

8th April 1929

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

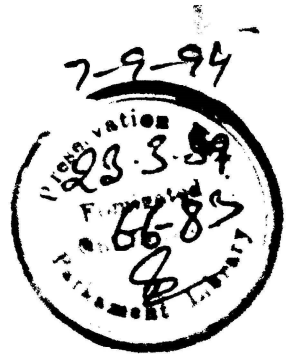
Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



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Legislative Assembly.

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Deputy President :

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LEGISLATIVE ASSEMBLY.

Monday, 8th April, 1929.

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

QUESTIONS AND ANSWERS.

RELAXATION OF RESTRICTIONS REGARDING RECRUITMENT OF LABOUR FOR TEA INDUSTRY IN ASSAM.

1453. *Pandit Nilakantha Das: (a) Has the attention of Government been drawn to the article "Tea Industry and Reforms—Labour Legislation in Assam" published in the *Statesman* of Calcutta, dated 26th March, 1929—page 9?

(b) What are the relaxations asked for in the restrictions regarding recruitment of labour, and how did the Government of India meet them? Have the Government of India held out any definite hopes in advance of the decision of this House, or have they already done something in the direction by rule-making or some such other means?

(c) What is the exact nature of the "avowed policy" of the Government of India of "free labour and free recruiting"?

(d) What were the proposals submitted in 1928?

(e) What is meant by "absolute freedom" enjoyed in recruiting coolies? Does it mean that no Sardars are sent out and no price *per capita* paid to the Chiefs of Native States—and that coolies come to the gardens of their own accord?

(f) What are "the proposals now put forward by the industry in the form of its draft Bill", which is hoped to be "taken into consideration without delay"? Will Government be pleased to lay a copy of those proposals and the Bill, with other relevant papers, on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b), (d) and (f). As I stated in reply to a question asked by the Honourable Member on the 11th March, 1929, the question of the revision of the Assam Labour and Emigration Act and also the representations made by the Tea Industry in this connection are under the consideration of the Government of India. I regret I am not yet in a position to make any statement on the subject, but I may inform the Honourable Member that the Government of India have not taken any action in anticipation of the decision of this House.

(c) The ideal aimed at by the Government of India is the ultimate abolition of all restrictions on the movement of labour throughout India. I may add that this policy has the approval of the Royal Commission on

Agriculture, and is also advocated in the draft questionnaire of the International Labour Office on forced labour.

(c) The Government of India are not in a position to say in what sense the expression "Absolute freedom" was used by the Chairman of the Indian Tea Association, whose speech was reported in the *Statesman* of the 26th March, 1929.

QUALIFICATIONS REQUIRED FOR APPOINTMENT OF OVERMEN AT THE EAST INDIAN RAILWAY COLLIERIES, GIRIDIH.

1454. *Lieut.-Colonel H. A. J. Gidney: (a) Will Government please state the qualifications required for the appointment of overmen at the East Indian Railway collieries, Giridih?

(b) Is it a fact that applicants holding an Indian certificate of competency to manage a coal mine are considered "unsuitable" for such appointments?

(c) If the answer to part (b) is in the affirmative, will Government please state if it is a fact that one, Mr. Dickinson, who holds only a 2nd class Indian certificate of competency, was appointed as overman six months ago?

(d) If the answer to part (b) is in the negative, will Government please state if it is a fact that one, Mr. Jackson, holder of a 1st Class Indian certificate of competency, and with greater experience than Mr. Dickinson, was considered by the Railway Board as unsuitable?

(e) Do Government propose to inquire into this matter and remove any such distinctions that exist?

Mr. P. B. Rau: (a) There are no definite rules prescribed for recruitment of overmen in these collieries.

(b) No. The Railway Board have desired the Agent to recruit subordinate supervising staff for the collieries locally if possible.

(c), (d) and (e). I understand that the conditions at Giridih require that there should be some staff with practical experience of work in thick and fiery coalseams, such as are to be found in the South Staffordshire Coalfields. At the time Mr. Jackson applied for the appointment the subordinate staff was depleted by retirement or by resignation of 3 members, who had these qualifications and it was considered essential to recruit a man with such practical experience. Unfortunately Mr. Jackson did not possess these particular qualifications. When Mr. Dickinson was appointed a few months earlier, the state of the subordinate cadre was such that it was not absolutely essential to have a man with this special experience, and in compliance with the instructions of the Railway Board, the Agent, East Indian Railway, was able to give him a trial.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly inform me whether it is the policy of the Agent of the East Indian Railway to recruit candidates who are not qualified at one time, and to refuse to recruit candidates who are better qualified at another time?

Mr. P. B. Rau: No, Sir.

Mr. K. C. Neogy: Is it a fact that Indians possessing equal or superior qualifications to non-Indian candidates have failed to secure appointments in the railway collieries?

Mr. P. B. Rau: I do not think so. If the Honourable Member will give me any particular instance, I will make inquiries.

Mr. K. O. Neogy: Are Government aware of the general impression that scales are definitely weighed against Indian candidates in the matter of selection to these appointments?

Mr. P. B. Rau: If that impression exists, I think it is a mistaken impression.

Mr. K. O. Neogy: What do the Government propose to do to remove such an impression? Are they prepared to entrust recruitment to these appointments to the Public Service Commission?

Mr. P. B. Rau: As I have already said, if the Honourable Member gives me any specific instance, I shall certainly make inquiries into the matter, but it is practically impossible. I am afraid, for Government to remove these misapprehensions altogether.

Mr. K. O. Neogy: Are Government aware of the fact that Indians possessing first class mining manager's certificates, which were obtained after a period of study in Great Britain, have failed to secure appointments in the railway collieries?

Mr. P. B. Rau: I can only ask my Honourable friend to bring to my notice the particular instance that he has in mind.

Lieut.-Colonel H. A. J. Gidney: Is the Honourable Member aware that the officer in charge of this department definitely stated that he was not prepared to enlist for such appointments any but those who have had coal mining experience in England?

Mr. P. B. Rau: I have not seen any such statement in the papers before me.

Lieut.-Colonel H. A. J. Gidney: If I send this to the Honourable Member will he kindly make inquiries?

Mr. P. B. Rau: Certainly, Sir.

Lieut.-Colonel H. A. J. Gidney: Thank you.

THE TRADE DISPUTES BILL.—*concl'd.*

Mr. President: The House will now resume further consideration of the motion that the Trade Disputes Bill, as amended, be passed.

Mian Mohammad Shah Nawaz (West Central Punjab; Muhammadan): Sir, I am afraid that these Honourable Members who are opposed to the passing of the Trade Disputes Bill, on the erroneous ground that it will stifle the trade union movement, have not really understood the object of this Bill. Admittedly there is a great deal of industrial unrest in India, and the object of the Bill is to restore calm. There is nothing revolutionary about clause 16, which is on the same lines as the English Act of 1927. If we examine the clause very carefully, we will find that it does not declare illegal a sympathetic strike as such. In fact it does not touch

[Mian Mohammad Shah Nawaz.]

the sympathetic strike, any more than it touches any other strike, unless and until the two main conditions are satisfied, firstly, that the strike has any object other than the furtherance of trade disputes; secondly, that the strike is designed or calculated to inflict a severe, general and prolonged hardship on the community and thereby to compel the Government to take, or abstain from taking, a particular course of action. It certainly does not place unlimited powers, as suggested by my Honourable friend, Diwan Chaman Lall, in the hands of Government.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): I never said that.

Mian Mohammad Shah Nawaz: The Honourable Member did say that. He very soon forgets what he says. As a matter of fact, it will be very very difficult for the prosecution to bring home the offence to the offender, because the Crown must prove that the hardship was severe, general and prolonged. The corresponding section in the English Act is section 1, which is certainly more severe than the clause we have before us. The English section 1 of the English Act says that a strike should bring hardship on the community, while the present clause 16 says that the hardship should be severe, general and prolonged. We have, as far as possible, restricted the scope of the clause. Again, Sir, it is said that clause 15 will unnecessarily interfere with the private rights of the employers and the employees. That is not the case. Clause 15 of the Bill will operate only in the absence of the notice of 14 days, and if due notice is given, any individual or any body of individuals can strike, after the expiry of the notice. The employer can also lock-out the employees after adequate notice.

Diwan Chaman Lall: There is no notice prescribed in clause 16.

Mian Mohammad Shah Nawaz: I am referring to clause 15; you are sleeping. (Laughter.) This clause 15, Sir, refers to public utility services which, as I have already said, are meant for the well-being of the country. The Government can claim the right, and have the right to see that the public utility services are not suddenly closed down or disorganised. Therefore, the strikers cannot take advantage of a private right and close down the industries all of a sudden. They cannot create a public wrong. I submit that there is nothing revolutionary at all about this clause. Clause 15 of the present Bill corresponds to section 6 (4) of the English Act of 1927, which says that, if any person employed by a local or public authority breaks his contract with that authority, knowing that the consequences of his so breaking his contract will injure the community, he is liable to undergo imprisonment not exceeding three months, or to pay a fine of ten pounds. I submit that we have also modified this clause considerably. I submit that this is a very necessary piece of legislation, both in the interests of the employer and the employee and we must pass it. We have discussed the Bill, clause by clause, and the Assembly has passed all the clauses. It is absolutely futile and puerile now to object to the passing of this Bill, which deals fairly with all parties concerned, Sir. I support the motion of the Honourable the Labour Member.

Colonel J. D. Crawford (Bengal: European): Sir, this House is about to pass what is an important measure of labour legislation. I do not

think I can congratulate Government on its solution of the Indian labour problem. Conditions of labour in India are vastly different from conditions of labour in the West—in fact conditions of labour in each province of India are different from conditions of labour in other provinces, and conditions of labour in towns are different from those prevailing in the rural areas. But we find ourselves tied to the chariot wheels of Labour Conferences at Geneva, which are controlled, in the main, by labour of the West. If we are to continue on that line, we may find our industries in this country severely checked and the labour which is dependent upon those industries for its living, submitted to considerable hardship. I am one of those, Sir, who—although I did not have the opportunity of speaking on the Trade Unions Bill—was opposed to the introduction at present of Trade Unions in India, and would have preferred something, with greater imagination, more suited to our conditions, the particular labour conditions in this country. I would have liked to see something in the nature of a Labour Research Bureau set up in India, which would have gone into questions which affected our labour, endeavoured to find out means of improving the conditions under which it works, of making the workers more contented and more efficient and at the same time of building up India's industries. However, Sir, having started along these lines of Trade Unions, the measure which we have now discussed and which we are now about to pass is a necessary corollary. The very speed with which Government have had to introduce it is to some extent an indication of the incorrectness of their original policy of introducing trade unions. Here, Sir, I would like to endorse the remarks of my friend, Sir Hugh Cocke, that I consider it unsatisfactory that Government should themselves agree to compromises in Select Committee (Hear, hear) rather than on the floor of this House. I can quite understand the Select Committee coming to the conclusion that it would be better to agree on certain lines, but I do not think Government should be pledged to any such compromises, except, of course, on the floor of this House. Certain amendments which Government themselves admitted and thought were sound, were rejected on this ground.

Now, Sir, what are the implications in this Bill? The first clause of the Bill seeks to provide, as my friend Mr. Shah Nawaz said, a means of bringing to an end the terrible industrial strife at present existing in this country and seeks to develop the relations between employers and labour on peaceful lines. That, I understand, is the first clause of the Bill. The second clause of the Bill deals with (1) the limitation of the powers of labour in public utility services, and (2), the extent to which it can use the weapon of the strike, a weapon which I hold is entirely and thoroughly antiquated today, and one which has done much harm both to labour and to industries. Now, Sir, upon the first part of the Bill I have endeavoured to press upon the Government that the clause which gives them permission to set up Courts of Inquiry and Boards of Conciliation should be more restricted in scope. The House, however, did not accept my amendment on that point, but I would ask the Government to remember that the power given to them is permissive and not compulsory and to see that their officials thoroughly understand that position. I am afraid, when we pass this clause into law, we will find the officials more and more interfering with labour disputes, and to my mind, that will not be satisfactory or in the interests of the settlement of trade disputes.

[Colonel J. D. Crawford.]

Now, Sir, I would turn to the right of this House to limit the powers which it grants to labour with regard to the use of the weapon of strike. Those workers who are employed in public utility services are to some extent the servants of the public and have a peculiar responsibility to the public and a peculiar power in the use of the strike, which are not afforded to workers in other industries or services. I think we have a right therefore to say to these men: "While you have the right to cease work if the conditions of labour are not satisfactory, we have the right to see that you give us a reasonable measure of notice, so that, if possible within the time available to us, we can see if it will be possible to arrive at a satisfactory settlement, and if that cannot be done or your demands are unreasonable, if we can make an effort to carry on the essential services required by the general public at large". I do not think we are imposing any great hardship in that respect on labour. I am one of those who believe with Mr. Chalmers that, if we do impose this limitation on workers working in public utility services, then it becomes the duty of this House to see that conditions of service in those public utility services are satisfactory. (Hear, hear.) Now, Sir, my friend Diwan Chaman Lall has made a very strong plea that no restriction should be put on the right of labour to use the weapon of the strike on the main ground that labour has no other weapon in India today, that it has no representation in this House to voice its needs; and yet, Sir, it seems to me from the course of the recent debate that the whole of the Opposition Benches are labour members. If my friend, Diwan Chaman Lall, will not accept that point, then the very fact that the Opposition Benches have so strongly opposed this Bill inclines me to the point of view that they desire to use the strike and industrial unrest as a political weapon, and that is a thing which, I submit, is not in the interests of the industry or labour of this country. The right lines which Diwan Chaman Lall should have taken would have been to press for greater labour representation in this House—but what has he done? The constitution is at the moment under review. I have not seen any labour organisation which has pressed that point upon the Statutory Commission now making inquiry in this country, and it has been left to the Europeans to press for greater representation for labour. I think Diwan Chaman Lall himself is at fault in this respect. In fact, he has strangled labour's right to make such a demand, for political purposes.

I think, Sir, this Bill, in the position in which we have got ourselves in regard to the settlement of the labour problem in this country, is a useful one. We must seek throughout, for a peaceful settlement of the differences between capital and labour. We do not want to handicap our industries; we do not want to increase the hardships and difficulties of our working classes in this country; and I would make an appeal, with the passing of this Bill, to those who represent labour to enter wholeheartedly into the work of the Whitley Commission, which is shortly to come to this country to examine the whole question of the labour problem and to see whether we cannot build up some machinery whereby all differences between capital and labour can be settled without constant strife and agitation throughout the countryside. Sir, I support the motion.

Mr. M. K. Acharya: (South Arcot *cum* Chingleput: Non-Muhammadian Kural): Sir, I desire to make just a few observations with a view, if possible, to persuade my colleagues, both on the left and on the right, to bring to bear upon this motion before the House, a certain balanced mind, if they can, in our present weariness of body and soul alike. As I sat listening on Saturday to the speeches, both of the present Government Member for Industries and Labour, Sir Bhupendra Nath Mitra, and of the future Government Member for Industries and Labour—my friend over there, who will become I hope the Government Member when the Nehruite Government after the 31st December is established—when I listened to those speeches, Sir, I could not help stating frankly, on the floor of the House, that I felt disappointed. I was disappointed at what I thought was the prosaic *tamasic* exultation of the Honourable Member on my left at the thought of getting his Bill passed; I was disappointed at what appeared to me to be the heighty-flighty mercurial *rajasic* protests from my friend on the right side; and between them both, as a humble Indian, I thought that I should perhaps try to strike a note of *sattvic* balance. Sir, my friend, Mr. Chaman Lall, with an eloquence which I envy, though I would not imitate declared the Bill to be a speculative doctrine, an unworkable mystery and so on and so forth.

Diwan Chaman Lall: I quoted Thomas Aquinas.

Mr. M. K. Acharya: I thought they were his own words; and it would have been better if they had been his own words, but he quoted somebody else to describe the Bill before him with approval. Anyway he asked with declamatory eloquence, "Who wanted this Bill?" And almost immediately I heard him say that "a demand had been made for part I of this Bill"—for the first 14 clauses I suppose he means—"but not for the rest". That, Sir, I think, displays the mentality of the question as to who wanted this Bill. He says the demand has been for clauses 1 to 14 but not for the rest. Perhaps not. But, Sir, I would tell him—I do not want to philosophise too much today—I would simply remind him of the English proverb, "There is no rose without a thorn", and if he wants a rose he cannot help taking the thorn also. That is my very simple answer to him. The thorn comes up in the last clauses of the Bill and he finds his rose in the first fourteen clauses; and he must take the thorn along with the rose if he wants the rose at all.

Sir, I am very much more seriously against another outburst of my friend. He has been trying very many times here to draw a distinction between what he called the working classes and the non-working classes in India; and I would, in all seriousness, put to him the question, "Who are the workers in India?" Is he not a worker? Am I not a worker? I think all of us are workers. Therefore, Sir, at least in India, so far as my humble knowledge of Indian conditions goes—and I can lay some little claim to know Indian conditions fairly well—all of us are trying to be workmen, each of us in our own way; and indeed, as the Lord of the *Gita* put it:

"*Kāryate hyavasah Karme sarvah prakritijair gunai.*"

"All men are working, working hard, working day and night through the inclinations born of the very nature".

[Mr. M. K. Acharya.]

Again,

*"Na mé parthāsti Kartavyam treshu lokeshu kinchama
Nanavapatam avaptavyam varta eva eha Karmani."*

"Nothing there is in the three worlds for me to attain, and yet day and night, incessantly am I working, says the Lord."

Indeed all of us are workers. Then why this silly distinction between workers and non-workers, working classes and non-working classes, the exploitation of the working classes, perhaps by my friend and others who are also, in my opinion, working classes, though perhaps not in their opinion. Sir, there are no compartments in life—labour, politics, sociology, religion, spirituality—to me all are various aspects of the One. I do not believe there are any compartments in life.

As the poet has said :

*"All are but parts of one stupendous whole
Whose body Nature is, and God the soul!"*

Though his poetry is bad metaphysics; for Sankhya philosophy he did not know. I would re-write the couplet in Indian philosophy :

*"All are parts of one stupendous whole,
Composed of Nature, soul and Super-soul."*

that is to say *prakriti, purusha* and *Purushottama*. However, Sir, it may be elsewhere, the unity of Indian life cannot be denied; and to me, Sir, it is idle and mischievous to go on harping on this distinction between working classes and non-working classes. That is what the Government say—that in the name of Labour politicians are exploiting the working classes and it is not for the Honourable Member to repeat that. And by the way, let me congratulate him—I hear he is going to serve on the Whitley Labour Commission—but as I said, Sir, we are all one, labourers and non-labourers—we are all working men here.

Now, Sir, coming to the Bill before us, I believe from my own personal experience, that clause 15 is almost necessary because it deals with what are called public utility services; but I cannot say that I will accept clauses 16 and 17 and 18 unreservedly. But as I have already said, here is the first attempt at legislation upon the subject; we are just attempting it; and it must certainly and naturally take some time before it could be made acceptable to all concerned. I do not think anybody can claim to bring in a perfect measure at any time—not even, I say, when my friend there comes into power; but if he is so sure of achieving the great Swaraj which he and I alike want—well here is this Bill; and by this time next year, or in the next two years when he comes into power, let him bring in an amending Bill to eliminate clauses 17, 18 and 19. In the circumstances, Sir, the question is whether we should accept the Bill as a whole, or reject the Bill as a whole; and in rejecting the Bill, reject also those clauses which are really helpful and necessary; and in spite of my hesitation I would perhaps be forced to say that I would rather accept the Bill.

Now one single instance must suffice. The latest newspaper brought me this press message with regard to some labour trouble in my own City of Madras. It reads thus :

"Choolai Mills Strike. Labour Commissioner's Intervention. Madras, April 5th. Two representatives of the Board of Directors of the Choolai Mills arrived in Madras this morning from Bombay, with full powers to deal with the situation regarding the

Choolai Mills strike. They conferred with the workers and the Labour Commissioner in the afternoon, but no decision satisfactory to both parties has been reached.

Regarding privilege leave, the Labour Commissioner advised both parties to think over the proposals made during the discussion, and to meet again at the Commissioner's office to-morrow morning.

A meeting of the workers was held this evening, when their representatives explained the Directors' proposals. The men unanimously rejected the modification suggested, on the ground that a large section of workers would be disqualified from obtaining any benefit from such a measure."

Here is a concrete instance of some dispute, not yet settled, between the labourers and the employers in Madras. How will Mr. Chaman Lal, my labour leader (Laughter)—how will he solve this problem in Madras except by getting some conciliation board appointed as provided for in this Bill? If I want clause 6 of the Bill passed, as soon as possible, in order that this trouble in Madras may be very soon got over, naturally my Honourable friend Sir Bhupendra Nath Mitra wants to have his fee, to pass the whole thing, pass clause 6 along with the other clauses. Shall we have clause 6, shall we have some way for appointing a conciliation board and pouring oil on the troubled waters in the Madras labour world, and therefore shall we support the Honourable Sir Bhupendra Nath Mitra in passing the Bill today? Or shall we take my Honourable friend's advice and say, "There are some portions that are objectionable. Fie upon the whole thing." As a practical man, I would like to have a speedy solution; and so I cannot help giving some measure of support to the Honourable Sir Bhupendra Nath Mitra in seeing that this Bill is passed as soon as possible, in order that such troubles may come to an end at once. As regards those clauses which relate to illegal strikes and lock-outs, though I cannot give my unstinted support, still they do not relate to what may be called the ordinary life of the labour world. They are exceptional matters, which nobody wants to happen every day; and these exceptional incidents will have to be solved as they come under the best laws that we can think of. In course of time, as we gain experience, we shall be able to enact a piece of legislation which will be both sound in principle and helpful in practice. In these circumstances, reluctantly with regard to the later portions, and very readily in regard to the earlier clauses, I propose to give my support to this Bill.

***Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I do not see eye to eye with all the three speakers. I shall take the last speaker first. The Honourable Member for Chingleput, who obviously seems to be in the habit of counting the chickens before they are hatched, said that the Honourable Member from Lahore is going to be on a particular Commission. I, at any rate, am only willing to proceed on published announcements. I do not see any such announcement in the newspapers, though I have no doubt that, if the Honourable Member is given an opportunity to serve on that Commission, he will represent the cause of labour in the spirit in which he has represented it in this House, of which the labour representatives inside this House as well as outside in the country have been right proud. I do not see eye to eye with Diwan Chaman Lal myself in regard to certain observations he made about the good points in this Bill. ~~He said that up to clause 14 there were certain good things in the Bill. If I were to agree with him, I must concede that the Honourable Member for Labour has arrogated~~

*Speech not corrected by the Honourable Member.

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to himself the role of Providence, of whom it is said that Providence wisely mingleth good things with bad. The Honourable Member for Labour has wisely put in good things and bad things in this Bill, but the bad things seem to predominate over the good things, and I for my part would reject that Bill and ask the House to reject the Bill, even as Labour Members in the House of Commons rejected the Bill there.

This leads me, Sir, to the observations of Mian Mohammad Shah Nawaz. Anything coming from Mr. Shah Nawaz must be treated with great respect. I admit, though Mr. Shah Nawaz is a conservative, he is a sincere conservative, and I am prepared to concede that Mr. Shah Nawaz does not see anything revolutionary in the English Act. But Mr. Shah Nawaz is not in touch with the labour movement, though I admit his knowledge of the law is perfect—I admit he spoke only from the lawyer's point of view. But for the English labourer's point of view, for the English socialist's point of view, I would ask Mr. Shah Nawaz to read the speeches made in the House of Commons on the subject. I would ask him to read the speech of Mr. Ramsay Macdonald; I would ask him to read the speech of Mr. Snowden, and other Labour Leaders in the House of Commons, including that of my esteemed friend Mr. George Lansbury. If he reads those speeches, he will find that, so far as the socialists in the House of Commons are concerned, they look upon the recent English Act as a revolutionary piece of legislation, and if Mr. Shah Nawaz were to go to England and attend a few election meetings during the coming general elections, he would find that one of the most important issues on which Labour is going to fight the conservatives—and though prophecy is a dangerous role in politics, Labour commands the future of the British public life and Labour is very likely to beat the Conservatives to their knees; in any case they are going to raise their number in the House of Commons—the issue on which they are going to fight the general election, at any rate, one of the issues, one of the most important issues, is the revolutionary piece of legislation which was rushed through the British House of Commons by the Conservative majority.

Mian Mohammad Shah Nawaz: No. Unemployment is the main issue.

Mr. T. A. Chalmers (Assam: European): Is the Honourable Member going to stand for Parliament as the Labour Member for Whitechapel?

Mr. C. S. Ranga Iyer: It is always amusing to hear the Member representing Assam planters occasionally emerging from his sphinx-like silence. But I am now concerned with the arguments and the observations which were made in this House, though I am sure the Honourable Member is rather interested in what is happening in his own country. Mr. Shah Nawaz referred to the English Act. I ask how and when was the English Act introduced in the House of Commons and rushed through the House of Commons? There is a socialist movement in England. Time was when there was only one Labour Member in the House of Commons. Today Labour happens to be His Majesty's Opposition. The trade union movement has acquired great strength, and is at present very strong, as should be evident to any one who witnessed the last general strike. Therefore, the Conservatives thought that they must obstruct Labour by legislation, and succeeded in getting that Act on the Statute-book. But, Sir, what is the condition, I ask, of the trade union or labour movement in this

country? To pass this Bill, with those particular clauses which even capitalists like Mr. G. D. Birla do not approve—to pass this Bill with those clauses is just like strangling a child in its cradle. It is nothing short of strangling a child in its cradle; and Sir, I charge the Honourable the Labour Member with committing an act of that kind by bringing in legislation of this nature, strangling the young trade union movement.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rurā): Strangulation means manslaughter or murder.

Mr. C. S. Ranga Iyer: My Honourable friend Mr. Kabeer-ud-din Ahmed talks of manslaughter and murder. This is certainly slaughter of the trade union movement. It may not be the slaughter of one man; it is certainly an attempt to slaughter a movement, and I must say frankly that, if this Bill is passed, a Bill which is more drastic, which is more dangerous than the Public Safety Bill, which only deals with a handful of supposed English undesirables, if this Bill is passed, I am sure it will appear that the Government have made up their mind about the labour and socialist movement in this country. I ask why Colonel Gidney, of all men, should be afraid of labour being brought into politics. Has not labour the right to take part in politics?

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): It was Colonel Crawford who said it.

Mr. C. S. Ranga Iyer: I beg your pardon. I ask Colonel Crawford—is not labour in his own country taking part in politics? Is not Labour His Majesty's Opposition in the House of Commons? Does he not know how the trade union movement is working in his own country? Why deny politics to labour? Labour is perfectly entitled to exercise its right to take part in politics.

Colonel J. D. Crawford: I never denied politics to labour. I suggested that labour should not do it by means of strikes.

Mr. C. S. Ranga Iyer: Here comes the sympathy of the Honourable and gallant Colonel for labour. He wants to protect labour from strikes. He ought to know that the strike strikes the strikers themselves. I say, Sir, that labour is entitled to strike when a strike is necessary. How can labour improve its prospects otherwise? A situation does come in every country when the dividing lines between labour and politics become very thin. When labour is in the whirlpool of politics and politics is in the whirlpool of labour, socialism shall march so strongly, so powerfully and so furiously that the Congress will have to hide its diminished head.

It is not the politician who is going to exploit labour. He should not exploit and cannot exploit. It is labour which is going to exploit the politician. I am perfectly in agreement with Colonel Crawford when he says that labour should not be exploited, but those who have watched the non-co-operation movement know that it was the object of its great founder not to mix up labour and politics. I happen to be the founder of a big labour union in Lucknow, and although I have severed my connection with it owing to great responsibility and pre-occupation, my two esteemed friends, one of whom was a Member of this House, Pandit Harkaran Nath Misra, and the other of whom, Chaudhri Khaliq-uz-Zama, was the Chairman of the Municipality, were the office bearers of that Labour

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Union. When Mahatma Gandhi was in Lucknow in the height of the non-co-operation movement, in the enthusiasm of their hearts, the labour men struck work and went to have the great Mahatma's *darshan*. I shall tell you what the Mahatma said. He asked those non-co-operators who had anything to do with the strike, to resign, because these men had no business to strike, even to the extent of going to the railway station in order to have his *darshan*. No responsible political leader has exploited labour, and labour will refuse to be exploited. A time is bound to come when the excesses on one side will be answered by idiosyncrasies on the other, when blundering stupidity on one side will be answered by intransigent action on the other. Sir, when a labourer strikes, he harms himself, and, by passing a Bill of this kind, you cannot stop labour from striking. You cannot stop it any more than you can stop the waves of the sea. This is therefore a panicky piece of legislation. It is unnecessary legislation. This is legislation which should not be on the Statute-book for exactly the reasons which have been embodied in the dissenting minute of my friend, Mr. Jamnadas Mehta, and others. Therefore I oppose this measure. It is a great pity that it was referred to the Select Committee at all, but it would be a greater pity if it was placed on the Statute-book.

Mr. Fasal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): I rise to oppose the third reading of the Trade Disputes Bill. It may appear a little awkward for a person who has all along worked for that Bill, asked Government to introduce that Bill and carry it in the last Simla session, to come forward now and oppose the Bill. Sir, I asked for a division on my amendment, and I will just show to the House that four things have been revealed by that division. One is that the Swarajists can walk into the Government lobby without the least hesitation. (*Opposition Benches*: "The Government followed us".) The second is that Government can deliberately create tension between labour and capitalists. The third is that there is no unity of action between the Provincial and the Central Governments, and fourthly, that Government cannot be trusted, as according to the Bill a trust is going to be imposed on them.

Mr. T. A. Chalmers: Fifthly, Government can vote in the Swarajist lobby. (Laughter.)

Mr. Fasal Ibrahim Rahimtulla: I shall deal with the last point first, and in order to develop the last point, I shall have to trace somewhat the history of this legislation. The Commercial community has, as I pointed out, asked for this legislation, and the representative of the commercial community pressed in the last Simla session that the Bill should be passed into law in that session. Government, for reasons best known to themselves, came forward with a dilatory motion and asked that the Bill be sent out for circulation. Now, Sir, what is the idea of circulation? The idea of circulation is to find out whether the Bill is perfect or can be improved; secondly to find out the opinions of those who are interested in the Bill as to whether they favour it as it stands, or whether they would like to make suggestions which would be acceptable to Government and to the House. Therefore, Sir, it was the Bombay Government who made a

useful suggestion, and that was backed up by the commercial community of Bombay and their opinion is this :

"The Governor in Council is of opinion that a provision in the Bill may be made to the effect that, as soon as a matter in dispute has been referred to a Court of Inquiry or a tribunal, picketing should at once become illegal in all its forms and it should remain illegal in case the decision of the tribunal does not result in peace. The Local Government report that the Chamber of Commerce, Bombay, the Ahmedabad Millowners' Association, the Indian Merchants' Chamber, the Bombay Electric Supply and Tramways Company and the Director of Information and Labour Intelligence, Bombay, also are of the opinion that a clause should be inserted in the Bill to make picketing illegal. The Commissioner of Police is strongly of opinion that picketing cannot be dealt with under the Indian Penal Code and, if it is to be dealt with, it must be prohibited and made into a substantive offence."

As Honourable Members have here pointed out, this opinion was debated in the Select Committee, and it was dropped for reasons other than the merits of this amendment. The Chairman of the Select Committee has told this House that the reasons were that the Select Committee was afraid that, if this provision was embodied, it might have led to the re-circulation of the Bill, or the amendment might not have been within the scope of the Bill. It was for this reason that Sir Purshotamdas Thakurdas, the representative of the commercial community of Bombay, did not press this amendment in the Select Committee. This fact was revealed by the Chairman of the Select Committee before this House the other day. Now, as regards the second point, you have, Sir, already ruled that the amendment was within the scope of this Bill. The other point was that the very idea of circulation would be destroyed if the Select Committee were afraid of the question of re-circulation. This Bill was circulated, and every opinion received in the Select Committee should be considered on its own merits, otherwise the circulation of the Bill would have been meaningless. What is the good of circulating a Bill when you refuse to consider the suggestions made by various people to whom the Bill is referred? I think, therefore, that it is very wrong, on the part of the Government, to have got up here and opposed the amendment on the ground that they were afraid of re-circulation.

Now, Sir, it raises one very important point to which I would particularly like to draw the attention of the House. It is this, that the Honourable Member in charge of Industries and Labour told this House that he was not prepared to accept the amendment simply on the ground that three members of the Select Committee told him that he had arrived at a certain agreement. Now, Sir, can any Government be trusted, which would come and tell this House that it is not prepared to agree to any useful suggestion made on this Bill before this House. Sir, you have been blamed, whether rightly or wrongly, by Sir Darcy Lindsay for becoming a dictator in this House. Now, what is it that the Government attitude is in regard to this Bill? If it is not an attitude of dictatorship, then I should like to know what it is. They actually come and tell this House that they are not prepared to accept any amendment at all and maintain that the Bill is for the benefit of capital and labour. The Honourable Member also says that he is opposing the amendment simply because three individual members of the Select Committee have told him that there was a certain arrangement arrived at. Now, this arrangement was not arrived at in the Select Committee at all, because if it were so, the Honourable Member would have made a statement to that effect when he moved the consideration of the Bill, and it would not have been repudiated

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on the floor of this House by the Chairman of the Select Committee. I say, even if it is true that there was a certain arrangement, was the Honourable Member right in allowing a free discussion in this House and then opposing the amendment, not on the merits of it, but on the ground that he had arrived at a certain agreement?

Now, as regards the Provincial Government, I am very much surprised that the representative of the Provincial Government here, my friend Mr. Allison, should have thought it proper to have voted against that amendment. As I understand it, Sir, the representatives of the Provincial Governments are sent to the Assembly to look after the interests of the Provincial Governments and to draw the attention of the Government of India to the matter in this House if the interests of the Provincial Governments are not looked after. Here is my friend, Mr. Allison, representing the Bombay Government in this House but voting against the amendment. Mr. Webb was here, but he did not vote on the amendment. I give him credit for remaining neutral.

-**Mr. M. S. Aney** (Berar Representative): He fell sick.

Mr. Fazal Ibrahim Rahimtulla: He was in the House.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): We are glad to receive this information.

Mr. Fazal Ibrahim Rahimtulla: I would now like to mention a point or two about the speech of my friend, Diwan Chaman Lall. He told us the other day that I had not read the provisions of the English law. Now, I have told him more than once, that it is all right for us to see the provisions of the English law, to study them and to be guided by them. But the conditions in this country and in England are quite different. We have here hardly 7 per cent. of the literate class, whereas in England there are 97 per cent. literate people. The second point is that in England they have responsible government, whereas we have a government which is not responsible to this House. Therefore, Sir, if any legislation is to be brought forward, it must be judged on its own merits, having regard to the conditions in this country. Now, what does my friend, Mr. Chaman Lall, do? He comes forward and reads the English Act, but when he is asked whether he is prepared to accept its provisions, he says "No", and he finds fault with the amendment which I had moved in this House. I hope, Sir, my friend Mr. Chaman Lall will think twice when he is crying for independence, not to follow blindly the English provisions in the Trade Disputes Bill.

I want, therefore, to make my position clear. I have always maintained that, when this House accepts the motion for referring a matter to a Select Committee, it is understood and it is implied that the House accepts the principles underlying the Bill. Therefore, I have always maintained that, having accepted that motion, it is wrong for this House to object to the motion for consideration. But if there is any amendment made which is not according to the wishes of any individual member or any individual party, it is right at this stage, when the motion for the third reading is made, to oppose it and to show that the Bill, as a whole, is not acceptable to us because we find that, without the clause on picketing, which is, as I have pointed out, its corollary, it would destroy its utility.

There is another aspect of the question, to which I would like to draw the attention of the Government. Government have already accepted the merits of the amendment, but they have pointed out certain difficulties. I do not know whether those difficulties are real, but if they are real, then they are entirely wrong in principle to have committed themselves to this Bill without taking the decision of this House and without judging the merits of the suggestions that may be put forward by this House. But it is still open to Government, when the Bill, if it is passed here, goes to the Council of State, and if any Member of the commercial community gives notice of a similar amendment there, to reconsider and have this Bill amended there. I am throwing this suggestion to the Government because they cannot put forward the plea that it is too late to embody that provision in the Bill.

With these words, Sir, I oppose the third reading of the Bill.

Lieut.-Colonel H. A. J. Gidney: Sir, my remarks will be very few at this stage of the Bill. My chief reason for getting up is to support what has already been said so fully by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla. Sir, it was very unfortunate that Government thought it necessary to reject his amendment as, in my opinion, it forms the very nucleus of the Bill. Without clause 19, the rest of the Bill as an antidote to the present labour unrest and strikes seems almost valueless.

Surely, Sir, the Honourable Member in charge of Industries has ample evidence before him to realise that more harm is done during labour unrests and strikes by picketers than by those who actually refuse to work. Surely the past history of labour unrest, with its bloodshed, its dislocation of traffic in this country, is sufficient evidence for the Honourable Member to realise that this clause was a very necessary one for incorporation in this Bill?

Sir, I hope this Bill will be passed, and when it is a *fait accompli* it will form a milestone in the history of labour in this country, which will be for its improvement and security. But I doubt very much if this Bill will be of much practical use, for its practical effect will amount to nothing. You will not be able to operate it effectively as you have not the jail accommodation. It will therefore have a deterrent effect only. Can the Honourable Member assure this House that the passage of this Bill will be any antidote to the present labour unrest and against strikes, to the extent that he thinks it will be? I submit it will not, so long as some clause is not incorporated which makes punishable with jail the activities of picketers. It is all very well legislating against the poor ignorant workman, the man who readily accepts the advice of his ring leaders, and may be, drops it as soon as it has been accepted. It is no use legislating for the punishment of the striker and letting loose those political wire-pullers, those leaders of such unions who control these labour unions, men who lay the gun powder fuses of strikes for the workmen to set a light. Those are the people who should be caught and punished more severely than the workmen, and not to include in this Bill such a measure of protection as I have said, to negative its value from the practical point of view. Therefore I support what my friend, Mr. Fazal Rahimtulla, said when he appealed to the Honourable Member and offered him a *via media* of resiling from the present unfortunate position created by the rejection of

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clause 19. The Honourable Member would have done wisely if he had not agreed to the exclusion of this clause outside the House as a result of a private settlement with some Honourable Members of the Select Committee. But the opportunity is yet in the hands of the Honourable Member, for when this Bill is considered by the Council of State, I hope he will not stand in the way of giving them the opportunity of incorporating clause 19 in it and return it to us for final consideration. I appeal to the Honourable Member to see that the Council of State be given an opportunity to rectify what I consider to be serious omission of this House.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, the discussion again has centred round clauses 15 and 16 of the Bill and the clauses consequential to clause 16, apart from the diversion created by my friend, Mr. Fazal Ibrahim Rahimtulla and his supporters; to which I shall refer later on in the course of my speech.

I had no intention of making a long speech at this stage, but I am afraid I cannot help it, for my friends opposite will probably claim that I have been overpowered by the force of their arguments. (Hear, hear.)

Mr. S. Srinivasa Iyengar: But everything that was said was very true!

The Honourable Sir Bhupendra Nath Mitra: At the same time there is nothing new in those arguments. My friend, Mr. Srinivasa Iyengar, began by saying that, if he could be persuaded to accepting this measure, undoubtedly I could have persuaded him. Now, Sir, that is my difficulty. I cannot persuade people who refuse to be persuaded, and as my Honourable colleague to my right said the other day, not even an archangel could persuade my friends opposite, and as I do not claim to be a super-archangel or anything of that sort, I must give up the effort.

My Honourable friend, Mr. Srinivasa Iyengar, admitted that there has been a great deal of sophistication, conscious or unconscious, on the part of us all in dealing with the matter. If that is an admission which relates to the protagonist of labour on his side, Diwan Chaman Lall, I am glad to hear of it. If it refers also to other Members of the Party, I am again glad to hear of it. So far as I am concerned, I have never attempted to use any sort of sophistication, but have based my case on arguments from which I have never wavered, and on statements of facts, which I quoted from authorised publications of the International Labour Office at Geneva.

My friend, Mr. Srinivasa Iyengar, tried to disprove my statement that there is an absolute right to strike enjoyed, under all circumstances, by all workers, without distinction, by quoting extracts from the Labour Year Book of 1928, intended to show the position in this respect in England. It is to my mind obvious that a book like that will be inclined to give a one-sided picture of the case. As I have said more than once, personally I place greater reliance on the publications of the International Labour Office. The position in England is dealt with fully at pages 1 to 86 of Volume II of "Freedom of Association" issued by the Geneva Office, and I should like to place before the House a few extracts from the Conclusion at page 69 of that book:

"The British Statutes affecting the right of association contain no reference to any 'right' or 'freedom' whether for the individual or for the association. It has probably never been unlawful in Great Britain to combine for a lawful object."

(Those words are italicised.)

"As the foregoing pages have amply shown, the English law relating to trade unions is intricate in the extreme. This is for the most part due to the fact that the problems raised by the trade union movement in Great Britain have been dealt with piecemeal, as from time to time they became acute. Acts have been passed by Parliament, and a body of case law built upon them. When the decisions of the Courts have led to a position which, for one reason or another, was held untenable, amending Acts have been passed to meet the difficulty

Now, Sir, in view of the intricate position connected with the English law, I referred in my previous speeches to the general position in most of the countries in the world. In fact what I said on previous occasions made it clear that in no country, barring one (Esthonia), was the inherent and absolute right to strike of all workers admitted. That being so, the Bill before us does not contemplate any catastrophic change in any inherent and absolute rights. Another argument which was used by my Honourable friend was that the working classes were not properly represented in the Assembly and therefore this Assembly should hesitate to pass this measure. That argument has already been dealt with by my Honourable friend, Mr. Acharya, and by some other speakers who have spoken before me. Now, Sir, as the constitution of India at present stands, it rests with this House, as part of the Legislature of the country, to approve of enactments, and in approving of these enactments, it is naturally guided by the requirements connected with the welfare of the community. That, Sir, at the present moment, is the right of this House. It is quite possible that later on the composition of this House may change. My Honourable friend, Mr. Acharya, referred to what may or may not happen after the end of the year. I am not particularly concerned with that. But one reason why the currency of this Act was put down at five years was that probably, in the course of the next five years, there will be a change in the constitution, and it was considered only fair that a body established under the new constitution, which might be of a more representative character than the present House, should be given an opportunity for reconsidering this legislation as early as possible.

Lieut.-Colonel H. A. J. Gidney: Then, why don't you make it two years?

The Honourable Sir Bhupendra Nath Mitra: The next point which has been urged is that the Bill, if it becomes law, will stand in the way of political advancement of the working classes. I fail to discover any provision in this Bill which is likely to have that effect. Of course the speeches of my Honourable friends do not throw any light on the subject. My Honourable friend, while admitting that the man who simply desired to stop work was not likely to be penalised under the provisions of this Bill, also drew attention to the fact that clause 10(b) of the Bill would prevent the possibility of either collecting funds or applying funds in support of those who are out on illegal strikes. This was a matter which was carefully considered in the Select Committee, and my Honourable friend, Mr. Acharya, took great pains in trying to modify it to the extent that a modification was considered to be reasonable. That is the reason why the word "direct" was put into that sub-clause, the explanation given in the report being that the change was intended to exclude cases in which money was spent upon the relief of

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the dependants of strikers. My Honourable friend has said that clause 17 is directed against men like my Honourable friend Pandit Madan Mohan Malaviya, who is bound to go about and ask the working man to improve his lot. I have not the slightest doubt that my Honourable friend, the Pandit will go on performing this humane task, but I have not the slightest doubt also that he will be the last person to direct, instigate or incite the workmen to go on strike, which, among other purposes, is designed or calculated to inflict a severe and prolonged hardship upon the community. I know that that is not in his nature and I know that he condemns strikes of that sort.

Mr. S. Srinivasa Iyengar: I do not know that.

The Honourable Sir Bhupendra Nath Mitra: My Honourable friend. Mr. Srinivasa Iyengar then referred to the mischief of clause 18. I really fail to see how what he said in that connection coincides with his theory, and that theory is correct, about the inherent right of a man to work. I must reiterate the view which I have already expressed that the effect of this Bill, if it becomes law, will be to promote healthy development of the trade unions. During the period of five years for which the Bill will be in operation, it is very desirable that these unions should start on the basis of small units, and if they can be so started during that period and thereafter reach a stage where the units should grow into larger bodies, whose development would be adversely affected by the provisions of this Bill, it would be open to this House to modify the provisions after the next five years.

I think it was my Honourable friend, Mr. Aney, who observed that the effect of this Bill would be to isolate labour from the rest of the Indian population. I have failed to understand how that position is likely to be reached. My Honourable friend again made some observations that this Bill will have the effect of stopping sympathetic strikes. Surely that will not be the effect of this Bill. Sympathetic strikes will become illegal only to a very limited degree, and that must be apparent to any of my Honourable friends opposite who have studied the Bill with any care.

I shall now deal with the point which was raised by Sir Hugh Cocke and by Mr. Fazal Ibrahim Rahimtulla and other Honourable Members, who have supported him in the contention which he placed before us. The point of view of these gentlemen is that I, as the Government Member in charge of the Bill, should have reserved in the Select Committee the right to put down any amendments I liked on the agenda paper and to support any amendments that other Members might put down.

Mr. Fazal Ibrahim Rahimtulla: No, that was not our point of view.

The Honourable Sir Bhupendra Nath Mitra: I have quoted the words as I took them down from Sir Hugh Cocke's speech.

Mr. Fazal Ibrahim Rahimtulla: Our point was that Government had no right to bind themselves to any agreement with individual members of the Select Committee.

The Honourable Sir Bhupendra Nath Mitra: That, if I may say so, is a particular variant of the general proposition. My Honourable friend, Sir Hugh Cocke, is not here at the present moment. But I am sure every Member representing the European community will bear with me in my line of argument. They are all business men, and they must realise that, when, in the course of settling a business, a compromise has to be made, that compromise must be made without any equivocation or mental reservation. (Hear, hear.) I also hope that my Honourable and gallant friend Colonel Crawford, who has been a soldier for years, will agree with me that the only proper course for me in this matter was to have played the game. (Hear, hear.) As it is, this matter was left by the Select Committee in a somewhat uncertain position. The Bombay Government had made a certain proposal. My friend Mr. Fazal Rahimtulla was not kind enough to read out the whole of their arguments in respect of their proposal. This is what they went on to say:

"The Governor in Council, after giving very careful consideration to the question, has come to the conclusion that the proposals as regards picketing made by the Indian Merchants' Chamber should be adopted, partly because they come from a body, the views of which are likely to carry weight in the Assembly."

Sir Purshotundas Thakurdas, representing the Indian Merchants' Chamber, in the Select Committee, refused to pursue the matter.

Mr. Faza' Ibrahim Rahimtulla: What was the reason?

The Honourable Sir Bhupendra Nath Mitra: He never gave any notice of an amendment to be moved in this House. (Hear, hear.) Even so, my mind was more or less clear that I had given no undertaking to Members of the Select Committee on the point. Still, when four Members of the Select Committee told me that they left the Select Committee with the impression that this was one of the points covered by the settlement in the Select Committee, naturally I felt that I must give them the benefit of the doubt, and that I had no other course open to me. I am pretty sure my Honourable and gallant friend Colonel Crawford will agree with me.

Colonel J. D. Crawford: I am not quite certain whether I agreed with his action in the Select Committee on this point. Surely amendments moved later should be considered on their own merits by the House.

The Honourable Sir Bhupendra Nath Mitra: I have already referred to that point, and I shall explain that to him again. If we have got to settle a particular business on the basis of a compromise, that compromise must be without equivocation, direct or indirect. That compromise carries with it an assurance that thereafter the people who are parties to that compromise will not try to upset the balance of that compromise. That is the point.

Mr. Fasal Ibrahim Rahimtulla: There should be no compromise of principles.

The Honourable Sir Bhupendra Nath Mitra: There was no question of principle. If I had not been able to arrive at that compromise, I am pretty sure Members of the Select Committee will confirm my statement

[Sir Bhupendra Nath Mitra.]

that we would not have got this agreed Bill. The question was whether, by accepting a compromise, I should have a rose with certain thorns, or by not accepting that compromise, I should try to have another rose and risk the rose and thorn which I might otherwise have got.

Sir Darcy Lindsay (Bengal: European): With reference to what my Honourable friend particularly alluded to in the matter of a compromise, does he mean, give and take—that is, that one amendment he did not strongly oppose because the other side accepted one of his propositions? If he refers to a compromise in that respect, I am with him. But I maintain, Sir, that there was no general compromise in the Select Committee.

Mr. President: The Honourable Member is entitled to oppose the Bill when going to the lobby.

The Honourable Sir Bhupendra Nath Mitra: The compromise was fundamentally of the nature referred to by my Honourable friend, Sir Darcy Lindsay, in the earlier part of his last speech. But certain Honourable Members left the Select Committee with the impression that the compromise included an understanding that no new matter was to be imported into the Bill during its progress through this House, and such an impression was perfectly legitimate, for if there had been no such general understanding, the compromise, as referred to by my Honourable friend, would have been perfectly nugatory. If I had, so to say, a settled Bill or an agreed Bill, and then I came back to this House and tried to put in a number of amendments which would have added new matter to the Bill, I would have broken the compromise.

Colonel J. D. Crawford: Does not that amount to delegating to the Select Committee powers to settle the Bill over the head of the House?

The Honourable Sir Bhupendra Nath Mitra: I am afraid my Honourable friend is not wholly correct there, because the point is this. The matter had been fully discussed in Select Committee. It is not a matter that had not been discussed; the matter had been discussed in Select Committee, but for certain reasons which I have already mentioned, and which I do not want to repeat, that Committee came to the conclusion that they must drop it. Then we arrived at this Bill. If I had then told the Select Committee: "This is all very well; but I reserve to myself the right to bring in other amendments in the House,—to make other additions or alterations to this Bill," the Select Committee would undoubtedly have got suspicious of my intentions. That is not the way of doing business, and I am pretty sure my friends Sir Darcy Lindsay, Colonel Crawford, Mr. Fazal Rahimtulla and Colonel Gidney will agree that my action in the matter is the only correct way of doing business.

Mr. Fazal Ibrahim Rahimtulla: Do I understand that Government will refuse to accept any amendment to the Bill on its own merits, except the report of the Select Committee as it stands?

The Honourable Sir Bhupendra Nath Mitra: I have made my position perfectly clear. Where it is an agreed Bill, there is no option on the part of the Honourable Member in charge.

Mr. Fasal Ibrahim Rahimtulla: Otherwise, the Swarajists would not have written all their minutes of dissent?

The Honourable Sir Bhupendra Nath Mitra: We know that; but we managed to secure a considerable body in favour of the agreement.

Mr. S. Srinivasa Iyengar: You destroyed the Swarajist majority by this agreement, and you want to get the benefit on some other matter.

Mr. Fasal Ibrahim Rahimtulla: What about Mr. G. D. Birla?

The Honourable Sir Bhupendra Nath Mitra: My friend Mr. Acharya stated, in the course of his speech, that the hysteric oration of my friend, Diwan Chaman Lall, had something behind it. It was the first time that that possibility dawned on my mind. I had throughout given my friend the benefit of his good intentions, though I had undoubtedly realised that he had never studied the Bill before, in spite of his protestation to the contrary. He has made to me another of his hysteric appeals, but as there is nothing of substance in it, it did not touch my heart. I think he said that the debates in this House would furnish a public record to convince the public that he argued the case fully and on its merits and that there was nothing of substance in my own arguments. Well, Sir, I do not desire to traverse the ground which I have already covered, but I cannot help making one or two pointed observations. When my Honourable friend was speaking on clause 16, he undoubtedly was under the impression that the effect of that clause would be to penalise the workmen who had ceased to work or refused to continue to work or to accept employment. He characterised the clause as a piece of slave legislation, and this is precisely what he said:

"If a man refuses, in concert with his fellow workmen, to be engaged in any particular employment because he wishes to go on a sympathetic strike to help his fellow workmen and thereby causes hardship to the community in order to compel Government to alter its decision, then his action will be penalised."

Nothing of the sort. I think he also said that he was opposed to all strikes.—I have already referred to the matter in a previous speech,—and he considered to be criminal, the act of a person who went out of his way to instigate a strike. Now, Sir, as I have already stated, that is the sort of man we want to catch

Diwan Chaman Lall: May I ask the Honourable Member if he will permit me to put a question to him?

The Honourable Sir Bhupendra Nath Mitra: I have no desire, Sir, to listen to another of my friend's hysteric appeals.

Diwan Chaman Lall: I do not want to appeal to the Honourable Member's head,—only to his heart.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, I can assure the House, as I have already assured it that in my mind there is no motive underlying this measure other than the welfare of labour, the welfare of the community and the development of trade unions on healthy lines. I do not therefore consider this Bill to be a tragedy. It may interest my Honourable friends opposite to hear that, quite recently, the *Pioneer* had a short article in which it said that measures like those embodied in clause 15 and clause 16 were necessary in any country and every country.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Why do you not quote the *Pioneer* on the Public Safety Bill?

The Honourable Sir Bhupendra Nath Mitra: I quote it in connection with the Bill before the House, because it might appeal to some of my Honourable friends opposite. It further said that the Legislative Assembly should examine the provisions embodied in the Bill critically and see that they contained adequate safeguards. That, Sir, if I may say so, my Honourable friends opposite have failed to do here. In Select Committee we did a good deal of work in that direction, and some of the clauses were modified, and in this task we had the assistance of some Members of the Benches opposite. Unfortunately a party mandate has prevented my friends opposite from looking at the matter dispassionately in this House. I regret, Sir, that that should be so, but I cannot help it.

Mr. S. Srinivasa Iyengar: I looked at it most dispassionately.

The Honourable Sir Bhupendra Nath Mitra: I move, Sir, that this motion be adopted.

Mr. President: The question is that the Trade Disputes Bill, as amended by the Select Committee, be passed.

The Assembly divided:

AYES—56.

Abdoola Haroon, Haji.
Abdul Asiz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Costman, Mr. J.
Cockgrave, Mr. W. A.
Crawford, Colonel J. D.
Cresser, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan,
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghazanfar Ali Khan, Raja.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyad.
Ismail Khan, Mr. Muhammad.

Jawahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur
Makhdom Syed.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Subrawardy, Dr. A.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Manvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfikar Ali Khan, Nawab Sir.

NOES—38.

Abdul Matin Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Bhargava, Pandit Thakur Das.
 Chaman Lall, Diwan.
 Dutt, Mr. Anar Nath.
 Dutta, Mr. Srish Chandra.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa.
 Jogiah, Mr. V. V.
 Kartar Singh, Sardar.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Rafi Ahmad.
 Lahiri Chaudhury, Mr. D. K.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.
 Mitra, Mr. S. C.
 Moonje, Dr. B. S.

Mukhtar Singh, Mr.
 Munshi, Mr. Jehangir K.
 Murtusa Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Rahimtulla, Mr. Fasal Ibrahim.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Sardar, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Rajjvaranjan Prasad.
 Sinha, Mr. Siddheswar Prasad.
 Tirloki Nath, Lala.

The motion was adopted.

Mr. President: As the Trade Disputes Bill is now out of the way, I propose to give my ruling

(At this stage two bombs were thrown from the Visitors' Gallery, and burst among the Benches occupied by the Official Members, causing injury to certain Members. Confusion prevailed and Mr. President retired. After a few minutes, Mr. President resumed the Chair.)

Mr. President: In view of the most shocking and deplorable incident, I propose to adjourn the House till Thursday morning, 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 11th April, 1929.