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**THE  
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(Official Report)**

**VOLUME VII**

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**FIRST SESSION**

**OF THE**

**SECOND COUNCIL OF STATE, 1926**



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# COUNCIL OF STATE.

Thursday, 25th February, 1926. -

The Council met in the Council Chamber at Eleven of the Clock, the Honourable the President in the Chair.

## QUESTIONS AND ANSWERS.

### EXPENDITURE ON THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN, ETC.

112. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state what is the total cost of the Imperial Forest Research Institute, Dehra Dun, to the Government of India? How many sections are there in the Institute? How many sections are put in charge of (a) European officers, and (b) Indian officers? How many officers in charge of the sections are in permanent employ and how many temporary? What are the qualifications of the officers in charge of the sections?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The work done at the Institute is of two kinds, research and education. Separate figures for the Research Institute and for the Forest College are not available, but as a result of the recommendations of the Indian Retrenchment Committee, the annual expenditure for the Institute and College was limited to Rs. 8,73,000 per annum for 1923-24 and the two following years. An annual revenue of over one lakh is realised from Local Governments, etc., on fees for students and from other sources.

There are five branches at the Institute, *e.g.*, Botanical, Economic, Silviculture, Entomological and Chemical.

A statement giving the further information asked for in this question is placed on the table.

Branch.	Officer..	Qualifications.	REMARKS.
1. Silviculture .	H. G. Champion on deputation from U. P.	B. A., I. F. S.	
2. Economic Branch .	C. C. Wilson, on deputation from Madras.	B. A., I. F. S.	
<i>Sections.</i>			
(a) Minor Forest Products.	Vacant.		
(b) Wood Technology	Kept in abeyance for 5 years from April 1924.		

Branch.	Officer.	Qualifications.	REMARKS.
(c) Paper Pulp . .	W. Raitt (Temporary) .	F. C. S. is a paper and pulp maker by profession.	
(d) Seasoning . .	S. Fitzgerald (Temporary).	Is a seasoning expert by profession.	
(e) Wood Preservation .	J. H. Warr (Temporary)	Is a wood preservation expert by profession.	
(f) Timber Testing .	L. N. Senman (Temporary).	M. A., B. Sc., M. E. I. C.	
(g) Workshops . .	W. Nagle (Temporary).	Is an expert wood worker by profession.	
3. Botanical Branch .	R. N. Parker on deputation from the Punjab.	I. F. S. . .	Mr. Parker is at present on leave and his Assistant Mr. B. C. Gupta, M. Sc., F. L. S., is now in charge of current duties of that post.
4. Entomological . .	D. J. Atkinson on deputation from Burma.	I. F. S. Special trained in forest entomology.	
5. Chemical . .	Dr. J. N. Sen, on deputation from Agriculture Department.	M. A., Ph. D.	

#### INDIANISATION OF THE POSTS OF SPECIALISTS AT THE IMPERIAL FOREST RESEARCH INSTITUTE AT DEHRA DUN.

113. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state what efforts have been made to put Indians in permanent charge of sections when the posts fall vacant or when the terms of the temporary specialist officers expire?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: Four Indians have already been appointed to understudy the Paper Pulp, Wood Preservation, Timber Testing and Seasoning experts.

The sole test for charge of these very technical sections is efficiency. When vacancies occur Indians available will be judged by that test and if found suitable they will be appointed.

#### APPOINTMENT OF AN INDIAN TO THE POST OF PRESIDENT OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.

114. THE HONOURABLE SETH GOVIND DAS: Will the Government be pleased to state whether they have considered the advisability of appointing an Indian expert with scientific and commercial training as the President of the Imperial Forest Research Institute, Dehra Dun?

THE HONOURABLE SIR MUHAMMAD HABIBULLAH: The reply is in the negative. The qualifications requisite for this post are more varied than is assumed in the Honourable Member's question and the *sine qua non* is a thorough practical experience in forestry. When an Indian with requisite qualifications is available the Honourable Member may rest assured that his claims will be considered.

**REDUCTION OF THE NUMBER OF OFFICERS IN RECEIPT OF Rs. 1,000  
A MONTH IN THE IMPERIAL FOREST RESEARCH INSTITUTE,  
DEHRA DUN.**

115. **THE HONOURABLE SETH GOVIND DAS:** Will the Government be pleased to state whether they have considered the advisability of reducing the number of officers getting over Rs. 1,000 a month with a view to retrenchment?

**THE HONOURABLE SIR MUHAMMAD HABIBULLAH:** It is assumed that the Honourable Member's question refers to the Forest Research Institute and College, Dehra Dun. If so, the reply is in the negative.

It is necessary to have officers of experience at the Institute and a limitation of the rate of pay in the manner suggested would make it impossible to carry out the purposes of the Institute.

**NUMBER OF INSTRUCTORS AND ASSISTANT INSTRUCTORS IN THE IMPERIAL  
FOREST RESEARCH INSTITUTE AND COLLEGE, DEHRA DUN.**

116. **THE HONOURABLE SETH GOVIND DAS:** Will the Government be pleased to state the number of Instructors and Assistant Instructors in the Forest College, Dehra Dun? How many of them are Europeans and Indians? How many Indians have held posts as Instructors since the College was founded?

**THE HONOURABLE SIR MUHAMMAD HABIBULLAH:** The sanctioned cadre includes 4 Instructors and 4 Assistant Instructors. Of these, seven are filled at present. Three Europeans hold Instructors' posts and four Indians hold Assistant Instructors' posts.

No Indian has yet held the post of an Instructor.

**CLOSING OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.**

117. **THE HONOURABLE SETH GOVIND DAS:** Will the Government be pleased to state whether they contemplate closing a part, or the whole of the Institute in the near future?

**THE HONOURABLE SIR MUHAMMAD HABIBULLAH:** The answer is in the negative.

**GRANT OF EXTENSIONS OF SERVICE TO TEMPORARY SPECIALIST OFFICERS  
EMPLOYED IN THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA  
DUN.**

118. **THE HONOURABLE SETH GOVIND DAS:** Will the Government be pleased to state how many of the temporary specialist officers have been given extensions of tenures and the length and number of the extensions granted to each officer?



**THE HONOURABLE SIR MUHAMMAD HABIBULLAH:** A statement giving the information asked for is laid on the table.

Name of Officer.	Section.	1st appointment.	1st extension.	2nd extension.
W. Raitt .	Paper Pulp .	For 3 years from December 1920.	For 2 years from December 1923.	For 1 year from December 1925.
S. Fitzgerald	Seasoning .	For 6 months from February to August 1924.	For 2½ years from August 1924.	...
L. N. Seaman . . .	Timber Testing .	For 3 years from September 1920.	For 2 years from September 1923.	For 5 years from November 1925.
W. Nagle .	Workshops .	For 3 years from February 1921.	For 3 years from February 1924.	...

**GRANT OF EXTENSIONS OF SERVICE TO THE TIMBER TESTING EXPERT OF THE IMPERIAL FOREST RESEARCH INSTITUTE, DEHRA DUN.**

**119. THE HONOURABLE SETH GOVIND DAS:** Will the Government be pleased to state whether it is a fact that the officer in charge of the timber testing section was first employed for three years in September, 1920, and has been since given an extension first of ten years and, when that term expired, for a further term of five years on a salary of Rs. 1,750 per month? If so, will the Government be pleased to state whether no qualified Indian was available for the post?

**THE HONOURABLE SIR MUHAMMAD HABIBULLAH:** As will be observed from the statement laid on the table in reply to the Honourable Member's previous question, the services of Mr. L. N. Seaman, officer in charge, Timber Testing Section, have been retained for a total period of 10 years in all.

No qualified Indian was available for the post because the work done in the Timber Testing Section is of an exceptionally technical nature. No Indian is as yet available to take charge of the Section although two Indian officers have been tried under training. Mr. Seaman has been at Dehra Dun for a total period of 5½ years.

**LEGAL PRACTITIONERS (AMENDMENT) BILL.**

**THE HONOURABLE MR. S. R. DAS (Law Member):** Sir, I move that the Bill further to amend the Legal Practitioners Act, 1879, as passed by the Legislative Assembly, be taken into consideration.

This is another Bill which intends to give effect to a recommendation of the Civil Justice Committee and is intended to deal with the evil of toutting. In accordance with the suggestion of the Civil Justice Committee the Bill provides a new definition of the word "tout". Under the present Legal Practitioners Act it is the District Judge who can declare a person to be a tout and he has to hold the necessary inquiry. The Civil Justice Committee suggested that the district courts should be empowered to authorise subordinate courts before whom a particular tout is supposed to carry on his work to make the necessary inquiry and submit a report to the

District Judge who should be the person to include the name of the tout in the list of touts, of course, after again hearing the person who is charged as a tout. The Bill attempts to give effect to that recommendation. Again, there has always been a difficulty in proving what is the general repute of the tout, and the Civil Justice Committee recommended that if the Bar Associations passed a resolution by a majority that a certain person was a tout, that should be taken as evidence of general repute, and the explanation in clause 3 of the new Bill provides for that. The Civil Justice Committee also suggested that there should be some punishment for a tout who, after being declared to be a tout, still carries on his work as a tout, and the last sub-clause of clause 3 provides for that. I move that the Bill be taken into consideration.

The motion was adopted.

THE HONOURABLE MR. S. R. DAS: Sir, I move as an amendment:

"That in clause (a) of the definition proposed to be inserted in the Legal Practitioners Act, 1879, by clause 2 of the Bill:

(1) the words 'or from any person interested in any legal business' be omitted, and

(2) for the words 'in such business' where they first occur, the words 'in any legal business' be substituted."

In the definition given in the Bill a tout is said to be a person who procures, in consideration of any remuneration moving from any legal practitioner or from any person interested in any legal business, the employment of the legal practitioner in such business. It was pointed out during the debate in the Legislative Assembly that the words "or from any person interested in any legal business" may include the case of a client employing a person to procure him a legal practitioner which he would be justified in doing and which would not necessarily make that person a tout, and it was suggested that this matter should be considered in the Council of State. In view of the expression of opinion of the Legislative Assembly, with which the Government agree, I am now moving as an amendment that the words "or from any person interested in any legal business" should be omitted, and that as a consequential amendment in place of the words "in such business" where they first occur, the words "in any legal business" be substituted.

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. S. R. DAS: Sir, I move that the Bill, as passed by the Legislative Assembly, and as amended by this Council, be passed.

The motion was adopted.

#### PROMISSORY NOTES (STAMP) BILL.

THE HONOURABLE MR. A. C. MCWATTERS (Secretary, Finance Department): Sir, I move that the Bill to provide for the validation of certain promissory notes, as passed by the Legislative Assembly, be taken into consideration.

[Mr. A. C. McWatters.]

The object of this Bill is to validate certain promissory notes which erroneously but in good faith have been stamped with postage stamps of two annas and four annas. The situation has arisen in this way. The Indian Stamp (Amendment) Bill which came into force on the 1st October 1923 raised the rate of stamp duty on promissory notes from the uniform rate of one anna to a sliding scale from one anna to four annas according to the value of the promissory notes. On the same date a notification was issued amending the Stamp Rules to allow postage and revenue stamps of one anna and half an anna to be used for stamp duty on such notes. Later, on the 5th of January, 1925, a further notification was issued which allowed the use of postage stamps of two annas and four annas. But it has come to our notice that in the meantime between the date of the passing of the Act and the 5th of January 1925 certain promissory notes have been stamped with postage stamps of two annas and four annas under the impression that this was legitimate. The Government of India, in order to validate such notes and to avoid any possible hardship to people who have stamped their documents in this manner, have brought forward this Bill after consulting Local Governments.

The motion was adopted:

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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### INDIAN TRADE UNIONS BILL.

THE HONOURABLE THE PRESIDENT: Before I call on the Honourable Mr. Ley to move the motion standing in his name on the paper, I have to place certain facts before the Council. If the Council will turn to clause 15 of the Bill as passed by the Legislative Assembly, which is before them, and if they will turn to sub-clause (d) of clause 15, they will see the words "the conduct of trade disputes" printed there. In the Bill which the Assembly was considering when it was passed, clause (d) ran as follows: "the conduct of trade disputes on behalf of the Trade Union or any member thereof". An amendment was moved in another place to omit those last ten words, and it was rejected. Therefore in the Bill as passed there those ten words were retained, but by some unaccountable mistake, for which I may say at once, the staff of this Council is not responsible, those ten words were omitted in the copy of the Bill which was laid on the table of this House as the Bill passed by the Legislative Assembly. Technically, therefore, the Bill as passed by the Legislative Assembly was not laid on this table the other day I think I may assume, after the explanation I have given to the Council that the Bill, a correct copy of which is now laid on the table, has now been laid on the table of this House.

Under the Standing Orders the Honourable Mr. Ley is therefore now entitled to give three days' notice of his motion to take this Bill into consideration. At the same time, the Chair has discretion to allow him to move the motion without notice. I have explained the circumstances to Honourable Members, because I am myself willing to leave the decision in their hands whether we should proceed with this measure to-day or not. I have the power to allow the Honourable Mr. Ley to move the motion standing in his name, but if any Honourable Member objects on the ground that we should require further notice in view of the facts to which I have drawn attention that those last ten words in sub-clause (d) have not till now been before them, I should be quite prepared to consider the matter.

(After a pause.)

I may take it, I think, that the House is prepared to proceed with the Bill.

THE HONOURABLE MR. A. H. LEY (Secretary for Industries and Labour): Sir, I 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, as passed by the Legislative Assembly, be taken into consideration.

This important measure, Sir, is one which has been the subject of public discussion for a very long time. Before the Bill was actually introduced in another place, so long ago as January 1925, the principles of the Bill had been publicly canvassed, and after the Bill was introduced, it was, as this Council is aware, the subject of much discussion and prolonged debate in another place. I think it is unnecessary for me, therefore, to take up the time of this House by describing the origin and history of this measure, as I am quite sure all Honourable Members are familiar with it, and I can pass on at once to deal with the main principles of the Bill as it now appears before us. It is a truism to say that Trade Unions are a new growth in this country. They have not behind them the long history of a hundred years and more which led up to the various pieces of Trade Union legislation in England and other countries, where the education of the labouring classes and the organisation of labour are much further advanced than they are in India. The Bill before the Council is consequently designedly framed with the specific object of meeting the comparatively simple needs of a young movement in this country, and it was designed solely with the object of guiding that young movement in the right direction and of fostering the growth of Trade Unions in India on right and sound lines. It is a Bill in the first place for the registration of Trade Unions, and in certain respects to define the law relating to registered Trade Unions. There is, it will be seen, no compulsion to register. It is left to any Trade Union to register or not under the provisions of this Bill as it likes, and the position in law of an unregistered Trade Union will, of course, remain exactly as it is at present. The Bill merely seeks to give to Trade Unions which do register certain privileges and, as a corollary, certain responsibilities. The whole principle of the Bill is that privileges and responsibilities should go hand in hand, and that is why the benefits of the Bill are confined to registered Trade Unions. I mention this point specifically—it is clearly an obvious point—because it is one which has been the subject of a considerable amount of discussion in another place.

[Mr. A. H. Ley.]

That is the first and cardinal principle of the Bill. It applies to registered Trade Unions and no others.

Now, what are the privileges and what are the responsibilities which the Bill confers or imposes on registered Trade Unions? The main privileges are those conferred by clauses 17 and 18 which give immunity to registered Trade Unions from liability in certain circumstances from the ordinary provisions of the civil and criminal law. I do not think I can do better than quote, in explanation of what these privileges are, the Statement of Objects and Reasons contained in the Bill as it was originally introduced in another place. Clause 17, which used to be clause 16 in the Bill as introduced in another place, deals with criminal conspiracy in trade disputes.

"Under the existing criminal law an agreement to do an illegal act is itself a criminal offence. 'Illegal act' includes all acts which provide grounds for civil actions. Thus, for example, two men who agree to persuade workmen to break their contracts with their employers are guilty of criminal conspiracy. The clause, which is similar in its effect to the corresponding provisions of the English law, protects trade unionists from prosecutions for criminal conspiracy where the agreement into which they have entered is not an agreement to commit an offence."

That is the immunity granted by clause 17 from the ordinary provisions of the criminal law. The next clause, clause 18, deals with immunity from civil actions and reproduces a part of the English law on the subject.

"The first part of this clause"—I again quote from the Statement of Objects and Reasons—"corresponds to sections 1 and 3 of the British Trade Disputes Act, 1906, and protects trade unions and their officers and members from certain civil actions. An important type of action which this clause will prevent is a suit arising out of the persuasion exercised on trade union members and others to join in a strike, where that strike (as is frequently the case) involves breach of contract on the part of workmen."

The second part of the clause gives Trade Unions a large measure of immunity from liabilities arising out of tortious acts committed by their agents; that is to say, it alters the ordinary law of agency in favour of Trade Unions. That gives them a very privileged position to which an ordinary person is not entitled under the ordinary law. Those, Sir, are the main privileges which the Bill confers upon registered Trade Unions.

Now, what are the responsibilities? The responsibilities will be found mainly in the provisions of clauses 15 and 16 which provide for the objects on which the funds of a registered Trade Union can legitimately be spent. I wish to make it clear that the Bill itself places no restriction at all upon the objects which a Trade Union may pursue. It merely provides that the expenditure of its funds must be limited to certain specified trade union objects. I think I need hardly deal with that point at any length because the propriety of the principle will, I feel sure, be recognised by all shades of opinion in this Council. I think, however, that I should make a little more detailed reference to clause 16. This clause, as Honourable Members are no doubt aware, was introduced by the Select Committee of the Legislative Assembly and did not find a place in the proposals of Government when the Bill was first introduced. The clause provides for the constitution of a separate fund for political objects. There was, as the House is well aware, a good deal of controversy when this legislation was on the anvil on the point whether, in the existing state of education and organisation of

the labouring classes in this country, it was wise to allow Trade Unions to spend their funds in furtherance of political objects. There are, I think, speaking very broadly, two extreme points of view on this subject. One school of thought urged that it was not only right and proper but that it was essential for the upkeep and the awakening of the labouring classes in this country to allow Trade Unions to spend money in procuring the candidature of labour representatives in political institutions. Indeed, that school would go a great deal further than is provided for in the Bill and would have adopted the full provisions of the English law on the subject, to which I shall refer presently. The other school of thought dwelt on the danger of allowing funds subscribed by the illiterate and comparatively unorganised working classes in India to be frittered away for purely political purposes in which the labourers were possibly not interested or concerned. In other words, they were afraid that the introduction of a political fund might be utilised by interested persons for the exploitation of the workman against his own best interests. The provisions of the Bill as it comes before this Council—clause 16—are obviously a compromise between those two extreme points of view, with a distinct bias in favour of the former. The Bill does not go as far as the English law on the subject. The English law which was introduced in 1913 provides that if a Trade Union by a resolution passed on a ballot of the members chooses to establish a political fund it may do so, and that means that the members of the Trade Union are obliged to subscribe to that political fund unless they, what is called, “contract out,” that is to say, sign a declaration or give notice that they do not wish to subscribe to that fund. The Bill before this Council, if I may say so, reverses the process. It allows a member of a Trade Union to “contract in,” the opposite of contracting out. Any member of a Trade Union may ask to be allowed to contribute to the political fund, if a political fund exists, but, of course, contribution to that fund is in no way a condition of admission to the Union. It is perhaps unnecessary for me to remind Honourable Members of this Council that even in the advanced conditions of labour organisation in England there has been a great deal of criticism on this subject of the “contracting out” system on the ground that it leads or may lead to illegitimate pressure being brought to bear upon the workman himself. The question is a highly controversial one in England, but I am sure that Honourable Members will agree with me when I say that in the interests of the much less organised and comparatively uneducated working classes in this country the Bill before the House is wise in not adopting the full provisions of the English law.

Now, Sir, I have only two other points of principle in the measure to which I think I need refer and they are points of some importance. If Honourable Members will turn to clause 6 (1), they will see that that clause provides for an annual audit of the accounts of a registered Trade Union. That, I think everybody will agree, is a most salutary, and even an essential, part of this Bill, the reasons for which are so obvious that I do not think I need go into them. The other point to which I would draw the attention of the Council is clause 22 which provides—it is not one of the responsibilities or the privileges, but it is an important clause,—which provides that not less than half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is concerned, subject to a proviso with which I need not trouble the House as it does not affect my argument. This clause, while recognising that in the infancy of the Trade Union movement

[Mr. A. H. Ley.]

in this country and in the comparatively uneducated condition of the labouring classes it may be essential for a Trade Union to invoke the assistance of outsiders on the executive of the Union in the furtherance of Trade Union affairs, secures that the workers themselves shall obtain the full opportunity of education in Trade Union affairs. This is based on the principle that, after all, the workman is himself in the best position to look after his own interests, and that it is highly desirable even in the very early stages of trade unionism in this country that he should have opportunities of doing so and educate himself in the conduct of Trade Union affairs.

Now, Sir, I have dealt with the main principles of this important measure, and I would ask Honourable Members to give it their support. The Bill may not possibly meet the wishes or satisfy the opinions of all of us. Nobody pretends that it is perfect. Nobody pretends that it is the last word on the subject. But, after all, it must be remembered that the Bill breaks new ground; it breaks entirely new ground in legislation in India, and it is obviously our duty to walk warily and to evolve a measure, which, as I have said, is a measure of sufficient simplicity divined with the one object of guiding the Trade Union movement, which has undoubtedly come to stay, and fostering it on sound and genuine lines.

The motion was adopted.

Clause 2 was added to the Bill

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 were added to the Bill.

THE HONOURABLE MR. A. H. LEY: I move:

"That in sub-clause (j) of clause 15 for the words beginning with 'provided such' and ending with 'at the time of such payment' the following be substituted, namely:

'Provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year.'

This is little more than a drafting amendment. It is designed to give full effect to the intentions of the Legislative Assembly in passing this clause of the Bill. There was a good deal of discussion in another place on this particular sub-clause, and the intention of the Legislative Assembly was that it should be permissible for a registered Trade Union to spend up to one-fourth of its funds in any year on the extraneous purposes provided for in the first part of this clause, that is to say:

"the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general."

The intention was to introduce a measure in the law which on the whole is salutary, and I think there will be general agreement on that point. But unfortunately the wording actually adopted in another place can possibly be used to frustrate the intention of the other House. The wording as adopted by the Assembly was:

"provided such payment does not exceed one quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment."

and the difficulty arises merely because of the use of the words "at the time of such payment". It is obvious that in the clause as settled in

another place it would be possible for a Trade Union to dissipate the whole of its funds within a week or within any specified time on these extraneous purposes. Supposing a Trade Union to-day, on the 26th February, we will say, has Rs. 100 to its credit. It could pass a resolution that one-fourth of this sum shall be devoted, let us say, to the Servants of India Society. That would leave a sum of Rs. 75. It could then pass another resolution within a week taking away one-fourth of that amount and so on *ad infinitum*, till there was nothing left. It is obvious, therefore, that it is necessary to get the wording corrected so as to give effect to the intention of the Legislative Assembly in passing this clause. That, Sir, is the sole object of my motion.

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16, 17, 18, 19, 20 and 21 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

“That clause 22 do stand part of the Bill.”

THE HONOURABLE MR. MANMÖHANDAS RAMJI VORA (Bombay: Non-Muhammadan): Sir, I do not want to give a silent vote on this clause, because the provision of half the number of outsiders is too much. But in the beginning we have to try the effect of the working of this Bill, and therefore I do not want to object to it. The real object ought to be that those who are to be benefited by the provisions of a certain Act should predominate in the guidance of the working of that Act, and therefore it is but right that there should be a majority of the people who are thereby affected. When an enactment of this sort is passed in this country there ought to be as little objection as possible, but I think that as time goes on particular attention would be paid that no more than the necessary proportion should be allotted to outsiders for the conduct of the business of any institution of this nature.

THE HONOURABLE MR. A. H. LEY: I do not gather, Sir, that my Honourable friend who has just spoken wishes to object to the clause as it stands at present—at any rate we have not had any notice of amendment. I quite see the force of his point, and it is obviously desirable that as the Trade Union movement develops in this country—and we hope that that will take place—the working classes should themselves take more and more part in the direction of Trade Union affairs. I think that is an object which we all sympathise with. But the present clause as it stands and as it has been sent up to this Council by the Legislative Assembly is really, if I may say so, a compromise. The clause as it emerged from Select Committee in the Legislative Assembly provided for even a smaller number of workers themselves in the executive of the Trade Union. It provided only one-third; and, as my Honourable friend is aware, there was an amendment made in another place which restored the Bill to very nearly its original state by providing that not less than one-half of the members of the executive of a Trade Union shall be workers in the industry concerned. And I think myself that that is a reasonable proposition at present in the existing state of the comparatively illiterate, unorganised and uneducated position in which the working classes in India find themselves at the present moment.



Clause 22 was added to the Bill.

Clauses 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE MR. A. H. LEY: Sir, I move that the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non Muhammadan): Sir, I am in entire agreement with the principle of this Bill. No doubt there is a feeling that the Bill has not gone as far as it ought to have gone in order to give effect to the principles underlying it. But speaking in my individual capacity I feel that legislation of this experimental character ought to proceed slowly, and therefore I am in a position to give my whole-hearted support to this Bill. In doing so I will say one word. Since 1924 the Railway Board has delegated large powers to Agents and there is a feeling in some of the railways that while the employees are anxious to form Labour Unions of railway employees, I am told—how far it is true I do not know—that in the Bombay, Baroda and Central India and some other Railways the Agents are not favourably inclined towards these Unions. I have some little experience of Labour Unions of railway employees. If the Government want this Bill to be given a fair chance in its application and tried in its entirety, I think it is but right that the Government ought to instruct Railway Agents and the Local Governments to see that nothing is done to disavour the formation of Unions and that nothing is done to discourage such Unions. Unless those Unions work in an atmosphere of goodwill and sympathy no beneficial results will accrue from this Bill. Therefore, this Bill which is beneficial in its effects will, I hope, be given a fair trial by instructing the Railway Agents to whom large powers are delegated by the Railway Board, and against whose decisions, I am told, appeals do not lie now, not to do anything to curtail such freedom as the Unions enjoy under this Bill. With this observation, Sir, I support this Bill.

THE HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I did not come prepared to talk about Trade Unions in connection with Railways, but I can assure my Honourable friend quite whole-heartedly that the Railways always do carry out and will carry out in the spirit in which it is meant, the legislation that is passed by the Legislature of this country.

THE HONOURABLE THE 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, as passed by the Legislative Assembly, and as amended by the Council of State, be passed.”

The motion was adopted.

## ELECTION OF A PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT: Honourable Members will now proceed to elect a panel of 8 Members from which the Members of the Central Advisory Council for Railways will be selected. The Council will recollect that on Tuesday last at the close of the proceedings, the Honourable Mr. Ramadas Pantulu requested that he might be allowed to withdraw his nomination. I am glad to say that he reconsidered that request and desired to withdraw it. His name, therefore, appears in the list of duly nominated Members. There is also one other name in the list which I had not read out to the Council on Tuesday, that of the Honourable Shah Muhammad Zubair, whose nomination had been received by the time fixed for these nominations but was not at that moment in my hands. The Council will now proceed with the election.

(The ballot was then taken.)

### NOMINATIONS TO THE PANELS FOR STANDING ADVISORY COMMITTEES.

THE HONOURABLE THE PRESIDENT: I have received the following nominations for the panels for the various departmental Standing Advisory Committees.

#### HOME DEPARTMENT.

For the panel of the Standing Advisory Committee in the Home Department:—

The Honourable Mr. P. C. Desika Chari.  
The Honourable Colonel Nawab Sir Umar Hayat Khan.  
The Honourable Mr. V. Ramadas Pantulu.  
The Honourable Seth Govind Das.  
The Honourable Rai Bahadur Nalininath Sett.  
The Honourable Mr. Shah Muhammad Zubair.  
The Honourable Sir C. Sankaran Nair.  
The Honourable Mr. Phiroze C. Sethna.  
The Honourable Mr. G. S. Khaparde.  
The Honourable Major Nawab Mohamad Akbar Khan.

#### COMMERCE DEPARTMENT.

For the panel of the Standing Advisory Committee in the Commerce Department:—

The Honourable Mr. J. W. A. Bell.  
The Honourable Sir Arthur Froom.  
The Honourable Mr. Phiroze C. Sethna.  
The Honourable Rai Bahadur Lala Ram Saran Das.  
The Honourable Saiyid Raza Ali.  
The Honourable Mr. V. Ramadas Pantulu.  
The Honourable Mr. Mahendra Prasad.  
The Honourable Mr. Shah Muhammad Zubair.  
The Honourable Mr. Manmohandas Ramji.  
The Honourable Seth Govind Das.  
The Honourable Mr. Lokenath Mukerjee.  
The Honourable Mr. P. C. Desika Chari.

[The President.]

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

For the panel of the Standing Advisory Committee in the Department of Education, Health and Lands:—

The Honourable Colonel Nawab Sir Umar Hayat Khan.

The Honourable Mr. P. C. Desika Chari.

The Honourable Rai Nalininath Sett Bahadur.

The Honourable Mr. Mahmood Suhrawardy.

The Honourable Mr. Anugraha Narayan Sinha.

The Honourable Dr. U. Rama Rau.

The Honourable Saiyid Raza Ali.

The Honourable Mr. Ratansi Dharmasi Morarji.

The Honourable Raja Sir Rampal Singh.

The Honourable Major Nawab Mohamad Akbar Khan.

DEPARTMENT OF INDUSTRIES AND LABOUR.

For the panel of the Standing Advisory Committee in the Department of Industries and Labour:—

The Honourable Sir Arthur Froom.

The Honourable Mr. Mahendra Prasad.

The Honourable Mr. Lokenath Mukerjee.

The Honourable Mr. Shah Muhammad Zubair.

The Honourable Seth Govind Das.

The Honourable Mr. Phiroze C. Sethna.

The Honourable Saiyid Raza Ali.

The Honourable Mr. J. W. A. Bell.

The Honourable Mr. K. C. Roy.

The Honourable Sir C. Sankaran Nair.

The Honourable Rai Bahadur Lala Ram Saran Das.

The Honourable Mr. P. C. Desika Chari.

The Honourable Mr. Manmohandas Ramji.

The number of Members required on each panel is six only, and as the number of nominations in each case exceeds that number, there will have to be an election in each case. Those elections will take place in the ordinary manner, that is to say, in the manner in which the election has taken place to-day, on Monday, the 1st March, to which day at 11 O'clock the Council will now stand adjourned.

The Council then adjourned till Eleven of the Clock on Monday, the 1st March, 1926.