'Grow More Food' Campaign.

## RAILWAY RATION SHOPS

\*1526. **Shri B. K. Pani:** (a) Will the Minister of Railways be pleased to state how many cases of malpractice and corruption were detected in the Railway ration shops in different districts of B. N. Railway from 1st April 1949 to 31st December 1949?

(b) How many cases of adulteration were detected in these ration shops during the period from 1st April, 1949 to 31st December, 1949 and what steps have been taken so far in the matter?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) Nine cases.

(b) Nil. The latter part of the question does not arise.

## SCHEDULED CASTE EMPLOYEES

162. **Prof. Yashwant Rai:** Will the Minister of Agriculture be pleased to state:

(a) the number of Scheduled Caste members in the Ministry in each of the categories of Gazetted officers, Superintendents, Assistants, Clerks and Stenographers;

(b) whether the number is not as reserved for Scheduled Castes; and

(c) what special steps do Government propose to take to fill in the reserved quota in the spirit of Article No. 335 of the new Constitution?

**The Minister of Food and Agriculture (Shri Jairamdas Doulatram):** (a) Gazetted Officers—Nil, Superintendents—Nil, Assistants—5, Clerks—7, Stenographers—Nil.

- (b) Yes. The number is less than the quota.
- (c) The nominating authorities are being asked to select candidates to fill the quota of posts reserved for the Scheduled Castes.

#### DELHI CENTRAL ELECTRIC POWER HOUSE

**163. Shri D. S. Seth:** Will the Minister of Works, Mines and Power be pleased to state:

- (a) whether any industrial dispute is going on between the management and the workers of the Delhi Central Electric Power House; and
- (b) if so, the steps taken by the Government to settle it?
- The Minister of Works, Mines and Power (Shri Gadgil):** (a) No.
- (b) Does not arise.

#### RAILWAY BRIDGES

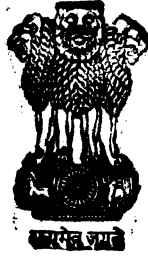
**164. Dr. M. M. Das:** Will the Minister of Railways be pleased to state:

- (a) how many bridges of the Indian Government Railways had to undergo structural changes under the categories of "Re-girding", "Re-conditioning the girders" and "Rebuilding the Substructures of the bridges" to make them strong enough to carry the heavier and faster types of Engines that have been imported from Canada and other foreign countries during 1948-49 and 1949-50; and
- (b) the total cost for these structural changes?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) The engines imported from overseas during 1948-49 and 1949-50 have comparatively lighter axle-loads than those of the engines already in use on the Indian Government Railways. There has, therefore, been no necessity to recondition or strengthen bridges merely on account of the import of these locomotives.

- (b) Does not arise

Saturday, 8th April, 1950



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



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# PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

*Saturday, 8th April, 1950.*

*The House met at a Quarter to Eleven of the Clock.*

[MR. SPEAKER *in the Chair*]

## QUESTIONS AND ANSWERS

*(See Part I)*

11-45 A.M.

### PAPERS LAID ON THE TABLE

DELHI ROAD TRANSPORT AUTHORITY (MOTOR VEHICLES INSURANCE FUND) RULES

The Minister of State for Transport and Railways (Shri Sauthanam): I beg to lay on the Table a copy of the Delhi Road Transport Authority (Motor Vehicles Insurance Fund) Rules, 1950, published in Notification No. 51-TAG(6)/50, dated the 1st April, 1950, in accordance with sub-section (3) of section 52 of the Delhi Road Transport Authority Act, 1950. *(Placed in the Library. See No. P-89/50).*

### ELECTIONS TO COMMITTEES

#### STANDING COMMITTEE FOR MINISTRY OF EDUCATION

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Education is concerned, until the end of the current financial year *vice* Acharya J. B. Kripalani resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Education is concerned, until the end of the current financial year *vice* Acharya J. B. Kripalani resigned."

*The motion was adopted.*

#### STANDING COMMITTEE FOR MINISTRY OF STATES

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of States is concerned, until the end of the current financial year *vice* Shri S. Sivan Pillay resigned."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of States is concerned, until the end of the current financial year *vice* Shri S. Sivan Pillay resigned."

*The motion was adopted.*

STANDING COMMITTEE FOR MINISTRY OF TRANSPORT (OTHER THAN ROADS)

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):**  
I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Transport is concerned, until the end of the current financial year *vice* Shri C. R. Iyyunni resigned."

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

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one Member to serve on the Standing Committee on subjects with which the Ministry of Transport is concerned, until the end of the current financial year *vice* Shri C. R. Iyyunni resigned."

*The motion was adopted.*

**Mr. Speaker:** I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees:

	Date for nomination	Date for election
1. Standing Committee for the Ministry of Education . . . . .	8-4-1950	10-4-50
2. Standing Committee for the Ministry of States . . . . .		
3. Standing Committee for the Ministry of Transport (other than Roads.)		

The nominations for filling up a vacancy in each of these Committees will be received in the Notice Office upto 5 p.m. on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

STANDING COMMITTEES FOR MINISTRY OF WORKS, MINES AND POWER AND DEPARTMENT OF SCIENTIFIC RESEARCH, CENTRAL ADVISORY COUNCIL FOR RAILWAYS AND STANDING FINANCE COMMITTEE FOR RAILWAYS.

**Mr. Speaker:** I have also to inform the House that up to the time fixed for receiving nominations for the Standing Committees for the Ministry of Works, Mines and Power and Department of Scientific Research, Central Advisory Council for Railways and Standing Finance Committee for Railways, 15 nominations in the case of the first, ten in the case of the second, twelve in the case of the third and eleven in the case of the last were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to the duly elected:

I. *Standing Committee for the Ministry of Works, Mines and Power.*—Shri Jnani Ram, Shri Shyam Nandan Prashad Misra, Shri B. Das, Shri O. V. Alagesan, Shri Jaipal Singh, Shri Kanayalal Nanabhai Desai, Shri Basanta Kumar Das, Shri Tajamul Hussain, Shri E. Moidu Moulavi, Shri Kshudiram Mahata, Shri Balwant Sinha Mehta, Shri Satis Chandra Samanta, Shri M. S. Kannamwar, Dr. Mono Mohon Das and Dr. R. U. Singh.

II. *Standing Committee for the Department of Scientific Research.*—Prof. Yashwant Rai, Shri Satish Chandra, Shrimati Amnu Swaminadhan, Shri Mukhtiar Singh Chowdhry, Dr. Zakir Hussain, Dr. V. Subramaniam, Shri Hussain Imam, Shri Bali Ram Bhagat, Shri Satyendra Narayan Sinha and Shri S. Ramaswamy Naidu.

III. *Central Advisory Council for Railways*.—Shri Damoder Swarup Seth, Shri B. B. Varma, Shrimati Ammu Swaminadhan, Shri Brijlal Biyani, Shri Gokulbhai Daulatram Bhatt, Shri M. Satyanarayana, Shri Nandkishore Das, Shri Sitaram S. Jajoo, Shri Sri Narayan Mahtha, Shri Frank Anthony, Giani Gurmukh Singh Musafir and Shri A. M. Rathanaswamy.

IV. *Standing Finance Committee for Railways*.—Shri Rohini Kumar Chaudhuri, Pandit Lakshmi Kanta Maitra, Shri Naziruddin Ahmad, Shri Jaspat Roy Kapoor. Shri M. Tirumala Rao, Shri Jagannath Das, Prof. Shibban Lal Saksena, Shri K. Hanumanthaiya, Shri Satish Chandra, Shri O. V. Alagesan and Shri Lakshman Shrawan Bhatkar.

#### DISPLACED PERSONS (CLAIMS) BILL

The **Minister of State for Rehabilitation (Shri Mohan Lal Saksena)**: I beg to move for leave to introduce a Bill to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.

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

“That leave be granted to introduce a Bill to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.”

*The motion was adopted.*

**Shri Mohan Lal Saksena**: I introduce the Bill.

#### INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL

**Mr. Speaker**: I am requested to give priority to the Bill to be moved by Dr. Syama Prasad Mookerjee in view of his ill-health.

**Shri Kamath (Madhya Pradesh)**: Did you say ‘in view of his ill-health’, Sir—nothing else?

**Mr. Speaker**: Yes, he is suffering from fever.

The **Minister of Industry and Supply (Dr. S. P. Mookerjee)** : I beg to move:

“That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration.”

This Bill is a short one and it is not likely to raise any controversy in the House. It deals, however, with an important question of principle which I am sure will be endorsed by all sections of the House. The Indian Patents and Designs Act was enacted in 1911 when India was industrially a backward country. It was based on the then existing Patent Laws of Great Britain. Subsequently, in England the Patent Laws underwent many changes consistent with the national interests of that country. But unfortunately in our country the Patent Law was not changed in the way in which it should have been. We appointed a Patents Enquiry Committee a few months ago under the presidency of Dr. Bakshi Tek Chand and that Committee has submitted an interim Report. The Committee is now proceeding with the final consideration of its Report and in the next few weeks it is expected that that Report will be in our hands.

The object of granting a patent is not merely to protect the legitimate rights of the inventor but also to secure that such rights are not abused or mis-used against the national interests of the country. So far as our law is concerned, the latter part is not protected. It is therefore proposed to amend the Indian Patents Act to provide for certain contingencies. In case a person who holds a patent does not exercise his rights within a reasonable period of time, or if he abuses it, then it should be open to the Patents Officer of the Government of India to grant permission to others to use such right under certain conditions.

[Dr. S. P. Mookerjee]

If hon. Members will refer to the Bill they will find that the Bill provides for the following things. The Controller of Patents will be given the power of issuing a compulsory licence on any of the following grounds which are not provided for under the existing law, namely, in the first place, that the patent is not being commercially worked in India though it is capable of being so worked ; secondly, that due to the refusal of the patentee to grant a licence on reasonable terms internal demand for the patented article is not being met on reasonable terms or is being met by imports of the patented articles ; thirdly, that such refusal is hampering the export trade of India or the development or establishment of a particular trade or industry in India ; and lastly, that due to the conditions imposed upon the use of the patent or the sale of the patented article, commercial or industrial activities are being unfairly prejudiced.

The other part of the changes that we have proposed relates to certain powers of initiative which are being given to the Government of India. Even though a private individual may not move, if the Government of India feels in respect of certain patents either in the interest of the consumers or in the interest of the industrial development of the country that such patent rights should be thrown open to private individuals also, then the Government of India may make such an application and the Controller of Patents will consider the matter on its merits. We have also made a provision for an appeal against any orders which may be passed by the Controller of Patents. Here the object is to secure the national interests against any exercise or abuse which holders of patents coming from foreign countries may exercise to the detriment of India. So far as the other changes which Government propose to make, we will have to wait until the final report of the Patents Enquiry Committee is received, but we thought that this matter being urgent, it would be desirable to amend the law and incorporate the changes which the Patents Enquiry Committee has unanimously recommended.

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

"That the Bill further to amend the Indian Patents and Designs Act, 1911, be taken into consideration."

*The motion was adopted.*

#### Clauses 1 to 5

*Clauses 1 to 5 were added to the Bill.*

#### Clause 6

*(Substitution of new sections 22, 23, etc.)*

*Amendments made:*

In sub-section (2) of the proposed new section 23E, for section 23, substitute section 23 or section 23A.

In sub-section (1) of the proposed new section 23F, for section 23 substitute section 23 or section 23A.

—[ Dr. S. P. Mookerjee ]

*Clause 6, as amended, was added to the Bill.*

#### Clauses 7 and 8

*Clauses 7 to 8 were added to the Bill*

— *The Title and the Enacting Formula were added to the Bill.*

**Dr. S. P. Mookerjee:** I beg to move:

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

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

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

*The motion was adopted.*

**Shri Kamath :** In the list of Legislative Business which the Government Chief Whip read out to us the other day there is a Bill—the Industries (Development and Control) Bill—standing in the name of the hon. Dr. Mookerjee. We are sorry to hear that he is unwell. We wish him a speedy recovery so that he may be fit enough to pilot the Bill on that day.

**Mr. Speaker :** We hope so. I will now take two small Bills, Nos. 13 and 15, standing in the name of hon. Dr. John Matthai.

### OPIUM AND REVENUE LAWS (EXTENSION OF APPLICATION) BILL

**The Minister of Finance (Dr. Matthai):** These are very simple, non-controversial Bills. I beg to move :

“That the Bill to provide for the extension of certain opium and revenue laws to certain parts of India, be taken into consideration.”

In connection with the Finance Bill the main laws relating to income-tax, customs and Central exercises have been applied to Part B States. It is necessary, therefore, that certain laws which are ancillary to these main laws should also be extended to the States. I will give the House a brief summary of these ancillary laws which it is proposed should be extended to the acceding States. First of all, there are three Acts relating to opium and dangerous drugs. The point of these Acts is to provide for unification of control of both manufacture and distribution with a view to preventing smuggling and contraband traffic generally. The second is the Revenue Recovery Act, under which, as hon. Members know, arrears of income-tax could be collected in the same way as arrears of land-revenue by executive action of the Collector. The third is the Government Trading Taxation Act. According to international law, it is not open to one sovereign Government to levy taxes upon business carried by another sovereign Government within its territory. By an agreement reached among the Dominion Governments of the Commonwealth about 20 or 25 years ago, this rule has been varied to this extent, that a Dominion Government which carries on business in the territory of another Dominion Government is liable to taxation. The point of extending this to the States is that if any Dominion Government carries on business in the territory of one of these Part B States, then it would be open to the Central Government to levy income-tax upon the income of that Government. The fourth is the Taxation Investigation Commission Act. The result of extending this to the States would be that where there is no commission corresponding to the Central Commission in any State, the Investigation Commission would be permitted to carry out its investigations more effectively within the territories included in these States. There has been a certain amount of difficulty with regard to the work of the Investigation Commission in the old Indian States and if they are able to apply their methods of investigation to these States, in the same way as in the provinces, the work could be carried out more effectively. I may say that many of these States have already provided the necessary facilities. This is largely a regularization of the position.

There is one State where there is a separate Commission already working and that is Travancore. What will happen now is that cases which have been referred to the Travancore Commission will be transferred to the Central Commission. But it does not mean that the Central Commission would re-open the proceedings. They will be taken over by the Central Commission at the point where the investigation has been already carried out ; in other words, the proceedings that have already taken place will be accepted by the Central Commission. I may say that the extension of this Act to Part B States does not mean that any further cases would be referred to the Taxation Investigation Commission. As the House knows, since September 1948 no cases have been referred and no cases can be referred, so there is no possibility under this Act of any further cases being referred.



[Dr. Matthai]

The last is the Payment of Taxes Act and that is an Act which the Constituent Assembly (Legislative) passed last year. In regard to certain classes of persons leaving India the Act prohibits the registration of transfers of property unless it is shown that suitable arrangements have been made for the payment of income-tax by the transferor. That is briefly the scope of this Bill and I hope the House will have no difficulty in passing it.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for the extension of certain opium and revenue laws to certain parts of India, be taken into consideration."

**Shri Himatsingka** (West Bengal) : What is this Central Commission? Is it the same as the Investigation Commission or.....

**Dr. Matthai:** Yes.

**Mr. Speaker:** Is the question clear?

**Dr. Matthai:** I have answered the question. He wanted to know whether the Central Commission referred to was the Taxation on Income Investigation Commission. That is so.

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

"That the Bill to provide for the extension of certain opium and revenue laws to certain parts of India, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** We will take up the Bill, clause by clause. As there are no amendments, I shall put all the clauses together.

*Clauses 1 to 5 were added to the Bill.*

*The Schedule was added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Dr. Matthai:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

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## FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL

**The Minister of Finance (Dr. Matthai):** I beg to move:

"That the Bill further to amend the Foreign Exchange Regulation Act, 1947, be taken into consideration."

The purpose of this Bill is sufficiently explained in the Statement of Objects and Reasons. There are three objects. First of all, it extends the Act to Part B States except Jammu and Kashmir. Secondly, it empowers First Class and Presidency Magistrates to levy a fine in excess of Rs. 1,000, the maximum which is prescribed in the Criminal Procedure Code. The profits which are likely to be derived by illegal transactions are such that a fine of Rs. 1,000 is not sufficiently deterrent and therefore, the change proposed is necessary.

There is preferential treatment accorded to the United Kingdom in respect of certain matters covered by this Act. Under section 18 of the Act, no person who is resident in India can do any act which would have the effect practically of transferring the control of an Indian controlled company to foreign interests except with the permission, special or general, of the Reserve Bank. The second provision

in that section is that no person resident in India can lend money to a foreign controlled concern except, again, with the permission of the Reserve Bank. In regard to both these restrictions, the United Kingdom is left out for the reason that when this Act was passed, the non-discriminatory clauses of the old Government of India Act were still in force and it was necessary to put the United Kingdom on the same footing as India. Under the new Constitution, we are not bound by these non-discriminatory clauses and it is proposed that the preferential treatment accorded to the United Kingdom should now be withdrawn.

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

"That the Bill further to amend the Foreign Exchange Regulation Act, 1947, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** We shall now take up the Bill clause by clause. I shall take up all the clauses together.

*Clauses 1 to 6 were added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Dr. Matthai:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** Motion moved:

"That the Bill be passed."

**Shri Himatsingka (West Bengal):** While I support the Bill as moved by the hon. Minister, I want to draw his attention to the complaint that is often put forward that businessmen who want to go to America and other places are not given a sufficient amount of exchange for being able to establish business connection or contact which is necessary for extending their business, which will ultimately bring in dollars to this country. I would request the hon. Minister to take that complaint into consideration and give sufficient exchange facilities to enable the people who go there for business purposes, so that they may establish business connections and earn dollars for this country.

**Dr. Matthai:** All that I can say is that the policy we follow at present is to provide exchange for all reasonable purposes consistently with the resources available to us.

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

"That the Bill be passed."

*The motion was adopted.*

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## INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) BILL.

**The Minister of Labour (Shri Jagjivan Ram):** I beg to move :

"That the Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto, as reported by the Select Committee, be taken into consideration."

This is a very small measure and it forms part of the comprehensive Labour Relations Bill which this House only a few days back referred to the Select Committee. While that motion was being considered, the question of appellate tribunal in relation to the Labour Relations Bill was also discussed. So I do not want to repeat those very things here. But, I may say that as the Labour Relations Bill is likely to take some time before it is passed into an Act, it is thought desirable to get this Bill passed so that we may be in a position to set up an Appellate Tribunal

[Shri Jagjivan Ram]

in order to lay down some definite uniform principles on certain vexed questions with which, today, labour and management are concerned. Opportunity is being taken to amend section 33 of the existing Industrial Disputes Act, so that during the pendency of adjudication either before a Tribunal or before the Appellate Tribunal, discharge or dismissal of workmen may not take place. That will go a long way in reducing industrial disputes which are taking place today due to discharge or dismissal during the pendency of adjudication. Now, we want to provide that, whether the matter is connected with the matter before the adjudication or not, no workmen can be discharged or dismissed during the pendency of adjudication proceedings without the prior approval of the Tribunal or Appellate Tribunal. I hope the House will consider this motion and pass the Bill.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto, as reported by the Select Committee, be taken into consideration."

**Shri Harihar Nath Shastri** (Uttar Pradesh) : At a time when the Bill in its present form is going to be considered by the House and when after a short while it is going to be passed through its final stages, I shall be failing in my duty if I do not express the view point on this Bill, not only of myself, but also of that section of the community which claims to have played during the last two and a half years a glorious part in the hour of our national crisis.

[**MR. DEPUTY-SPEAKER** in the Chair.]

While I do not propose to move any amendments, all the same, I should like to seize this opportunity to state that I am not enthusiastic, nor at all happy, over this Bill.

While I do not deny that there are some beneficial sections in this Bill from the point of view of labour but taken as a whole, this Bill in the chain of the existing legislation, will add to the hardships that the working class is subjected to in this country. What is the position in the country to-day? Labour desires peace and in spite of the political manipulations, in spite of the efforts of certain political parties in this country to exploit labour for their own political ends, labour has maintained the industrial production and also maintained peace. It has refrained as a general rule from resorting to industrial strikes. During the last 2½ years it has aspired to secure settlement of its legitimate grievances not by direct action but through peaceful methods of conciliation and failing that, arbitration. But what is the position to-day? In spite of the best desire of the working class in this country to maintain industrial peace and to take resort to constitutional methods, the position to-day is that there is a law—and I am grateful to the Minister that he did make a law some years back which was an improvement on the old position. All the same as has been amply demonstrated in the course of the last two years, the existing law is utterly ineffective to do justice to the working class. In the first place, although the machinery of adjudication is there, there have been numerous instances in which not only there has been delay but reluctance on the part of the various State authorities to refer disputes to the Tribunal. Secondly, even if disputes were referred to the tribunals, there was no time-limit with the result that the proceedings before these tribunals—thanks to the lawyer friends who were employed by the industrialists dragged on not only for months, but at times, for years. Thirdly, when they ultimately did give an award, there was no sanction in the existing legislation with the result that there have been instances of flouting of awards. If this new machinery is added to the existing legislation, it is bound to be utilized to delay justice which is already delayed. The other day I spoke on the Labour Relations Bill and I pointed out certain defects but all the same I supported the structural

principles of the Bill as I felt that it registered a substantial improvement on the present legislation. Now the Appellate Tribunal forms a chapter of the Labour Relations Bill and the best policy would have been to consider these provisions in regard to the Appellate Tribunal having in view the entire concept of labour management relationship as conceived in the Labour Relations Bill. It will then be possible to judge in the first place whether appellate tribunals are necessary and if so, to what extent it is desirable to give them powers and to what extent to have their scope broadened or narrowed down. Now taking a leaf out of the old thing and putting it on the Statute Book is bound to create a most unfavourable psychological atmosphere in the country. It has been stated that as a matter of urgency the Appellate Tribunal Bill should be proceeded with. But I submit that even if it may be considered that it is an important matter to which I do not agree, all the same there are equally important, if not more important, matters and I fail to understand why equal anxiety is not being demonstrated in regard to those matters. For instance there are persistent cases of flouting of awards and challenge to the authority of law. I narrated the other day the example of the Msenakshi Cotton Mill, Madras.

**Shri Bharati (Madras):** Is it Madras or Madura?

**Shri Harihar Nath Shastri:** I mean Madura. There the employers flouted the award and the authority of the law and against all canons of justice for the last six weeks, they have declared an illegal lock-out and about 13,000 workers have been starving.

I approached the Minister of Labour and I approached the Minister of Industries and he said that he had no power under the existing law to do anything in the matter. Today there is starvation there and Government is sitting tight over the situation without any relief being given. I ask what is it that prevents Government from bringing forward an amendment to the Industrial Disputes Act of 1947 whereby you can put into prison such unhelpful and anti-social elements among industrialists and also take over control of such mills. . . .

**Shri Jagjivan Ram:** They can be prosecuted even under the present law.

**Shri Harihar Nath Shastri:** Yes, they can be but all that you can do is to impose a fine on the man which he can easily pay off. Whereas there is so much hurry in regard to the Appellate Tribunal Bill there does not seem to be the slightest anxiety to deal with such a situation.

Full two years have passed since the Government of India announced their industrial policy. They promised a fair deal to labour and as a result of or in pursuance of that announcement they took the concrete step of preparing a Bill known as the Industries (Development and Control) Bill. After several months that Bill went to a Select Committee whose report also was received. It aroused hopes but when the report of the Select Committee saw the light of day the Bill was a much changed affair, and I regret to say that even that whittled down Bill, as reported by the Select Committee, is in cold storage and I do not know when it is going to come up.

**Shri Jagjivan Ram:** It is before the House.

**Shri Harihar Nath Shastri:** I represent an organisation that claims to have some little bit to bring peace to the country but the situation as it is developing in the country today makes me and people of my way of thinking very despondent. All that I can say is "May God save our country."

Speaking on the Labour Relations Bill I surveyed the situation in other countries. In order to refresh my memory in the course of the last few days I looked into the labour legislations of other countries. For the information of the House I may say that I did not come across any machinery equivalent to that of the Appellate Tribunal either in the U.K. or the U.S.A. It may be said that in those two countries there is no system of compulsory adjudication. When I turned my attention to those countries where the system of compulsory adjudication is prevalent, namely Australia

[Shri Harihar Nath Shastrī]  
and New Zealand, even there I did not come across any system of Appellate Tribunal. The only part of the world where there is a system of Appellate Tribunal is the Latin American countries but even there although there is the Appellate Tribunal its scope is limited to the interpretation of the collective agreements or the awards of industrial tribunals. Beyond that they have no hand nor have they the right to be appealed to or to interfere.

It is said that this Bill seeks uniformity. If uniformity in this country had waited all these years not much harm could have been done if it had to wait for another few months till the Labour Relations Bill is taken into consideration by this House. Secondly I do not agree with the concept of uniformity as conceived at the present moment. Even in a most advanced country like the U.S.A. may I point out there is no such thing as uniformity, not even in the whole of one industry. You will find that the conditions of labour in one part of the same industry are different from conditions prevailing in other parts, because there is so much variation in situations. Much though we would like to achieve complete uniformity it is not possible to attain it in the manner in which it is desired to do. Secondly I may submit that even if uniformity is desirable it can be achieved without bringing forward or introducing any such new element in legislation on labour-management relationship. What is the position either in the U.K. or the U.S.A.? There are in those countries Industrial Councils of a national character where the representatives of labour, management and also of the Ministry of Labour gather together and try to ensure a minimum standard of uniformity. I am glad to state at this moment that even in our country as a result of the initiative of the hon. Minister such Industrial Councils have been established in the past and they have done an immense amount of work. There was an Industrial Committee on Plantation which some time ago fixed the minimum wages and laid down certain conditions of work. There were the Industrial Committees on leather and on textiles too. I feel that if these Committees are regularised and are made part and parcel of the machinery in regard to the management-labour relationship, I think they are likely to prove as beneficial and as effective as they have proved in other countries, and no necessity from that point of view can arise for creating a machinery such as the Appellate Tribunal which is sought to be done now.

Now, I would just touch on one or two of the salient points in the Bill itself. As I stated at the beginning, there are some good points in the Bill. For instance, according to the Bill, the amounts due from an employer can be realised as land revenue. Another good point that has particularly appealed to me is that as a result of the amendment that has been proposed by the hon. Minister, the lawyers have been prevented, except with the agreement of the two parties, from appearing before these tribunals.

Although these are some of the points in favour of the contents of the Bill, all the same there are bad points that need be considered. The worst clauses that I would like to point out to you and to the House are clauses 15 and 18 according to which it is proposed that if Government feel that any awards of an industrial tribunal or the Appellate Tribunal are such as are not acceptable on public grounds, Government will have power in their hands to modify such awards or, if they so feel, to reject them also. As I stated the other day, I feel that this is not a proper provision. In every country of the world including our own, the independence of the judiciary has always been respected. The decisions of the High Courts, and the decisions of the Supreme Court are solemn decisions that are not interfered with or tampered with by the executive. It was in order to maintain the dignity of the judiciary that many of us who belong to this great organisation, the Congress, have been clamouring for the separation of the executive and the judiciary in order that the independence of the judiciary is maintained. But today we find that through this Bill it is desired to tamper with the decisions of even the highest tribunal on industrial questions that is being set up, namely the Appellate Tribunal. If such a thing happens, may I state that there

will be only result which will be that the working classes in this country, may I say, not only the working classes but the industrialists also, for the regulation of whose relationship this Bill has been conceived, will lose all faith in this machinery. May I also submit that I am very doubtful whether you could get any decent man from the judiciary of the type or of the status that is contemplated in this Bill who could agree to serve on these industrial tribunals if there is an apprehension every moment in their minds that you are going to tamper with their judgment or with their decisions. I regret to notice that these provisions register a departure, to the detriment of the working class, from the existing legislation, namely the Industrial Disputes Act of 1947. According to that Act, if Government feel, in regard to any of the State undertakings, that any award of an industrial tribunal should not be accepted on public grounds, they are free to refer such a case to the Legislature of the State or the Central Legislature as the case may be. But according to the present Bill, it is desired to extend the scope so as to bring even the private enterprise within its purview and to make it possible for Government to interfere even in those awards that they are unconnected with and which relate to private industry.

My submission is that the best thing would have been to do away with these provisions altogether. After all, there may have been some difficulty or apprehension regarding the Industrial Tribunals, but after you have set up the highest appellate authority there was no justification for foisting such a provision in this Bill. If you are determined upon doing so, I may even at this stage beseech—request—that it may be put on a par with the existing legislation and its scope may not be extended beyond the Industrial Disputes Act.

There is another important change—important from our point of view—and it is this, that in the Select Committee Report it was visualised that during the pendency of the proceedings it was not possible to discharge, dismiss or punish any worker. I now find an amendment on behalf of the Minister which seeks to confine the pendency to discharge and dismissal. Punishment is taken out. What is going to be the practical repercussion of this change? Supposing an employer wants to dismiss a particular worker—now his hands are bound; he cannot dismiss him during the pendency of a case. So what he can do without infringing the law is that he can give compulsory leave to that man for so long as the adjudication proceedings go on and when they are finally over he can dismiss him. Thus, taking away punishment from this particular provision would amount to nullifying the salient provision that you have introduced in this Bill. I would therefore invite the attention of the hon. Minister to this aspect of the matter.

The last thing that I would like to submit is this. As I stated in the very beginning, there was no urgency,—no necessity from any point of view—to set up Appellate Tribunals, but even conceding for a moment that an Appellate Tribunal should be set up, I would strongly urge and point out that the scope of the Appellate Tribunals as conceived in this Bill is very wide, almost unlimited. It is bound to lead to a lot of delay and to a lot of litigation and after some time it will be found that it frustrates the very object for which this machinery is being conceived, namely, a peaceful industrial relationship in this country. If it is desired to retain the Appellate Tribunals, my submission is that their scope should be narrowed down to two or three points. In the first place, the function of an Appellate Tribunal should be to deal with interpretation of agreements or of awards of industrial tribunals in regard to which there are disputes between the parties. In the second place, the Appellate Tribunal should deal with only points of law. Thirdly, it should deal with cases referred to it on public grounds by State Governments or by the Central Government.

I have come to the end. In conclusion, I would only submit: "Withdraw this Bill, but if you cannot do it, make it as unexceptionable as you can conveniently do.

**Shri Venkataraman** (Madras): The very conception of an Appellate Tribunal is based on a misunderstanding of the nature, functions and scope of an Industrial Tribunal.

[Shri Venkataraman]

Our minds are surcharged with notions of the existing system of judicial institutions, so much so that we begin to look upon every such Tribunal as an institution having to conform to those standards of judicial institutions, and wherever we find that they do not so conform we think that the Tribunals or Special Courts which are created fall short of the ideal. Let us examine some of these institutions. We have judicial institutions which have got a positive law to apply. The law has been enacted by Parliament and the courts are there to apply it. The procedure is also defined by enactments. Then, we have arbitration courts where, with the consent of the parties, the usual procedure is given up and a sort of modified, accelerated procedure is accepted. The law is nevertheless the positive law of the land. But when you come to Industrial Tribunals, there are no laws to guide them. For instance, there is no law which says that so much must be paid as wages; so much must be paid as bonus; so much leave and other facilities should be given, and so on. In fact, the Industrial Tribunal has to create a law. It is here that the Industrial Tribunals differ fundamentally from the commercial Arbitration Tribunals as well as judicial institutions.

Now, those Industrial Tribunals, which are called upon not only to enact judicial decisions as to the principles on which wages should be fixed but also the principles governing the conditions of labour etc., have very largely to use their discretion and try to adjust the differences rather than decide judicially what is right and what is wrong.

It is left to the Tribunal more or less to bring about a sort of an adjustment of the differences that exist, to more or less create a new contract in the place of an existing contract of service, to find now conditions of employment which, according to the Tribunal's view, is more in consonance with the current notions of justice and equity, so that where there is no positive law, there the duty of the Tribunal is largely the duty of trying to adjust differences by means of a compromise. All these ideas of having a judge deciding it, as if there are rights to be enforced, and then following from it an Appellate Tribunal deciding on it, is wholly irrelevant for this purpose.

I would like to invite the attention of this House to the famous expression of opinion on the question of the nature and scope of these industrial tribunals. In Ludwig Teller's *Labour Disputes and Collective Bargaining* at page 534 we have a very important observation which will go to show that this idea of an Appellate Tribunal is wholly alien to the concept of an industrial tribunal. This is what the author says:

"The kernel of the distinction between commercial and industrial arbitration is said to be found in the fact that commercial arbitration is an aspect of the administration of justice, and, more particularly, a substitute for the judicial process, while the arbitration of labour disputes is more often an extension of the process of collective bargaining. Hence, partisan arbitrators, condemned in connection with commercial arbitration, are commonly found sitting in judgment upon the merits of respective contentions of the parties to a labour dispute. So also, justice and not compromise is said to be the goal of the commercial arbitrator, the procedure of arbitration differing from the judicial process only in the celerity and the informality of the former. Compromise, on the other hand, and not justice unconcerned with consequences related to the situations of the respective parties, is often the purpose of industrial arbitration."

Then, again at page 536 this is what the author says :

"Then too, industrial arbitration may involve the extension of an existing agreement, or the making of a new one, or in general the creation of new obligations or modifications of old ones, while commercial arbitration generally concerns itself with interpretation of existing obligations and disputes relating to existing agreements."

I will only refer to one other sentence :

"Compromise by contending advocates rather than justice by impartial men is thus the purpose of the procedure adopted under such statutes."

If you accept the highest authority on this question, then an Appellate Tribunal is only going to substitute the discretion of one person by the discretion already expressed by another person. If the Industrial Tribunal were to say that in the circumstances of the case one rupee is the proper minimum wage an Appellate Tribunal is at best going to say that Rs. 1-8-0 should be the wage or Re. 0-8-0 should be the wage. There is no yardstick for the measurement of the principles on which either the one or the other could come to a definite conclusion. Is it necessary to substitute the discretion of one person by the discretion of another person. And then if we do that there is no end: we can go on having another authority who can substitute his discretion for the discretion of the Appellate Tribunal. Therefore, my feeling is that the object of industrial arbitration being to promote a sort of understanding between the contending parties, to bring about a compromise, to extend the collective bargaining between the two parties, by introducing this, you are bringing about a sort of a confusion. Judged by another tribunal sitting at a different place, with notions very different from the local conditions, the conclusion is likely to be a different one.

**Mr. Deputy-Speaker:** How long is the hon. Member likely to take?

**Shri Venkataraman:** I will take about ten minutes more, Sir.

**Mr. Deputy-Speaker:** The House then stands adjourned to 2-30 P.M.

*The House then adjourned for Lunch till Half Past Two of the Clock.*

*The House reassembled after Lunch at Half Past Two of the Clock.*

[MR. SPEAKER in the Chair]

#### RESIGNATION OF SHRI HIMMAT SINGH K. MAHESHWARI

**Mr. Speaker:** I have to inform hon. Members that under clause 3 (b) of article 101 of the Constitution, Shri Himmat Singh K. Maheshwari has sent to me his resignation of his seat in Parliament.

#### INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) BILL.—*contd.*

**Shri Venkataraman:** Before we adjourned I was dealing with the scope and nature of the Industrial Tribunal and I was trying to point out that the proceedings before the Industrial Tribunal are more in the nature of a compromise between contending parties rather than a judicial determination or adjudication of the rights of parties and therefore the establishment of an Appellate Tribunal will in effect be only the substitution of the discretion of one individual for the discretion of another individual which I venture to submit is not at all the function of a proper appellate tribunal. Even if you look at the history of countries which have had appellate tribunals you will find that very few countries have had this institution at all. From *Labour Courts*, a publication of the International Labour Office, we find that the countries which have appellate tribunals are very few. It says "There are only five countries where special labour courts of appeal can be found; these are Belgium, Chile, Germany, the Canton of Geneva in Switzerland and Venezuela". And in a later publication, that is *Labour Courts in Latin America* we find some more countries of South America having the labour courts of appeal. My submission to this House is let us follow some of those countries which have developed good trade union movements in this world. Let us not follow Chile, Peru and all those countries which have nothing to teach us either in the matter of trade union movement or in the matter of trade union law. If you agree with us that the object of the Tribunals is to promote settlement, is to effect compromise, then certain clauses of this Bill are inconsistent with that object. You will find that in sub-clause (4) of clause 9 power is given to the Appellate Tribunal to appoint assessors after consulting the parties to the dispute and



[Shri Venkataraman]

the appropriate Government. That is to say, the power of appointment of assessors is vested with the Tribunal and the parties are merely *consulted*, but their *consent* is not taken at all. The relevant provision in the existing enactment, namely, the Industrial Disputes Act, dealing with industrial disputes and the Tribunal, is section 11, sub-section (5), which says:

"With the consent of all the parties to the dispute a court or a tribunal may, if it so thinks fit, appoint one or more persons as assessors to advise them."

The change that has now been made is a very vital and fundamental one. In introducing the Appellate Tribunal Bill the hon. Minister said that it is just in the nature of an interim measure, that all the questions relating to the entire scope of labour relationship will be dealt with in the Labour Relations Bill. If that is so, why should such a change be effected in this Bill, namely the taking away of the right of appointing assessors only with the consent of the parties before them? This is a very valuable right so far as labour is concerned. Labour is reconciling itself to the idea of having its disputes settled by an impartial tribunal, and labour is slowly giving up the idea that the right to strike is the really fundamental right of working classes. And they are encouraged in that belief because in the Industrial Disputes Act—which one Act more than anything else, I should say, has really helped to bring about a better labour-management relationship—provision has been made that only with the consent of the parties an assessor could be appointed. But in this Bill the provision is changed, and changed to the detriment of the worker.

My submission is that the fact that it is an appellate tribunal and not a tribunal of original jurisdiction has very little to commend itself to the working classes. Whether it is a tribunal of appellate jurisdiction or a tribunal of original jurisdiction, the right of the working classes to be consulted in the matter of appointment of an assessor and their consent obtained, is a very valuable right which should not, be so lightly taken away.

Then it follows from the view of the Industrial Tribunals, which I was trying to canvass, that legal practitioners as such should have no right to appear before these tribunals. Lawyers have played a very great part no doubt in fighting for the individual liberty of citizens. But the part that lawyers have played in the social advancement in any country in the world has been very poor. My own personal experience before these tribunals has been that instead of helping to bring about a settlement of the disputes between the parties, they have only helped to prolong the litigation and have resorted to all the devices available to them under the Codes of Procedure—Civil as well as Criminal—with the result that there have been very many instances in which adjudications have dragged on for nearly one year or more. I very warmly welcome the amendment which the hon. Minister proposes to introduce into this Bill that only with the consent of the parties the lawyers should be permitted to appear before these tribunals.

There is one other power which is assumed under the Bill under discussion which I think is absolutely unjustified, both on theory and on expediency. That is the power of Government to reject or modify an award of an Industrial Tribunal or an Appellate Tribunal which has been conferred under clause 15 of this Bill. If we look into the constitution of this Tribunal, we find that under clause 5 the approval of the Supreme Court is necessary for the appointment of a person qualified to be a judge as a Member of the Tribunal. I take it that the object of that clause is to see that a really independent person and a person who will not be a stooge or who will do the bidding of the Government is appointed as a judge. Now what is the purpose in having one clause of that kind in clause 5 and then reserving for Government the power to reject or modify the award made by that independent person? The confidence that has been created in the Industrial Tribunal will be very much shaken if the power is given to Governments to interfere, to reject or modify these awards. Then on the

question of expediency also, I must point out that it is going to cause the greatest headache possible to the Central as well as the Provincial Governments. Today after 2½ years of our experience with Industrial Tribunals, we have fairly come to reconcile ourselves with a law which cannot be changed, that once a tribunal has given its decision, there is no appeal, there is no provision for changing it and so on. If you introduce this clause giving the power to the Government to change or modify the award, the result will be one or the other of the parties who has lost before the Industrial Tribunal will come and worry this Government; their lives will be taken and they will always urge Government to reject or modify or do something in connection with the award. I envisage several forms of pressure being brought to bear on Government for the exercise of the power in favour of those who are well-placed in society. I can also envisage conditions in which people will start Satyagraha and resort to all those methods right from starvation to picketing before the hon. Ministers' houses asking them to change the award. I consider that both on principle and on expediency it is a very wrong power for the Government to take. After all Government must keep itself away from the turmoils of disputes between the parties. In this way you can keep yourself away by facilitating a settlement; in this way you can keep yourself away by helping them to come to a forum, but if you become yourself a party, if you become the party to whom parties can approach for changing an award, then, the so-called independent attitude which Government ought to take in respect of disputes between parties, capital and labour, goes and every time Government intervenes it will be accused of partisanship with the one or the other of the parties and in the long run, I am afraid, this will endanger the prestige of Government itself.

Now under the present law as it now stands, the award of an Industrial Tribunal is final unless Government is one of the parties to the dispute and then Government feels that owing to certain repercussion on the administration it cannot implement the award. Power is given to Government to place before the Legislature, if it is a State and Parliament in the case of Central Government proposals as to why and how the award of the Industrial Tribunal has got to be modified and only after obtaining the sanction of the Legislature they can change or reject or modify an award. This is a very salutary rule and there is a provision to safeguard Government in such cases where Government is a party. Now we are trying to introduce a new provision in which Government will be entitled to intervene and change the awards, not only in cases in which Government and the workers are parties but also in cases where capital and labour are respectively parties. My argument is then why should such a fundamental change be made in this Bill, which, according to the hon. Minister is only an interim measure. The very same provisions are contained in the Labour Relations Bill and that will be discussed by the Select Committee and will be discussed by this House and it will have a fuller and greater opportunity for discussion before we come to take a proper decision on this matter. I would very much like that this provision and the similar provisions in clauses 18 and 17 and others were dropped.

There is also another change in the procedure for modifying the award which is contemplated under the Bill. In the existing law only after obtaining the sanction of the Legislature could Government change or modify an award. In the change now proposed under the Bill Government can themselves modify an award and then place it before the Legislature. It is just a *post mortem* examination of what Government had done in respect of an industrial dispute. Now, if it is before any decision is taken by Government, the House will be free to discuss the pros and cons and possibly help to modify and suggest ways and means to the extent to which it should be changed, but if it is after, any resolution of this House would be taken as a want of confidence in the Ministry and the result would only be that the Ministry will go but the workers will not be benefited. I think that this is a very radical change and in any event it should not be attempted to be forced on this House in this Bill which is admittedly of an interim nature.

[Shri Venkataraman]

Then, if you look at the provisions also, there are little anomalies and some of them even contradictory. Clause 9 (5) reads:

"The Appellate Tribunal shall, after hearing the appeal, pronounce its decision either at once or on some future date to which the appeal is adjourned for that purpose."

That is to say that the Appellate Tribunal will first pronounce its judgment; then Government will sit in judgment over that judgment and then you will find Government either accepts or modifies it. I wonder which retired judge of the High Court would ever care to serve in a Tribunal in which his judgment is going to be subjected to variation or modification by Government. The very clauses show the inconsistency. From those clauses it appears that it was not intended by Government, at least in the earlier stages of the drafting of this Bill, that Government should assume such wide powers.

Then, I come to another aspect of this question. It is the fundamental right of both labour as well as capital that during the pendency of disputes, the *status quo* should be maintained. There should be no attempt on the part of labour to force an issue pending the decision by the Tribunal and no attempt on the part of the employers also, to force the workers or harass the workers in any way. Therefore it has been provided in clause 22 that during the pendency of the dispute before the tribunal, the conditions of work should not be changed. Then, what is the use of this pious proposition if the sanction to enforce it is somewhat ineffective? In the present Bill, the sanction to enforce is contained in clause 28. That clause provides for the punishment of the offending employer. It has been my experience that it is in the first place very difficult to get Government to move, to prosecute the employer for any of the violations of the sections or clauses of the Act. Secondly, even if we succeed in so persuading Government to launch a prosecution, it is absolutely useless so far as the working classes are concerned, because it does not get them any benefit. That the employer has been punished or fined or sent to jail does not get the worker reinstated back in his job, or does not get him the privileges and emoluments wrongfully withheld from him. Therefore, I have suggested and I have given it as an amendment that if the provisions of clause 22 are violated, the employee should have the right to approach the Appellate Tribunal or the Industrial Tribunal, as the case may be, so that he may get a redress of his grievances. I hope that this amendment would be accepted because the very same provision is contained in the new Labour Relations Bill in clause 92. This would go a long way to help labour to feel that while the matter is pending before a tribunal or under adjudication, the *status quo* would be maintained and if it is not maintained, it would be possible for them to get a redress in the established courts, whether it be the Appellate Tribunal or the Industrial Tribunal.

This Bill is not without its good parts. If the Bill had contained only those clauses which I have been objecting, I would have had no hesitation in saying that this Bill should not be passed. There are one or two things that commend themselves to me. I suppose we have to take a bitter pill along with some of the good things that we want to get out of this Bill. In the existing law, there is a defect, namely, that if an employer did not comply with the terms of an award, there is no provision for getting the emoluments; there is no provision for collecting the amount due from the employer. There is only a provision for punishing him for non-compliance with the award. Now, clause 20 of this Bill really fills a lacuna in the existing Act by providing that where an award of the Industrial Tribunal is not complied with, the person aggrieved can approach the revenue authorities and secure redress and collect the money as if it were arrears of land revenue or a public demand. That I consider is the saving grace of the entire Bill and I very warmly support that provision.

I would have preferred very much if the consideration of the entire Bill had been deferred until after we have fully discussed it in the Labour Relations Bill. But, now that it has been brought, I give it my qualified support and say that in so far as some of the provisions are acceptable to labour, we are willing to take it with the defects also.

**Prof. Ranga (Madras):** I am sorry to find my hon. friend Mr. Venkataraman being able to give only a qualified support to this Bill. I want him to realise that there is no such legislation at all in America, for instance, which is also a Federation. So far as England is concerned, this Bill compares very favourably with any legislation that he may think of finding in that country.

His main objection seems to be to Government taking power to alter, modify or reject any award that may be given by the Central Tribunal to be established under this Bill. I want him to consider one possibility or to place before himself one consideration. Can we be sure that the tribunals whom we are going to appoint are going to be entirely labour-minded, are not likely to be drafted from the upper middle classes and the top classes and are not likely to have capitalist prejudices? Should we not also think of safeguarding the interests of the workers themselves from their prejudices? If we were to keep in mind the kind of Judges that is obtaining in America, surely, we would not be so enthusiastic as my hon. friend Mr. Venkataraman in saying that the decision of the Judges should be final and there should be no interference at all. He fears that there may be some State Government or Central Government or Labour Minister or Industries Minister who is likely to be prejudiced against the workers. He should also be equally conscious of the other danger and if we are to make a choice at all as between these two, it is much better to make our choice in favour of Government rather than in favour of the tribunal itself.

Secondly, although left to myself individually to come to a decision, I would very much like to save our own Government from this trouble of having to interfere with the decision given by the tribunals, and take all the responsibility for altering or rejecting it and then go to the legislature. Situated as we are, would it not be in the interests of the workers themselves that Government should clothe itself with this power? I look at it entirely from the point of view of the workers and I am unable to agree with my hon. friend when he says that Government should not come into this at all. This power that Government seeks to take for itself is nothing new, although it used to be exercised in a limited manner and within limited jurisdiction in earlier times. Even as it is, we have a provision in the existing legislation which empowers Government to alter, amend or reject totally any award that may be given in regard to those services which are under the management of the Provincial Governments or the Central Government. This power has been taken by Government for very definite reasons. Take the case of the Railways. If, in regard to the claims of the workers for an increase in wages or allowances of other things, an award were to be given by a tribunal, the financial consequences of which would be an intolerable burden upon the Railways themselves, Government would not be able to undertake such a burden.

**Shri Venkataraman:** There is a provision for that and I do not object to that.

**Prof. Ranga :** I am coming to that.

That is why that power has been taken by Government. Government should have the power to alter, amend or reject such an award for stated reasons. This power which Government has been enjoying till now in regard to the services under its own management, is sought to be extended to other employment also. We have to take into consideration whether we cannot trust Government today. We took that safeguard in those days because that Government was not democratic, was not a popular Government and was not our own Government, against which we had absolutely no redress at that time. Today, we have our own democratic Government.

[Prof. Ranga]

We are not even satisfied with that. The Select Committee has taken care to make a provision that Government should, whenever it interferes with a decision or award of these tribunals, state its reasons for such interference and place its reasons before the legislature, and give every possible opportunity for the legislature to consider the decision of Government. The legislature has the right to condemn Government. My hon. friend says that it would only be a sort of a *post portem* examination.

It cannot possibly be that alone. Even if such a consideration is given by the Legislature after the award had been amended, altered or rejected, if in the view  
3 P.M. of the Legislature such interference by Government is found to be unreasonable, it would be open to the Legislature to give definite instructions to Government and Government would be bound to give effect to those instructions, if necessary, with retrospective effect for the benefit of the workers themselves.

Secondly, no Government worth its salt whose decision is thus upset by the Legislature is likely to interfere again in a light-hearted manner with any of the awards to be given by such tribunal. Therefore I suggest that my friend should be willing to be more considerate to Government that we have today and to the hon. Minister who is in charge of this legislation and agree with us that after all our Government have not done wrong and the Select Committee has only done the right thing in the interest of the workers themselves in agreeing to incorporate this provision in this Bill. Then my friend objected to the power given to the tribunal to select assessors. These assessors are only advisers. It is the tribunal which has the final power to say 'Yes' or 'No' on the matters referred to it, and should we not give this much discretion to the tribunal? My friend himself was expressing so much confidence in the tribunals themselves. In the same measure, should he not repose this much confidence in it in the matter of selecting the assessors instead of tying its hands by saying that it should select its assessors with the consent of both the parties concerned.

Then coming to the practical side, we are faced to-day with two, three or four rival unions claiming to represent workers, some of them also the employers in different parts of this country. The Tribunal has to make up its mind whom it is going to select and how it is going to select. If you are going to insist that these assessors should be selected with the consent of the parties concerned, then it would be very difficult indeed on every occasion for the tribunal to ascertain the wishes of the workers who are grouped in different unions and who, therefore, are rivalling with each other for having their representatives as assessors. So it is a matter of practical politics even from the point of view of the workers and it is best to leave this discretion to the tribunal.

Thirdly, I am very glad that Government have thought it fit with the agreement of the Select Committee to fix the term of office of this Tribunal to three years. At the same time Government have reserved to themselves the right to appoint some for shorter periods by stating so in their appointment orders. I wish they had not provided for that exception. Even with that, I am prepared to express my satisfaction with the clause as a whole because we have never had any such provision so far.

Coming to the question of punishment, I may say that I am satisfied with the anxiety of Government to hold the scales even between the employers and the employees. There is an improvement to the extent of one month both for workers and employers. One month's punishment to an employer is not as severe as it is to a worker. True, the loss of social status is a severe loss to him but while the employer

is in jail, there is plenty of money for his dependents but in the case of workers it is not so. Then in the case of fine you have provided for a fine of Rs. 1,000 as the maximum for all.

**Shri M. A. Ayyangar** (Madras): Rs. 50 for worker and Rs. 1,000 for employer.

**Prof. Ranga:** Then I agree and I am in favour of this method of evaluating the financial capacities on both sides.

In conclusion I say that this House must congratulate the Minister for bringing forward this Bill and for having made this proposal. It is long time since the Labour Commission made this recommendation. But all these years nothing had been done. We have been asking for this for a number of years but with no success. This is a progressive measure. The scope of the work of this Tribunal is as wide as all the points in regard to which there can possibly be any conflict between the employers and workers.....

**Shri Harihar Nath Shastri:** That is the main defect.

**Prof. Ranga:** It is the real virtue. It does not matter on what subject there is a dispute. According to this it would be open to any worker to appeal to the final tribunal on any point on which he is at dispute with his employer. The employers are not likely to go to these courts as they are nervous. They say so in their speeches in the various Chambers and they say that it is these awards that are their very grave. For debating purpose it is easy to say that Government is making things easy for the employers. But it is a lie in the face of the facts. The hon. Minister cannot be accused of showing any partiality for the employers. If you cannot say that, then you cannot also say that in regard to the extent or scope of the subjects in regard to which appeal would lie to this Tribunal. We have to be consistent. Either we have confidence in our Government or we do not have confidence.

Even when an appeal is made and in the appeal the workers do not fare well, it would be open to them to go to the Ministry. As far as I know it is not the employers who can possibly go to the Labour Minister and influence him. It is the workers who can do it. While the employers are powerful enough—I do admit it—it is our duty to go to the workers, organize them and bring pressure to bear upon the House and see to it that the workers' interests are not made to suffer at the hands of Government. I have much confidence in the organized labour of this country and the labour in general and therefore I have no fear as to the way in which Government is likely to exercise its power given through this Bill.

Regarding the appellate thing, we have never had it before. If there were any trouble anywhere in the country between a worker and his employer, it would be open for him to go not only to his Provincial Tribunal but also to the All-India Tribunal and it would be open to him to go to that Tribunal not with the aid of lawyers but with the aid of his own elected leaders in his own organization. If the local leader is not big enough then there is the Federation or an all-India leader who will be big enough to deal with the tribunals. In this way we have provided an opportunity for our workers so exercise their own Magna Carta, the fundamental rights which have been guaranteed to them in our Constitution. Therefore, I commend the Bill whole-heartedly for the acceptance of the House.

**Shri Himatsingka** (West Bengal): I was hearing the speeches of my hon. friends Mr. Shastri and Mr. Venkataraman and I was sorry to find that they were taking exception to certain powers provided for in this Bill. These powers, to my mind, if applied at all, will be applied in favour of labour. Mr. Ranga has tried to point out that the power which Government has sought to take under clause 18 and other clauses for examining an award will, if at all, be exercised in favour of labour. I could not follow the logic of my friends when in one breath they want to restrict the jurisdiction of the Appellate Tribunal, which indicates that the awards which

[Shri Himatsingka]

the Tribunal is likely to make will be against labour and, at the same time, when power is given to Government they feel that necessarily the award must be in favour of labour and Government will come in for the purpose of interference in such awards in favour of industrialist. Certainly the arguments seem to me to be contradictory.

As regards certain provisions I am afraid certain amendments proposed as also certain provisions in the Bill are certainly retrograde. In the present Bill there is a provision that pending conciliation proceedings or appeal no dismissal or punishment can be given. So far good. But there was an exception in the present Act, namely that if a certain misconduct was unconnected with the matter before the conciliation court or tribunal, then certainly action could be taken. That was a salutary provision and I do not see why in this short term measure the hon. Minister has thought fit to make a change. There have been cases where a matter of dispute such as salary or something else has been before a tribunal. Pending decision of such disputes certain employees have gone to the length of assaulting important officials. The hon. Minister must be aware of the case of one of the biggest joint stock companies in Calcutta—one of the biggest banks—where an important officer of the bank was assaulted by an employee. The matter that was before the tribunal was something different, namely relating to salary. In terms of the provision proposed to be made now in such cases the employer will not be able to take action against an employee, even though it is absolutely clear that there is a case for action. The employer will have to refer the matter to the Appellate Tribunal and only when he gets their permission that he can proceed in the matter.

**Shri Bhatt (Bombay):** It is not a matter relating to the conditions of service.

**Shri Himatsingka:** The language now used is such that no action can be taken for anything, even if that matter is not connected with the subject matter of the dispute pending before the court. Therefore I had suggested by an amendment that if the action proposed to be taken is for misconduct unconnected with the matter pending before the tribunal such action should be permitted. That is an important provision and the hon. Minister should not try to introduce any important change in it.

Another matter that appears to me to be unnecessary is the proposed change by way of an amendment after the report of the Select Committee, limiting the rights of engagement of lawyers only with the consent of the parties. When two parties are quarrelling it is not likely that consent is likely to be given. In such circumstances no lawyers can be engaged. It will not be possible in such cases to have a proper conduct of the cases. If lawyers are so undesirable let steps be taken to ban them from all proceedings, why from labour disputes only ?

**Shri Jagjivan Ram:** You decide for yourself in that.

**Shri Himatsingka:** I can say from my own experience that everywhere they are doing useful work and a large number of them are doing useful service. There are exceptions everywhere and it is not the exclusive privilege of lawyers to be a nuisance.

There are certain other provisions which need examination. Labour legislation should be intended to hold the balance even between employers and employees and see that strikes and lock-outs are prevented as far as possible and also that labour gets what it deserves and even more. But nothing should be done whereby the relations between labour and employer become strained or estranged. I do not see why in labour legislation there should be provision of imprisonment either of workers or employers. A monetary fine should be sufficient. So far clauses 25 and 28 are concerned the provision of imprisonment in the case of illegal strikes or lock-outs as also other sentences should be done away with. That stands in the way of healthy relations growing. In view of the present attitude of Government

both at the centre and in the States also, which is pro-labour, there is no difficulty in labour getting their due and therefore such provision is not necessary.

Another provision which needs change is the vicarious liability in the case of offences by companies. Clause 30 provides :

"Where a person committing an offence under this Act is a company, or other body corporate, or any association of persons. . . . every director, manager, secretary, agent or other officer or person concerned with the management thereof shall . . . be deemed to be guilty of such offence."

In the Factories Act it was provided that it should be open to the company to nominate a director or secretary or other person who will be held liable for an offence unless it can be proved that a certain other person is responsible. A similar provision was incorporated by the Select Committee in the Industries (Development and Control) Bill. Such a provision should also have been incorporated in this Bill, so that Government will have no difficulty in proceeding against the person who is held responsible and at the same time the nominated person will be entitled to ask Government to proceed against any other person responsible, who is not named by the company. Such a provision will remove the apprehension in the minds of persons who would otherwise not be willing to act as directors in companies. It is not all the directors who take active part but one managing director who is assisted by three or four others, the latter having not much to do with the day to day working of the company.

And therefore, they should not be held responsible for any act of omission or commission for which actually the managing director or the person who is in actual charge may be responsible. A provision of that nature, therefore, should also be incorporated to protect persons who really are not responsible for the act.

There is another provision which I feel needs examination, and that is the right given to these tribunals to take up proceedings for contempt. I do not object to the tribunals being given the power of proceeding for contempt, but the provision, as it stands in the Bill, has defined a number of acts as contempts, which should not be committed. The High Courts and other Courts have got the right to proceed against a person who commits contempt, but here you will find in clause 29 that it has been attempted to be laid down as to what will be regarded as contempt. A number of acts have been mentioned which, if committed, will be regarded as contempt of a tribunal. I have suggested that sub-clause (1) should be removed; it should be sufficient to say that the Appellate Tribunal shall have and exercise the same jurisdiction as a High Court has in matters of contempt of proceedings before it.

**An Hon. Member :** That is much wider.

**Shri Himatsingka :** Yes, that will be much wider. Here some of the acts have been specifically named. I feel that some of them do not and may not really amount to contempt and we should not provide that it will amount to contempt if those acts are committed.

As regards the appeals, certainly they will help in the awards being made uniform. There have been many cases so far where an award in a particular State differed so widely from another award on a similar matter in another State, so that it became impossible for a particular industry to adjust itself. When there is a provision for appeal and when the matter is taken up to the Appellate Tribunal, naturally it is expected that the awards of the Appellate Tribunal will practically be uniform and will govern similar industries in all the States.

I would suggest that some of the amendments which have been tabled in the name of the hon. Minister himself should not be moved, especially the one that has restricted the right of the employer to discharge a workman if the offence for which he is going to be discharged is unconnected with any proceedings before a tribunal, and also the provision about the appointment of lawyers.

**Shri Jagjivan Ram :** I do not move my amendment, you do not move yours, I



[Shri A. P. Jain]

The first two categories are persons who have been judges of the civil court. The third category is the one in regard to which I know that for the present, at any rate, it would be difficult for the hon. the Labour Minister to find persons who have experience of administering labour laws. Therefore may I suggest that it is time that Government should try to build up a cadre of persons who are specially trained in labour laws who would view these matters more as social questions having a broad bearing on our social structure. That is the approach which I think a labour court should have.

Next, I would refer to clause 9. Sub-clause (1) of that clause runs thus :

"(1) The Appellate Tribunal shall have the same powers as are vested in a civil court, when hearing an appeal, under the Code of Civil Procedure, 1908 (Act V of 1908)."

This sub-clause gives the Appellate Tribunal the character and powers of a civil court. Then sub-clause (10) of the same clause says :

"(10) The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as they are not inconsistent with this Act or the rules or orders made thereunder, apply to all proceedings before the Appellate Tribunal."

These three sub-clauses read together give the impression that this court will be more or less a civil court. Now, let us see what is the procedure adopted by civil courts.

The original court records evidence. The appellate court, barring in very exceptional circumstances, never records evidence but merely scrutinises the evidence recorded by the original court. Ordinarily, the impressions of the original court carry great weight. Now, I ask you : is that a good procedure for labour courts ? Does the hon. Minister want that the original court should record complete evidence and that the appellate court should form its opinion from the recorded evidence without itself hearing the witness into the witness box ? So far as civil law is concerned, it is a very sound rule, but in labour disputes evidence is not fully recorded. In fact, it need not be recorded. In my opinion the correct procedure for labour appellate tribunals should be to form first hand impression of the evidence by calling it to the witness box. In fact, I have been told by persons who have been to Japan that there they do not have the system of recording evidence as we have in India. The first court calls the witnesses and hears them and forms its own impression. The Appellate Court has the same power of hearing witnesses and after hearing witnesses it forms its own opinion and impression.

Particularly in labour courts, where the lawyers are sought to be excluded—to which point I will come presently—it is the overall impression, the manner and the demeanour of the witness, that really counts. The procedure which the hon. Minister has laid down is in my opinion improper. In reply, he may perhaps say, that he will use his rule-making powers to remedy this defect. But the basis with which he starts is the Civil Procedure Code. Personally, I should think that the application of the Civil Procedure Code should be confined in the labour courts to summoning of documents and witnesses and a few other matters of that type. These are the few words that I wanted to say about the spirit in which these courts have been conceived.

I will refer now to a few particular points. I take first the definition of wages. I find that bonus has been specifically excluded from the definition of wages in this Bill. Of course the question whether bonus constitutes wages or is an *ex gratia* payment has been answered in different manner by different tribunals. A Bombay Tribunal has held that bonus is a part of the wages. On the other hand there were other tribunals which held that bonus is not part of the wages. This point has recently been the subject matter of a decision in the Allahabad High Court, but no

final law on this question has been laid down. It may as well form the subject matter of adjudication in the Supreme Court and I would, therefore, very strongly urge upon the hon. Minister not to exclude bonus from the definition of wages. In fact, there are cases where bonus is nothing but another shape of wages, when it is related to profits and dividends distributed to shareholders. In such cases sometimes wages are kept low because the workers get bonus. My own personal opinion is that when bonus is related to dividends and profits, it should be treated as a part of the wages and I would expect the hon. Minister to accept that basis in law making. Even if the law as laid down by the courts today may be that bonus does not constitute part of the wages, it is time that the hon. Minister, should legislate to the effect that when bonus is related with dividends and profits, it should be treated as wages. If, on the contrary, it is not so related then it may be treated as not being a part of the wages. But it would be very hard on the labour to exclude bonus from the definition of wages under all circumstances.

Then there is clause 9(2) which reads :

"Without prejudice to the generality of the provisions contained in sub-section (1), the Appellate Tribunal may, without taking any step for proceeding with an appeal or, hearing any of the parties, dismiss the appeal....."

I find that an amendment is being moved to this clause to the effect that an appeal could be dismissed only after hearing the appellant. I think that removes the defect.

Clause 27 of the Bill says :

"Any person who knowingly expends or applies any money in furtherance or support of any strike or lock-out which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."

Anyone who has some experience of strikes and lock-outs knows that subscriptions are raised from the public for the support of the labourers. There may be occasions when the wife of a labourer on strike may be ill, or his child may not have milk to drink, or the family may be in the entire distress. Any philanthropically minded person under such conditions would be inclined to give some help. On a strict interpretation of the clause, this may be taken as something done in furtherance or support of the strike. I suggest that clause 27 is very broadly worded and may lead to hardship on the labourers. It will kill human sympathy in men by compelling them not to extend their hand of kindness at a time when the family or the children of the worker may be in dire need.

Then I come to clause 32.

I find that there is an amendment in the name of the hon. Minister for the deletion of part (d) of sub-clause (2) and the substitution of part (c) of that sub-clause by the following :

"where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed."

May I know from the hon. Minister as to why he wants to give one employer the right to represent another employee? I can well understand this concession being extended to a labourer. But an employer has a number of persons working under him, and he is well equipped to defend his rights.

Now, an amendment to sub-clause (3) of clause 32 tabled by the hon. Minister says :

"A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal."

**Shri Himatsingka:** With these remarks, I support the Bill.

**Shrimati Renuka Ray (West Bengal):** I think it is not left to my hon. friend Prof. Ranga alone to express confidence in the hon. the Labour Minister but this House and not only this House, the country also recognise all that the hon. Labour Minister has been doing in order to improve the conditions of the working classes. He has a great deal on the credit side. He has shown in concrete ways his concern for the welfare of labour. I have said in this House before and I repeat it again, that though the labour legislation that has been enacted so far may not show spectacular results as yet, it will in time help to bring about a great change in the conditions of labour in this country.

But after saying that, I am constrained to point out that I cannot understand why the hon. Labour Minister feels it so necessary to bring this Bill for the establishment of an Appellate Tribunal at this juncture. A very comprehensive measure, the Labour Relations Bill, has been sent to a Select Committee. The provisions in regard to an Appellate Tribunal which constitute this Bill are also included in that comprehensive Bill which has been discussed at a tripartite conference and which is now before a Select Committee. I would have thought that under the circumstances the hon. Minister himself would have been the first to consider that it would have been better to put this Bill off for the present and consider together in the Labour Relations Bill the whole matter. My hon. friend Mr. Harihar Nath Shastri pointed out that this would have been a much better psychological approach, and I think that it is absolutely true. It is the Appellate Tribunal which is perhaps least palatable to labour amongst the provisions of the Labour Relations Bill and therefore if the whole thing had come forward as a comprehensive measure it would have been much better. When the different labour organisations have pointed out that they would much rather that it was done this way, I fail to see why this measure could not have been put off. Even at this very late stage, I would suggest to the hon. Minister to consider whether he could not put it off until the whole matter comes up together. But in case he is not willing to accept this suggestion, I will make only one or two points regarding the provisions of this Bill.

I am very glad that the hon. Minister is bringing amendment to the effect that it will be only with the consent of both the parties that lawyers will be allowed to appear. While I was listening to the speech of my hon. friend Mr. Venkataraman, I felt there was a great deal of truth in what he said when he pointed out that the lawyers are likely to benefit a great deal from this Bill in a way that the hon. Minister probably does not want. Labour has been exploited by the employer, it has been exploited, I should say, by certain political exploiters, and now we may see labour being exploited by lawyers also. So I am glad that this salutary provision at least is going to be made.

There is one provision in regard to which I do hope that the hon. Minister will listen to our pleas. It is in regard to clause 15. I certainly agree with the hon. Minister that Government should have the power to intervene in regard to public utility services or in regard to State services, and should have the power to reject or modify awards from the Appellate Tribunal in these cases. But I fail to understand why Government should intervene in the case of private industry. My hon. friend Prof. Ranga said that as we have a democratic Government it will not act against the interests of labour. I should have thought that it will be very awkward for a democratic Government which wants to hold the balance between labour and capital to have to come forward and intervene in the case of private industry. I am sure the hon. the Labour Minister himself will recognise that it is not an advisable thing. Even though in some isolated case it may be in the interests of labour if Government intervene, as Prof. Ranga has pointed out, in regard to the decisions of an Appellate Tribunal, it is not at all an advisable thing. The Appellate Tribunal is a judicial authority and it is appointed on the understanding that it is an unbiased authority. So, if Government in bringing this Bill have

a feeling that this Appellate Tribunal is not likely to be judicial or impartial, then why have the Bill at all? Even if this Bill is passed, I think that this particular provision should be amended in such a way that Government should not take upon itself the power to change in any manner the decisions of Appellate Tribunals in regard to private industry. As I have said before, it is understandable if Government intervenes in regard to its own services or public utility services, because there the Appellate Tribunal has not obviously got a comprehensive picture of the entire financial resources of Government or of municipalities and it may be incumbent upon Government to intervene because it may not be possible to implement the decisions of an Appellate Tribunal always. But this provisions really relates private industry and I would therefore appeal again and again to the hon. Minister to listen to those of us who are pointing this out to him and accept an amendment to this effect.

[Mr. DEPUTY-SPEAKER *in the Chair.*]

I do not want to go into further details, because my hon. friend Mr. Harihar Nath Shastri has gone into them very comprehensively. I only want to point out one other reason which, though I am not a lawyer, yet strikes me as important. In the Constitution, power has been given to the Supreme Court and even to High Courts to call into question any Award of an Appellate Tribunal. If that is so, then the whole structure of this Bill falls to pieces. Unless we are going to amend the Constitution, I do not know how this Bill is going to serve the purpose for which it is intended. This, in my opinion, is an additional reason to put this Bill off until we can consider the whole matter comprehensively in the Labour Relations Bill, by which time we may know whether such an amendment in the constitution is required or not.

Finally, let me say that while we all have the fullest confidence in the hon. the Labour Minister and while we all appreciate what he has been doing for the improvement of labour, yet we would humbly point out to him that this Bill, if it is passed at present, is not going to be very palatable to labour in its present form, and if this particular provision is not amended it is going to be detrimental to that extent at least.

**Shri A. P. Jain** (Uttar Pradesh): I propose to deal with only a few salient features of this Bill. I speak on the authority of my experience as a labour worker who has appeared before Labour Tribunals. I have seen that the Labour Tribunals are often constituted of District Judges, and experience has shown that the civil courts whenever they are called upon to adjudicate on labour matters are not fit courts to do that work. They are hide-bound with rules of evidence and civil procedure. Their procedure is a very technical one. I know that some of them try to relax the hard rules of law, but nonetheless their upbringing is of a type of which they cannot get rid. That, I believe, has been the main difficulty in the administration of labour laws so far.

I am afraid, that in framing this Bill those who possess actual experience of working of labour courts do not seem to have much of a hand. It looks as if the Bill has been framed by persons who have been versed in civil law and possess experience of civil courts. That is why it appears more or less to be a replica of the civil courts. I shall illustrate my point by quoting a few clauses of this Bill.

First, I would refer you to clause 5 (2) which says :

"Every member of the Appellate Tribunal shall be a person who—

(a) is or has been a Judge of a High Court; or

(b) is qualified for appointment as a Judge of a High Court ; or

(c) has been a member of an industrial tribunal for not less than two years...."

[Shri A. P. Jain]

But why "with the leave of the other party"? Supposing there is a dispute between an employer and the Union. The Union wants to engage a lawyer. I do not want to make these disputes a paradise for lawyers—in fact I want to reduce their appearance before labour court to the minimum. But I do not want the unions to be placed at the mercy of the employer. There may be occasions when the rights of a Union can be properly defended only by a lawyer. In that case I cannot understand why the consent of the other party should be necessary. In fact, this is the first occasion when I see in any law that for engaging a lawyer, the consent of the opposite party should be obtained. Of course, I can understand the latter condition that a legal practitioner could be engaged only with the leave of the Appellate Tribunal. If it is a simple matter the aid of legal practitioners may not be necessary. But if it involves intricate points then the parties may engage a legal practitioner.

Before I conclude I would like to submit that on the whole this Bill is conceived in a healthy spirit, namely, that the labour laws all over the country should be the same. I agree with that opinion. I also agree that there is a necessity for having an Appellate Tribunal. But the procedure of these Tribunals must be a very simple one. These Tribunals should be in a position to form a first-hand opinion by themselves. These things I do not find in the Bill.

Clause 7 defines the jurisdiction of the Appellate Tribunal. The matters enumerated there are wages, bonus or travelling allowance, gratuity payable on discharge, classification by grades, retrenchment of workmen and so on and so forth. These are all matters of detail. If evidence on these matters has to be recorded *in extenso* by the original tribunal and the Appellate Tribunal has to proceed only on the basis of that evidence, much injustice will be done. I therefore suggest to the hon. Minister to make the proceedings of these Tribunals very simple, not based upon the conceptions of civil justice but to make these courts a sort of *panchayat* where the poor labourer may get justice.

श्री भट्ट : यह बिल पहले गत सेशन (session) में आया था। उसके बाद से परिस्थिति में कुछ ऐसा बदल नहीं हुआ है कि जिससे इस बिल को अब स्थगित कर दिया जाय कि जबतक हम लेबर रिलेशन्स बिल (Labour Relations Bill) यहां ले आवें और उसका फंसला कर लें तबतक ठहरे रहें। जब माननीय मन्त्री जी ने यह बिल पिछली मर्तबा दिसम्बर में पेश किया था और उसके बाद जो विशिष्ट समिति ने उस पर अपना राय दी है उसमें दो तीन बातों के सिवा और तो कोई ऐसी बात नहीं है कि जिस पर कोई खास ऐतराज हो सके। मजदूरों में काम करने वाले हमारे शास्त्री जी हैं और बैंकटरमन जी हैं और अजितप्रसाद जी भी कई क्षेत्रों में काम करते हैं और मजदूरों में भी काम करते हैं, उन्होंने भी अपनी अलग अलग रायें पेश की हैं। लेकिन इस बिल ( Bill ) की जरूरत इसलिये है कि हमारे पास सारे भारतवर्ष के लिये औद्योगिक झगड़ों को तै करने का कोई तंत्र नहीं है।

श्री ए० पी० जैन : मैंने नहीं कहा कि वह नहीं बनना चाहिये।

श्री भट्ट : मैं आप अकेले के बारे में नहीं कह रहा हूँ। वरिष्ठ न्यायालय बनाने की बात इस बिल में है, और जब दूसरा बिल आ जायगा तब उसके मुताबिक काम होने लगेगा और यह आप ही आप बन्द हो जायगा और उसका अमल भी नहीं होगा। तो मेरी समझ में नहीं आता कि इसमें क्या दलील है कि आज न करो और बाद में करेंगे। तो यह जो बीच में गैप ( gap ) रहता है इसका क्या किया जाय। उसके लिये कोई और मैथनीरी

(machinery) बनानी है या नहीं कि आप उसके लिये ऑर्डिनेन्स (Ordinances) जारी करते रहेंगे। तो मुझे कोई संतोषकारक जवाब उन भाईयों की तरफ से नहीं मिल रहा है कि जिससे मैं यह मान लूँ कि क्यों इसको अभी न लाया जाय और इसका फैसला कर लिया जाय।

श्रीयुक्त बेंकटारमन ने यह कहा है कि इस न्यायालय की रचना करने में हम एक प्रकार से संकुचित भावना से काम ले रहे हैं। और दूसरे मित्र ने यह बताया कि इस न्यायालय में कोई ऐसा न्यायाधीश न होगा जो कि दुनियादारी का अनुभव रखता हो, जिसको कि सोसाइटी (Society) के मुतालिक कुछ अच्छा ज्ञान हो, बल्कि वह सिर्फ अपनी कायदे कानून की पोथियों में पड़े रहेंगे और उसके ही मुताबिक काम करेंगे। लेकिन आप इस बिल में जो एक खास हिस्सा धारा ५ में उपधारा सी के रूप में जोड़ा गया है उसे देखें। जब स्टैंडिंग कमेटी (Standing Committee) के सामने यह बिल आया था तो खास तौर से यह सुझाव दिया गया था, और वह सुझाव भी हमारे एक मजदूर नेता ने दिया था, और वह यह था कि इसके न्यायाधीशों में ऐसे आदमी भी लिये जा सक जा जिन्होंने औद्योगिक झगड़ों का निपटारा किया हो या जो ऐसी कोर्टों (Courts) में पहले न्यायाधीश रह चुके हों, वह चाहे वकील हों या न हों लेकिन जिन आदमियों को उद्योगों के बारे में ज्ञान हो और जो इस काम में दो एक साल लगा चुके हों ऐसे अनुभवी आदमियों को रखा जाय। और इसी लिये धारा ५ में यह उपधारा सी दाखिल की गई थी। तो इसके द्वारा हम इसमें यह लाना चाहते हैं कि इसमें केवल वकील और न्यायाधीश ही न लिये जाय बल्कि तजबेकार और ठण्डे दिमाग वाले अनुभवी आदमी भी लिये जा सकें।

दूसरी आपत्ति इसके क्लॉज बी (clause (b)) के बारे में की गई है कि इसमें सुप्रीम कोर्ट को बीच में क्यों घसीटा गया है। इसमें यह प्रोवाइजो (proviso) है :

“Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (a) or clause (c) shall be made in consultation with the Supreme Court.”

अब यह कन्सल्टेशन (consultation) एक ऐसी लचकदार चीज है जिसके अनुसार चाहे उनका एप्रोवल (approval) हो या न हो—उसकी सम्मति होनी ही चाहिये यह जरूरी नहीं है। इससे केवल यह होगा कि उनसे पूछा जा सके और उनका मशविरा लिया जा सके कि गवर्नमेंट कोई गलती तो नहीं कर रही है। ऐसा करने से जब गवर्नमेंट उन न्यायाधीशों को नियुक्त करेगी तो उस समय गवर्नमेंट के पास एक प्रकार का विशेष बल होगा, सुप्रीम कोर्ट की राय का, जिससे कि कोई उसके ऊपर, या मन्त्री जी के ऊपर या उनके सलाहकार आई० सी० एस० लोगों के ऊपर यह लांछन न लगा सकेगा कि उन्होंने निपोटिज्म (nepotism) या फेवरिज्म (favouritism) से एक आदमी को ले लिया है। गवर्नमेंट के ऊपर कोई आक्षेप न रहे इस लिये यह चीज रखी गई है और मैं मानता हूँ कि यह जो कन्सल्टेशन का हिस्सा है इसकी एक प्रकार से जरूरत है, क्योंकि इससे गवर्नमेंट की बदनामी नहीं होगी और इससे गवर्नमेंट की तकलीफ भी कम होगी, नहीं तो हज़ारों आदमी आयेंगे, हज़ारों वकील आयेंगे और कहेंगे कि मैं दस साल से काम कर रहा हूँ, मैं जज होने के लायक हूँ और इस लिये मुझे लिया जाय। तो फिर बेचारे मन्त्री जी तो उनकी नियुक्ति के ही काम में पड़े जायेंगे और इसमें उनका काम भी रुक जायगा और वह बदनाम भी हो जायेंगे। तो उनकी बदनामी को हटाने के लिये यह चीज ठीक है। इसमें कोई ऐतराज नहीं होना चाहिये ऐसा मैं मानता हूँ।

दूसरा इस धारा ५ में जो न्यायालय की रचना के सम्बन्ध में रखा गया है वह व्यक्तिपूर्वक रखा गया है। इसमें किसी को आपत्ति नहीं उठानी चाहिये। जो खास बात अब हमारे सामने है और जिसके लिये कुछ लोगों के दिल में संकोच है वह यह है कि गवर्नमेंट न्यायालय के फैसले में हस्तक्षेप कर रही

[श्री भट्ट]

है। वह लोग इस बात का ख्याल नहीं करते हैं कि अब परिस्थितियाँ बदल गई हैं। उनको यह समझना चाहिये कि अब जो सरकार यहां बैठी है वह सरकार हिन्दुस्तान में बैठी हैं, हिन्दुस्तान के लिये बैठी है और हिन्दुस्तान की सरकार बैठी है। यह सम्भव हो सकता है कि वरिष्ठ न्यायालय के ऐसे फैसले हो जायं कि गवर्नमेंट को हस्तक्षेप करना ही पड़े। यह तो हम नहीं मानते कि हर मर्तबा गवर्नमेंट बीच में पड़ेगी और जो भी न्यायालय के फैसले होंगे उनमें परिवर्तन कर देगी। यह तो नहीं माना जा सकता, लेकिन यह सत्ता गवर्नमेंट के हाथ में रहती है। इसमें यह गुंजाइश है और अगर यह गुंजाइश न रहे और यह सत्ता गवर्नमेंट के पास न रहे तो मुमकिन है कि समस्या बहुत बार बिगड़ भी सकती है। मैं न्यायालय के विषय में अभी नहीं बोलना चाहता हूँ क्योंकि न्यायाधीश और न्यायालय यह एक अलग महकमा है। और उसके ऊपर न तो कोई आक्षेप कर सके, न उनके मुताल्लिक कोई बोल सके। लेकिन यह जो न्यायालय है उद्योग झगड़ों का निबटारा करने वाला, उसके मुताल्लिक कभी कभी ऐसा हो जाय कि उन्होंने जो व्यावहारिक दृष्टि रखनी चाहिये, उस व्यावहारिक दृष्टि से काम नहीं किया है और उसमें न तो मजदूरो का लाभ होता है और न मालिकों का लाभ होता है या सरकार जो काम चला रही है, उस सरकार के काम में रोड़ा अटकवाया जाने वाला है, तब गवर्नमेंट को बीच में आना पड़ता है और ऐसे ही संयोगों में गवर्नमेंट बीच में आयेगी। गवर्नमेंट कोई ऐसा मैं नहीं समझता हूँ कि जैसी तैसी बातों के बीच में आकर हस्तक्षेप करेगी और यह कहेगी कि हम इसे हटा रहे हैं, ऐसी गवर्नमेंट कभी नहीं करेगी, इस की हमें पूरी आशा है। लेकिन जब यह गवर्नमेंट, कोई सरकार इस रीति से न्यायालय के फैसले को उलटने की बात सोचती है, या उसमें परिवर्तन करने की बात सोचती है, तब उनके ऊपर दूसरी जिम्मेदारी है और वह यह है कि उनको बारासभा के सामने या पार्लियामेंट के सामने आना पड़ेगा और उनके सामने आकर या तो वह मंजूर करवाना होगा, या तो नामंजूर हो जाय। गवर्नमेंट इतनी एक दिक्कत उठाती है, इतनी जिम्मेदारी उठाती है, तब वह सार्वजनिक हित को रक्षा करके ही यह जिम्मेदारी उठाती है। इस लिये इस चीज की खास आवश्यकता है और सरकार की तरफ से जब वह चीज आती है, हमारे मन्त्री की तरफ से जब वह चीज आती है, तब हमें गौर करना चाहिये कि जराबर इस चीज की तरफ ध्यान दिलाया गया है कि इस चीज को न लायें, तो उनको क्या दिक्कत पेश आती है। नेशनलाइज सब उद्योग नहीं हुए हैं, लेकिन गवर्नमेंट का काम जितना चल रहा है, उसमें अगर उल्टा ही फैसला हो जाय, जिसमें एक करोड़ रुपया नहीं, दस करोड़ रुपया नहीं, पचास करोड़ रुपये की तरक्की की कोई बात आजाये, ऐसा फैसला हो जाय, तब क्या किया जाय, तो सरकार का याने देश का काम रुक जाता है तब वह एक तरफ से इस चीज को रोक देगी, और उसके बाद आप उसको मन्जूर करें या न करें, लेकिन वह चीज आपके सामने आयेगी और यह भी ज्यादा कितना वह रोक सकती है, इसको बारह महीने से ज्यादा नहीं रोक सकती है। तो आखिर में उनके ऊपर ही जिम्मेदारी है और वह आपके आश्रय में आते हैं और आप उसे मंजूर करें या नामंजूर करें। इस लिये मैं मानता हूँ कि इनको यह अहसास हुआ है कि हमारे पास सत्ता होनी चाहिये और वह सत्ता वह लेना चाहते हैं। और इसलिये वह स्वतन्त्रता देने में कोई हर्ज नहीं है, हमें उसमें कोई इतनी शंका की वृत्ति नहीं रखनी चाहिये कि अरे, यह लोग क्या करेंगे। मैं मानता हूँ और मुझे विश्वास है कि वह इसका दुरुपयोग नहीं करेंगे, इसमें मुझे कोई शक नहीं है।

धारा २५, २७, और २८ में जो चीजें रक्खी गयी हैं सजा के मुताल्लिक, यह ठीक है कि किसी को वह चीज ज्यादा सख्त मालूम होती होगी और किसी को कम मालूम होती होगी। यह जरूर है कि हम

मजदूरों को ज्यादा राहत देने की तरफ हैं और उन लोगों को क्यों हम ज्यादा राहत देना चाहते हैं, क्योंकि अभी तक उनके साथ अच्छा बर्ताव नहीं होता रहा है। इस लिये हम कहीं कहीं देखते हैं कि मजदूरों को कम सजा दी जाती है और मालिक को ज्यादा सजा दी जाती है, क्योंकि मालिक लोग मजदूरों के पैट पर अपना पैर रखते हैं और उसका गुजारा मुश्किल बना देते हैं, इस लिये मालिक के ऊपर जो सजा है वह थोड़ी सी ज्यादा है, इसमें शक नहीं है। अब रहा सवाल यह कि उसमें कोई और बात करनी, उसमें सजा कम करने के बारे में कुछ सोचा जाय, तो वह मंत्री जी अगर ठीक समझेंगे कि उसमें सोचना चाहिये तो वह जरूर सोचेंगे। मेरी अपनी दृष्टि में वह बलाब कोई ऐसा आपत्तजनक नहीं है जिसमें कोई परिवर्तन किया जाय।

श्री अजीतप्रसाद जी ने जो लोग गैर कानूनी हड़ताल या लौकआउट्स (lock-outs) करने में मदद दे रहे हैं उस विषय में कहा है। मैंने उसमें मुझाया था कि उसमें नौइंगली (knowingly) शब्द हटा दिया जाय। जो लोग जानबूझ कर ऐसी हड़तालों और लौकआउट्स में मदद दे रहे हैं, वही लोग क्रूरवार समझे जाने चाहियें, नहीं तो यह एक प्रकार से गड़बड़ पैदा करने के लिये, असन्तोष पैदा करने के लिये, गवर्नमेंट के सामने दिक्कतें पेश करने के लिये, लोग किसी न किसी रीति से उनको बढ़ावा देते जायेंगे। एक मालिक दूसरे मालिक के विरुद्ध होकर, उस मालिक को गिराने के लिये और उसके घन्चे का नाश करने के लिये वह दूसरे को मदद देता रहेगा। तो ऐसे कामों को रोकने के लिये और मजदूर लोग भी यह समझ कर बहक न जायं कि चलो हमें मदद तो मिल ही रही है, खाते पीते हैं, हड़ताल भी कर लेते हैं और हमारे बालबच्चे भूखे नहीं मरते हैं। लेकिन जब उनको मालूम हो जायेगा कि हड़ताल करने से उनका गुजारा बन्द हो जाता है उनका निर्वाह खत्म हो जाता है और वह पामाल होने लगते हैं, तब वह सोचेंगे कि हमने वह क्रम ठीक उठाया है या नहीं। इसके सिवा ऐसी पाबन्दी रखने के अलावा और कोई दूसरा चारा नहीं है कि हम गैरकानूनी हड़तालों को और काम बन्द करने की रीति को बन्द कर सकें। तो यह धारा इसी दृष्टि से लायी गयी है और इसमें मुझे कोई आपत्ति नहीं दिखती है।

दूसरी कितनी बातों के बारे में माननीय मन्त्री जी तरमीम लाने जा रहे हैं रिप्रेजेंटेशन आफ पार्टीज (representation of parties) जो कि सिलेक्ट कमेटी (Select Committee) से आया है और उस पर उनका संशोधन है वह ठीक है। बोनस (bonus) का विषय बहुत चर्चास्पद है और इण्डस्ट्रियल कोर्ट (Industrial Court) में और हाई कोर्ट (High Court) में उसके मुतालिक दो अर्थ लगाये गये हैं। बोनस के माने क्या है, यह हमें देखना चाहिये। बोनस शब्द ऐसा है जो तनख्वाह के साथ जुड़ेगा, तो आगे चल कर बड़ी मुश्किल पैदा करेगा। आज के दिन तो घन्चे में ज्यादा नफा मिलता है, इस लिये बोनस दिया जा सकता है, लेकिन हमारी कल क्या हालत होगी क्योंकि भाव गिरते जायेंगे और बाजार गिरता जा रहा है, इस लिये फिलहाल बोनस को वेजेज (wages) तनख्वाह से अलग रखने में फायदा है।

तीसरी चीज इस बिल को इस समय हमें मंजूर कर लेना चाहिये, क्योंकि इससे नुकसान होने वाला नहीं है, फायदा ही होगा और आगे चल कर इसमें संशोधन भी हो जायेंगे। लेकिन आज की हालत में इस बिल की जरूरत है और वह बिल जो हमारे सामने आया है, हमें उसको मंजूर करना चाहिये।

(English translation of the above speech)

**Shri Bhatt:** Ever since the introduction of the Bill under discussion in the last session, the conditions have not so changed as to justify its postponement till the Labour Relations Bill has been introduced and debated over for a final



[Shri Bhatt]

decision. Excepting a point or two, there is not much to object in particular in the opinion expressed by the Select Committee to which this Bill was referred after its introduction by the hon. Minister. We have among us hon. Shri Shastri and hon. Shri Vankataraman whose sphere of work lies amongst the labouring classes. We have, again in Shri Ajit Prasad, an hon. Member who has included the *mazdoors* in the sphere of his many other activities. Even these hon. Members have expressed divergent opinions. Despite this all the necessity of the present Bill has arisen because of the absence of any other legal instrument which can apply uniformly to whole of Bharat for purposes of settlement of industrial disputes.

**Shri A. P. Jain:** I have not said that it should not be proceeded with and passed.

**Shri Bhatt:** I am not referring to you individually. This bill seeks to set up an Appellate Tribunal which shall automatically cease to function with the introduction and coming into effect of another Bill. It may be that the present Bill may not even begin to operate. I fail to understand the logic of postponement till tomorrow what could be done today. How to fill the gap which will thus exist meanwhile? Is it proposed to set up a new machinery for that purpose or will the ordinances continue to be issued as hithertofore? To all these, I am not getting any satisfactory explanation from my hon. brethren which may convince me as to why the introduction of and a decision on the present Bill should be postponed till a later time.

The hon. Shri Vankataraman has charged us for taking a narrow view while dealing with the issue of setting up of this Tribunal. On the other hand, another hon. Member has pointed out the absence of any judge on the proposed Tribunal who will have adequate worldly or practical experience and also a sound knowledge of the working of the whole society. According to him they will concentrate solely on the voluminous books on law and may conduct their work in accordance with such books alone. I, however, may draw your particular attention to sub-clause (c) of clause 5. When this Bill was before the Standing Committee, this particular point was made to them by a labour leader himself. It was to the effect that among the judges or the personnel of the Tribunal should be included such men who have actually handled the settlement of industrial disputes or who had themselves been judges in such courts irrespective of their being qualified lawyers or not. The only consideration in their appointment should be that they possess adequate knowledge of industries and have a minimum practical experience in the work for one or two years. Sub-clause (c) of clause 5 had been incorporated because of this very fact. It seeks to make provisions for the inclusion also of experienced persons with cool and balanced brains. Inclusion of such persons will prevent a total domination of lawyers and judges on the personnel of the proposed Tribunal.

Another objection has been raised to sub-clause (b) which in their opinion seeks to bring in the Supreme Court unnecessarily. The following proviso bearing on sub-clause (b) occurs therein :

“Provided that the appointment to the Appellate Tribunal of any person not qualified under clause (a) or clause (c) shall be made in consultation with the Supreme Court.”

Now, ‘consultation’ is very flexible a word in meaning. It may mean that their approval or disapproval of a particular appointment will not be a necessary condition. The clause in question merely provides for consulting them with a view to see whether or not Government are committing an error. By making appointments after such consultation, Government intend to acquire an additional strength for supporting their case against any possible accusation of nepotism or favouritism that may be levied against it as a whole or against the hon. Minister individually or against any of their I. C. S. advisers. The provision in question has been incorporated with a view to ward off all possible attacks on or criticism of the Government. In a way, I consider the inclusion of this part on consultations necessary

too. It will save Government from getting scandalous as also reduce some of their difficulties in such matters. Otherwise a large number of lawyers and other persons will come forward to press their claims for appointment as judges on the ground of their long practice in law, etc. In that event the whole time of the hon. Minister will hopelessly be involved in the appointment-business alone and all the rest of his work will suffer in addition to the possibility of his position becoming scandalous. From this view point, viz., to make his position immune against all sorts of scandals this proviso is in order and I concede there should be no objection to its inclusion on that score.

Again the provisions in respect of the composition of the Appellate Tribunal have been incorporated in a logically correct way. Nobody should take exception to them. The important thing that engages one's attention is that certain people entertain misgivings as to the possible Governmental interference in the decisions of the Tribunal. Persons of this school of thought do not account for the changed conditions. They should realize that the present Government is a Government of India, for India and has its seat of administration within India. The possibilities however cannot be ruled out when the decisions of the Appellate Tribunal may go wrong, which may necessitate Governmental interference. I cannot subscribe to the view that Government will interfere on every occasion and alter all judgements passed by the Tribunal. It is simply not credible though it cannot be denied at the same time that the real powers remain vested in Government. The scope for this possibility, no doubt, exists. But should this scope be done away with and these powers be taken away from Government, the likelihood of the whole situation getting worse frequently will increase. I do not wish to speak at the moment about the proposed Tribunal for the reason that a judge and a Tribunal are two different things. As for the former none can make an attack on him or criticize him any way. But Tribunals of this type which deal with the settlement of industrial disputes, 4 P.M. may at times fail to bring a practical approach which a peculiar circumstance may demand. Their judgements may, as such, do no good to either the workers or the mill-owners; there may arise a situation, again, when a decision of the Tribunal may be of such a nature as to interfere with the smooth conduct of Government undertakings. It is under such circumstances that Government are left with no option but to interfere and I am sure they will be careful enough to interfere in such an event only. I also trust that their interference will never be forthcoming in trivial issues and never will they think of exercising undue pressure in nullifying any decisions or judgements of the Tribunal. On the other hand, Government or any administration, in the event of their efforts to reverse or modify a decision of the Tribunal in this way, will only be taking upon themselves another responsibility namely that of appearing before the Legislative Assembly or Parliament to secure their approval of the action taken by them. In the absence of this approval their action will stand null and void. Government will be willing to get themselves involved into such complications or they will accept the above-stated responsibility only when the public interest makes it necessary for them to do so. It is because of this consideration that the inclusion of such a provision is particularly necessary. Again, whenever an hon. Minister, for that matter Government come forward with some such measure, we should note that they have constantly drawn our attention to such actions taken by them as also to the various difficulties they might have otherwise faced in absence of such actions having been taken. It is true that all industries have not been nationalized as yet. But whatever be the magnitude of Government undertakings, we have to make provisions to deal with the circumstances when a judgement jeopardizing the prospects of not one or ten but of as much as fifty crores of rupees investment may have been passed. Failing an action of this type, Government or the Nation's work may suffer a stand-still. Government on their part will have to order for the stay of the execution of the judgement. This will be then upto you to approve or disapprove of their action. And, after all, they cannot stay the execution of the decision longer than a maximum

[Shri Bhatt]

period of twelve months. The ultimate responsibility falls on them and they, in their turn seek refuge under you to justify their action. It is then for you to decide whether to accept or reject the decisions of Government. I, therefore, can see the necessity as also the sentiment underlying their desire to acquire certain powers. There should, therefore, be no objection to giving them this much freedom. We should do away with this tendency of entertaining misgivings as to what or what not Government may do. Personally I have not the least doubt and I fully trust that there will be no occasion for them to misuse these powers.

It is correct that the penalties provided in clauses 25, 27 and 28 may appear harsh to some while according to others they might be lenient. It is definite that we are prone to give more relief or facilities to the workers. It is because so far they have not been the recipient of a fair deal. There is also no doubt that, at places, more strict penalties have been provided in respect of the owners of the industries as compared to the labourers or workers. It has been done because of their exploitation of the workers to whom they make even a bare existence a difficult problem. It is, therefore, true that the penalties are a bit more harsh in their case. Now taking the question of incorporating modifications including those concerning the reducing of penalties, I am sure the hon. Minister will definitely think of them, should he feel a necessity of the same. To me, the particular clause does not appear to be so objectionable as to require any alterations.

Hon. Shri A. P. Jain has referred to the persons who give aid to illegal strikes and lock-outs. Earlier I had suggested the deletion of the word 'knowingly' from the relevant clause. The persons who knowingly give aid to such strikes or lock-outs, must be declared as guilty. Otherwise people will continue to give encouragement to them out of various motives which may be to create confusion, to spread discontent or to demonstrate any of the hardships to Government. Again, any owner who is opposed to some other and wants, as such, to destroy his business as also to humiliate his position, may extend to some third person his aid towards those ends. The proposed penalty therefore is necessary to check such happenings and to save the labourers from falling into the trap of receiving such aids to strike and yet to enjoy risking at the same time no starvation coming to their children and families. If, on the other hand, they become hard pressed to pull on due to their going on a strike and if all chances of their earning a living disappear and consequently their being on verge of ruination becomes quite clear to them they will be forced to reconsider the steps taken by them. Excepting the provision of such a restriction, there is no other way left whereby we may put an end to illegal strikes or lock-outs. This being the consideration underlying the incorporation of this provision, personally I find nothing to object therein.

There are several other matters in respect of which the hon. Minister will bring in amendments in due course. One of such issues concerns the representation of parties as recommended by the Select Committee. The amendment in this connection which is in the name of the hon. Minister himself is an appropriate one. The Bonus-issue is also a much debatable one. The Industrial Court and the High Court have put two different interpretations on the same. Let us first see what is meant by the word 'bonus'. The word 'bonus' if taken in conjunction with actual pay will create serious complications in the days to come. These days we may pay bonus because the business provides a sufficient margin of profit. But nobody can forecast what might be the conditions tomorrow. The prices are likely to fall gradually and there is already a depression in the market. We, therefore, had better to keep bonus separate from the actual pay, at least, for the time being.

Thirdly I may submit that we may just now accept this Bill. It is not likely to do any harm and only good can come out of this acceptance. Modifications also will come later. In the present day conditions, however, there is a necessity of such a Bill and for that reason, we should pass the Bill before us at the moment.

**Shrimati Durgabai** (Madras): I had no intention to speak. Many hon. Members had already spoken on this particular Bill and Mr. Gokul Bhai Bhatt also had just now spoken. He was practically explaining to the House the salient features of this Bill and the various changes that were made at the Select Committee stage. Therefore, I wish to make only a very few points on this particular subject. In the working of the Industrial Disputes Act of 1947 it was found out that the Industrial Tribunals which were set up both by the Provincial Governments and the Central Government were taking divergent views on various important matters like profit-sharing and retirement bonus, etc. These are the matters which were of vital importance to the interests of labour. I am speaking here not as a labour worker or one who worked among the labour but I am speaking as one who has profound sympathy with labour and as one who associates herself with labour's interests. In the course of its working, we knew how the various decisions, awards and orders, etc. made by these various Tribunals under the Act of 1947 were conflicting with each other. So, there was a necessity to co-ordinate the activities of all these Tribunals set up both by the Provincial Governments as well as the Central Government and this was particularly so when some industrial concerns who have got branches all over the country and who had to transfer their staff began to feel that there were certain anomalies. Therefore, it was found necessary that the activities should be co-ordinated.

That was the necessity for bringing forward this Bill. The need for this Bill was expressed in several ways and the hon. Labour Minister has been practically pressed to come forward with this Bill.

I do not want to deal with the constitution of the tribunal because that point has been dealt with *in extenso* by hon. Members. I only wish to draw the attention of hon. Members to the fact that this Bill is a very important one because it is absolutely useful and a necessary part of the labour relations machinery. The hon. Minister of Labour has brought several Bills; it was only the other day that we referred to a Select Committee the Labour Relations Bill. It is also provided that the persons to be appointed to this tribunal are to be of the status of High Court Judges. A point was made that this Bill is going to benefit the lawyers and that several people are going practically to reap the benefits arising out of this Bill. I only wish to state to the House my experience in these matters. Hon. Members may not know that matters relating to labour are really cases where the lawyers have given free service. It is only in major cases that some fee is taken. I have never known a case in which labour paid the lawyer; on the other hand, I should really say, sometimes clients have walked away with the lawyer's money. Therefore, I am sure this Bill is going to benefit only labour. Again, it is absolutely necessary that there should be a forum to which labour can take the decisions which have gone against them and get redress.

The only point to which I wish to draw the attention of the House is the provisions which we have made in the Constitution in this respect. For the benefit of the House, I shall read Article 136.

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

We have got tribunals set up by the State Governments and by the Central Government. Under this Bill, we are setting up an Appellate Tribunal as the highest appellate authority. Over and above this, in the Constitution we have provided that the Supreme Court may grant leave in any matter arising out of the award of a tribunal. Again, there is Article 227 which says:

"Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction."

These articles in the Constitution will have to be reconciled.

[Shrimati Durgabai]

A point was made, I think by my hon. friend Mr. Venkataraman, that by bringing in the Appellate Tribunal and duplicating the machinery for settling labour disputes, there is much delay—sometimes it takes eight or nine months. My own feeling is that we have got to choose lesser evil. I do not mean to say that the Appellate Tribunal which is now coming into existence under this Bill is going to do everything that is expected of it in the interests of labour. But, certainly it provides a forum to which labour can take up the adverse awards of the various tribunals already functioning. At least this much can be said in favour of this Appellate Tribunal, if and when it comes into existence, that there will be uniformity in the decisions or awards as far as possible. I think it is the intention of the hon. Labour Minister to see that the activities of the various tribunals are coordinated.

बाबू रामनारायण सिंह: हमारे जिले में कई लाख की तादाद में मजदूर काम कर रहे हैं। कई मजदूर केन्द्र भी वहाँ हैं और बहुत तरह के व्यवसाय हैं। इस वास्ते जरूरत मालूम हुई कि उनकी तरफ से मैं भी कुछ आवाज यहाँ पर दे दूँ। यह ठीक है कि इस बिल पर बहस तो यथेष्ट हो चुकी है और मुझे बहुत अधिक नहीं कहना है। लेकिन कुछ जरूर कहना है। इस बिल का मैं स्वागत करता हूँ और माननीय मजदूर मन्त्री जी को धन्यवाद देता हूँ। समापति जी, मैं जो इस बिल का स्वागत करता हूँ और मन्त्री महोदय को धन्यवाद देता हूँ तो इस लिये कि उन पर मुझे पूरा विश्वास है। मैं जानता हूँ कि देश में मजदूरों के बहुत से भक्त होंगे, बहुत से हितैषी होंगे, लेकिन मेरे दिल में ऐसा जमा हुआ है कि मैं इनको बहुत दिनों से जानता हूँ, इनसे बढ़ कर मजदूरों का इस देश में कोई और हितैषी है, यह स्थाल करना बिल्कुल भूल होगी। इस लिये मैं इस बिल का तो स्वागत करता हूँ लेकिन हमारी जो शिकायत है वह इस तरह की है कि हमारी यह जो पार्लियामेंट (Parliament) है और इससे पहले जब अंग्रेजी सरकार थी तो यहाँ पर इस पार्लियामेंट के बजाय जब असेम्बली (Legislative Assembly) थी उस जमाने में भी मजदूरों के हित के लिये कानून तो बहुत बने और शायद कानून बनते बनते कानून का पहाड़ भी हो जायेगा तो कोई आश्चर्य नहीं। सरकार के नये नये विभाग खुल रहे हैं, सब जगह कर्मचारियों की पल्टन बन रही है। यह सब, समापति जी, किस के लिये हो रहा है, जनता की सेवा करने के लिये, मजदूरों को लाभ पहुंचाने के लिये? लेकिन मीठे पर जाकर देखें जहाँ कि मजदूर काम करते हैं, जहाँ मजदूर रहते हैं, तो माकूम होगा कि हालत ज्यों की त्यों है। उस जगह जाकर यह कहना मुश्किल है कि काम करने वाला जो सरकारी अंग है, यानी सरकार की जो व्यवस्था है, उसमें कोई जान है या नहीं। मैं यह अच्छी तरह कह सकता हूँ कि मजदूरों के सम्बन्ध में सरकार का जो काम है उसमें जान तो मालूम ही नहीं होती है, फिर जास कहां से आवेगा। समापति जी, हमारा लेबर वेल्फेयर ऐक्ट (Labour Welfare Act) बना, उसका विभाग भी बना, लोग भी बहाल हो चुके हैं, कुछ काम भी हो रहा है, मन्त्री महोदय जी भी कई बार देख आये हैं, लेकिन मैं उम्मीद करता हूँ कि जगजीवन बाबू को शायद वहाँ के काम से सन्तोष नहीं हुआ होगा। मजदूरों को तो सन्तोष है ही नहीं, हम लोगों को भी सन्तोष नहीं है।

तो कानून तो बन रहे हैं तो बनें, कानून का पहाड़ बनें। लेकिन असल में देखना यह होगा कि उनके मुताबिक काम भी होता है या नहीं। मन्त्री महोदय ने तो जो कानून बनाना था बना दिया, बनवा दिया, और जो कुछ हुकम देना है वह भी दे दिया। लेकिन जैसे हमारे मन्त्री महोदय मजदूरों के हितैषी हैं उन को इस ढंग का विभाग कायम करना होगा कि उसमें वही लोग काम करने वाले हों जो मजदूरों के हितैषी हैं। अभी तो यह जो डिपार्टमेंट (Department) बना है उसमें जो काम करने वाले हैं

वह तो बिल्कुल बेकार हैं, निर्जीव हैं। उनमें जीव तो कहीं मालूम ही नहीं होता है। बिल के सम्बन्ध में जैसे न्यायालयों का जिक्र है। पहली बात थी कि वकील नहीं जायेंगे, पर अब विचार होता है कि नहीं दोनों की राय से वकील जा सकते हैं। तो जहाँ तक मेरा भी अनुभव है और मैं उम्मीद करता हूँ कि मन्त्री महोदय इस पर विचार करेंगे कि यहाँ तो किसी झगड़े के फैसले के तौर तरीके में इतनी झंझट नहीं होगी। इस से तो बहुत समय लगेगा और बहुत खर्च होगा। और आप जो न्याय के लिये काम करना चाहते हैं वहाँ वकीलों का दौरा दौरा नहीं होना चाहिये। मैं यह कह देता हूँ कि जहाँ पर वकीलों की मदद ली जायेगी वहाँ पर मजदूरों को बहुत मुश्किल हो जायेगी। मजदूर उतना रुपया खर्च नहीं कर सकेंगे जितना कि पूंजीपति कर सकते हैं। चाहे बड़े जबर्दस्त हाकिम क्यों न हों तो भी वह बहस से बहुत दूधर उधर हो सकते हैं। इस वास्ते मैं समझता हूँ कि यह जो नई बात सोचते हैं, कि वकील भी वहाँ पर दोनों की राय से जा सकते हैं, इस बात को नहीं लेना चाहिये। मैं कहता हूँ कि जो मेरे दिल में भय है कि अगर मजदूर अच्छा वकील अपनी तरफ से नहीं रखेगा तो ऐसा हो सकता है कि जब पूंजीपति की तरफ से पूछा जायेगा कि मजदूर नेताओं को मजदूरों का वकील माना जाय या नहीं तो ऐसी हलत में कहता हूँ कि ऐसा षडयंत्र रचा जा सकता है पूंजीपति को ओर से पूंजीपति के पैसे से, एक वकील खड़ा हो जा सकता है और वह मजदूरों से ऐसा कह सकता है कि इस मामले में कुछ कानूनी बहस की जरूरत है, इस वास्ते वकील होना चाहिये।

श्री आर० के० चौधरी : क्या आप वकील नहीं चाहते हैं ?

बाबू रामनारायण सिंह : हां, मैं चाहता हूँ कि वकील न हों। वकील बहुत हो चुके हैं। अब तो ऐसा होना चाहिये कि जहाँ जहाँ नये नये कोर्ट (Court) खुलें उनमें वकील न आयें और इससे देश का कल्याण ही होगा।

इसके बाद मैं एक बात कह देता हूँ कि जो यह न्यायालय का फैसला होगा उसमें सरकार तरमीम कर सकती है। तो माफ कीजिये सभापति जी, और लोग भी माफ करेंगे जो इसको बुरा मानेंगे। अब तो सारा जीवन इस काम में व्यतीत हो गया, खूब देखा कि सरकारें कैसे बनती हैं और क्या क्या होता है मैं तो यह कहता हूँ कि जब सरकार ठीक रहेगी तो ट्रिब्यूनल (Tribunal) ठीक बनायेगी और उनके फैसले भी जरूर ठीक होंगे। तब उनमें तरमीम करने की क्या जरूरत रह जाती है। मुझे इस बात का भय है कि वहाँ से फैसला आवे तरमीम होने के लिये तो जैसा एक भाई ने कहा कि हो सकता है कि फैसलों में जो तरमीम हो वह मजदूरों के खिलाफ हो तो हमारे रंगा साहब कहते हैं कि ऐसा नहीं हो सकता है कि फैसला हमेशा पूंजीपतियों के बरखिलाफ हो और मजदूरों के पक्ष में हो। इस वास्ते तरमीम होने का जो प्रोविजन (Provision) है वह रहने दें। तो मैं आप से यह गौर करने के लिये अर्च करता हूँ कि इसे कहीं पर तो खत्म करना होगा। मैं यह बात कह सकता हूँ कि जिस तरह से न्यायाधीश न्याय कर सकते हैं सकते हैं उस तरह से हमारी सरकार और हमारे मन्त्री महोदय न्याय नहीं कर सकते हैं। इस वास्ते सरकार को यह अधिकार हो कि किसी न्यायालय के फैसले में तरमीम कर सके, यह बात मैं पसन्द नहीं करता। इस से आगे चल कर बहुत बुराइयां होंगी।

एक बात कह कर मैं बैठ जाऊंगा। वह बोनस (bonus) के बारे में है। बोनस के बारे में यह कहा जाता है कि वह मजदूरी का हिस्सा रहे या मजदूरी का अंग रहे या स्वतन्त्र रहे। बात यह है कि हमारे जिले में बोनस के लिये बहुत झगड़े होते हैं। यहाँ तक कि गोली तक चल गई और कुछ लोग मारे भी गये और अब भी उसका झगड़ा चल रहा है। तो इसका विशेष निर्णय होना चाहिये, और

[बाबू रामनारायण सिंह]

निर्णय इस तरह का होना चाहिये कि उसका उचित अर्थ लगाया जा सके। बोनस किस कारखाने से। किस व्यवसाय से, मजदूरों को मिलेगा और किस तरह से मिलेगा। व्यवसाय करने वाला पूंजीपति अपने घर से देगा यह तो नहीं हो सकता है। बोनस का यह मतलब है कि व्यवसाय में जो लाभ होता है, जो हिस्सेदारों में बांटा जाता है उसमें मजदूरों का एक हक माना जाय। इस वास्ते उनको बोनस का रूपया कुछ मिले। इसमें शक नहीं कि जितने व्यवसाय में लाभ हुआ है वह पूंजीपति की पूंजी या कुछ ऋणों को बुद्धि से हुआ। मगर साथ ही साथ उनमें मजदूरों का परिश्रम भी शामिल है और मजदूरों के परिश्रम से उसमें लाभ हुआ है। तो बोनस को मजदूरों का अंग माना जाये। अगर अंग न माना जाय तो यह माना जाय कि बोनस पाना उनका हक है और कुछ दिन काम करने के बाद उनका ऐसा हक हो जाता है और पूंजीपति को उन को वह देना होगा, इतना जरूर मान लेना चाहिये। तो मेरा कहने का मतलब यह है और इतना कह कर मैं बैठ जाऊंगा। स्यासकर मैं अपने मन्त्री महोदय जगजीवनराम से कहूंगा कि आप जितने कानून बनाने चाहें बनाइये, खूब बनाइये। मगर इसके साथ ही साथ काम भी उस जगह पर होना चाहिये। यहां पर तो कानून बनाया गया और किसी आफिस में रख दिया और वहां पर जो कुछ हो रहा है सो हो ही रहा है।

*(English translation of the above speech)*

**Babu Ramnarayan Singh (Bihar):** In my district lacs of labourers are doing work. Many labour centres are there and many professions are being followed. For this reason I felt the necessity of raising this issue here. It is quite true that a lot of debate has taken place on this Bill and so I have not to submit a lot yet I have to submit something. I welcome this Bill and thank the hon. Minister of Labour for this. I welcome this Bill and thank the hon. Minister of Labour for the reason that I have full confidence in him. I know there must be many persons in this country who may be espousing the cause of the labour, many may have sympathy with them, but to me it appears and I have known the hon. Minister so long and so it would be wrong to think that there can be any better friend of the labour in the whole country than him. Therefore I welcome this Bill. But our complaint is this that in this Parliament or in the Legislative Assembly, that existed in place of Parliament during the British rule, many Acts for the benefit of labour were passed and it is no wonder that there may be Acts and Acts piled upon one another. Many new departments of Government are being opened and everywhere armies of officials are being recruited. Then for whom all this thing is being done? Is this being done to render service to the public, to afford benefit to the labour class? But if you were kind enough to pay a visit to the places where this labour works and where they live then you would come to know that even now the conditions are exactly the same as before. After paying a visit to these places it is difficult to say whether the functioning part of Government, the Government machinery, is at all alive or not. I can say with all the emphasis at my command that the efforts that Government have made in respect of labour welfare have all been insipid and therefore quite lifeless. We passed the Labour Welfare Act. An independent department was created for this work. The staff for that has also been appointed. Some preliminary work is also being done. Many a time the hon. Minister has also paid a visit to that place, but I hope Sri Jagjivan Ram must not have been satisfied with the work that is being done there. The labour is not at all satisfied and we also are not satisfied at this state of affairs.

So if Acts are being passed they may be passed, let mountains of Acts be piled up. But what have to see is whether these Acts are at all being followed or not. The hon. Minister has got passed the requisite Acts that he wanted and has issued the necessary orders also. But as our hon. Minister is a well wisher of the

labour so he will have to organize his department in such a way that only those people may be given place there who may be staunch well-wishers of the labour class. The department, that has now been set up, has on its staff such officials as are quite useless, quite lifeless. No life appears to be in them anywhere.

In the new type of courts, that this Bill provides, in the first place it was decided that no *vakils* would be allowed to appear professionally but now the general opinion is that *vakils* can appear with the consent of both the parties. So as far as my experience goes I hope that the hon. Minister also would very kindly think over this point that no trouble may crop up in arriving at any settlement in the new set up of the procedure. In this way a lot of time would be wasted and would involve a lot of expenditure. Where we aspire to get justice we must not allow the *vakils* to have their unrestricted sway. I would like to submit that if help from *vakils* would be taken then the labour would have to face a lot of difficulties. The labour would not be able to spend as much money as the capitalists can. However strict and honest the presiding officer may be yet he can be dissuaded by a volley of arguments. Therefore, I think that this new suggestion, that *vakils* should be allowed to appear with the consent of both the parties, should not at all be accepted. I say that in my heart of hearts I fear that if the labour would not engage any good *vakil* on their behalf, then it is just possible a question may be put from the side of the capitalists whether the labour leaders should be allowed to appear to plead the case of the labour class. Then under such circumstances I apprehend that such a conspiracy could be hatched that a *vakil* under the pay of the capitalists may come forward and suggest to the labour that as that matter required a great deal of legal arguments and so a *vakil* should better be engaged.

**Shri B. K. Chaudhury (Assam):** Do you not want *vakils* ?

**Babu Ramnarayan Singh:** Yes, I wish there should not be any *vakils*. There have been a lot of *vakils*. Now that should be done that in the new courts that are being opened *vakils* may not be allowed to appear and this system would surely be for the betterment of the country.

After this I wish to submit that it has been provided in the Bill that Government is authorized to review the judgements of these courts. I hope you would pardon me for this and I crave the forgiveness of those persons also who might take it ill. My whole life has been passed in this work, I have very well seen how Governments are formed and how things are carried on. Therefore I say that if Government would be proper and just then the tribunals that it would appoint would also be good and the judgements passed by them would surely be just and proper. Then what would be the necessity of making changes in the judgements. I have grave doubts in the very procedure of sending judgements for review. An hon. friend has suggested that the alterations that would be made in the judgements would go against the interest of the labour. Our friend Shri Ranga alleges that it could not be so that the judgements may always be against the capitalists and in favour of the labour, and therefore the provision of reviewing the judgements should better remain. I for this reason ask you to think over this problem carefully because the matter has to be ended somewhere. This much I can say that in the manner in which the hon. judges can pass judgements our Government or our hon. Ministers cannot do justice in the same way. For this reason I do not like the provision that Government be vested with the power of reviewing or altering the judgements of those courts. This practice would result in very bad consequences in the long run.

I would close after submitting one more thing. The thing relates to the bonus scheme. About the bonus it is asked whether it should form a part of the wages or be an independent thing altogether. The fact is that in my home district a lot of disputes cropped up with respect to this bonus. The matters went so bad that even firing had to be resorted to and some people were even killed and the dispute is still hanging fire. So it should specifically be decided and the decision should be



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such that could easily be interpreted. It should clearly be decided in which trades and occupations and in which factories the labourers would be given bonus and in what manner. It would never be the case that the industrialist or the capitalist would give bonus out of his own pocket. By bonus it is meant that in the net profit, which is earned and is distributed among the shareholders, the labourers also are supposed to have a right therein, and so they should be given bonus. There is no doubt about the fact that all the profit, that is earned in a certain business, is mainly due to the intelligence and the capital invested by the capitalists. But besides this it also includes the labour put in by the labour class and the profits have been earned through the efforts that the labour have put in, and so bonus should be taken as a part of the wages. If it may not be taken to be part of their wages then this should be accepted that getting of bonus is their right and after putting in service for some time they acquire this right and the capitalists will have to pay it. This principle should at least be accepted. This is what I mean to say and I would now close. I would specially ask my hon. friend Shri Jagjivan Ram to enact as many laws as he likes. But at the same time they should also be put into practice. It may not happen that a certain Act be passed here and then it may be placed in the cold storage in some office and the old system there be allowed to continue unrestrictedly.

**Shri Jagjivan Ram:** This motion has been very fully discussed and very wide fields have been covered during the discussion. Right from the conception of judicial justice or rather ethics of judicial justice, inviolability of decision of judicial bodies and the undesirability of interference by Government in decisions of judicial authorities, all these principles have been discussed, and if I were to give reply to all these points in detail, I am afraid the time at the disposal of the House will not be sufficient for the purpose. But I will not go into the details of all these points. If I were to broadly analyse the points that have been raised, it will boil down to two or three broad categories. The most objectionable feature of the Bill from the point of view of friends who have claimed to represent labour in this country is that there should be no reserved power for Government to change or modify the awards of the Tribunals.

The second objection is that there is no necessity for an appellate authority, because it will lead to delay in adjudication and harassment of the workers. At the very outset I would urge that some distinction should be made between judicial justice and social justice. At present whenever we think about justice we think only about judicial justice. We forget that labour legislation is not meant for judicial justice : it is meant for social justice. If we make that distinction between judicial and social justice it may be helpful to us in appreciating that some sort of interference by Government in cases where such interference is necessary becomes inevitable. What is the effect of judicial justice or a judicial judgment or a judicial award ? As I remarked on a previous occasion, it affects two individuals or two groups of individuals at the most but it does not affect society as a whole. It does not purport to make any change in the existing social order, whereas in social justice, whether it is apparent or not, the intention always is to effect some sort of change in the existing social order. If any labour legislation does not aim at that, it does not fulfil its objective. Judging from this angle we will have to admit that our intention is to administer social justice with a view to change the existing social order, so that justice may be ensured to that section of society which so long has been deprived of it. Without meaning any reflection on the judiciary of the country, if an award is given by the judiciary or a tribunal, where Government feels that the social objective, which is the goal of Government, has not been kept in view by the judiciary or the tribunal while giving the judgment or award, do you not think it is incumbent on Government to interfere with the

award and modify it in order to make it amenable to the objective before the Government? I put this straight question to the House. If you feel that Government has certain social objectives, then where Government feels that a social objective has not been kept in view by the tribunal, I think Government will be failing in its duty if it does not modify the award to conform to its objective. From that point of view the power in the hands of Government to change, modify or even annul the award of the judiciary or a tribunal becomes inevitable.

Now there is the question where is the sanctity of the judiciary, as if it were a very novel provision that we are making here. I am myself not a lawyer : it may be a handicap but sometimes it is an advantage too. You, Sir, are an accomplished lawyer. May I request you to say whether I am correct or incorrect when I say that it is the prerogative of Government even at present to interfere with the judgment not only of lower courts but even of the highest court and to commute sentences in criminal cases? It has stood the test of time. And if in spite of the fact that Government has got the power to change the judgment of the High Courts, we can get gentlemen of integrity, honesty and character to be our judges in the High Courts, I have not the slightest doubt that knowing full well that Government has got the power to modify or change the awards we will get persons of integrity, honesty and character to be judges to man our tribunals, because we do not interfere in their administration of justice. Interference means that before the award or judgment is given we try to influence it. In this whole Bill can any hon. Member point to even a comma which permits the interference by Government with the dispensation of justice by a tribunal? If there is anything to that effect, I am prepared to withdraw the whole Bill. Our interference comes when the tribunal has completed its deliberations and given the award. We do not influence their deliberations and when we find that their award may adversely affect the social objective which we have as our goal, then we interfere. Much has been said about that and I do not want to argue—though I can by quoting examples—whether it will be in the interest of the worker or in the interest of the employer, whether Government will be influenced by the workers or by the employers. I do not take into consideration these petty matters, because I regard them as petty. I have a broader objective before me and from that point of view I feel that interference by Government is inevitable and necessary.

The question was asked whether it is necessary to have an Appellate Tribunal at this stage. That question has been effectively replied to by previous speakers. I feel it is necessary. But I have to point out one thing to my friend Mr. Shastri. I would not be mentioning this had he not pointedly stated that he represents an organisation which has successfully maintained the industrial peace of this country and that he was speaking on behalf of that organisation. Here I have got the report of the Select Committee. In the list of the signatories appears one name, the name of Mr. Khandubhai Desai. The House is aware that Mr. Khandubhai Desai .

**Shri Harihar Nath Shastri:** The Labour Relations Bill was not discussed at that time.

**Shri Sidhva** (Madhya Pradesh): He is the President.

**Shri Jagjivan Ram:** I am pointing to one name appearing among the list of signatories to this Bill. It is that of Mr. Khandubhai Desai. I know that Mr. Shastri is at present the General Secretary of the Indian National Trade Union Congress but Mr. Khandubhai Desai happens to be the President. Here is the signature of the President of the I.N.T.U.C. to the report of the Select Committee without any minute of dissent. What am I to understand from it? I leave the inference to be drawn by my friend Mr. Shastri himself. I go a step further. Their apprehension is that by this Appellate Tribunal it is only the employers who are going to benefit. I hold the other view and I have my reasons for it. What is the position today? During the war we had an expanding economy. Industries were

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springing up : they were expanding with a view to meet the demands of the war. But what is the position today? Our economy is contracting. When the economy expands even the most unsympathetic person wants to give something liberally to the workers but when the economy contracts even the most sympathetic person will not be able to do that. Who then will have to go to the Appellate Tribunal then? The workers will have to.

Apart from that, whether the workers stand to gain or the employers stand to gain, I look at this piece of legislation from another point of view, the uniformity point of view.

Mr. Shastri suggests that there cannot be uniformity even in one establishment.....

**Shri Harihar Nath Shastri:** In one industry.

**Shri Jagjivan Ram:**...even in one industry because conditions differ from region to region, from State to State. I am also aware of that. When I talk of uniformity, I do not mean that there will be uniform rates of wages, I do not mean that there will be uniform dearness allowance, and I do not mean that there will be uniform conditions of service. What I do mean is that there should be uniform principles for fixation of wages, that there should be uniform principles for fixation of dearness allowance, that there should be uniform principles for determining conditions of service.

**Shri Harihar Nath Shastri:** Let it be clear ; we do not object to the fixation of principle.

**Shri Jagjivan Ram:** If it is not clear to my friend Mr. Shastri I am sorry, because if he means that by uniformity we are going to have the same rates of wages in Madras and Punjab, or the same rates of dearness allowance in Delhi and Mirzapur, well, it is the negation of all principles. That we cannot concede ; it is not possible. No sensible person can conceive of the stage coming in India where we can enforce the same rate of wages, even in the same industry.....

**Shri Harihar Nath Shastri:** Then why not restrict it to determination of principles rather than details which have been laid down in the Bill ?

**Shri Jagjivan Ram:** The details will have to be examined : what are the factors on which a particular judge of a particular tribunal in a particular State has determined certain rights ? Also, whether he has adhered to those principles or not and whether the materials that were before him would have led him to decide on those principles or not. So, I am quite clear in my conception, but the facts will have to be examined. My friends want social justice, but at the same time they want that the social justice should be administered through judicial processes. They want that there should be an Appellate Tribunal, but only to decide principles of law, only to go into the question of law. If you go into the question of law alone, I am afraid the Appellate Tribunal will not be able to deliver social justice to the workers.

**Shri Tyagi (Uttar Pradesh):** Even the Supreme Court won't be able.

**Shri Jagjivan Ram:** Therefore, the facts will have to be examined ; it is not a question of law alone. Unless the facts come before them, they can't decide, and that is why we are providing that the Appellate Tribunal will not go only into the niceties of law but will have to go into the facts also ; unless they go into the facts they will not be able to do the task entrusted to them.

Examples have been quoted saying that nowhere in the world is this institution of Appellate Tribunal to be found, or that wherever it is found it is only

for the interpretation of the awards, or to examine points of law, or to settle differences regarding collective bargaining. Well, I wish the labour management relation in this country had developed on the same lines as in those countries from where analogies have been quoted. Had that stage existed here, it might not have been necessary for me to approach this House with this Appellate Tribunal Bill. If that stage develops, perhaps I will be the first man, if I am here at that time, to move for the withdrawal of this Bill or for the repeal of the Act. I wish that that stage may come soon, that it may come at the earliest opportunity. But it is for my friends like Mr. Shastri and Mr. Venkataraman to work for that stage. Let them develop the working class on those lines so that collective bargaining may be possible. Let them develop the working class of the country on those lines so that nowhere will it be necessary to refer matters to adjudication, and hence to an Appellate Tribunal; let the matters be decided by collective bargaining. But am I not justified in saying that that stage is still to come, that it will take some time before that stage comes in India? Till that stage comes we will have to provide some institutions, some machinery, for the resolution of disputes and also for the laying down of certain principles which may prevent the estrangement of labour-employer relations.

About assessors, Mr. Venkataraman is very emphatic that they should be appointed only with the consent of the parties. The words, "after consulting" are already there. So, I do not want to labour that point, but he will himself realise that the provision as it has been worded in the Bill is quite appropriate.

Mr. Ajit Prasad Jain's grievance is that the constitution of the Tribunal is just a replica of the judicial courts. I do not agree with him. I do not agree because he has himself quoted that sub-clause of clause 9 by which it is quite clear that we do not want to follow the procedures of the civil courts.....

**Shri A. P. Jain:** My objection was that you want to make the Civil Procedure Code the base.

**Shri Jagjivan Ram:** Let me read the clause:

"The Appellate Tribunal shall follow such procedure as may be prescribed, and subject thereto, it may, by order, regulate its practice and procedure and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall, so far as they are not inconsistent with this Act or the rules or orders made thereunder, apply to all proceedings before the Appellate Tribunal."

The intention here is quite clear. We do not follow the Code of Civil Procedure but we prescribe our rules and our regulations, and we may follow the provisions of the Code of Civil Procedure so long as they are not inconsistent with the rules and regulations framed under this Act by the Appellate Tribunal. So, my reply to him is in the very clause which he read. The intention is quite clear.

As regards the personnel of the Appellate Tribunal, I agree with him to some extent that it would have been better if we could develop a cadre of labour service. I agree with him. As a matter of fact, my Ministry examined some time back as to how we could constitute a cadre of labour service which will be able to man our executive personnel and also man the various labour courts and tribunals that we will be constituting in the country. That question is still under consideration, but financial considerations have stood in the way.

As regards the point regarding financial help in case of illegal strikes and lock-outs, Mr. Gokulbhai Bhatt has given the reply and I don't want to say anything on that point.

**An Hon. Member:** Not at all a satisfactory reply.

**Shri Jagjivan Ram:** Then he grudges the right that has been given to employers to be represented by some employers in that industry. The whole intention was this. The original clause was that where the employer with whom

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the dispute has arisen, is not a member of any employers' association, he may nominate anybody to represent him. What the present amendment seeks to do is this: he may nominate any person but one who is in that industry or who is a member of an association of employers in that industry.

I do not think there is anything unreasonable in this.

**Shri A. P. Jain:** May I know why the hon. Minister wants Lala Shri Ram to be represented by Lala Padampat in textile disputes?

**Shri Jagjivan Ram:** The hon. Member has quoted Lala Shri Ram. He can well represent himself. But there are poor employers—smaller employers—who cannot represent themselves, who cannot plead their case. Just as in the case of workers, the worker affected may not be in a position to have the necessary mental equipment to argue his case before the Tribunal, similarly in the case of employers there are employers who cannot argue their case. There are employers and employers.

**Shri A. P. Jain:** Do not create class-consciousness among capitalists.

**Shri Jagjivan Ram:** I think Lala Shri Ram may not like to be represented by Lala Padampat, but there are others who would like to be represented by Lala Shri Ram. So, I want to make them class-conscious. I have my reasons, but I do not want to go into them. Let them be class-conscious.

I now come to the points made by my friend Mr. Himatsingka. He has taken a quite distinct line of argument from other Members of this House.

**Shri Tyagi:** He is class-conscious.

**Shri Jagjivan Ram:** His first point was in connection with the issues referred to Arbitration Tribunals. He wanted that the employer should be free to deal with the man as he liked. He quoted an example. He said: What happens where a Manager is assaulted by some worker? I wish that he had quoted some cases where the workers have been assaulted by employers. He can quote examples like this, but from the experience of the administration of the Industrial Disputes Act, I have to say rather reluctantly that there have been a large number of unscrupulous employers who have taken undue advantage of the provisions of the existing Industrial Disputes Act to punish workers. It is so easy to prove, when no proof is needed,—that the misconduct was unconnected with the issues before the Tribunal. If the issue is unconnected with the Tribunal and if you are convinced that the offence is so obvious that the worker should be punished, why are you afraid to place that matter before some impartial authority and get its approval that the action that you are proposing is quite all right, quite justifiable and quite just? The Bill at present seeks this much and nothing more. The extreme case that he has quoted where a Manager or an employer has been assaulted by a worker—do you think that it is by Labour Acts that that sort of disorder and unruliness is going to be dealt with? There are laws and Acts in the country—and my friend Mr. Himatsingka is a lawyer of standing; I have got regard for his legal acumen—he knows that this sort of disorder cannot be dealt with by labour legislations. At the most, what can you do? You can suspend the worker, or dismiss him or discharge him, but if the worker is determined upon assaulting a Manager or an employer do you think that dismissal or discharge will deter him from doing that?

**Shri Tyagi:** He will assault him in the streets.

**Shri Jagjivan Ram:** Rather, it may aggravate the thing, as my friend points out. What is required is that the ordinary law of the land should be effective to deal with such recalcitrant people, whether they be workers or they be employers.

Let the ordinary law of the land take care of them. Why do you want to confuse it with labour legislation? Why do you want labour legislation to perform the functions of the Criminal Procedure Code or the ordinary law of the land?

**Shri Himatsingka :** The ordinary law of the land is that a man who is guilty of misconduct can be dismissed. Here, by legislation, you are trying to prevent that.

**Shri Jagjivan Ram :** The ordinary law of the land is that a man who assaults should be prosecuted. That is what a layman understands of the law. But if you think that he should be dismissed, why are you afraid that a judge of the Tribunal who could be safely presumed to know the law will stand in the way of the employer and ask him not to discharge or punish the man who has committed some such offence?

**Shri Himatsingka :** It is a question of discipline.

**Shri Jagjivan Ram :** Now the question of discipline comes. On this question, the employers of this country, unfortunately, feel that they can enforce discipline only if they have the Damocles' sword hanging over the heads of the workers all the time. That is not the way of enforcing discipline. They think that they can enforce discipline by making the worker realise that he can be fired at any moment—On this basis, I am afraid they can never enforce discipline. You cannot enforce discipline, you cannot create confidence, you cannot create loyalty, in the workers so long as he feels that he has no security of service. I wish that the employers in this country had come forward and said that they want Government to make stricter provision for the security of service of the workers. Then it would have been possible to enforce discipline to the maximum possible extent, and they would have in that case received the maximum possible support from Government too. But what they are doing is not the way to enforce discipline. There is another way. Up till now the workers were not conscious and the employers behaved with them as they liked. Now that the workers are conscious, now that the feeling of self-respect has been created in them, they are not prepared to put up with that sort of behaviour and treatment. When they resent and protest, the employers feel that there is a sense of growing indiscipline among them. That is not, I may tell them, a sense of growing indiscipline. But if you feel that there is that sense, why don't you tackle it? I have had talks with some enlightened employers and they have admitted—and I think this should be a lesson for others—that when they treat their workers as persons with whom lies their interest, the workers are very prompt in responding and they try to return many times more.

Another point that my friend raised was about lawyers. But I think that the provision that I seek to make by my amendment is quite enough.

**Shri A. P. Jain :** Why do you want the appointment of a lawyer to be dependent upon the consent of the other party?

**Shri Jagjivan Ram :** Because that is the arrangement that both the parties wish. They have agreed to it.

**Maulvi Wajed Ali (Assam) :** Why should not both parties engage their own lawyers?

**Shri B. K. Chaudhuri :** On a point of information, may I ask, with reference to clause 15, whether the hon. Minister wants to exercise a sort of power of a Supreme Court over the Appellate Tribunal? Clause 15 says that Government can modify or reject the Award.

**Shri Jagjivan Ram :** That I have already replied to.

**Mr. Deputy-Speaker :** Evidently the hon. Member was not here. The hon. the Labour Minister explained it elaborately.

**Shri B. K. Chaudhuri:** Will these matters be placed before Parliament or the State Assemblies?

**Shri Jagjivan Ram:** Certainly it is always open to the Members of Parliament to take it up by a resolution.

**Maulvi Wajed Ali:** But why should the engagement of a legal practitioner be made conditional upon the consent of the other party?

**Shri Jagjivan Ram:** The intention is quite clear. The idea is that lawyers should not appear before the Tribunals. But where the parties feel that for the clarification of certain legal points, it is necessary to have the services of lawyers, of course it is open to them to engage them, if they agree.

**Maulvi Wajed Ali:** If they don't agree?

**Shri Jagjivan Ram:** If they don't agree, there will be no lawyer—it is quite obvious.

**Shri B. K. Chaudhuri:** Supposing there is a dispute between an ordinary labourer and a capitalist, who may himself be a lawyer?

**Shri Jagjivan Ram:** If my hon. friend will see all the three alternatives he will find that ample provision has been made for the representation of that ordinary labourer by the officers of the union or federation of unions, or where he is not a member of a union, by some officer of other union in that industry.

**Shri Tyagi:** My hon. friend would like to substitute even "midwives" by lawyers.

**Shri Jagjivan Ram:** As I am likely to take some more time, it would be better if I resume my speech on Tuesday.

**Mr. Deputy-Speaker:** The House stands adjourned till 10-45 A.M. on Monday, the 10th April.

*The House then adjourned till a Quarter to Eleven of the Clock on Monday, the 10th April 1950.*