

4th February, 1925

THE
LEGISLATIVE ASSEMBLY DEBATES

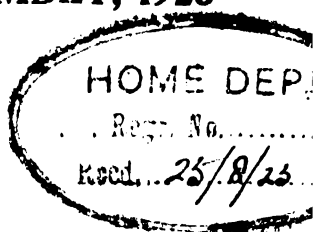
(Official Report)

VOLUME VI

THIRD SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



SIMLA
GOVERNMENT OF INDIA PRESS
1925

CONTENTS—*contd.*

	PAGES.
Tuesday, 3rd February, 1925—	
Questions and Answers	631-72
Election of the Public Accounts Committee ...	673
Election of the Standing Finance Committee ...	673
The Maternity Benefit Bill—Motion to circulate—Adopted...	673-97
The Special Marriage (Amendment) Bill—Motion to circulate—Adopted	697-708
The Hindu Trusts (Validating) Bill—Introduced ...	708
The Indian Medical Degrees (Amendment) Bill—Introduced	709
The Special Laws Repeal Bill—Introduced	709-14
The Indian Coinage (Amendment) Bill—Introduced ...	715-16
The Indian Penal Code (Amendment) Bill—Introduced...	716
The Transfer of Property (Amendment) Bill—Introduced ...	716-17
The Law of Property (Amendment) Bill—Introduced ...	717
The Indian Arbitration Bill—Introduced	717-18
The Indian Paper Currency (Amendment) Bill—Introduced	718-20
The Code of Criminal Procedure (Amendment) Bill—Intro- duced	720-22
The Special Laws Repeal Bill—Debate on the Motion to consider—Adjourned	723-29
Wednesday, 4th February, 1925—	
Questions and Answers	731-37
Unstarred Questions and Answers	737-39
Message from the Council of State	739
The Indian Succession Bill—Referred to Joint Committee...	740-41
The Indian Succession (Amendment) Bill—Referred to Joint Committee	741
The Indian Trade Unions Bill—Referred to Select Committee	741-69
The Indian Carriage of Goods by Sea Bill—Introduced and circulated for opinions	769-70
Thursday, 5th February, 1925—	
Statement of Business	771-72
Resolution <i>re</i> Grievances of the Subordinate Employees of the Indian Railways—Adopted as amended	772-811
Resolution <i>re</i> Prohibition of the Import, Manufacture and Sale of Liquor—Debate adjourned	811-19
Resolution <i>re</i> the Bengal Criminal Law Amendment Ordinance—Adopted	820-53
Monday, 9th February, 1925—	
Members Sworn	855
Questions and Answers	855-72
Unstarred Questions and Answers	872-89
Message from the Council of State	889
Allotment of days for the discussion of the General and Railway Budgets, etc.	890-91
The Indian Soldiers (Litigation) Bill—Passed as amended by the Select Committee	891-92

LEGISLATIVE ASSEMBLY.

Wednesday, 4th February, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

WORKING HOURS FOR GOODS CLERKS ON THE NORTH WESTERN RAILWAY AT KARACHI AND THE TRANSIT OFFICE AT HYDERABAD.

769. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state what are the working hours fixed per day for goods clerks on the North Western Railway at Karachi and the Transit Office at Hyderabad?

(b) Is it a fact that several goods clerks of the Bunder Goods Office at Karachi and the Transit Office at Hyderabad are at any time of the year required to work more than 10 hours per day without any extra remuneration?

(c) If the reply to (b) is in the affirmative, are Government prepared to order these goods offices to be closed at proper hours or order the payment of extra wages for extra work?

Mr. G. G. Sim: (a) Nine working hours per day divided into two periods with an intervening recess of one hour have been fixed for goods clerks on the North Western Railway at Karachi. So far as the Hyderabad Transit Office is concerned clerks are 12 hours on duty the work being intermittent. It is proposed to reduce this to 8½ hours per day actual work.

(b) Yes. Occasionally the goods clerks have to work more than 10 hours a day when closing accounts or in a sudden rush of traffic.

(c) Goods offices are punctually closed. The strength of the staff is fixed so as to limit work ordinarily to 10 hours a day as a maximum and payment of extra wages is not therefore justified.

HOLIDAYS OF GOODS CLERKS ON THE NORTH WESTERN RAILWAY.

770. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if goods clerks working in big goods offices like Karachi, who have to do work of correspondence, accounts, etc., are given any other public holiday (except Sunday, Christmas Day and Good Friday), as enjoyed by clerks doing such work in the Port Trust, His Majesty's Customs and other commercial offices?

(b) If not, are Government prepared to ask the Agent, North Western Railway, to give this question his early consideration?

Mr. G. G. Sim: (a) and (b). Clerks working in goods offices are given as holidays the days notified as "*Dies Non*" in the Tariff on which goods work is suspended. It is not known what holidays the Port Trust, His

Majesty's Customs and other commercial offices give their men. But for the reasons explained in the reply given to question No. 2189 asked by the Honourable Member on the 18th September 1924 it is impossible to grant all public holidays to goods clerks working at Karachi and other similar stations.

ALLEGATIONS OF ILL-TREATMENT OF HIS WORKMEN BY THE LOCO. FOREMAN, KOTRI LOCO. SHED, ON THE NORTH WESTERN RAILWAY.

771. ***Mr. Harchandrai Vishindas:** (a) Are the Government aware of the fact that the Loco. Foreman, Kotri Loco. Shed on the North Western Railway, was accused by the North Western Railway Union, Karachi Branch of having beaten and abused some of the workmen and that at the inquiry held into the case the foreman confessed that he had on occasions resorted to beating and abuse in order to get work out of them?

(b) Are Government prepared to ask the Agent, North Western Railway, to take action against the foreman in question?

Mr. G. G. Sim: (a) and (b). The Government have ascertained the facts from the Agent. He reports as follows:

"The Karachi Branch of the North Western Railway Union did accuse the Loco. Foreman of Kotri of having beaten and abused some of the workmen employed under him. An inquiry lasting about a week was held at which it was ascertained and admitted by the foreman that on a few occasions he had allowed his temper to outrun his discretion and has been guilty of harsh treatment in his endeavour to get the staff to help him in dealing with an unusual and difficult situation arising out of the floods from the river Indus when the oil fuel installations were inundated. But there was no evidence to substantiate the charge of wholesale beating or abusing.

The circumstances were taken fully into consideration and the foreman was warned against action of the kind."

Mr. Harchandrai Vishindas: Is it not intended to give some deterrent punishment so as to prevent future offences of this kind?

Mr. G. G. Sim: As I have said, the case is a peculiar one. The whole of the installations were inundated and there was risk of the whole installation being destroyed. In these circumstances in his anxiety to save Government property the foreman lost his temper and treated some of the workmen harshly. The Agent considered that the matter would be sufficiently met by warning against recurrence of action of this kind.

Mr. Harchandrai Vishindas: What about the other charges about immoral conduct and bribery? Have they been disposed of?

Mr. G. G. Sim: The reply to that is contained in the answer to question No. 772.

ALLEGATIONS AGAINST THE LOCO. FOREMAN, KOTRI LOCO. SHED, ON THE NORTH WESTERN RAILWAY.

772. ***Mr. Harchandrai Vishindas:** (a) Are Government aware of the fact that very serious charges of bribery and immoral life were brought into evidence during the inquiry held into the Kotri Loco. Shed grievances against the Foreman, Kotri Loco. Shed?

(b) Are Government prepared to take any action in the matter?

Mr. G. G. Sim: (a) and (b). The Government have ascertained that the charges referred to by the Honourable Member were found, on investigation, to be baseless.

DISMISSAL OF FIVE WORKMEN EMPLOYED IN THE CARRIAGE WORKSHOPS
AT KARACHI ON THE NORTH WESTERN RAILWAY.

778. ***Mr. Harchandrai Vishindas:** (a) Will the Government be pleased to state whether the facts in connection with the lock-out of the carriage shops at Karachi on the North Western Railway have been brought to the notice of the Government?

(b) Will the Government be pleased to state whether it is a fact that the Works Manager, Karachi, dismissed five out of over one hundred signatories to the appeal addressed to him complaining of some rules believed by the signatories to have been introduced by the chargeman?

(c) Are the Government aware of the fact that they were dismissed at the suggestion of the chargeman and the Loco. Foreman on the ground that they were agitators?

(d) Is it a fact that the Works Manager gave an undertaking in writing to the North Western Railway Union, Karachi Branch, to the effect that if the five workmen dismissed were not proved guilty of agitation the chargeman and Loco. Foreman would be taken to task?

(e) Will the Government be pleased to state whether at the subsequent inquiry held the five men dismissed were proved to be guilty of unlawful agitation?

(f) If the answer to (e) is in the affirmative, will the Government state the alleged agitation put up by them?

(g) If the answer to (e) is in the negative, were the chargeman and Loco. Foreman taken to task for false report and the five men who were dismissed re-instated?

(h) If not, why not?

Mr. G. G. Sim: (a) As the men refused to do any work after entering the workshops the shops were closed until they gave a promise that they would work after they entered the shops.

(b) The Agent reports as follows:

"Five men were discharged from the service for inciting the staff against their chargeman; for framing an unfounded appeal against the chargemen and forcing men, who neither knew its contents nor had any grievances, to sign it; for defying authority and discipline and endeavouring to breed discontent amongst the men; for insubordination and truculence towards the General Foreman and Works Manager."

(c) They were discharged as a result of an official inquiry held by a gazetted officer.

(d) The Agent reports that he has no information, but is making inquiries.

(e), (f), (g) and (h). Do not arise.

Mr. Harchandrai Vishindas: Were not the other 95 men guilty of the same offence as the five dismissed men? There were a hundred signatories?

Mr. G. G. Sim: The five were discharged for framing an unfounded appeal and forcing the other 95 to sign it.

STOPPAGE OF THE PRIVILEGES OF AN ASSISTANT STATION MASTER AT KOTRI ON THE NORTH WESTERN RAILWAY.

774. ***Mr. Harchandrai Vishindas:** (a) Are the Government aware of the fact that an assistant station master of Kotri railway station on the North Western Railway was asked to be on duty though he was suffering from diarrhoea and that on his refusal to take the risk of collision, etc. by coming on duty his privileges have been stopped?

(b) Are the Government further aware of the fact that in reply to a representation on the subject by the North Western Railway Union, Karachi Branch, the D. T. S., Karachi, wrote "there are ways of preventing diarrhoea as a temporary measure available to all of us" ?

(c) Are the Government prepared to see that justice is given to the assistant station master whose privileges have been stopped?

Mr. G. G. Sim: (a), (b) and (c). Government have no information and must leave matters of this nature to the discretion of the local authorities.

OIL FOR LOCOMOTIVES ON THE NORTH WESTERN RAILWAY.

775. ***Mr. Harchandrai Vishindas:** (a) Will the Government be pleased to state the amount of oil issued to a driver on the North Western Railway for different types of engines for a trip of 100 miles?

(b) Are the Government aware of the fact that almost every driver purchases oil from the shed?

(c) Is the amount received by this extra issue of oil to drivers accounted?

(d) If not, do the Government propose to inquire into this at an early date?

Mr. G. G. Sim: (a) The number of pounds of oil allowed per 100 miles varies according to the services and the sections of the line on which the locomotives are employed. It would not be possible to state the amount of oil allowed for each type on each section without explaining the reasons therefor, which are highly technical and the preparation of the statements would entail heavy expenditure of time and labour.

(b) No oil is issued to drivers on payment at the sheds.

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

APPRENTICES IN THE PAREL WORKSHOPS.

776. ***Mr. N. O. Kelkar:** With reference to my question (starred) No. 86 put and answered on 22nd January, will Government state the number of apprentices that were admitted to the three classes of them, at the Parel workshop during the last five years?

Mr. G. G. Sim: The number of apprentices admitted during the last five years in the three classes is as follows:

Class	A	...	...	...	...	54
„	B	...	...	...	...	19
„	C	...	...	..	...	25

HOUSING OF INDIAN TROOPS AT RAZMAK.

777. ***Mr. S. O. Ghose:** (a) Has the attention of the Government been drawn to the article of the *London Daily Telegraph* and quoted in the *Calcutta Statesman* of the 15th January under the heading "Army Grievances at Razmak"?

(b) What is the number of Indian troops now stationed at Razmak?

(c) Are the Indian troops and followers housed in tents of inferior quality?

(d) If the above allegation is true, do the Government propose to take steps to house Indian troops under more humane conditions in the biting cold of Razmak?

(e) What kind of accommodation is provided for English troops?

Mr. E. Burdon: (a) Government have seen the article in the *Statesman*, referred to by the Honourable Member.

(b) The total number of Indian troops actually at Razmak at present is 5,480. In addition, there are 768 followers.

(c) About half the Indian troops are still housed in tents, which are of the usual Government pattern provided by the Indian Ordnance Department for the use of the army.

(d) A project to build huts for half the full garrison has been sanctioned, but it is not anticipated that this project will be completed before March, 1927.

The troops living in tents are provided with fire-places or stoves and a sufficient daily allowance of fire-wood is issued to them as well as to followers.

(e) British troops number 1,002. They are mainly housed in huts, but some are in tents. There are 160 British officers in tents. It may be of interest to the House if I state what the sick rate at Razmak was in the six months—July to December 1924. The sick rate was lower than the sick rate at Dera Ismail Khan in each of these six months and in the cold weather months to which my Honourable friend has principally drawn attention the sick rate at Razmak was considerably lower than the rate for the whole of India.

PUBLICATION OF CERTAIN BOOKS UNDER THE EDITORSHIP OF THE DIRECTOR OF PUBLIC INFORMATION.

778. ***Mr. S. O. Ghose:** (a) With reference to the six books published by the Oxford University Press under the general editorship of Mr. Rushbrook Williams, Director of Public Information, in the series entitled "India of To-day," will the Government state if the cost of printing the books was borne by the Government of India?

(b) If the answer is in the affirmative, will the Government state what was the cost?

(c) Will the Government state the name of the author who has written the book on "Indian Emigration"?

The Honourable Sir Alexander Muddiman: (a) The answer is in the negative.

(b) Does not therefore arise.

(c) The answer is in the negative.

DEPUTATION OF CAPTAIN BATTY TO MEET THEIR ROYAL HIGHNESSES
PRINCE AND PRINCESS ARTHUR OF CONNAUGHT AT ADEN.

779. ***Mr. S. C. Ghose:** (a) Will the Government state what was the necessity of sending Captain Batty, Military Secretary to His Excellency the Viceroy, to Aden to meet Their Royal Highnesses Prince and Princess Arthur of Connaught?

(b) What was the cost of sending him to Aden?

(c) What is the approximate expenditure liable to be incurred by the Government of India for the visit of Their Royal Highnesses?

Mr. Denys Bray: (a) To enable His Royal Highness' Military Secretary to join the Royal Party on their arrival within the Indian Empire.

(b) A 1st class return passage between Bombay and Aden.

(c) Approximately Rs. 20,000.

I may explain that Captain Batty was actually A.D.C. to His Excellency the Governor of Burma and was attached as Military Secretary and was not, as stated in the question, Military Secretary to His Excellency the Viceroy.

APPOINTMENT OF SYED SHAHABUDDEN TO THE OFFICE OF THE DIWAN
OF DARGAH SHAREEF, AJMER.

780. ***Shaikh Mushir Hosain Kidwai:** Is it a fact that Syed Shahab-uddeen, the nephew of the last Diwan Sharfuddeen Ali Khan and brother of Diwan Ghayasuddeen Ali Khan of the Dargah of Ajmer submitted a memorial to the Viceroy and Government of India complaining that he has been arbitrarily stopped by the executive authorities of Ajmer from being appointed to the office of the Diwan of the Dargah Shareef, that his *Dastar Bundi* was not allowed and permission to lodge a civil suit was refused and appealing to the Government of India for redress. If so, will the Government be pleased to state if the permission for a civil suit has been granted, if not on what grounds? Can the office of the Diwanship of the Dargah Shareef be regulated by the Ajmer Regulations?

APPOINTMENT OF AN OUTSIDER TO THE OFFICE OF THE DIWAN OF
DARGAH SHAREEF, AJMER.

781. ***Shaikh Mushir Hosain Kidwai:** Is it a fact that the executive authorities of Ajmer installed, by summary proceedings, an outsider who had been away from Ajmer since generations past who was never recognised to belong to the Diwan family, against the wishes of the Diwan family and of the late Diwan himself as well as against the demand of the general Muslim public and sahebzadaگان at Ajmer and *Ulama* and *Mashaikh* abroad?

EJECTION OF THE LADIES OF THE DIWAN FAMILY OF AJMER FROM
THEIR ANCESTRAL RESIDENCE.

782. ***Shaikh Mushir Hosain Kidwai:** (a) Is it a fact that the ladies of the Diwan family of Ajmer have been disrespectfully ejected with the help of the police under executive orders of the authorities from their ancestral residence without any order from the civil or criminal court, and have they been thus made homeless seeking shelter in the Durgah?

(b) Is it a fact that the above-mentioned ladies have been refused permission to file a civil suit to establish their right of residence and maintenance?

RIGHT OF SYED SHAHABUDEEN TO THE OFFICE OF THE DIWAN OF
DARGAH SHAREEF, AJMER.

768. ***Shaikh Mushir Hosain Kidwai**: Is it a fact that the late Diwan of the Dargah of Ajmer himself made a will in favour of Syed Shahabudeen, and accepted during his life in a written statement the latter's right to the office of the Diwanship of the Dargah Shareef, yet the executive authorities have summarily ignored and defied the wishes of the late Diwan and negatived the appointment made by him?

Mr. Denys Bray: The information is being collected and will be communicated to the Honourable Member in due course.

UNSTARRED QUESTIONS AND ANSWERS.

ESTABLISHMENT OF A RATES TRIBUNAL.

77. **Haji S. A. K. Jeelani**: (a) Will the Government be pleased to state at what stage is the consideration of the question for the establishment of a Railway Rates Tribunal as recommended by the Acworth Committee?

(b) From the correspondence so far that took place between the Government of India and the Secretary of State will the Government be pleased to state the main objections, if any, to the recommendation of the committee or the reasons for the delay in carrying it out?

(c) Are the Government aware of the public grievance against the general practice of the Railway Board, fixing the maxima and minima of railway rates and exercising no further control?

(d) Will the Government be pleased to state when do they expect to arrive at a definite decision on the subject?

Mr. G. G. Sim: (a), (b) and (d). The Secretary of State's reply to Government's proposals has recently been received and is under consideration.

(c) Yes, Government are aware that there is a considerable public opinion that the present arrangements for the control of rates are not sufficient.

ELECTRIFICATION SCHEMES ON THE SOUTH INDIAN AND OTHER
RAILWAYS.

78. **Haji S. A. K. Jeelani**: (a) Will the Government be pleased to state what are the schemes on hand or under contemplation for the electrification of railways in India?

(b) Since I last interpellated in the Assembly how far has the consideration of the question for the electrification of the South Indian Railway for the Madras suburban traffic progressed?

(c) Will the Government be pleased to lay on the table of the House a statement as to the general aspect of the scheme, i.e., estimated capital expenditure of the scheme and the probable returns expected from it if the scheme materialises?

(d) Will the Government be pleased to state whether it is a fact that the question of the construction of a high level tract in the Madras city for the South Indian Railway line forms part of the scheme of the South Indian Railway remodelling in Madras?

Mr. G. G. Sim: (a) The Secretary of State has sanctioned schemes for the electrification of the Bombay suburban local services of the Bombay, Baroda and Central India Railway between Church Gate and Borivli, and of the Great Indian Peninsula Railway between Victoria Terminus and Kalyan including the Harbour Branch and Mahim Chord.

The following schemes for the electrification of railways in India are under consideration:

- (i) *Great Indian Peninsula Railway*.—Main lines from Victoria Terminus to Kalyan, and from Kalyan to Poona and Igatpuri.
- (ii) *East Indian and Eastern Bengal Railways*.—Suburban lines of Calcutta, and the lines from the Bengal and Bihar and Orissa coal fields to the port of Calcutta.
- (iii) *South Indian Railway*.—Madras to Tambaram.

(b) Proposals and estimates for the electrification scheme are under preparation by the South Indian Railway.

(c) and (d). Pending the receipt and examination of the proposals and estimates for the electrification scheme it is not possible to give answers to these questions.

ANNUAL TRIPS TO INDIA BY THE BOARD OF DIRECTORS OF THE SOUTH INDIAN RAILWAY.

79. **Haji S. A. K. Jeelani:** (a) Is it a fact that the Board of Directors of the South Indian Railway are permitted to take yearly trips to India by turns? If so what is the object underlying such trips, who bears the expenses, and what does the cost of the trip per head come to?

(b) Is it a long standing practice or a new innovation, if it is latter, will the Government be pleased to state the reasons for the same?

Mr. G. G. Sim: (a) Directors of Indian railway companies are deputed by their respective Home Boards, with the approval of the Secretary of State, to visit India on the business of their companies. They draw, subject to the Secretary of State's sanction, a fixed sterling rate of £100 a month from the date of leaving England to the date of return plus first class return passage and travelling expenses incurred in India. Their expenses are borne by the respective railways.

(b) It is a practice of long standing.

RELIEF OF DISTRESS CAUSED BY FLOODS IN SOUTHERN INDIA.

80. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state the action that the Government of India had taken in co-operation with the Government of Madras for rendering relief to the distressed people in the flooded areas in Southern India?

(b) What is the amount of loan applied for by the Government of Madras, for the specific purpose of rendering relief to the flood-affected areas, and what is the amount actually granted by the Government of India?

(c) Besides the grant of loan have the Government of India in any way assisted the Government of Madras by any independent contributions not recoverable from the latter?

(d) Will the Government be pleased to state the amount of balances standing to the credit of the Government of Madras, under "Famine Insurance Fund" at the time of the floods and what are the balances now?

(e) Will the Government be pleased to state whether under the Devolution Rules, Local Governments are authorised to spend any portion of the Famine Insurance Fund for repair and reconstruction of protective irrigation works, destroyed by the recent floods and for granting loans and affording relief to distressed agriculturists?

(f) Have the Government of India any information that the Government of Madras have drawn upon the Famine Insurance Fund for the purposes of spending on the items mentioned above?

Mr. J. W. Bhore: (a), (b) and (c). The attention of the Honourable Member is drawn to the reply given to Mr. S. C. Ghose's starred question No. 605 at the meeting of the Legislative Assembly, held on the 2nd February 1925.

(d) The balance standing to the credit of the Fund at the time of the floods was about Rs. 12½ lakhs and the latest balance reported is Rs. 9½ lakhs.

(e) I would invite the Honourable Member's attention to paragraphs 2 and 8 of Schedule IV to the Devolution Rules.

(f) The Government of India understand that a sum of Rs. 3 lakhs has been utilised for *takavi* loans.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting of the 3rd February 1925 agreed without any amendment to the Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose, which was passed by the Legislative Assembly on the 26th of January 1925."

THE INDIAN SUCCESSION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I beg to move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to consolidate the law applicable to intestate and testamentary succession in British India, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members."

The Indian Succession Act to which my motion refers was first enacted in 1865. It was a product of the Royal Commission appointed to codify the Indian law. Sir Henry Maine, who was then Law Member of the Government of India, intended to treat this as the first chapter of the Indian Civil Code. It is based, or rather it was based upon the then existing English law. Since then there have been about a dozen or more amending Acts and when the Statute Law Revision Committee was constituted it took upon itself to consolidate such of the Indian Statutes as required to be consolidated. The very heavy work of consolidation fell upon the shoulders of the distinguished Chairman of the Statute Law Revision Committee, Sir Alexander Muddiman, who took upon himself the work of actual consolidation. Sir, the Statute Law Revision Committee feels deeply grateful to Sir Alexander Muddiman for the yeoman service he has rendered in his honorary capacity as Chairman of that body; and though we feel that we have seriously lost in him the Chairman we feel gratified to find that in spite of his multifarious duties he has consented to remain a Member of that Committee. Sir, this Statute Law Revision Committee has codified many Acts. This is one of the largest. It has been circulated to the provinces for the purpose of eliciting public opinion thereon. All the opinions have been collected and will be considered by the Joint Select Committee if my motion is accepted. I would however refer to one opinion given by a very learned Judge of an Indian High Court in which the opinion was expressed that the interpretation of Hindu wills might be reduced to a few simple rules. As to this I wish to point out that it is not the fault of the Succession Act that the reducing of the rules of interpretation of Hindu wills did not find a place there. The fault, if any, lies at the door of the Hindu Wills Act (XXI of 1870), which by section 2 refers to certain sections of the Indian Succession Act for the purpose of interpreting Hindu wills. I wish also to point out that those who have had to deal with the interpretation of wills cannot forget the two ponderous volumes known as Jarmon on Wills, and if the quintessence of the dicta contained in those two volumes have been condensed and summarised in a few sections of the Indian Succession Act I think the credit must be ascribed to the framers of that Act that they have been able to reduce to a few salient propositions the vast mass of law contained in the two volumes to which I have referred. There is no other opinion that calls for comment at this stage. It is as I have said, a purely consolidating measure. Incidentally I may mention, because it will shorten my speech under another head if I point it out, that one amendment that has been made by the amending Bill is a very salutary amendment made to section 27, the object of which was to make an absolute provision of Rs. 5,000 to the widow of the deceased; and this also is in accordance with the existing English case law in which a provision of £500 is made for the widow of the deceased. With these remarks, Sir, I feel confident that my motion will be accepted by the House. I move it.

The motion was adopted.

Sir Hari Singh Gour: Sir, the second motion is consequential. I move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate the law applicable to intestate and testamentary succession in British India, namely:

The Honourable the Home Member,
 Diwan Bahadur M. Ramachandra Rao,
 Rai Sahib M. Harbilas Sarda,
 Mr. K. C. Neogy,
 Mr. Abdul Haye, and myself."

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members."

Honourable Members have just heard what I had to say as to the scope of section 27. I need not repeat it. I move, Sir, that the motion be accepted.

The motion was adopted.

Sir Hari Singh Gour: Sir, I beg to move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, namely:

The Honourable Sir Alexander Muddiman,
 Diwan Bahadur M. Ramachandra Rao,
 Rai Sahib M. Harbilas Sarda,
 Mr. K. C. Neogy,
 Mr. Abdul Haye, and myself."

The motion was adopted.

THE INDIAN TRADE UNIONS BILL.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Diwan Chaman Lall, Mr. M. A. Jinnah, Mr. N. M. Joshi, Mr. N. C. Kelkar, Seth Kasturbhai Lalbhai, Mr. K. C. Neogy, Mr. W. S. J. Willson, Mr. L. Graham, Mr. A. G. Clow and myself, with instructions to report within a fortnight, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

Sir, the other day in introducing this Bill in this House I observed that it had been prepared with reference to a Resolution adopted in this House

[Sir Bhupendra Nath Mitra.]

some four years ago. That Resolution asked Government to undertake legislation for the registration and protection of trade unions. Registration and protection of trade unions accordingly constitute the fundamental principles of the Bill now before the House. As I have already explained to the House, the Bill is a purely permissive measure. It will not compel any trade union to register. A considerable amount of controversy has centred round this question of compulsory or optional registration. A large number of opinions formerly received including those of several Local Governments were in favour of compulsory registration, and this principle has been reaffirmed at a meeting attended by representatives of important trade unions of a certain class; I refer to the Associated Chambers of Commerce. The advocates of compulsory registration appear to fear that no trade union will register unless compulsion is applied, and if we agree to introduce all the restrictions which they want us to impose on trade unions, no trade union in its senses would register unless it was compelled to do so. This attitude appears to be based on a misconception of the fundamental object of our legislation. When the Assembly passed its Resolution in favour of registration four years ago, it was not motivated by any fear of the growth of trade unionism. The desire for legislation arose not from any anxiety to restrain and scotch a nascent movement but from wholly different considerations. The House was actuated by a desire to give trade unions a sufficient opportunity for developing on healthy and right lines. This is abundantly clear from the speech of Mr. Joshi moving the Resolution which was adopted by this House with certain modifications on the 1st March 1921. As was stated by him, it was desirable that we should take steps at that stage to put these organizations on a sound and proper footing. But apart from this consideration I cannot believe that the advocates of compulsory registration have realized all that is involved in their proposal. If registration is to be made compulsory, it is obviously necessary to provide that those who fail to register shall be punished. If a group of employees meet to discuss the hours for which their factories are to work and fail to register themselves as a trade union, they must be hauled up before the criminal courts. If a number of workmen meet to present a demand for a rise in wages, they must be hunted out and brought to justice. Every combination for regulating the conditions of employment becomes illegal, and these combinations must be stamped out. If such a course were just—and I do not admit that for a moment—is it a practical proposition? I am well aware that it has been tried elsewhere. I shall be told possibly that it was attempted in England when the trade union movement was in its infancy there, but I have yet to learn that it succeeded; and in any case, as I have already said in this House on a previous occasion, our legislation is designed to meet present-day conditions and requirements in India and should not be mere imitations of enactments in other countries which were designed to suit different conditions. The Bill before the House proposes therefore that legislation should be optional, and in my view no other course is possible. It may be of some interest to the House to know that those Local Governments who formerly advocated compulsory registration now accept the principle of the Bill on the subject. I shall probably be told that many trade unions will not register. That may be true. If trade unions are free to register, they are equally free not to register; and I am not greatly concerned about the possibility of trade unions failing to register. As I said on a previous occasion, we cannot create trade

unions by legislation. Our sole object is to foster the growth of the movement on right lines. In pursuance of this object Government are anxious to ensure that no trade union shall be prevented from registering by reason of the fact that registration will impose on it a responsibility which a genuine Trade Union would be reluctant to accept. The Bill gives trade unions an opportunity for developing on healthy lines, and we cannot do more than that. It is for them to take it or to decline it.

If however it is clear to Government that registration should be optional, it is equally clear to Government that unregistered Trade Unions should not be allowed to participate in the protective provisions of the Bill; for any other course would defeat the object of the Bill, which is to foster the growth of trade unions on healthy lines. The Local Governments are entirely in accord with the views of the Central Government in the matter; nor have I seen any expression of a different view in the many opinions which we have received on the Bill. I am sure that the majority of this House, if not the whole of it, will agree with me that this is the right course to take in the matter; and that it would not be in conformity with the basic object of the Bill to allow trade unions which are reluctant to submit to registration, and thereby to undertake the responsibilities which the Bill imposes on registered trade unions, to participate in the protective benefits of the Bill.

I may here mention that in regard to the responsibilities which the Bill imposes on registered trade unions the opinions which we have received from Local Governments reveal a certain amount of feeling, firstly against the exclusion of political objects from the purposes on which the funds of a trade union can be spent; and secondly in favour of a specific provision against picketting. The Bill as it now stands incorporates the provisional views of the Government of India on both these points. The majority of Local Governments are in agreement with these views. As regards the reasons which have led the Government of India to come to these provisional conclusions I cannot do better than quote from the circular letter which was issued by them on the subject of this Bill. In regard to the inclusion of political objects among the purposes on which the funds of the union could be spent, the Government of India expressed the following opinion:

"The question of the inclusion of political objects among those upon which funds can be expended has received careful consideration and following the great majority of the replies received, the Government of India have decided to exclude such objects from the list. This will not prevent Trade Unions or their leaders from advocating political policies, but it will ensure that funds contributed primarily for Trade Union purposes are not expended on causes in which the bulk of the members have little interest. If any sections of employers or employed wish to form an organisation for political purposes and to raise subscriptions for that purpose, there is nothing to prevent their doing so, but there appears to be no strong reason for conferring in such cases privileges designed to protect organisations of an essentially different type."

In regard to the inclusion in the Bill of a specific provision against picketting the Government of India held that though—

"the suggestion has received some support, the objections to it appear to have considerable force. The experience of the last few years has not revealed any urgent necessity for imposing a general restriction on picketting. Those trade unionists who are willing to confine picketting to systematic persuasion would have reason to resent further limitations in their powers, those in whose hands it degenerates into intimidation can be dealt with by the ordinary criminal law. Provisionally, therefore, the Government of India have decided to include no provisions relating to picketting."

[Sir Bhupendra Nath Mitra.]

I turn now to the protective provisions of the Bill. These are contained in clauses 16 and 17 of the Bill. They include a considerable measure of immunity from civil suits and criminal prosecutions directed against trade unions and their members. Under the existing law, officers and members of a trade union who in order to further a strike induce workmen to break their contracts with their employers can be sued in civil courts and may in certain circumstances be liable to criminal prosecution. The Bill protects them from these risks, the immunity from criminal prosecution being restricted to protection from the existing law relating to conspiracy. Provision has also been made for the grant of a certain amount of protection to trade union funds against liability for tortious acts committed by persons acting on their behalf. I may mention that the protective provisions have the general approval of the Local Governments.

With the details of the Bill it is not necessary for me to deal at length at this stage. They will be fully considered in Select Committee if my motion is accepted by the House. Honourable Members are already in possession of the opinions of Local Governments and also of non-official individuals and associations which have reached us.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, it will probably be for the convenience of the House if I rise at once to propose the amendment which stands in my name, namely:

"This Assembly do recommend to the Council of State that the Bill to provide for the registration of Trade Unions and in certain respects to define the Law relating to registered Trade Unions in British India be referred to a Joint Committee of this Assembly and of the Council of State."

I wish at this stage, Sir, to confine myself entirely to that issue. I will not attempt to follow the Honourable Member into some of the points which he has already raised. Sir, we have excellent precedents for the appointments of Committees of both Houses and the Honourable Member himself, in his speech the other day, pointed out that in few Bills was there such a remarkable diversity of opinion as in the present one. It is also an initial stage of legislation in regard to Trade Unions in India. It seems to me, therefore, that it is highly desirable on this occasion when such heavy work must fall upon the Committee that we should attempt to carry the Council of State with us in our deliberations. We did so in the case of a previous workmen's Bill, in the Workmen's Compensation Bill. It was referred to a Joint Committee of both Houses, which enabled us to have the benefit on the Committee of the services of such authorities as Sir Alexander Murray, Mr. Sethna, Sir Arthur Froom and Sir Maneckji Dadabhoy, all very largely interested in the question of labour and with knowledge of the subject. We have also had other Joint Committees. I need only mention two or three of them, the Factories Bill in 1921, which procured for us the services of Sir Alexander Murray, and we had the Income-tax Amendment Bill,—not a labour measure. Now, Sir, my submission is that a Committee of this House alone is not conducive to the production of a really good Bill, at least not so conducive as would be a Committee of both Houses. Honourable Members whose names appear in the Committee proposed by the Honourable Member will, I am sure, not take it amiss if I venture to criticise those names. If you look at the list you will find that at least 4 of these Members are lawyers, which does not seem to me to be quite fair on a Workmen's Bill. Then there are but 3

merchants, who are the class of employers the most interested. There are 2 representatives of labour. That does not seem to me to be quite a fair division in a Committee of 12. Then again we find this Committee has no less than 5 representatives from the Bombay side and Bengal has only 1. That does not seem to me to be fair. Madras has 1 representative. I am aware, Sir, that when we have Joint Committees it has been urged that there has been a tendency to rise to a somewhat unwieldy number, but my submission is that in a piece of initial legislation, such as this, even if we have a rather large number in the present case, it will be all to the good, as so much will have to be threshed out either in this House or in the Committee. I think, Sir, that that is all I need say in support of my present motion, and I commend it to the acceptance of the House.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, it seems to me premature at this stage to make a proposal that this Bill should be referred to a Joint Committee. This House has not had an opportunity of discussing even the principles of the Bill, and on a matter which concerns essentially democratic and labour interests, such as those involved in the principles of the Bill, I think this House should primarily exercise its right of going through the Bill in detail and passing it. I think, Sir, the proposals of my friend, the Honourable Mr. Willson, are entirely unsuited to the present measure and I desire, if I may with your permission, to add the names of Mr. Goswami and Mr. Devaki Prasad Sinha to the Select Committee originally proposed by my Honourable friend, the Member for Labour.

Mr. President: I shall take other amendments to Sir Bhupendra Nath Mitra's motion after we have disposed of Mr. Willson's motion.

Mr. N. M. Joshi (Nominated: Labour Interests): May I ask for a ruling? I wish to speak about the principles of this Bill, but I do not wish to support Mr. Willson's amendment; I want to oppose it. I should like to know whether I would lose my right of speaking again if I speak on Mr. Willson's amendment.

Mr. A. Rangaswami Iyengar: On a point of order, may I inquire whether the House is to first consider this motion for a Joint Committee before it considers the principle of the Bill, or whether the principle of the Bill will be allowed to be discussed before we discuss Mr. Willson's motion?

Mr. President: The Assembly can discuss the principle of the Bill on either motion. I may observe that, whether Sir Bhupendra Nath Mitra's motion, or Mr. Willson's motion is carried, in either case the House will stand committed to the principle of the measure, once either of these motions is carried; but the two motions now before the House leave the principle under discussion.

Mr. N. M. Joshi: Sir, I oppose the amendment proposed by my Honourable friend Mr. Willson. He has already pointed out that if we criticise the names of the Members of the Committee, as proposed by the Honourable Member in charge of Industries and Labour, we may find out that the interests of labour are not sufficiently protected; but, Sir, I feel, if we accept the proposal of my Honourable friend Mr. Willson, the protection of labour interests will be still more reduced. I, therefore, think that in a matter like this, it is much better that a large committee of this House should consider the principles and the details of the Bill, and then the Bill may be submitted to the other House. Sir, Mr.

[Mr. N. M. Joshi.]

Willson objected to the presence of lawyers on this Select Committee. I have been studying this Bill for some time, and I have come to the conclusion that, if any people are better able to consider this Bill than others it is the lawyers who understand both the criminal and the civil law. I have myself felt that I am personally unable to deal with this Bill adequately, and, therefore, if the Honourable Member in charge of the Department of Industries and Labour has suggested the names of illustrious lawyers in this Assembly, I think, Sir, he has done the right thing. Sir, I myself have given notice of an amendment which I shall move later on after this amendment is decided upon. The object of my amendment is that the consideration of this Bill should not be unnecessarily hurried. The Honourable Member wants the Select Committee to report within a fortnight. I feel, Sir, that the Bill is so important, that we should not hurry up its consideration in the manner suggested by the Member in charge of the Department of Industries and Labour. No doubt the Bill has been circulated and the views of organisations of labour and organisations of employers have been received; but I feel, Sir, that these organisations, at least the organisations of labour, have not, or could not, give that attention to the Bill which it deserves. Sir, I do not blame the organisations of labour. After all labour in India is illiterate and ignorant. Moreover, Sir, although there are some people like my friend Mr. Chaman Lall and others who are sometimes ready to help them, still I do feel that the cause of labour is not yet supported by those people who understand the law well. Sir, if the case of labour had been championed by a man like Mr. Jinnah, by a man like Mr. Rangachariar, it would not have been necessary for me to ask for more time. Sir, I feel that during the time at my disposal, I have not yet been able to make up my mind as to the soundness or otherwise of this measure. I feel that the responsibility on me on this occasion is special. It was my humble self who moved a Resolution in this House asking for a sound trade union law on the English model. The Government of India state now that the present Bill is the result of that Resolution. Sir, I do not wish to go as far as the famous proverb and say that we wanted bread and are given a stone. I do not go as far as that. But I state that I wanted bread made of clean English flour, and I am given bread mixed with stones, if not made of stones. I feel, Sir, therefore that we should not hurry the consideration of this measure.

The Bill before us contains certain principles which affect vitally the interests of Indian labour, especially their freedom. The first point to which the Honourable Member in charge of the Department of Industries and Labour referred was about the compulsory or voluntary nature of registration. Sir, the Government of India have decided upon the voluntary nature of the registration, but after reading all the provisions, I feel that, although the Government of India have not accepted compulsory registration in name, they have so framed their Bill that it would be difficult for people not to register their unions. This is perhaps the effect of the pressure which some of the Local Governments and a large number of the bodies of employers in this country have exercised upon the Government of India. Sir, I cannot imagine any British Government introducing compulsion for the registration of trade unions. Nobody would tolerate the idea of compulsion in this matter in England. But, Sir, those of us who have been observing how the Government of India at present are being led by the capitalists in this country, both European and Indian, will not be surprised that although the Government of India could not, being a British

Government, introduce compulsion in the matter of registration in name they have tried to do so by so arranging their Bill in practice. Sir, I know that the employers' organisations want compulsion; but, Sir, the Honourable Member in charge of the Department of Industries and Labour has explained the implications of compulsory registration. When you say that a trade union should be compulsorily registered you imply that, if a few workmen start an association to protect their interests and if they do not register that association, that body becomes an illegal body and Government must suppress it. I know, Sir, that the Government of India did pass certain legislation to suppress some organisations. The law is known popularly as the law of Samitis; but, Sir, even in that law although Government have taken power to suppress those bodies, before Government can suppress these organisations they have at least to declare that these bodies are seditious and anarchical. But when people seriously ask Government to compel associations of the working classes to register themselves they want these associations of the working classes to be suppressed without any fault of theirs. Sir, is that a law which any people in India should ask their Government to pass? Sir, we have heard long discussions in this House about freedom—freedom of organisation and personal freedom. I want to know, Sir, from any Member of the House what they think of those people who ask the Government to pass a measure making any organisation of the working classes, making a trade union of the working classes, an illegal body to be suppressed if it does not consent to registration. It may be said that if a body registers there is no illegality about it, but if a body does not choose to register itself why should it be made an illegal body and suppressed? Sir, in my speech later on I shall point out the difficulties in the way of registration. Just at this stage it is sufficient for me to say that there may be people who may not like to register their associations, but, Sir, only for that reason no organisation, no association, should be considered illegal and therefore fit to be suppressed. I am very sorry, Sir, that the organisations of employers in this country should have made that proposal. I do admit that this proposal has come both from European employers and from Indian employers. As far as the European employers are concerned, Sir, I must say that I am not much surprised; they do not very much care for the freedom of the people of this country. But what about those organisations which have a majority of Indian members such as the Mill-owners' Association of Bombay, the Mill-owners' Association of Ahmedabad, the Indian Merchants Chamber and Bureau and such others. Sir, these organisations consist of Indians and they ought to have known that if a law of this kind is to be passed there is hardly any freedom left for the working classes in this country. I was therefore surprised—I was shocked—to see some organisations of Indian employers making a proposal to the Government of India seriously that any organisation of the working-classes if it does not register itself should be considered an illegal body. Sir, are these the people for whom this House should show so much solicitude as to lose a large amount of revenue by removing the excise duty? Are these the people for whom this House should ask the people of this country, the common people of this country, to make large sacrifices? Why should the masses of the people of this country be asked to make sacrifices, for the sake of people who would go to the Government and ask them to pass a law requiring that if the working classes do not register their organisations, their organisations will be considered illegal and therefore fit to be suppressed?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Which clause in the Bill says that?

Mr. N. M. Joshi: I have clearly stated that Government have not accepted their proposal. These are the proposals made by the organisations of the employers. If you read their opinions which are given in this volume you will find all this. Sir, there seem to be some doubts in the minds of some Honourable Members. For their information I will read only a few lines

Mr. M. A. Jinnah: My question, Sir, to the Honourable Member was which clause in the Bill does he refer to which is intended to suppress trade unions if they do not register and they are compulsorily registrable?

Mr. N. M. Joshi: Sir, I am talking of the proposals which the organisations of employers have made to Government. The Honourable Member in charge referred to these proposals. He pointed out that the Government of India have not accepted these proposals. Now, my object in mentioning them is this that the Government of India have not nominally accepted the proposals of the employers but they have so framed the Bill that registration will become compulsory for trade unions. (*Voices: "No."*) If Honourable Members will have some patience and allow me to finish my speech, Sir, with my humble abilities I may be able to point out how registration will become practically compulsory.

Sir, it will be my duty now to point out how registration will become compulsory. In the first place, the Government of India have placed a number of restrictions in the matter of registration. If a union requires registration it has to accept certain restrictions. The union must accept a restriction that its funds will only be spent for the benefit of its members. Sir, in a trade union movement some unions wish on some occasions to help other unions in their difficulties. If you make a restriction that the funds of the trade union should be spent only for the benefit of members of that trade union, the funds of that trade union can never be spent in helping other trade unions. Then, Sir, some trade unions may like to get representation in the Legislature and they may put forward candidates and may like to spend some of their money on the elections of these candidates. But, Sir, if a trade union uses a portion of its money in assisting another trade union which may be in difficulties, or if a trade union spends a small portion of its money on the election expenses of its representatives either in the legislatures or in the municipality, that trade union will not be registered or, if it has been already registered, its registration will be cancelled. Now, Sir, it is possible that a large number of trade unions in

12 NOON. India may not like to get themselves registered with these restrictions. Personally I feel that a trade union is not worth having if it cannot help another trade union when it is in a difficulty. A trade union will not be worth having if it cannot fight an election on behalf of its members. Now, Sir, it is clear that the Government of India have made registration very difficult. They have not only made registration very difficult, but what they have done is that if a union does not register itself under these restrictions it will not get immunity from the law of conspiracy. Sir, if you pass a law that, unless a trade union is registered, it will not get immunity from certain portions of the civil and criminal law, and the unions which are not registered suffer severe consequences from want of registration, I feel that you are making registration compulsory.

Now, what is the immunity given to the registered trade unions by this Bill? The registered trade unions will be made free from the criminal aspect of the law of conspiracy. The Bill provides that they will be free

from section 120-B. of the Indian Penal Code. If two or three or four labourers combine together and go on strike and if that causes some loss to the employers which it is bound to cause, then their action becomes a criminal conspiracy because any action which is in restraint of trade is an illegal act and the law of conspiracy comes into operation if more than one man combines to commit any illegal act. Clause 16 of the Bill gives immunity to registered trade unions from this law. Therefore, if some trade unions do not register themselves, naturally they will not get the advantage of this immunity. The members of an unregistered trade union will be considered to be guilty of conspiracy and will be punished as criminals if they go on strike or do anything which may cause loss to the employers. Sir, this will be the consequence of any union not getting itself registered.

Sir, in our country not only might very few unions like to get themselves registered, but there are very few unions at present. What is to become of those people who have no unions at all? There are very few industries in which there are strong unions or even any unions at all. In the case of those industries, if a few people combined and went on strike or did something which might cause loss to the employers they will be hauled up before a court as criminals for conspiracy and punished. This, Sir, is the consequence of clause 16 of this Bill. By restricting the immunity from the conspiracy section, namely, section 120-B. of the Indian Penal Code, it practically creates a presumption that in the case of those who go on strike or take part in a trade dispute without forming a union or even in the case of those who form a union but do not get themselves registered, their action is liable to be construed into a criminal conspiracy. They may be misled, but they may not be misled also. (*A Voice*: "Is it so to-day or not?") To-day I do not know what the position of the law is. But I know this much, that if you pass a law saying that only the members of a registered trade union will be immune, there will be a presumption, a very clear presumption and an implication, that the members of unregistered trade unions and those people who have not got any trade unions at all will not be immune from the law of conspiracy. Sir, it is not necessary for me to know what the present law is. I therefore feel, Sir, that if we accept the Government of India's suggestion to restrict the immunity as contained in clause 16 only to the members of registered trade unions, they make registration absolutely compulsory. This is not really what I wanted when I asked the Government of India to pass a sound trade union law. Moreover, Sir, the Government of India have adopted this clause 16 on the model of a law which was passed in England in the year 1875, about fifty years ago. But, Sir, English law has now progressed. In England they passed a law in the year 1906, not only giving immunity to the trade unions from the criminal sections of the conspiracy law, but even from its civil liability also. Sir, that section is section 1 of the Trade Disputes Act of 1906. That section runs as follows:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable, unless the act if done without any such agreement or combination would be actionable."

Sir, the Government of India do not make any mention of this provision. Evidently, the Government of India do not want to give immunity from civil liability in the matter of trade disputes even to registered trade unions. They have given immunity from the law of conspiracy, as far as its criminal

[Mr. N. M. Joshi.]

liability goes to registered trade unions. (Mr. A. G. Clow: "What about clause 17 (1) ?") Sir, clause 17 (1) is something different. I shall come to that. Section 1 of the English Trade Disputes Act of 1906 does not refer to any trade unions. It lays down a general principle of law that if an action done by one man is not actionable it will not be actionable simply because it is done by two or three people in combination. That provision does not find a place in the Government of India Bill at all.

Then, Sir, the Government of India have given certain immunity to the members of the registered trade unions where the members induce some other members to break their contract of service or to do something which may be in restraint of trade. Sir, that is the clause to which my friend Mr. Clow referred. Now, Sir, in that clause immunity is given only to the members of the registered trade unions and their officers, but, Sir, the section from the English Act which I mentioned has nothing to do with the trade unions. It is a general statement of the law that if two or more people do something in combination, the fact that they do that thing in combination, should not make their action illegal, if the action will not be regarded as illegal if done by only one man. Sir, that law is not clearly stated in the Government of India Bill, and I would like the Select Committee, when the Bill goes before it, to insert that section.

Then, Sir, the Government of India have given certain immunity to the members of the registered trade unions if they induce some people to break a contract of their service or do something which may not be to the interest of the trade or some people. So far as the clause goes, it is a good thing. But, Sir, here again the immunity is restricted to the members of the registered trade unions. If some trade unions do not get themselves registered and if somebody gives advice to the members of the trade union to go on strike, Sir, they will not get that immunity. I have already pointed out that it is not very easy for trade unions to get themselves registered. You place difficulties in the way of trade unions in getting themselves registered by putting restrictions and then give immunity only to the members of the registered trade unions. Sir, it is not a fair way of dealing with the working classes of this country.

Then, Sir, the Government of India have also given immunity to the funds of the registered trade unions from the consequences of the acts of the officers or members of such registered trade unions. Now, Sir, although the Government of India have given a certain amount of immunity to the registered trade unions, the Government of India have unfortunately shown a hesitating spirit and have not gone as far as the framers of the English legislation. In the English legislation the trade unions are freed completely from the law of agency. If an officer of a trade union does something, its funds will not be touched on account of the action of its agent. Sir, to some people this immunity from the consequences of the law of agency appears to be unreasonable. But, Sir, those who know what a trade union is will recognise that such an immunity is absolutely necessary. A trade union sometimes consists of 5,000 members, sometimes it consists of even 10,000 members. Sir, it is not possible for every member of the trade union to be responsible for the action of its officers. Recognising this principle, the English trade union law gives complete immunity to the trade union from civil liability for the actions of its agent. Sir, it may be asked, how are the acts of the agents of the trade unions to be controlled? My reply to that is, if you want to control the actions of the

officers of the trade unions, you can always proceed against them in the usual way. If the act of an officer renders him only liable for civil damages, you can recover those damages from him; if his act is a criminal act, you can always prosecute him in a criminal court. But, Sir, the English law has recognised that it is wrong to hold a trade union responsible for the acts of its agents. Moreover, Sir, the object in giving complete immunity from the law of agency in England was that they were anxious to have a very simple law. They wanted to avoid litigation. That was one of the objects why in England they gave complete immunity to the trade unions from the consequences of the actions of their agents. Furthermore, Sir, this immunity which is given to the trade unions from the consequences of the acts of their agents has been in existence from the year 1906, and so far, no evil consequences have followed in England. Practical experience has shown that the legislation which was passed in the year 1906 is sound legislation. That legislation has avoided litigation. It has, I may also say, avoided the bitterness of feeling between the employers and the employed.

Sir, I know there are many English people who do not approve of this legislation. I know also, Sir, that there are many people in this House who are against it. But, Sir, this legislation, I mean section 4 of the Trade Disputes Act of 1906 in England, has been considered by many people outside England. An American Commission consisting of independent people as well as representatives of labour and employers went over to England to examine the English law. That Commission, at least that part of the Commission which represented the independent people and the labour representatives, has advised the American people that they should have legislation on the lines of the English Trade Disputes Act of 1906. Therefore, Sir, I feel that, if we are going to have any trade union law in India, it should completely follow the model of the English law. I know, Sir, there are many Englishmen in India, who, although they are very proud of England and everything English, are sometimes ashamed of English legislation, especially if it is to be applied to Indians. Sir, I appeal to them not to take such a narrow view of English traditions, of English legislation, and of the English idea of freedom. Let them retain the real English idea of freedom even in India; let them have some broadness of spirit; let them not be content with having that English freedom for themselves alone; let them be ready to extend that freedom to Indians as well. I feel, therefore, Sir, that this legislation requires serious consideration, and I therefore do not like that this Bill should be rushed through. There are many other provisions in this Bill which require modifications, but, Sir, I shall not refer to them just now. I appeal to this House to pass the Trade Unions Bill, in a form which will conduce to the freedom of the working classes in India. But if the House and the Government of India do not consent to give to the trade unions and the working classes in this country the same trade union law as exists in England, it will be a matter of serious consideration to me whether at least I should support or not this legislation as it is.

With these words, Sir, I thank you very much for giving me such a long time.

Mr. A. G. Glow (Industries Department: Nominated Official): I was grateful, Sir, to my Honourable friend, Mr. Jinnah, for his interruption; because, whereas formerly my Honourable friend, Mr. Joshi, had been

[Mr. A. G. Clow.]

speaking in parables, he then came to his fundamental objection to a root principle of the Bill. That is the principle that the privileges and the obligations of the Bill should be confined to registered unions. I gathered from Mr. Joshi's speech that he did not merely want the privileges to be given to unions, both registered and unregistered. He wanted to extend those privileges to groups of men—to two or three labourers going on strike—who do not form a union at all. Four years ago his Resolution asked for the registration and for the protection of trade unions, and I do not think this House should be called upon to consider at this stage whether any general amendments in the law of criminal conspiracy are desirable or not. It may be that little groups of labourers do not receive fair treatment under the law. If that is so, it is perfectly open to this House, to Mr. Joshi, to bring forward a Bill to amend the law in that respect. But at present, Sir, we are discussing trade unions and I suggest that the discussion should be confined to that subject.

To come down to the difference on the point of trade unions, it has been perfectly clear from the beginning that the Government of India proposed to confine the privileges to registered unions. That was stated unequivocally in their circular letter published in August last. "Unregistered unions" they added "will be left both as regards privileges and obligations in their present position". Now, Mr. Joshi suggests that we should include in those privileges unregistered unions. I am not going to say for a moment that that is a futile suggestion. The point is one which we could, if necessary, argue at great length. I recognise that there are cogent arguments on both sides. But I do suggest to the House that there is no need to go into this question just now for a very simple reason. Mr. Joshi said that the Bill does not represent what he wanted. I wonder whom he was speaking for. I have gone carefully through the opinions received from the trade unions in this country, and more especially the labour unions, and I cannot find any opinion that favours the suggestion which Mr. Joshi has made to you this morning. I look up the Social Service League, a body in which Mr. Joshi has a well deserved influence and of which he is indeed one of the leaders, and find:

"The League's Committee at the outset desire to express their satisfaction at and general agreement with the principles and standpoints embodied in the provisional views of the Government of India as set forth in their letter."

I look up the All-India Trade Union Congress and I find that they say in their letter of 18th December last:

"This Council is in agreement with Government inasmuch as the Trade Unions Bill provides for the optional registration of unions . . ."

It then goes on to discuss certain details and the letter concludes:

"On the whole my Committee welcomes the Bill and hopes it will pass through the Legislature as soon as possible."

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): What about paragraph 8 of that letter—the last three lines?

Mr. A. G. Clow: Paragraph 8 relates to the narrowing of clause 17 (2) of the Bill . . .

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, may I, with your permission, ask the Honourable Member to recall a previous recommendation sent by the All-India Trade Union Congress to the Government of India through the Government of Bombay? Will he read that?

Mr. A. G. Olow: I am quite aware of that. The previous letter discussed the whole question at great length. It was a very able letter; I should not be surprised if it emanated from the pen of my Honourable friend. My point is this, that the Government of India, having considered all the letters, placed the present proposal before the country, and that the Trade Union Congress say that they endorse the proposal.

To come back to the first interruptor. Paragraph 3 of the letter to which he referred says:

"My Council however regrets that the scope of the protection is greatly narrowed down by section 17 (2) of the Bill."

That refers to the fact that clause 17 (2) of the Bill which relates to the law of agency does not reproduce the principle of section 4 of the Trade Disputes Act of 1906 in England. I am aware that it does not. The question of how far it should go in reproducing that modification of the law of agency is one for the Select Committee to consider. But that paragraph does not in any way suggest that the whole Bill, or the main privileges of the Bill, should extend to unregistered and registered trade unions alike.

Now, I gathered from something which fell from Mr. Joshi that he wanted to suggest to the House that these trade unions, who, as I have said, unanimously endorse the Bill as far as this principle goes, were composed of rather unlettered men who possibly had not sufficient time or sufficient knowledge to discuss the Bill. I ask the House if this is so. These letters are written in several cases by able lawyers, by men whom I honour for what they are doing, by men who have had much more to do with the law than either Mr. Joshi or myself. Can the House really accept the argument that these letters are written, if not by unlettered Bombay mill hands, by men who are not far removed in education from them?

I ask the House to affirm this principle of the Bill. In conclusion, there is no question, it seems to me, of giving more time to the Select Committee on this ground because, if the Bill goes to a Select Committee, this principle, which is a fundamental principle of the Bill now before the House, will already have been affirmed.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I desire, Sir, to express in a general way my satisfaction that this Bill has been introduced. I desire to express my satisfaction that the Government have been pleased to make adequate response to a Resolution of this House. I am glad, therefore, that the Bill before us has been brought in and that we shall have the opportunity of discussing in detail the provisions of this Bill. Looking over it cursorily, it strikes me that there are various provisions that may require to be amplified. I may, for instance, mention for the time being clause 15 of the Bill, which relates to the objects on which the funds of registered unions may be spent. It appears to me that the various heads on which, as at present laid down, funds of registered unions may be spent, are not quite satisfactory. That

[Mr. M. K. Acharya.]

clause will have to be amplified. For instance, I do not see any provision here that registered trade unions can expend any portion of their funds on furthering their general objects or their general rights and privileges as trade unions. It is quite possible in course of time the members of trade unions in a province may like to have representation upon the Legislative Council of the province. It is quite possible that they might like to spend some portion of their funds in putting up their own candidates for the Councils or in helping others to get into the various Councils; but obviously, if any portion of the trade union funds were spent on such a purpose, it might be considered as having been unlawfully spent; and the registration might under clause 10 be cancelled. This clause seems to me to be very stringent. It says that if the Registrar is satisfied that the trade union is wilfully contravening any of the provisions of the Bill—and it will be contravening the provisions of this Bill if any portion of its funds were spent upon any such purchase as I have referred to above—then he can cancel the registration. Or again, I may give another instance. Supposing a trade union wanted to contribute to a big all-India conference of similar trade unions. That will not come under any of the provisions of clause 15. Similarly it strikes me that Chapter V—Penalties and Procedure—will have to be very carefully considered and scrutinised in the Select Committee. All the same, I wish just at this moment to express my satisfaction that something has been done and that a start has been made, and I hope that in the Select Committee the matter will receive very careful consideration. I cannot understand, Sir, the object which has led the Honourable Mr. Willson to bring forward his amendment that this Bill be referred to a Joint Committee of both Houses. I am yet to know in the history of the world that capitalists are generally in favour of furthering the formation of trade unions or of securing for labourers all the rights and privileges which the capitalists themselves enjoy. As has already been said, it is our business in the first instance to scrutinise this Bill carefully, and to see if it does carry out the intentions of those who wish that there should be a Trade Unions Act. We may take it that the Council of State will exercise its own judgment in the matter when it goes up to them. I believe it is premature that we should bother ourselves about these wiseacres who are not primarily bettering the lot of labourers particularly, not at least in the same degree as we are. I therefore wish to give my general support to the Bill that has been introduced and to oppose the motion that has been brought by Mr. Willson.

Mr. Chaman Lal: Sir, I regret to find that the Honourable Mr. Willson has raised this question of referring the Trade Unions Bill to a Joint Committee of both Houses. I regret it for this reason. The political atmosphere of this country is surcharged with communal bitterness. The latest convert to that is my Honourable friend over there. He has read out a list of the Members of the Select Committee apportioning the merits to the various classes: lawyers, labour leaders and capitalists. That, Sir, I submit, is not the way to look at this matter at all in this House when a Select Committee is being formed. You should look at Select Committees as representative of this House and not from the point of view of class or communal interests. I do not see any reason whatsoever why we should have a Joint Committee unless my Honourable friend over there is convinced that the Honourable Members of the other House are incapable of discussing

this matter without the help of Honourable Members of this House. (Laughter.) If they need enlightenment we are quite prepared to afford them that enlightenment (Laughter) but not in the manner suggested by the Honourable Member over there.

Sir, the second point that I want to refer to is that raised by my Honourable friend Mr. Joshi. He has pointed out, and very cogently pointed out, that it is absolutely necessary that we should not restrict legislation to those unions only which are registered, but leave the question of registration free and unfettered as it is in Great Britain. In England, as you are aware, Sir, there are three classes of trade unions, those that are registered, those that are unregistered and those to which the Registrar issues on application a certificate. All three classes of trade unions have certain privileges and rights, but the two classes, namely, those that are registered and those which obtain a certificate from the Registrar are specially privileged in so far as the law of trade unions applies to them alike. Are you going to prevent Indian trade unions which are growing, which are increasing day by day, which come into being under certain circumstances, which are purely fortuitous, from enjoying the privileges which are enjoyed by trade unions in Great Britain? By applying your law merely to trade unions which are registered you are hampering the growth of trade unionism in this country. No doubt there are certain advantages which you offer to registered trade unions, but nevertheless, there are times in the history of trade unions in this country, as every one of us who is familiar with the growth of trade unions knows, when it is absolutely impossible for a trade union to be so organised as to be in a position to apply for registration to the Registrar. Therefore, Sir, I do believe that it is absolutely necessary that you should so apply your law that it leaves the growth of trade unionism absolutely free. The privileges that you are giving should be applicable not only to registered trade unions but also to those unions which are not registered but which obtain a certificate from the Registrar. That provision I find is not inserted in the Bill. I do hope that in the Select Committee it will be advanced.

The history of this legislation is very interesting. If you go back to the year 1920 you will find that when I and my colleagues organised the first Trade Union Congress in Bombay, it was during the session of that Congress that we really advocated the passing of legislation of this nature. Subsequently we found that pressure put upon the Government was likely to be effective. So we through Mr. Saklatvala's good offices organised a deputation in London on behalf of the Workers' Welfare League which saw the late Mr. Montagu, and I believe he promised that legislation on the lines now introduced would be taken in hand at an early stage. Then it was that the debate took place in this Assembly where we made very sapient remarks about trade unionism and so forth. But nothing came of that debate except the promise to which Mr. Joshi has referred that legislation would be introduced at an early stage. Then came the pronouncement of His Excellency the Viceroy also to that effect. My contention is that you are pledged to the principle of this legislation. Under Article 427 of the Peace Treaty every subscribing nation is pledged to the recognition of the right of association. You cannot go back on that. That right is inherent and it is because that right is inherent that we are claiming that you should introduce this legislation. There is another fact, namely, the Wadia judgment, which has forced the hands of the Government and forced the hands of those who were interested

[Mr. Chaman Lall.]

in the subject. That judgment meant that there was only one course for the Government and that was to introduce trade union legislation at an early stage. I am in entire agreement with my friend over there in welcoming the principle of this Bill. We are no doubt more than half a century behind the times. The principle which we are advocating to-day was recognised in Great Britain in 1871 by the Trade Union Act of 1871. There are people who say that we must march carefully and cautiously. Conservatism, moderatism and caution are their watch-words. But, Sir, if conservatism means putting the horse of action behind the cart of progress, then I make a present of that to my friends who advocate it. But caution does not mean that we must be half a century behind the times. Let us be cautious in wording our Bill by all means. But let us not be behind the times. The time is past, Sir, when objections on the basis of principle could be raised to legislation of this kind. You are all committed to it. We find the whole world marching with this legislation in hand while India is the only country among the civilised countries of the world which does not boast of such legislation on its Statute-book. The details of the Bill are a different matter. Details have got to be examined most carefully. I find no mention in the Bill which the Honourable Member is introducing of any reference to the protection which, under Indian conditions, it is necessary must be afforded to workers. In England it is not necessary to introduce any legislation which makes it incumbent upon an employer not to victimise his employee merely because he happens to be a member of a trade union. But here we find, time and again, whenever we have formed a union, that the workers, simply because they happen to be members of a union, are victimised by the employers. If you are asking that this Bill should go through, you should recognise the position of trade unions, you must introduce some sort of provision in the Bill making it incumbent on the employers to recognise them in a manner which would prevent further victimisation of their employees. Then again, the greatest sinner in respect of another matter has been the Government of India. The Government of India by certain rules and regulations decided to forfeit the benefits accruing to these workers if they happened to go on strike. There was a very big case only in 1920 when the railway workers of the North-Western Railway went on strike. You have to prevent it now because under the provisions of this Bill you are really legalising strikes. I need not mention the question of picketting because, under the law as I understand it in India, picketting is perfectly legal. It is a recognised right of workers and there is no law I am aware of which prevents workers in this country from picketting:

Mr. K. Ahmed: If it is to the interests of labour.

Mr. Chaman Lall: As usual, my Honourable friend has made a very intelligent remark! It has absolutely no reference to what I am now saying. But the main question I wish to deal with is the question of civil and criminal liability and I want my Honourable friend, Mr. Clow, and the Honourable Member in charge to read carefully the sections of the British legislation on this subject. As far as civil liability is concerned, you have sections 3 and 4 of the Trade Disputes Act. Section 3 of the Trade Disputes Act reads as follows:

“An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.”

Together with that I want to read to you section 4 which is a very important section:

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court."

I want to draw the attention of the House now to clause 17 of the Bill as proposed by the Honourable Member in charge. It reads as follows:

"No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party."

This last sentence has been introduced in order to restrict the scope of the provision as contained in the Trade Disputes Act, 1906. Further it goes on:

"On the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills."

You are perfectly well aware that in big combinations of trade unions it is possible for any one member of a trade union to try and induce the members of other unions to stop work, to break their contract of work, and this would penalise, in cases of amalgamations of unions, members of one particular union if they go and induce the members of another union to break their contract of service merely because they do not happen to be themselves involved in that trade dispute. Again, you find in sub-clause (2) of the same clause:

"No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity."

This is a very pompous clause added on to this Bill. It is absolutely diametrically opposed to the spirit of British legislation on the subject. In Great Britain under the Trade Disputes Act the right is absolute as far as tortious acts are concerned. Here you have hemmed it in with all sorts of qualifications. Then I come, Sir, to the question of conspiracy. If you look at the English law on the subject you will find it laid down in the Conspiracy and Protection of Property Act, 1875. In section 3 you have:—

"An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime."

What is it we find in the Bill as proposed by the Honourable Member? We find in clause 16 of the Bill:

"No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code, in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in section 15, unless the agreement is an agreement to commit an offence."

Again there is the question of including political objects. Without such inclusion the Bill is not worth having. What we are aiming at, Sir, is this,

[Mr. Chaman Lall.]

that you should approximate your Bill to British legislation on the subject. We see no reason why you should remain behind. We see no reason for this need for caution, as expressed by the Honourable Member, in the provisions of the Bill. It is no caution, it is reactionarism. You are reactionary in providing those alleged safeguards which in reality are no safeguards at all. I want you to take the most modern legislation on the subject and bring it into force in India because you have already delayed legislation of this nature for long. It is not right therefore that you should hem it in with all sorts of qualifications and limitations. I want specially to appeal to the representatives of the employers in this connection. They know perfectly well that sooner or later legislation of this type has got to be placed on the Statute-book. Opposition at this stage which would result in limiting the provisions of the Bill will be of no avail in the end. You may do so now for six months, one year or two years, but the time is bound to come when all the difficulties that have been boldly faced by the British legislators on this subject will have to be faced in this country.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): *As far as I see, the House is in favour of the principle of this Bill. I am strongly opposed to the amendment of my Honourable friend, Mr. Willson. Mr. Willson evidently is of opinion that if he can get the Members of the other Chamber probably the interests of those who are opposed to this Bill would be better safeguarded. We want, Sir, this Bill to go through this House and take its normal course and I was rather surprised that Mr. Willson should have gone to the length of saying that there were so many lawyers on the Select Committee. Sir, lawyers are only appreciated when people are in distress. If Mr. Willson ever comes under that category I am sure he will employ the best lawyer he can get in India and then he will realise how useful a lawyer is. When you want to avoid the judicial search-light you say you do not want lawyers. Sir, I listened to the speech of Mr. Chaman Lall and Mr. Joshi and I feel this that they both recognise that the Government have taken the initiative in the right direction and I hope that when this Bill emerges from the Select Committee it will satisfy even my Honourable friends Mr. Joshi and Mr. Chaman Lall. But I want to draw the attention of the Government to this fact that the motion of the Honourable Member is that the Select Committee should report within a fortnight. I feel that that is too short a time as various questions may arise in the Select Committee which may require very careful consideration of the various clauses, and I feel that the Select Committee may not be able to make a report within a fortnight. Therefore, Sir, I move that no period should be fixed and that it should be left to the Select Committee to report as soon as possible. That is to say, I move an amendment that the period should be dropped.

The Honourable Sir Bhupendra Nath Mitra: I am rising to deal with Mr. Willson's amendment. Personally, I should have been glad to get the co-operation of the Members of the Council of State on the Select Committee which will be appointed to deal with the Trade Unions Bill. I see, however, Sir, that there is a certain amount of opposition to Mr. Willson's proposal in this matter. So far as Government are concerned, there will also be a certain amount of practical difficulty in the acceptance of the amendment. Mr. Willson has himself observed that the acceptance of the amendment will lead to a very large number of men being appointed to this Joint Committee,

* Not corrected by the Honourable Member.

but he expressed the opinion that this might not be undesirable in connection with a measure of such importance. I shall, Sir, read out for his information a Resolution which was adopted by the Council of State in connection with the Joint Committee over the Workmen's Compensation Bill. The relevant part of that Resolution runs as follows:

"That this Council do convey to the Legislative Assembly an expression of its opinion that a Joint Committee shall not ordinarily consist of more than 14 members."

Mr. W. S. J. Willson: Ordinarily.

The Honourable Sir Bhupendra Nath Mitra: Yes, but the Resolution was in connection with the Joint Committee on the Workmen's Compensation Bill itself. The reason why Government themselves wanted a Joint Committee on the Workmen's Compensation Bill was this. The Bill was prepared in consultation with certain Members of the Council of State. Sir A. C. Chatterjee himself was in the Council of State and Sir Alexander Murray, who helped in the drafting of the Bill before it was presented to this House, was also in the Council of State. That I understand was the reason why Government wanted and proposed a Joint Committee on that occasion. In view of the opinion which has been expressed in this House, and also of the practical difficulties in giving effect to Mr. Willson's wishes, I am sorry, Sir, that Government cannot accept the amendment.

Mr. President: The original question was:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee."

Since which an amendment has been moved:

"That the Bill be referred to a Joint Committee of both Chambers."

The question I have to put is:

"That the Bill be referred to a Joint Committee."

The motion was negatived.

Mr. N. M. Joshi: Sir, I beg to move:

"That the words 'with instructions to report within a fortnight' occurring in the motion regarding the Indian Trade Unions Bill be deleted."

I have already explained the reasons why I make this motion. I do not want the consideration of the Bill to be hurried on. There are certain clauses in this Bill which require mature consideration from the point of view of the working classes. There is no doubt that the Bill was circulated and several organisations of the working classes have expressed their opinion. But, Sir, I do feel that the attention of these organisations has not been drawn to some aspects of this Bill. Sir, my Honourable friend Mr. Clow pointed out that organisations with which I am personally connected have stated in their letters that they have considered the Bill fully. I do admit that those organisations have stated that. I am personally responsible for this statement. But I believe that it is possible for men, especially for men like myself who do not understand law very well, to feel at one time that they had fully considered a measure but afterwards when they have read the Bill again to find that they have not given sufficient consideration to it. Sir, that was the case at least with me. I admit that such a statement coming from me is damaging to my reputation as a public servant. But some times it is preferable to have that charge levelled against us rather

[Mr. N. M. Joshi.]

than that the interests of the people whom we represent should be damaged. I therefore prefer the charge that I did not give sufficient attention to this Bill long ago to the charge that I sacrificed the interests of the working classes in order to save my reputation. So, while I admit the charge that I did not study the Bill carefully some time back, I feel that the Bill requires further consideration.

Sir, with your permission I shall only say one word as to what fell from my Honourable friend, Mr. Clow. He says that when I
1 P.M. want the immunity extended to the registered unions to be given to unions which are not registered and even to groups of people who do not form a trade union, I am asking for something for which I ought not to ask on the discussion of this Trade Unions Bill. Sir, I did that because I know that sections dealing with the general criminal law and the general civil law have found a place in the English Trade Union law. Sir, while reading as a matter of curiosity certain volumes of Hansard, I found that in these discussions on the Trade Union Bill a gentleman had taken a part and had taken a prominent part who is in very high authority in India at present, I mean Mr. Rufus Isaacs. He discussed the very section which I have discussed here in this House on the Trade Union Bill. (A Voice: "A lawyer.") There was nobody in the House of Commons in those days (A Voice: "A lawyer") to tell him that such a section ought not to be discussed while discussing the Trade Union Bill. Sir, Mr. Asquith took part and defended these sections in the House of Commons.

Mr. President: The Honourable Member is getting far away from the time limit.

Mr. N. M. Joshi: I do not wish to say anything more on this subject. I only wanted to say that the consideration of the general civil and criminal law is relevant while considering the Trade Union law. I feel, Sir, that the House will accept my suggestion that the words "with instructions to report within a fortnight" be deleted.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I believe that the Honourable Industries Member would not have much difficulty in accepting this amendment moved by Mr. Joshi. I should think that the only reason why he put in the limit of a fortnight for the Report of the Select Committee was in order to get the Bill through this session of the Assembly and of the Council of State, and if after acceptance of this amendment my Honourable friend, Mr. Joshi, finds that the Bill has not progressed through the Legislature as quickly as he would like it to do, I am sure he would not put the blame at the door of the Honourable Member. (Mr. N. M. Joshi: "No, Sir.") But Sir, my main reason for rising to speak on this is in reference to a few remarks that fell from Mr. Joshi. He seemed to quarrel with a part of the opinion expressed by certain Indian Associations concerned in industrial and commercial matters in connection with the reference to them by Government of the Bill. If only my Honourable friend had read out the relevant portions with which he appeared to disagree so very much, I am sure I should not have had the necessity of getting up here to say a few words in defence of those Associations which he chose to run down. Sir, all that these various two or three Associations, which I am sure must be in the mind of Mr. Joshi, said was that they would like these privileges and in fact the recognition only to be extended to registered Unions. I would very much . . .

Mr. President: The point is not in order on an amendment which limits the discussion to the question of the time limit. The Honourable Member can raise it on the original motion, when this has been disposed of.

The question is:

"That the words 'with instructions to report within a fortnight' be deleted."

The Honourable Sir Bhupendra Nath Mitra: Sir, on behalf of Government I am willing to accept Mr. Joshi's amendment. In fact the words which he proposes to delete were put in in my motion because there is a considerable anxiety on the part of the House that this measure should become law as quickly as possible. I have before me a number of questions asked in this House about the progress made by Government with this Bill. As, however, the House has no objection to taking six months or more over the detailed consideration of the Bill (*A Voice*: "No, no.") Government have no objection to accepting the amendment proposed by Mr. Joshi.

Mr. Chaman Lal: I want to make it perfectly clear, Sir, that we do not suffer from any disability in considering this Bill. All that we ask the Honourable Member to do is this. There is a session of the All-India Trade Union Congress at Bombay on the 15th of February, and my friend over there, myself and several other Members have a mind to attend that session. Because of that we are asking the Honourable Member to give us a few more days for the consideration of this measure in the Select Committee. We are not asking him to postpone the consideration of the measure for six months. That is not what we want.

Such a course in my personal opinion would be dangerous.

The Honourable Sir Bhupendra Nath Mitra: Sir, if I may say so, the cat is now out of the bag. It seems that some Honourable Members of this House do not consider the work of this House to be quite so important as work elsewhere. Anyhow on behalf of Government I have accepted the amendment and from the point of view of Government there is nothing more to be said.

Mr. N. M. Joshi: In view of what the Honourable Member has said on the question, Sir, I must state that, as far as I am concerned, I do not want the consideration of the Bill to be held up for the reason suggested by him. No doubt I am going to Bombay, but that is not the main reason why I have moved my amendment.

Mr. President: The question is:

"That the words 'with instructions to report within a fortnight' occurring in the motion by the Honourable Sir Bhupendra Nath Mitra regarding the Indian Trade Unions Bill be deleted."

The motion was adopted.

Mr. A. Rangaswami Iyengar: Sir, I move formally that the names of Messrs. T. C. Goswami, Mr. Devaki Prasad Sinha and Mr. M. K. Acharya be added to the Select Committee.

Mr. President: The question is:

"That the names of Mr. Devaki Prasad Sinha, Mr. T. C. Goswami and Mr. M. K. Acharya be added to the Select Committee."

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I have given notice of a motion to add the name of Dr. S. K. Datta to this Committee. He has considerable experience of these questions and his experience ought to be made available to the Select Committee.

Mr. President: The question is:

"That the name of Dr. S. K. Datta be added to the Select Committee."

The motion was adopted.

Mr. W. S. J. Willson: I beg to suggest that the name of Mr. E. G. Fleming be added to the Committee. I have pointed out already that there was one Bengal name and there is no Burma name at all.

Mr. President: The question is:

"That the name of Mr. E. G. Fleming be added to that Select Committee."

The motion was adopted.

Mr. R. K. Shanmukham Oshetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I have very great pleasure in according my support to the proposition moved by my Honourable friend, Sir Bhupendra Nath Mitra. When I had the pleasure of visiting the International Labour Office in Geneva last summer it was brought to my notice that of all the Governments which took part in the International Labour Conference the Government of India stand in the forefront of those that have given effect by legislation to the greater portion of the resolutions passed in these Conferences. It is a matter, Sir, on which not merely this House but the Government of India must be congratulated; and it is in the fitness of things that the Government must have now come forward with this measure to place trade unions on a better footing and to give them the legal status which they lack at present, I do not know, Sir, whose opinion my Honourable friend, Mr. Joshi, was voicing when he said that this measure looked to him like bread made out of stone or something like that. I confess that though this measure is not made of the pure English wheat out of which my Honourable friend Mr. Joshi would like to have it made, its composition is very good Indian wheat at any rate and I am perfectly sure that when the measure emerges from the oven of the Select Committee it will come out sufficiently baked to be crisp and quite tasty.

Though trade unions are still in their infancy in India, attacks have already been made to suppress them by resort both to the civil and criminal law of the land. The attempt made in Madras some years ago against Mr. Wadia for the part that he played in bringing about a strike of mill hands in Madras amply demonstrated the necessity for trade union legislation in this country. Sir, it is proper that the decision of Government to confer legal status and immunity from certain provisions of the criminal and civil law should be confined to registered trade unions. The Bill that is now before us seeks to confer not merely the legal status upon trade unions which was conferred on English trade unions by the Acts of 1871 and 1876, but it also seeks to incorporate some of the provisions of the Trades Disputes Act of 1906, till the enactment of which English trade unions were not considered to be immune from civil and criminal liability. I really could not understand the point that my Honourable friend Mr. Joshi was driving at when he criticised the provision about the registration of trade unions. I consider it a very wholesome provision indeed, Sir, to make registration

optional and not compulsory, and I am perfectly confident that, after the enactment of this measure, registration will become the rule rather than the exception in trade unions in India. In my opinion compulsory registration would needlessly infringe upon the legal right of combinations, and the Government of India have done very wisely in proposing to make registration optional and not compulsory. As I pointed out, immunity from criminal and civil law was obtained by the English trade unions only after the enactment of the Trades Disputes Act of 1906. Every one who is conversant with the history of English trade unionism knows how, after the decision of the celebrated Taff Vale case in which the Taff Vale Railway Company brought an action for damages against the Amalgamated Society of Railway Workmen and got compensation, a great agitation was set up, which resulted in the Trades Disputes Act of 1906 being passed. The Trades Disputes Act of 1906 is considered as the charter of English trade unionism. The effect of that Act is that it gives three exceptional privileges to trade union officials by declaring that when committed in contemplation or furtherance of a trade dispute, an act done in concert shall not be actionable if it would not have been actionable if done without concert. Secondly, an act was not to be actionable merely by reason that it induces any person to break a contract or for being an interference with another person's trade or business, or his right to dispose of his capital and labour as he chooses; and thirdly, attendance solely in order to inform or persuade peacefully shall be lawful. Over and above these immunities, there is a general provision which explicitly declares without any qualification or exception that no civil action shall be entertained against a trade union in respect of any wrongful act committed by or on behalf of a union. Sir, it must be recognised that, if trade unions are to discharge their legitimate functions without fear of being drawn into unnecessary litigation, all these immunities that have been granted to English trade unions must certainly be granted to Indian trade unions also.

If we refer to the provisions of the Bill that is now before us we find that clauses 16 and 17 seek to confer this immunity on trade unions. Clauses 16 and 17 confer immunity upon trade unions from civil and criminal liability but there is one point which has been conceded in favour of English trade unions about which the Bill is silent, and that is the provision which explicitly enacts that attendance solely in order to inform or persuade peacefully shall be lawful. This provision refers to the legal character of picketting. As I said, the Bill is silent on the matter and I think, Sir, to place trade unions on a safe basis it would be necessary to declare explicitly that peaceful picketting shall be perfectly lawful.

Clause 17 (2) of the Bill again gives only a limited immunity from the acts of agents done by or on behalf of trade unions. As I said, the English Act explicitly declares without any qualification or exception that no civil action shall be entertained against a trade union in respect of any wrongful act committed by or on behalf of the union; but according to clause 17 (2) of the Bill this immunity is granted to trade unions in India only when they take the earliest opportunity of repudiating any unauthorised acts; and I think that qualification is a needless one and must be removed.

In paragraph 2 of the circular letter Government rightly point out that the definitely privileged position granted to the trade unions in this measure must be attended by limitations in the interests not only of the body politic but of the trade unions themselves. Well, Sir, the provision for the maintenance of accounts, for the regular audit of the union funds, and then the

[Mr. R. K. Shanmukham Chetty.]

provision that the majority of the executive should belong to the industry concerned and the clear definition of the objects on which alone union funds may be legitimately spent—these I consider to be salutary restrictions in the interests of the unions themselves; but unfortunately the Bill I think will unnecessarily put a ban upon one of the legitimate activities of a trade union. A distinguished author of the history of British trade unionism has observed that the three methods by which trade unions have sought to achieve their object are the method of mutual insurance, the method of collective bargaining with its concomitant of the strike, and the method of legal enactment which is considered to be the most constitutional of these three methods. Examining the Bill in the light of these three aspects of trade union activity it seems to me that the Bill while it explicitly authorises trade unions to undertake works of mutual insurance and legalises the method of collective bargaining with its concomitant of the strike is absolutely silent upon the third and the most constitutional of these activities—what is termed the method of legal enactment, which in other words might be called political action. In the circular letter published by the Government, they say that:

“This will not prevent trade unions or their leaders from advocating political policies; but it will ensure that funds contributed primarily for trade union purposes are not expended on causes in which the bulk of the members have little interest.”

Though I am prepared to concede that a rigid provision must be made, clearly defining the objects on which trade union funds may be spent, which has been done in the present Bill, every sort of political action should not be prevented. Sir, we have only to look to the history of British trade unionism again to see and to be convinced how all political action may be prevented through this measure. The definition of trade union is taken from the English Act of 1876, and it is the very same definition that gave rise in England to the celebrated Osborne case. Every one who has studied the history of British trade unionism knows how in the year 1908 one Mr. Osborne, a member of the Amalgamated Society of Railway Workmen, brought an action against that body restraining them from spending the union funds on certain political objects. This case was taken up to the highest court in the land, and the House of Lords established these principles in deciding this case:

“It follows by an undoubted principle of English law that a body incorporated under a Statute cannot lawfully do anything outside the purposes for which the Statute has incorporated it; secondly, that as the purposes for which trade unions are incorporated have to be found somewhere authoritatively given the definition which Parliament has enacted in the Trade Unions Act of 1876 must be taken to enumerate accurately and exhaustively all the purposes which any group of persons falling within that definition can as a corporate body lawfully pursue.”

That was the decision in the famous Osborne case and the trade union was restrained from spending its funds upon, or engaging in, any sort of political campaign. Well, Sir, the same definition is incorporated in the Bill that is now before us. Not merely that; in clause 15 is clearly enacted the purposes for which union funds can be spent and I contend that the clause which defines trade unions taken along with clause 15 will be construed as a clause of limitation or exhaustive definition. In the decision in the Osborne case one of the Judges pointed out “what is not within the ambit of the Statute is, I think, prohibited both to a corporation and a combination.” Now this dictum will be held to be applicable to Indian trade unions also and they will be prevented from taking part in any kind of political action. Well, Sir, I am one of those who are strongly con-

vinced that trade unions in India must be prevented from entangling themselves in political objects and activities wholly unconnected with their immediate object. And we know, as a matter of practical experience, that in India some trade unions are being exploited for political purposes and therefore I am prepared to concede that some provision . . .

Mr. Chaman Lall: I do not want to interrupt the Honourable Member, but may I ask him to quote a single example where a trade union in India has been exploited for political purposes?

Mr. R. K. Shanmukham Ohetty: I can give to my friend a number of instances in which leaders of certain political parties have been trying to exploit labourers.

Mr. Chaman Lall: Can you give me an instance?

Mr. R. K. Shanmukham Ohetty: There is an instance in my own place where a mill labour association was being exploited by some persons solely for their own purpose and not for the purpose of improving the cause of the labourers at all. (*A Voice:* "Name it".) There is an association in Coimbatore, and I know from practical experience that this labour association is being exploited by outsiders.

But my contention is, Sir, that in your anxiety to guard trade unions from this great danger, you cannot put a ban upon one of their most legitimate activities. I ask, is it not the function of a trade union, for example, to take all measures to see that a Bill like the one introduced by my Honourable friend Mr. Joshi, the Maternity Benefit Bill, is passed by the Legislature? Is it not the legitimate activity of a trade union to see that a measure is enacted in the Legislature to reduce the hours of labour? Can it be conceded that that sort of political action is outside the scope of trade unions? Well, Sir, I must say that political action of this kind forms not merely a legitimate function, but perhaps one of the most important activities of trade unions, and a provision must be made in the Bill to recognise and legalise this side of their activity.

As the Bill stands at present, clause 10 (b) gives to the Registrar the power of cancelling the registration if any trade union has "wilfully contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision." Now any sort of political action might be brought within the mischief of this clause, and the Registrar might threaten at any moment to deprive a trade union of its legal character. The history of British trade unionism will show that, from the very beginning of the 18th century down to the present day, trade unions have been continuously employing the method of legal enactment. As a matter of fact, the getting and enforcing of legislation is historically as much a part of a trade union function as maintaining a strike, and I may draw the attention of Honourable Members to a passage which occurs in the book on the history of British trade unionism by Mr. and Mrs. Sydney Webb:

"For no trade union can nowadays abstain altogether from political action. Without co-operating with other trade unions in taking parliamentary action of a very energetic and a very watchful kind, it cannot, as long experience has demonstrated to practically all trade unionists, protect the interests of its members. Without taking a very vigorous part in promoting, enforcing and resisting all sorts of legislation affecting Education, Sanitation, the poor Law, the whole range of the factories, Mines, Railways and Merchant Shipping Acts, the shop hours, truck, arbitration and conciliation, and now even the Trade Boards Act, the trade union cannot properly fulfil its function of looking after the regulation of the conditions of the employees. But this is not all. The interests of its members require the most watchful scrutiny in the administration of every public department."

[Mr. R. K. Shanmukham Chetty.]

That has been recognised to be the legitimate function of trade unions, and I want, Sir, that in this Bill some provision may be incorporated on the lines of the Trade Union Act of 1913. That Act empowers trade unions to engage in any lawful activity provided the main purpose for which the trade union is formed is the statutory object as defined in the definition. Those who have studied the Trade Union Act of 1913, know that salutary safeguards are made against the dissipating of trade unions funds on political objects which have no bearing on the immediate purposes of trade unions. Those safeguards might certainly be introduced. And unless some definite provision of that nature is incorporated in the Bill, I think you will be needlessly curtailing one of the legitimate and most useful activities of trade unions. If the usefulness of trade unions is not to be needlessly curtailed and if they are to start their career with the least possible chance of being dragged into litigation and incurring the penalty of cancellation at every step, the scope of the definition must be enlarged and some definite provision must be made along the lines of the English Act of 1913. If the Bill can be modified along these lines, I have no doubt that the trade union in India will become not merely an instrument of defence in the hands of the workmen but actually an organ of Government in the industrial world, discharging its legitimate functions, not only as the basis of a vocational democracy exercising a definite share in the control and administration of industry, but as the inspirer of high democratic ideals in the body politic.

Sir Purshotamdas Thakurdas: Sir, as I was saying a few minutes back, all that these Indian commercial and industrial associations have pointed out in their letter to Government was their opinion that no trade union should be recognised which is not registered. This, I submit, is quite different from what my Honourable friend, Mr. Joshi, tried to make out as suppression of non-registered trade unions. If not giving non-registered trade unions the privilege which is given to registered trade unions can be said to be suppression of trade unions which are not registered, I have nothing to say, but, by bringing in the law of conspiracy, my friend, I am sure quite unintentionally, gave the House the impression that these industrial associations had been guilty of suggesting that trade unions which are not registered should be suppressed. That means something should be taken out of the normal rights and privileges to which Mr. Joshi and myself would be entitled under the ordinary law. I submit, Sir, that with the correct construction which I put forward there should not be much to quarrel with in the opinions expressed by these various associations in the light of what I know to be their honest beliefs.

Sir, the other remarks that fell from my Honourable friend I do not propose to deal with because I think this House has before now been accustomed to similar remarks from him.

Mr. N. M. Joshi: Sir, may I be allowed a word of explanation. The Honourable Member said that I have misrepresented his Association. I shall now read what the Association which he represents stated. (*Sir Purshotamdas Thakurdas:* "Do".)

"My Committee do not, however, consider it satisfactory that organisations of employees should be left to themselves to decide whether they want to register themselves as trade unions or not. In the opinion of my Committee, registration of trade

unions must be compulsory as otherwise it is very probable that a majority of such organisations may not like to bring themselves into the properly constituted law of registration by getting themselves registered and all the advantages contemplated will be held in abeyance."

Sir, the statement made by the Association is absolutely clear.

Sir Purshotamdas Thakurdas: Where is the word "suppression" there?

Mr. N. M. Joshi: They say that registration should be compulsory. Sir, if my Honourable friend will consider for a minute the expression that "registration is to be made compulsory" he will find that the statement made by me is absolutely correct. But, Sir, if the Honourable Member now suggests here that his Association made this statement not understanding thoroughly the implications of it, then, Sir, I am quite prepared

Mr. President: Order, order. The Honourable Member is now proceeding to argument. I offered him an opportunity of personal explanation in view of the reference made to him by Sir Purshotamdas Thakurdas.

Mr. W. S. J. Willson: Sir, may I just associate myself with Sir Purshotamdas Thakurdas in expressing our resentment at the use of the term "suppression" in regard to our attitude; it is absolutely unjustified?

Mr. N. M. Joshi: What is your meaning?

Mr. W. S. J. Willson: I have only one thing further to say. I deprecate very strongly the attitude taken up by Mr. Joshi and Mr. Chaman Lall in attempting in some ways to heap abuse upon employers. It is not usual, when you want to ask a man for a concession, to attempt either to blacken his eye or his character and that those remarks are not really meant by them is, I think, proved by the fact that they both ended up by *appealing* to employers to meet them in this matter.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, my friend Mr. Willson says that Mr. Joshi is wrong in criticising the employers and protests against the use of the word "suppression" in regard to the representations that they have made in respect of this Bill. What is the implication in the representations that these organisations have made? They say that all trade unions should be compulsorily registered, that there should be no trade union in existence which is not registered.

Sir Purshotamdas Thakurdas: For purposes of recognition; for privileges.

Mr. V. J. Patel: For the purpose of privileges. What are those privileges? Immunity from civil and criminal liability for certain acts. Once this immunity is restricted to registered trade unions, it follows as a matter of course that those trade unions which are not registered will be at once suppressed. There is no doubt about that.

Sir Purshotamdas Thakurdas: They will not have those privileges.

Mr. V. J. Patel: That is so. They will not have immunity from criminal and civil proceedings. That means there will be civil and criminal proceedings against those trade unions which are not registered. The result will be that these unions will cease to exist. There can be no other meaning. Therefore, Sir, I entirely associate myself with my friend Mr. Joshi in the statement that the representations of the Bombay Chamber of Commerce, the Indian Merchants Chamber and other Associations referred to

[Mr. V. J. Patel.]

by my friend Mr. Willson deliberately suggest that the trade unions which are not registered should be suppressed. In their opinion the only unions that should exist in this country are registered unions and no others.

Now, Sir, coming to the clauses of the Bill. My friend Mr. Chetty wants two important amendments to this Bill. In the first place he wants to legalise peaceful picketting, if I understood him aright, and secondly he wants the activities of trade unions to be directed to political action, that is to say, the workers in the first case must have a right to go to their fellow workers and persuade them from time to time to join any strike, and in the second that the trade unions must be permitted to spend money in running elections to Legislative Councils, municipalities, and local bodies, and to spend money also in securing votes for candidates set up by them and in the preparation of the voters' list and things of that character. I entirely endorse the arguments advanced by my friend Mr. Chetty. If the trade union movement is to be allowed to grow on the right lines it is absolutely necessary that the trade unions should be allowed to spend money on these things. Otherwise it will be impossible for the trade union movement to grow on legitimate and proper lines. If it is the object of the employers and Government to see that the trade union movement does not go in for strikes or other methods of direct action, it is absolutely essential that the trade unions should be allowed to spend money on what is called the encouragement of political action. But the reason given by the Bombay Government for not allowing these trade unions to do this is quite clear. I will draw the attention of the House to the reason given by the Bombay Government why the trade unions should not be allowed to spend money in running candidates for the Legislative Councils and other bodies. They are afraid that, if the funds of a trade union are allowed to be spent on purposes of this character, the trade unions might divert their funds in support of activities such as are going on at present in Bengal. This is what the Bombay Government say:—

"The close connection between Labour and politics in England arises from the fact that in England Labour represents a great part of the total interest of the country and Labour activities have been directed to obtaining by political means a due recognition of the growing economic importance of the working classes. In India the labour interest is only a microscopic part of the total interest of the country. But that even this microscopic interest should be debarred from expressing itself at the polling booths in the only way practically open to it, namely, through the activities of its own peculiar organisations, is an infringement of political rights. Why should the workmen's association in Ahmedabad be precluded from using their united strength and their funds for the purpose of securing the election to the Legislative Council of a workmen's representative? Put thus, there is much to be said against the exclusion of political activities from the sphere of the Trade Unions. The practical objection"—and this is the most important part—"is to be found in the present state of Indian politics and in the general atmosphere in which trade unions as they have so far sprung up in India exist. The obvious danger to be avoided is that the funds of trade unions which might easily reach a considerable figure might be diverted to the uses of such a party as the Revolutionary Party in Bengal. The danger is so real that it justifies a curtailment of the powers of trade unions which would be otherwise unjustifiable."

This is the reason which is lurking in the minds of the Government and the employers. Why in this Bill no provision is made for permitting the trade unions to spend funds on legitimate political activities, such as running candidates for election to the Legislative Councils and securing representation on those bodies. Sir, when I was listening to the various speeches on this Bill to-day I was imagining to myself what would happen if this Bill, as it stands, were passed into law. I thought, supposing this Bill as it is was passed into law to-day, what

would happen would be this. Certain trade unions would ask for recognition. They would be registered. Then the other trade unions which are not registered would be proceeded against civilly and criminally, because under clauses 16 and 17 of this Bill immunity is restricted only to registered unions. In that way, gradually the non-registered trade unions will be suppressed and the movement will restrict itself to registered unions. These registered unions will not be allowed to spend money in sending representatives to the Legislatures and they will not be allowed under clause 21 of the Bill to have any outside assistance in their executive. So, as a matter of fact labour will be entirely divorced from politics. That seems to be the real object of this Bill. So much has been said in praise of this Bill but to my mind it is absolutely clear that if this Bill is passed into law, labour instead of being encouraged to develop on right lines by means of political action will be under the control and protection of Government. They will cease to have anything to do with politics and instead of encouraging them to take advantage of the polling booths . . .

Mr. K. Ahmed: To mislead the dumb millions?

Mr. V. J. Patel: Following my friend Mr. Chaman Lall I may say that that again is a very intelligent remark. Unless the Bill is materially modified in various particulars this Bill to my mind instead of doing good to labour will do it immense harm.

Mr. President: The question is:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Mr. Chaman Lall, Mr. M. A. Jinnah, Mr. N. M. Joshi, Mr. N. C. Kelkar, Seth Kasturbhai Lalbhai, Mr. K. C. Neogy, Mr. W. S. J. Willson, Mr. L. Graham, Mr. A. G. Clow, Mr. Devaki Prasad Sinha, Mr. T. C. Goswami, Mr. M. K. Acharya, Dr. S. K. Datta, Mr. E. G. Fleming and the Honourable Sir Bhupendra Nath Mitra and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

The motion was adopted.

THE PROVIDENT FUNDS BILL.

The Honourable Sir Alexander Muddiman (Home Member): I do not propose to move my motion* to-day.

THE INDIAN CARRIAGE OF GOODS BY SEA BILL.

The Honourable Sir Charles Innes (Commerce Member): I beg to move for leave to introduce a Bill to amend the law with respect to the carriage of goods by sea.

This Bill looks a very formidable document and I must admit that it deals with a very difficult and technical subject. At the same time I hope that the Bill will be entirely non-controversial. It proposes to give statutory force to certain rules which define the risks to be assumed by sea

* "To move that the further amendments made by the Council of State in the Bill to amend and consolidate the law relating to Government and other Provident Funds to be taken into consideration."

[Sir Charles Innes.]

carriers. It is the result of very long controversy between shippers and ship owners into which I need not go at present. I need only say that the controversy dates back as far as 1893 when the United States of America deemed it necessary to interfere with the freedom of contract between shippers and ship owners by what is called the Harter Act. Other Governments followed suit and about 1921 a move was inaugurated in Europe to carry on the same process. The Statement of Objects and Reasons traces the history of that movement. A code of rules was drawn up as far back as 1921 by the International Law Association at the Hague. Various other conferences have been held and the rules to which it is proposed now to give statutory force represent an agreement between shippers and ship owners. At one time it was intended that these rules should merely be left for voluntary adoption but difficulties arose and it is now hoped that all maritime countries will adopt these rules. That, Sir, is all I need say at this stage.

The motion was adopted.

The Honourable Sir Charles Innes: I introduce the Bill.

The Honourable Sir Charles Innes: I beg to move that the Bill be circulated for the purpose of eliciting opinions thereon. I may say that we have already consulted Chambers of Commerce, Indian and European, about the principle of this Bill. That was in 1921 and they all agreed to the principle of the Bill but we wish to consult them because in the first place we want them to see the rules as they have finally emerged from the international agreement. In the second place we want to consult them about clause 5 of the Bill, namely, the application of these rules to the coasting trade.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th February, 1925.
