

12th February 1936

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

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Volume I, 1936

*(3rd February to 14th February, 1936)*

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THIRD SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1936



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1936.

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

## *Deputy President :*

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SIR LESLIE HUDSON, KT., M.L.A.

SIR MUHAMMAD YAMIN KHAN, KT., C.I.E., M.L.A.

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Petitions :*

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SIR LESLIE HUDSON, KT., M.L.A.

MR. B. DAS, M.L.A.

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

# CONTENTS.

VOLUME I.—3rd February to 14th February, 1936.

	PAGES.		PAGE.
<b>MONDAY, 3RD FEBRUARY, 1936—</b>		<b>TUESDAY, 4TH FEBRUARY, 1936—contd</b>	
Members Sworn	1—2	Resolution re State Control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway—Discussion— not concluded	147—52
Motion re Expression of regret on the death of His Late Majesty King George V, and Congratulatory to His Majesty King Edward VIII upon His accession	2—8	<b>WEDNESDAY, 5TH FEBRUARY, 1936—</b>	
<b>TUESDAY, 4TH FEBRUARY, 1936—</b>		Questions and Answers	150—97
Member Sworn	9	Motions for Adjournment	re—
Questions and Answers	9—45	Condition of the Handloom Weavers of Salem in the Madras Presidency—Not moved	197, 199
Short Notice Question and Answer	45—46	Interference by Local Governments with the Congress Golden Jubilee celebrations—Disallowed by the Governor General	197—98
Unstarred Questions and Answers	46—107	Hunger-strike by Jogesh Chandra Chatterji, a Kakori conspiracy case prisoner—Disallowed by the Governor General	198
Statements laid on the Table	107—19	Compulsory observance of <i>hartal</i> in New Delhi on the 23th January, 1936—Disallowed by the President	198—99
Deaths of Mr. Deep Narayan Singh, Khan Bahadur Alimuzzaman Chaudhuri and Mr. Kamini Kumar Chanda	119—21	Government of India's views on the question of excluded and partially excluded areas to the Secretary of State—Disallowed by the President	199
Motions for Adjournment	re—	Security demanded from <i>Abhyudaya</i> of Allahabad—Disallowed by the Governor General	199—200
Lack of discipline in the King's Regiment stationed at Jubbulpore—Disallowed by the Governor General	121—22	Message from H. E. the Governor General	200
Rioting of the soldiers of the King's Regiment stationed at Jubbulpore—Barred.	122	The Parsi Marriage and Divorce Bill.—Report of the Joint Committee laid on the Table	200
Extermment orders on certain Indian shop-owners and tradesmen in Iraq—Withdrawn	122—24, 152—58		
Panel of Chairmen	124		
Committee on Petitions	124		
Election of a Member to the Select Committee on the Amendment of Standing Orders	124—25		
Governor General's assent to Bills	125		
Resolution re Appointment of a Joint Standing Army Committee—Adopted.	125—47		

	PAGE.
<b>WEDNESDAY, 5TH FEBRUARY, 1936—contd.</b>	
Agreement between the Secretary of State for India in Council acting by and through the Governor of the Punjab in Council and the Reserve Bank of India	200—02
Election of a Member to the Standing Committee for Roads	202
Election of Members to the Standing Committee for the Department of Industries and Labour	202-03
Election of Members to the Standing Committee on Emigration	203
The Italian Loans and Credits Prohibition Bill—Introduced	203
The Payment of Wages Bill—Discussion on the consideration of clauses not concluded	204—47
<b>THURSDAY, 6TH FEBRUARY, 1936—</b>	
Questions and Answers	249—89
Short Notice Questions and Answers	289—93
Motions for Adjournment re—	
Contract for the Howrah Bridge—Ruled out of order	293—95
Demand for security from the <i>Abhyudaya</i> for publication in verbatim of a speech delivered in the Legislative Assembly—Ruled out of order	295—98
Control of the administrative chaos in the Punjab—Ruled out of orders.	299
Election of a Member to the Select Committee on the Amendment of Standing Orders	299
The Indian Criminal Law Amendment (Repeal) Bill—Discussion on the consideration of clauses not concluded	299—335
<b>FRIDAY, 7TH FEBRUARY, 1936—</b>	
Questions and Answers	337—79
Short Notice Question and Answer	379

	PAGE.
<b>FRIDAY, 7TH FEBRUARY, 1936—contd.</b>	
Discussion of the Report of the Public Accounts Committee	379
The Payment of Wages Bill—Discussion on the consideration of clauses not concluded	379—416
Statement of Business	416
<b>MONDAY, 10TH FEBRUARY, 1936—</b>	
Members Sworn	417
Questions and Answers	417—62
Short Notice Question and Answer	462—65
Motions for Adjournment re—	
Misuse and misapplication of Legislative Rules in disallowing the Adjournment Motion on the Benda incident—Ruled out of order	465—67
Direct sea mail service between Madras and Rangoon—Ruled out of order	467—70
Loss of Indian Life and property in Zanzibar—Disallowed by the President	470—71
Demand of security from the <i>Abhyudaya</i> of Allahabad—Ruling to be given afterwards	471—512
Election of Members to the Standing Committee on Roads, the Standing Committee for the Department of Industries and Labour and the Standing Committee on Emigration	512
Election of Members to the Standing Committee for the Department of Education, Health and Lands	512—12
The Cinematograph (Amendment) Bill—Appointment of Mr. S. K. Das Gupta to the Select Committee	512



	PAGE.		PAGE.
<b>MONDAY, 10TH FEBRUARY, 1936—contd.</b>		<b>WEDNESDAY, 12TH FEBRUARY, 1936—contd.</b>	
The Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—Appointment of Khan Bahadur Shaikh Khurshaid Muhammad to the Select Committee . . . . .	513—14	Statements laid on the Table . . . . .	657—60
The Code of Civil Procedure (Amendment) Bill (Amendment of section 60)—Appointment of Khan Bahadur Shaikh Khurshaid Muhammad to the Select Committee . . . . .	514	Motion for Adjournment <i>re</i> Contributions given to the Y. M. C. A. in India—Disallowed by the President . . . . .	660—61
The Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—Appointment of the Honourable Sir Frank Noyce to the Select Committee . . . . .	514	The Arbitration (Protocol and Convention) Bill—Introduced . . . . .	661
The Code of Civil Procedure (Amendment) Bill (Amendment of section 60)—Appointment of the Honourable Sir Frank Noyce to the Select Committee . . . . .	515	The Payment of Wages Bill—Discussion on the motion to pass, as amended, not concluded . . . . .	661—705 705—06
The Payment of Wages Bill Discussion on the consideration of clauses not concluded . . . . .	515—17	<b>THURSDAY, 13TH FEBRUARY, 1936—</b>	
Statement of Business . . . . .	518	Member Sworn . . . . .	707
<b>TUESDAY, 11TH FEBRUARY, 1936—</b>		Questions and Answers . . . . .	707—58
Questions and Answers . . . . .	519—64	Short Notice Questions and Answers . . . . .	759—63
Short Notice Question and Answer . . . . .	564—67	Motion for adjournment <i>re</i> Prohibition of the appointment of Indians in the Cypher Bureau of the Foreign and Political Department—Disallowed by the President . . . . .	763—67
Resolution <i>re</i> State control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway—Adopted . . . . .	567—600	Election of Members to the Standing Committee for the Department of Education, Health and Lands . . . . .	767
Resolution <i>re</i> Extension of the same level of administration to the people of the excluded and partially excluded areas—Discussion not concluded . . . . .	600—14	The Indian Criminal Law Amendment (Repeal) Bill—Motion to consider clause 2 negatived . . . . .	768—87
<b>WEDNESDAY, 12TH FEBRUARY, 1936—</b>		The Code of Criminal Procedure (Amendment) Bill (Amendment of section 406)—Passed . . . . .	787—93
Member Sworn . . . . .	615	The Code of Criminal Procedure (Amendment) Bill (Amendment of sections 30, 34, 34A and 35)—Discussion on the motion to circulate not concluded . . . . .	793—805
Questions and Answers . . . . .	615—57	<b>FRIDAY, 14TH FEBRUARY, 1936—</b>	
		Questions and Answers . . . . .	907—80
		The Payment of Wages Bill—Passed as amended . . . . .	860—71
		The Italian Loans and Credits Prohibition Bill—Discussion on the consideration of clauses not concluded . . . . .	872—907 907
		Statement of Business . . . . .	

# LEGISLATIVE ASSEMBLY.

Wednesday, 12th February, 1936.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## MEMBER SWORN.

Sir Bryce Chudleigh Burt, Kt., C.I.E., M.B.E., M.L.A. (Government of India: Nominated Official).

## QUESTIONS AND ANSWERS.

### MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

295. \*Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state if it is a fact that:

(i) the Government of India Resolution No. 4863, dated the 4th December, 1891, reads as under:

"The Government of India have always been careful to exercise the right of altering rules with due consideration for the rights of their servants. The ordinary course adopted to prevent hardship arising from any change of rule found necessary has been either to defer the introduction of the change for some time after its publication or to give the officers affected the right of choosing whether they shall come under the operation of the old or the new rules. It has been decided that the right of altering rules must be maintained, that care should be taken, as in the past, to prevent the introduction of any new rules from operating harshly, but that the local governments and the Government of India should not consider themselves precluded from recommending an exception in any case of individual hardship which may arise in spite of the precautions taken. If any case of apparent hardship arises, the local authorities should understand that, when the officer applies to retire, they are not precluded from examining into its merits and ascertaining whether, in their opinion, he has substantively suffered from the introduction of a rule not in force at the time he entered the service. If after comparing the advantages incidentally involved, they find that he has on the whole substantially suffered, the point may be taken into consideration in determining whether some compensation ought not to be granted in the particular instance."

(ii) Paragraph 359 of State Railway Open Line Code, Volume II, reads as under:

"The following rules for grant of Day, Night allowance, Court allowance, relieving and mileage allowance are laid down for general guidance. Managers are however empowered should necessity arise to modify them at their discretion to suit the circumstances of the Railways under their control."

(iii) Paragraph 362 of State Railway Open Line Code, Volume II, reads as under:

"Travelling Ticket Collectors are classed as Traffic Train Staff, and permitted under the orders of the Manager, to draw allowance referred to in clauses (c) to (e) of para. 359. It is however, left to the discretion of the Manager to grant or refuse all or any of these allowances but whatever allowance is to be given should be determined by the Manager at the time the person is engaged."

(b) Is it a fact that under the Government of India Fundamental Rule No. 15 the pay of an employee cannot be reduced save due to inefficiency or misconduct?

(c) Is it a fact that the Agent of a Railway or the Railway Board have got a right to change the rules as per para. 359 of the State Railway Open Line Code, Volume II, as acknowledged in reply to starred question No. 740 (a), dated the 26th September, 1935?

(d) Is it a fact that such a change can be made in respect of the new employees?

(e) Is it a fact that the power vested in the Agent to alter the rules by virtue of para. 359 of the State Railway Open Line Code, Volume II is further restricted in respect of those already in service by para. 362 of the said Code wherein it is definitely laid down that whatever allowance is to be given to an employee should be determined at the time the person is engaged?

(f) With reference to para. 359 of the State Railway Open Line Code, will Government be pleased to state why as per Railway Board, letter No. 6087-F., dated the 9th August, 1931 those of the State Railway employees who were in receipt of night allowance offered to them at the time of their appointment were asked to exercise a choice as to whether they desired to continue to draw night allowance or desired to be governed by State Railway Rules and draw daily allowance instead?

(g) Will Government be pleased to state why the old Travelling Ticket Inspectors of the East Indian Railway and the old Travelling Ticket Examiners of the North Western Railway were forced to forego mileage allowance which was offered to them at the time they were engaged and which they have been drawing upto 31st May 1931 and why no choice was given to them to retain their old privileges in terms of Government of India Resolution No. 4863, dated the 4th December, 1891, and analogous to the choice given to those in receipt of night allowance as per Railway Board letter No. 6087-F., dated the 9th August, 1931?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes, except that in the rule quoted in (a), (ii) the words 'to train or running staff' have been omitted.

(b) and (c). Yes.

(d), (e), (f) and (g). I am afraid that the Honourable Member is assuming that a change was made in the rules in respect of the mileage allowances previously drawn by old Travelling Ticket Inspectors on the East Indian Railway and old Travelling Ticket Examiners on the North Western Railway. This is not a fact. I would, however, add that it has been stated more than once, on the floor of this House, that the posts of Travelling Ticket Inspectors on the East Indian Railway and Travelling Ticket Examiners on the North Western Railway were abolished and the persons holding these posts were offered and accepted posts of Travelling Ticket Examiners on the East Indian Railway and Special Ticket Examiners on the North Western Railway which did not entitle them

to mileage allowance. Government, however, sanctioned, purely as an *ex-gratia* measure, an enhanced consolidated allowance to persons who had originally held posts in a substantive capacity as such. I would further add that Government are unable to trace letter No. 6087-F., dated the 9th August, 1931, said to have been issued to the Agent, East Indian Railway, by the Railway Board.

**MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

**296. \*Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state if it is a fact that the rules operative on 31st May, 1931 in respect of the old Travelling Ticket Inspectors of the Accounts Department on the East Indian Railway as announced by the Agent, East Indian Railway, in his letter No. T. E./65/OD/Crew, dated 9th August 1927, conferred the right of drawing average mileage allowance on transfer to operating department?

(b) Is it a fact that the new rules which operated from 1st June, 1931 offered consolidated allowance of Rs. 15 and 20 per month as per Moody-Ward recommendations to the Travelling Ticket Examiners?

(c) Will Government be pleased to state why in terms of Government of India Resolution No. 4863, dated the 4th December, 1891 the old Travelling Ticket Inspectors were not given the choice to continue on the old rules?

(d) Are Government prepared to see that the old Travelling Ticket Inspectors of the East Indian Railway are allowed to continue on the rules referred to in part (a) above and those on the North Western Railway are given 75 per cent. of the pay as mileage allowance?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Yes.

(c) and (d). I would refer the Honourable Member to the reply which I have just given to parts (d), (e), (f) and (g) of his question No. 295 in which I have explained the whole position.

**TRADE AGREEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA.**

**297. \*Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that Canada has entered into a trade treaty with the United States, whereby reciprocal reduction of tariffs has been agreed upon and preference will be shown by Canada to motor cars, iron and steel wares, chemicals and certain textiles among others from the United States of America in return for concessions to be shown by the United States of America for Canada's cattle, milk, rum, and lumber?

(b) Is not such a treaty in violation of the Ottawa Agreement? If not, how?

(c) If so, is it open to India to enter into separate trade treaties with France and Germany showing preference to their goods, in return for her oil seeds, etc.? If not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes. The details of the Agreement are not, however, exactly as the Honourable Member has stated.

(b) No. The Government of India understand that the preferences granted by Canada under the Ottawa Agreements have not been affected.

(c) Does not arise.

**Mr. M. Ananthasayanam Ayyangar:** What are the countries, if any, which are not following or reciprocating the Ottawa Trade Agreement?

**The Honourable Sir Muhammad Zafrullah Khan:** I am afraid I cannot follow the Honourable Member.

**Mr. M. Ananthasayanam Ayyangar:** What are the British possessions, Colonies and Dominions, which are not following the Ottawa Trade Agreement?

**The Honourable Sir Muhammad Zafrullah Khan:** In what sense? In so far as the non-self-governing Colonies are concerned, they come with the United Kingdom into the agreement, and as to which of the Dominions have agreements with the United Kingdom, most of them I should say, but, if the Honourable Member wants exact information, I shall want notice.

**Mr. T. S. Avinashilingam Chettiar:** What parts of the British Commonwealth are not following this Agreement?

**The Honourable Sir Muhammad Zafrullah Khan:** That is what I have already referred to.

**Mr. Sami Vencatachelam Chetty:** Is it a fact that Ceylon has not responded to all the terms and obligations of the Ottawa Agreement?

**The Honourable Sir Muhammad Zafrullah Khan:** That is a different question which is being examined separately.

**Mr. S. Satyamurti:** Is it open to India to enter into separate agreements with France, Germany, and other countries in respect of her oil seeds?

**Mr. President** (The Honourable Sir Abdur Rahim): Instead of putting these supplementaries, the Honourable Member will soon have the Ottawa Trade Agreement under discussion.

**Mr. S. Satyamurti:** Sir, we want some information on the subject in order to enable us to take part in the discussion usefully.

**Mr. President** (The Honourable Sir Abdur Rahim): They will give the Honourable Member plenty of information then.

**Mr. S. Satyamurti:** What is the answer to my question, Sir?

**The Honourable Sir Muhammad Zafrullah Khan:** I have already replied to a supplementary question that it is open to India to enter into trade agreements with any other countries if it so chooses.

**INCREASE IN THE FREIGHT OF WHEAT AND SALT BY CONFERENCE LINERS.**

**298. \*Mr. M. Ananthasayanam Ayyangar:** (a) Have Government received any representations from the Buyers and Shippers Chamber of Indian Merchants, Karachi, complaining of the increase in wheat freight and salt from Rs. 4 to 4-8-0 per ton by conference liners?

(b) What steps, if any, have Government taken or propose to take in this matter?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government did receive a letter from the Chamber in November, 1935, in which it was stated that the Conference Lines had increased the freight on wheat and were not treating the salt traffic fairly.

(b) None. Government do not consider that any case for their intervention has been made out.

I may add, however, that I have been informed that the salt freight which had gone up fairly high has again reverted to almost its previous level.

**Mr. M. Ananthasayanam Ayyangar:** What are the conditions under which alone the Government of India propose to intervene in this matter?

**The Honourable Sir Muhammad Zafrullah Khan:** That is a hypothetical question.

**Mr. M. Ananthasayanam Ayyangar:** It arises definitely out of this, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): It is a hypothetical question, and the Chair disallows it.

**Mr. M. Ananthasayanam Ayyangar:** Is that the opinion of Government?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is asking for opinion, and the Chair cannot allow it.

**SANCTIONS AGAINST ITALY AND EXPORT TRADE FROM INDIA OF CERTAIN COMMODITIES.**

**299. \*Mr. M. Ananthasayanam Ayyangar:** (a) In the matter of enforcing sanctions against Italy by India, will Government be pleased to state if there are any of the 13 kinds of prohibited articles available in India for export, and if not, what does the threat mean?

(b) Has there been any export trade from India of guns, howitzers, bombs, tanks, aircraft, engines, etc., within living memory?

(c) If the reply to part (b) be in the affirmative, what is the annual production of such articles in India?

(d) Is there any prohibition of export of Gold to Italy? If not, why not?

**Sir Aubrey Metcalfe:** (a) Some of the articles mentioned in this part of the Honourable Member's question are manufactured at arsenals in India, but for the use of the Army in India and not for export. The action taken to prohibit export includes a prohibition on transit and transshipment, which might be effected at British Indian ports. It is, therefore, necessary not only to implement the decision of the League of Nations but as a practical measure to prevent such transshipment.

(b) No.

(c) Does not arise.

(d) The Committee of the League of Nations has not yet recommended the prohibition of the export of gold to Italy.

**Mr. T. S. Avinashilingam Chettiar:** May I request the Government to give us an account of the effect of the application of sanctions on the foreign trade of India?

**Sir Aubrey Metcalfe:** If they knew the effect, they would be very glad to make such an announcement, but I do not think that anybody in India can yet state the effect of it.

**Mr. M. Ananthasayanam Ayyangar:** Is gold shipped to Italy from time to time in spite of the sanctions?

**Sir Aubrey Metcalfe:** I am afraid I must ask for notice.

**Mr. M. Ananthasayanam Ayyangar:** There are other Honourable Members in the House representing the Government, and any one of them can answer this question, Sir.

#### UTILISATION OF THE SERVICES OF RETIRED OFFICERS FOR CARRYING OUT THE RURAL DEVELOPMENT SCHEME.

300. **\*Mr. M. Ananthasayanam Ayyangar:** (a) In the matter of carrying out the rural development scheme for which a crore of rupees has been set apart, do Government propose to direct that the services of retired or pensioned officers should be sought for in the first instance before employing costly establishment?

(b) As part of the scheme of rural uplift are Government prepared to consider the advisability of directing that all pensioned officers of Government should settle on retirement, in villages and help in the work of rural reconstruction by looking after the sanitary arrangements by working co-operative credit societies, by starting and running sundry shops for the sale of village made articles, etc.?

(c) Will Government be pleased to state what portion of the grant for rural development has been spent during the year and how much by each province?

**The Honourable Sir James Grigg:** (a) The employment of staff on schemes for rural development is a matter entirely within the discretion of the Provincial Governments.

(b) No.

(c) The information cannot become available before the year has closed.

**Mr. M. Ananthasayanam Ayyangar:** Can't the Government, Sir, utilise the services of pensioned officers with a view to seeing that the entire crore of rupees is utilised for the purposes for which it is ostensibly intended, and will they be pleased to direct the Local Governments to requisition the services of pensioned officers for this purpose?

**The Honourable Sir James Grigg:** As far as I have been able to follow the Honourable Member, he has raised two different questions. Will he kindly repeat them separately so that I can answer them separately?

**Mr. M. Ananthasayanam Ayyangar:** I would request the Honourable Member to split up the questions.

**Mr. President** (The Honourable Sir Abdur Rahim): The questioner must do it himself.

**Mr. M. Ananthasayanam Ayyangar:** Very well, Sir. Will Government be pleased to direct the Local Governments, to whom portions of this crore of rupees have been distributed, to requisition the services of pensioned officers to utilise this sum properly and thus curtail expenditure on establishments?

**The Honourable Sir James Grigg:** No, Sir.

#### IMPROVEMENT OF THE CO-OPERATIVE MOVEMENT.

301. **\*Mr. M. Ananthasayanam Ayyangar:** (a) Has any action been taken on the report of the special officer appointed for devising ways and means to improve the co-operative movement in India?

(b) Has any amount been spent from the one crore of rupees for the improvement of the co-operative movement, and if so, what is the amount, and if not, why not?

(c) Will Government be pleased to lay on the table the reports on the working of the rural re-construction scheme in several provinces?

**The Honourable Sir James Grigg:** (a) Mr. Darling's suggestions have been brought to the notice of Local Governments. In particular they have been asked to devise schemes for training the co-operative staff and for educating the members in the principles of co-operation.

(b) The amount earmarked for the improvement of the co-operative movement is 15 lakhs. Rs. 1,72,990 has already been allotted as the first instalment of the amounts due to Provinces. I may say that the answer was drafted some time ago. It may be that these figures are a little out of date. I can look into that.

(c) A statement will be laid on the table of the House in due course.



**Prof. N. G. Ranga:** Over how many years is it expected to be spent?

**The Honourable Sir James Grigg:** I said yesterday in answer to a question, 3 to 5, I think.

### EXPULSION OF INDIANS FROM IRAQ.

**302. \*Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that Indians in Iraq have been asked by that Government to quit the country?

(b) What steps, if any, have been taken by Government to prevent the forced repatriation and with what result?

(c) How many Indian settlers are there in Iraq? How long have they been there and what are the trades or occupations they are engaged in?

(d) Have Indians acquired any property in Iraq, and if so, what is its extent and value?

**Sir Aubrey Metcalfe:** (a)—(b). No Indians in Iraq are under final notice to leave that country, but the question of renewal of permits to stay arises from time to time under Article 10 of the Iraq Residence Law of 1923 which is applicable to all foreigners alike. A copy of this Article is placed on the table.

(c) 4,500 approximately of whom about one-third (1,500) are believed to have entered Iraq before the war, while the remainder went there during or since the war. Government have no information as regards the last portion of (c).

(d) Yes. The value of Indian owned property in Iraq is estimated at slightly more than £500,000. It is situated mainly in Kerbala and Baghdad and consists of houses, shops and a few plots of land.

#### *Article 10 of the Iraq Residence Law of 1923.*

10. Any person allowed to enter shall within fifteen days of his arrival register at the police headquarters of the district in which he resides, the particulars set out in the Schedule hereto. This provision shall not apply to persons certified by the Consular vise to be travellers or persons in transit to another country whose stay will not exceed three months from the date of entry.

In case any person so certified overstays the period, he shall register his name immediately at the place in which he is resident and shall apply to the Chief Residence Officer for a permit to stay for a further period in Iraq.

#### *Schedule of Particulars to be registered.*

1. Surname or family name (in block letters).
2. Other names.
3. Date of birth.
4. Nationality.
5. Nationality of parents.
6. Languages which immigrant can (i) speak, (ii) read, (iii) write.
7. Place of birth.
8. Usual place of residence.
9. Occupation (a) past (b) intended.
10. Particulars of dependents, if any, specifying name, age and place of birth.
11. Proposed duration of stay in Iraq.
12. Proposed place of residence.

13. Place of business.
14. Date of entry.
15. Authority for entry.
16. Whether previously resident in Iraq,  
(a) Place of such residence; (b) Dates of such residence.
17. Whether owner of property in Iraq,  
(a) Nature of title to such property; (b) Detailed description and situation of such property.
18. Two photographs of immigrant.

(This will not be required in the case of Moslem women or other women with similar religious or social prejudices).

**Mr. T. S. Avinashilingam Chettiar:** Have any Indians been refused renewals of permits?

**Sir Aubrey Metcalfe:** Not so far as I am aware. I explained the whole situation very clearly to the House the other day.

**Mr. M. Ananthasayanam Ayyangar:** May I know, Sir, what the duration of this permit is?

**Sir Aubrey Metcalfe:** I have already laid on the table a copy of Article 10 of this Residence Law. If Honourable Members will take the trouble to study it, they will find all the information in it.

#### REDUCTION OF THE PRICE OF POST CARD, RAISING OF MINIMUM ASSESSABLE INCOME FOR INCOME-TAX AND REDUCTION OF SALT TAX.

**303. \*Mr. M. Ananthasayanam Ayyangar:** (a) Have Government considered the possibility of:

- (i) reducing the price of a post card from nine pies to six pies in the coming year;
- (ii) raising the minimum assessable income from Rs. 1,000 to Rs. 2,000 a year for purposes of income-tax in the coming year; and
- (iii) reducing the tax on salt to As. 12 a maund in the coming year?

(b) If so, what steps do Government propose to take in the matter of giving relief to the taxpayer?

(c) If not, why not?

**The Honourable Sir James Grigg:** I cannot on these or any other questions anticipate the Budget statement.

#### INDIAN STATES AND THE FEDERATION.

**304. \*Mr. M. Ananthasayanam Ayyangar:** (a) Will Government be pleased to state how many States have signified their assent to join the Federation?

(b) What steps, if any, are being taken to set the Federation working at the earliest possible date?

(c) When do Government expect to start the Federal Assembly functioning?

**The Honourable Sir Nripendra Sircar:** (a) and (b). I would invite the Honourable Member's attention to my reply to question No. 44.

(c) It is impossible at this stage to give any forecast.

†305\*.

#### RESTRICTION ON THE EXPORT OF GOLD.

**306. \*Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that France has put an embargo on the export of Gold?

(b) Are Government prepared to revise its policy and restrict the free export of Gold as a commodity?

**The Honourable Sir James Grigg:** (a) So far as I am aware, France has not put an embargo on the export of gold.

(b) I have nothing to add to the views already expressed by me on this subject.

#### NEGOTIATIONS WITH HYDERABAD REGARDING THE TUNGABHADRA PROJECT IN THE MADRAS PRESIDENCY.

**307. \*Mr. M. Ananthasayanam Ayyangar:** (a) Will Government please state at what stage the negotiations with Hyderabad regarding the Tungabhadra project in the Madras Presidency are?

(b) Has any arrangement been come to and when will the work be commenced?

**The Honourable Sir Frank Noyce:** (a) and (b). The Government of India have suggested to the Governments of Mysore, Bombay, Madras and Hyderabad that a Court of Arbitration should be appointed. Their replies are under examination. I am not yet in a position to say whether a Court of Arbitration will be appointed or when it will meet. The terms of reference, which have been put tentatively to the Governments concerned, will require very careful consideration.

#### LOOMS AND WEAVERS THROWN OUT OF WORK IN SALEM, MADRAS PRESIDENCY.

**308. \*Mr. M. Ananthasayanam Ayyangar:** (a) Has the attention of Government been drawn to a communication in the *Hindu* of the 21st of November, 1935, that 10,000 looms and two lakhs of weavers have been thrown out of work in Salem in the Madras Presidency owing to the importation of Japanese Khada or shirtings in pieces and to their being dyed and sold as sarees at low prices?

(b) Are Government aware that Salem has been producing sarees for a large portion of Southern India?

(c) What steps, if any, have Government taken or propose to take in this matter?

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†This question was not put by the questioner.

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Yes, Sir.

(c) Government understand that the existing unemployment among handloom weavers in Salem—which incidently is on a very much smaller scale than that suggested in part (a) of the question—is due, apart from trade depression, not only to competition from Japanese imports but also from mill made cloth manufactured in India itself. The question as to what steps can usefully be taken to enable the handloom industry to meet this competition is under the consideration of the Local Government.

**Mr. S. Satyamurti:** What is the information in the possession of Government with regard to the extent of the distress, which the Honourable Member said is not so great as is suggested in clause (a) of the question?

**The Honourable Sir Muhammad Zafrullah Khan:** About 5,000 looms.

**Mr. N. V. Gadgil:** Does the Honourable Member know that it has similarly affected the handloom industry in the Sholapur and Ahmednagar districts of the Bombay Presidency?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware.

**Dr. Ziauddin Ahmad:** Do the Government of India think that the Local Government will be able to protect this handloom industry against the mill industry? Is it not an all-India question?

**The Honourable Sir Muhammad Zafrullah Khan:** It is both hypothetical and asking Government to express an opinion on what might be the result of certain measures adopted.

**Dr. Ziauddin Ahmad:** This is really the legitimate function of the Government of India and not of the Local Government—to devise a method to protect the handloom industry as against the mill industry.

**Sir H. P. Mody:** Not against the mill industry, but against Japan.

**The Honourable Sir Muhammad Zafrullah Khan:** I am sure that on several occasions I have explained as to what steps the Government of India are taking with regard to assistance to the handloom industry.

**Mr. S. Satyamurti:** What are the steps which Government are now considering, and do they include an increase of protective duties against Japanese *gadda* which is really most effectively competing with the handloom weavers so far as the Madras Presidency is concerned?

**Mr. N. V. Gadgil:** Including Bombay also.

**The Honourable Sir Muhammad Zafrullah Khan:** Government will have to wait and see how measures that might be adopted by the Local Government affect the situation.

**Mr. S. Satyamurti:** What can the Local Governments do? Will the Honourable Member kindly enlighten the House as to what are the steps which the Government of India expect the Local Governments to take, except by relieving distress?

**The Honourable Sir Muhammad Zafrullah Khan:** There is a short notice question on this matter to which I have undertaken to reply tomorrow morning. I may be able to supplement my reply on that occasion.

#### INDIAN CIVIL SERVICE OFFICERS.

309. **\*Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) What is the number of I.C.S. officers in India?

(b) Who are regarded amongst them as juniors?

(c) Is there any fixed period of service or age for juniority?

**The Honourable Sir Henry Craik:** (a) According to the latest Civil Lists the total number of I.C.S. officers is 1,145.

(b) Those who are below the rank of District Magistrate or District Judge and draw pay on the junior time-scale may be regarded as juniors.

(c) No; promotion to the senior scale depends on the occurrence of vacancies therein and the fitness of the officer but a member of the I.C.S. normally officiates in that scale after completing five years service.

**Mr. Lalchand Navalrai:** Will the Honourable Member tell me how many of them are Europeans and how many Indians?

**The Honourable Sir Henry Craik:** I am afraid, I cannot answer that question offhand.

#### TRAINING OF JUNIOR INDIAN CIVIL SERVICE OFFICERS IN THE OFFICES OF THE ACCOUNTANTS GENERAL.

310. **\*Dr. N. B. Khare** (on behalf of Mr. Muhammad Azhar Ali): (a) Is it a fact that 40 junior officers from the I.C.S., will be deputed for special training in Accountant General's office in the various provinces and that only two of those will be Indians?

(b) Why is this small number of Indians to be selected?

(c) Why is the above selection confined to the I.C.S., and no officers taken for the above training from the Provincial Civil Service?

**The Honourable Sir James Grigg:** (a) No.

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

#### DETERIORATION IN THE BALANCE OF TRADE.

311. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Will Government be pleased to state whether the balance of trade so far as merchandise is concerned (taking gold out of consideration) has deteriorated in the past few years; and if so, what the different causes to which this deterioration is due are?

(b) Is it due exclusively or mainly to the fall of world prices of primary commodities? If not, what are the other causes?

(c) What steps, if any, has the Honourable the Finance Member since his assumption of office taken to improve the balance of trade? If not, do Government propose to take any step in the near future?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member is referred to the reply given by me to Mr. Satyamurti's starred question No. 282, on the 11th September, 1935, and the supplementary questions and answers arising therefrom.

**Mr. S. Satyamurti:** What is the answer to clause (c) of the question?

**The Honourable Sir Muhammad Zafrullah Khan:** The whole question was discussed in detail on a previous occasion. It covers two or three pages, and the steps taken by Government are detailed therein, but there are no special steps taken by the Honourable the Finance Member separately.

**Mr. S. Satyamurti:** Do the Government of India realise that the balance of trade is going against India this year?

**The Honourable Sir James Grigg:** Not at all. It is improving.

**The Honourable Sir Muhammad Zafrullah Khan:** It is better than last year's.

#### PLAN FOR THE DEVELOPMENT AND IMPROVEMENT OF AGRICULTURE.

312. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to state:

- (i) whether they have considered the advisability of issuing instructions to the provinces for the preparation of a ten-year or five-year plan for the development and improvement of agriculture;
- (ii) whether any action has been taken by Government towards the preparation of such a plan; and
- (iii) whether any expert opinion has been obtained or is proposed to be obtained with respect to such a plan?

**Sir Girja Shankar Bajpai:** (i) and (ii). The Honourable Member is presumably aware that agriculture is a transferred provincial subject. Initiative in the matter referred to by him rests with Local Governments. The Government of India are not aware of any provincial plans of improvement of the nature mentioned in the question. Unostentatious but useful work is, nevertheless, being carried on in most Provinces. In the domain of Agricultural Research the Government of India are playing a not unimportant rôle: during the last six years they have placed over Rs. 90 lakhs at the disposal of the Imperial Council of Agricultural Research for promoting such research. Ten lakhs have been placed at the disposal of Provincial Governments for expenditure on organizing Cane-Supply Societies and cognate objects, and out of the Rs. one crore given for rural uplift to provinces Rs. 18,56,000 will be spent on schemes of agricultural development and improvement.

(iii) Research work is carried out by experts. To assess the value of work on the crop side financed by grants from the Imperial Council of Agricultural Research whether in progress or contemplated, it is intended to have a scientific stock-taking shortly and the question of improving the dairy industry, especially in rural areas, will also be investigated.

**Mr. M. Asaf Ali:** What steps are being taken to bring culturable waste land under the plough?

**Sir Girja Shankar Bajpai:** My Honourable friend, Dr. Bhagavan Das, has a question on that subject which, I think, will come up in a couple of days, and I propose to answer it then.

#### CONTRIBUTION, POSITION AND STATUS OF INDIA IN THE LEAGUE OF NATIONS.

313. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) What is the precise position and status of India in the League of Nations? Has she got a free vote like any other members? Has she the same rights and privileges in all matters as other members?

(b) Have Government taken any step for getting India's contribution to the League of Nations reduced on the occasion of the preparation of a revised scale of allocation?

(c) What has been the result of the representations by the Government of India for an increase in the number of Indians employed in the League's organisations?

(d) Has there been any improvement in the emoluments of Indian employees?

(e) Are Government aware that there is a feeling of resentment in India on the position of India in relation to the League of Nations?

(f) If India has got no free Vote, have Government considered the advisability of withdrawing from the League? Have the Government of India in any event urged that this fact should be the important factor in determining her contribution to the League of Nations?

**The Honourable Sir Nripendra Sircar:** (a) India as a signatory named in the Annex is an original member of the League under the operation of paragraph 1 of the 1st Article of the Covenant. She has a free vote under paragraph 4 of Article 3 of the Covenant and has the same rights and privileges as any other member.

(b) Yes. A memorandum stating India's case for a reduction of her contribution has been presented to the Committee on Allocation which has been charged with the task of preparing a revised scale.

(c) I have explained in reply to a number of previous questions that opportunity for increasing the number of Indians occurs only on the occasion of vacancies. Though there has been no recent increase in the number of Indian employees it may be assumed that it was due to representations made by the Government of India that the League authorities have arranged to appoint two Indians in two recent vacancies resulting from the death of one and the resignation of another Indian employee.

(d) I regret that I am unable to understand the purport of the Honourable Member's question. Indian employees of the League are not on differential rates of pay but like all other employees draw the pay attached to the posts which they hold.

(e) Government are aware that the position of India in the League is viewed with dissatisfaction in certain quarters.

(f) As India has a free vote, neither part of the question arises.

**Mr. S. Satyamurti:** May I know what is meant by India having a free vote? Does it mean that every time the representatives of India take their instructions from the Government of India direct, and do not take their instructions from Great Britain?

**The Honourable Sir Nripendra Sircar:** The question was answered by me only yesterday—that a brief is prepared by the Government of India and the Secretary of State for India in consultation, and that brief being with them, they exercise their discretion of voting in the way they like, having regard to the brief.

**Mr. S. Satyamurti:** Has India ever differed from Great Britain in any questions coming before the Assembly of the League of Nations?

**The Honourable Sir Nripendra Sircar:** This question was put to me yesterday, and I said that I was not prepared to produce the correspondence between Great Britain and India in the public interests.

**Mr. S. Satyamurti:** My Honourable friend answered this question "Has she got a free vote like any other member" by saying "Yes". In elucidation of that answer, I am now seeking to find out whether, as a matter of fact, India, as a member of the League of Nations, at any time voted in a manner different from Great Britain, either in the meetings of the Assembly or of the Council of the League.

**The Honourable Sir Nripendra Sircar:** I am sorry I misunderstood the question. As a matter of fact, in the International Labour Conference, India has very frequently differed from Great Britain.

**Mr. S. Satyamurti:** I am talking of the League of Nations dealing with international disputes, disputes between nations who are members. I am wanting to know whether with regard to international policy, India at any time differed from Great Britain.

**The Honourable Sir Nripendra Sircar:** I do not understand this international policy with reference to the League of Nations, but what I do understand is that the International Labour Conference is part of the League of Nations.

**Mr. S. Satyamurti:** May I know how India voted with regard to the Italo-Abyssinian dispute and the oil sanctions? Did India agree not to enforce the oil sanctions and were the Government of India consulted in the matter and did the Government of India represent that Indian opinion does not favour oil sanctions against Italy for the present?



**The Honourable Sir Nripendra Sircar:** If my friend will put down a question, I will give an answer. My friend is not correct in making that assumption.

**Mr. S. Satyamurti:** I am simply asking how India voted about the enforcement of oil sanctions.

**The Honourable Sir Nripendra Sircar:** I want notice of that question.

#### CONSTITUTION OF A JOINT STANDING MACHINERY ON RAILWAYS.

314. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Have Government formulated their views and proposals regarding the constitution of a joint standing machinery on Railways as recommended by the Whitley Commission?

(b) If the answer to part (a) be in the affirmative, do Government propose to consult the All-India Railwaymen's Federation before coming to a final decision and will they kindly lay the same on the table?

(c) If the answer be in the negative, when do Government propose to arrive at a decision?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) to (c). The matter is still under consideration.

#### AMALGAMATION OF RAILWAYS AS RECOMMENDED BY THE POPE COMMITTEE.

315. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Have Government considered the question of amalgamation of Railways as recommended by the Pope Committee? If so, what step has been taken to give effect to the recommendations? If not, when do Government propose to come to a decision?

(b) Apart from the practical difficulties, if any, of the problem, do Government accept the principle of amalgamation?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The question of re-grouping of Indian State Railways in order to effect a reduction in the total number of railway systems has been under the consideration of Government for some time. No effective steps can be taken towards this till most if not all of the Company-managed Railways are transferred to State-management, so that a final decision depends to a large extent on whether it is found financially desirable to terminate existing contracts when they fall due.

(b) This is one of the questions in which principles cannot be divorced from practical considerations.

**Mr. S. Satyamurti:** What is the latest date on which the last Company-managed Railway can be taken over by the Government?

**The Honourable Sir Muhammad Zafrullah Khan:** The 31st December, 1950, for the Bengal Nagpur Railway.

**Mr. S. Satyamurti:** May I ask whether Government will not take any steps till the 31st December, 1950, to amalgamate the railways under their control so as to effect some saving of expenditure? Do Government realise that they lose five crores of rupees on railways every year?

**The Honourable Sir Muhammad Zafrullah Khan:** That is not at all a fair inference from what I have said in answer to this question and what I stated yesterday in the debate on the Resolution in regard to the Bengal and North Western Railway and the Madras and Southern Mahratta Railway.

**Mr. S. Satyamurti:** May I know then when Government propose to come to a conclusion on the point raised in this question, so as to effect some saving in railway expenditure?

**The Honourable Sir Muhammad Zafrullah Khan:** I have already replied that it depends upon the question of the acquisition of some, if not all, of the Company-managed Railways.

**Mr. S. Satyamurti:** How many more railways do they want to acquire, before they decide to tackle this question finally and effectively?

**The Honourable Sir Muhammad Zafrullah Khan:** I think the Honourable Member was very much interested when I said yesterday that the amalgamation of the Madras and Southern Mahratta and the South Indian Railways was quite feasible.

#### TERMINATION OF CONTRACTS WITH COMPANY-MANAGED RAILWAYS.

316. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to state when will the existing contracts with the different company-managed Railways terminate?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member is referred to part (a) of the reply given to question No. 788 on the 9th March, 1935.

#### MANUFACTURE OF LOCOMOTIVES IN RAILWAY WORKSHOPS IN INDIA.

317. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Have Government prepared a memorandum on the question of locomotive manufacture in Railway workshops in India? If so, will Government be pleased to lay it on the table?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**Mr. S. Satyamurti:** Why not, Sir?

**The Honourable Sir Muhammad Zafrullah Khan:** They were in the course of preparing a memorandum when this House took the opportunity of discussing the question on the floor of the House. In the course of the debate on the Resolution, I did point out that Government had intended to prepare a memorandum and place the matter before the Standing Finance Committee, but Government were glad that the opportunity was taken to discuss the matter on the floor of the House.

**Mr. S. Satyamurti:** Have Government considered the Resolution of this House? Have any steps been taken?

**The Honourable Sir Muhammad Zafrullah Khan:** I explained that in detail in the debate on the Resolution last Session.

**Prof. N. G. Ranga:** Has any action been taken since then?

(No answer.)

#### INDIANS IN THE TEA CESS COMMITTEE.

318. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Is it a fact that out of the 12 employees in the Tea Cess Committee drawing a salary of Rs. 500 and over Rs. 500, only one is Indian and the rest European? If so, will Government be pleased to state if these eleven European employees possess such qualifications as are not to be found in Indians?

(b) In view of the acute unemployment amongst highly educated and qualified Indians are Government prepared to consider the urgency of confining appointments in future to Indians?

(c) Were any applications invited when Messrs. W. H. Miles and B. G. Halton were appointed as Commissioner and Inspection Superintendent respectively? Were there many other candidates? What was the principle on which these two gentlemen were selected?

(d) What are the duties performed by the

- (i) Superintendents;
- (ii) Assistant Superintendents;
- (iii) Inspectors; and
- (iv) Sub-Inspectors?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The facts are as the Honourable Member has stated. Government have no reason to believe that the eleven European employees were appointed for reasons other than their special qualifications.

(b) I would point out that appointments on the staff of the Tea Cess Committee are made by the Committee itself. I understand, however, that the Committee is fully impressed with the desirability of appointing Indians on its staff.

(c) Applications were not invited by the Committee. Mr. W. H. Miles was appointed Commissioner for India on the staff of the Committee with effect from the 1st November, 1933. The vacancy was not publicly advertised as the Committee had already before them a list of likely candidates from whom Mr. Miles was selected for the post as the most suitable candidate having regard to his previous experience and qualifications. Mr. B. G. McHatton was appointed as an Assistant Superintendent on the staff of the Committee in July, 1924, and was selected from among a large number of candidates whose applications were at that time registered with the Committee. Mr. McHatton's selection was decided on the basis of his previous experience, his qualifications and his general suitability for the work. His promotion to his present post of Inspection Superintendent has followed as a result of his efficient and satisfactory service with the Committee.

(d) A statement is laid on the table showing the duties performed by the Superintendents, the Assistant Superintendents, the Inspectors and the Sub-Inspectors on the staff of the Tea Cess Committee.

*Statement showing the duties performed by the Superintendents, the Assistant Superintendents, the Inspectors and the Sub-Inspectors on the staff of the Indian Tea Cess Committee.*

(i) *Superintendents.* The Tea Cess Superintendent's normal charge is one division which may consist of as many as 24 Demonstration Parties. The strength of the Demonstration Party varies according to the size and requirements of the town in which it is stationed. The normal constitution is :

Three Demonstrators,

Three Attenders,

but in some cases it is necessary to have parties of more than double this strength.

The duties of a Superintendent are to supervise and control the work of a division constituted as above. He is responsible for the maintenance order, discipline, and efficiency of the staff under his control. He is in charge of the Divisional Office to which all reports and returns from Demonstration Parties are directed and is responsible for collecting and submitting such returns in proper form to Head Office in Calcutta. The greater portion of his time, however, is spent on tour amongst the demonstration parties under his control for it has been found that the efficiency of Tea Cess Demonstration work as at present being carried out depends very largely upon constant and frequent inspection by the higher authority.

(ii) *Assistant Superintendents.* An Assistant Superintendent, where appointed, acts as personal assistant to his immediate superior, the Superintendent. His duties are practically identical with those of the Superintendent except that he works under the orders and direction of the latter Official. He tours independently so as to increase the frequency of Divisional Office inspection and in general assists the Superintendent in carrying out the duties of controlling the work of the division.

(iii) and (iv). *Inspectors and Sub-inspectors.* The duties of the Inspectors and Sub-inspectors are in most cases identical, the Sub-inspector grade being the training ground for the higher grade. These men are placed in charge of Demonstration Parties. Their duties consist of maintaining order and discipline within the party and generally of supervising the work in connection with the distribution of free tea. They are personally responsible for the purchase of all ingredients necessary for the making of the tea, and have charge of all Tea Cess property. They maintain constant touch with the trade in the area in which they are working with the object of ensuring that there is at all times, an adequate supply of good cheap tea available to satisfy the demand of the consumer.

**Dr. T. S. S. Rajan:** Are there any Indians in the Tea Cess Committee as members?

**The Honourable Sir Muhammad Zafarullah Khan:** I believe there are.

#### PROTECTION OF THE NEW INDIA STEAM NAVIGATION COMPANY FROM UNECONOMIC COMPETITION.

319. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Are Government aware that a Steam-Ship Company has recently been started by Indians under the name of New India Steam Navigation Company and that their S.S. "Cape St. Francis" is plying between Calcutta and Rangoon?

(b) Have Government considered the desirability of taking effective steps to protect this new industry from uneconomic competition?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government have seen reports to that effect in the newspapers.

(b) Government do not see how that question arises.

# INSTRUCTIONS TO MILITARY COMMANDS FOR CO-OPERATION IN THE RURAL RECONSTRUCTION PROGRAMME.

320. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Is it a fact that Army Headquarters have issued instructions to all Military Commands asking them to co-operate with all the civil authorities in respect of the rural reconstruction programme? If so, will Government kindly lay the same on the table?

(b) What is the ultimate object of this movement on the part of the military authorities?

**Mr. G. R. F. Tottenham:** (a) Yes, Sir. I lay on the table a copy of the memorandum issued by the military authorities.

(b) The object is stated in paragraph 1 of the memorandum.

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COPY OF A MEMORANDUM FROM THE CHIEF OF THE GENERAL STAFF, ARMY HEADQUARTERS, INDIA, TO THE GENERAL OFFICERS COMMANDING-IN-CHIEF, COMMANDS, AND THE COMMANDER BURMA (INDEPENDENT) DISTRICT, No. 38561/1/M. T.-2(a), DATED THE 9TH OCTOBER, 1935.

## *Rural Reconstruction in the Army.*

The Civil Government is at present engaged in an intensive campaign of Rural Reconstruction with the general object of persuading the villager to improve his methods of farming and standard of living, so that in spite of low prices and other disadvantages, he may lead a happier and healthier life.

The importance to the Army of healthier village populations from which to draw their recruits needs no emphasis, and it is realized that much is already being done in some stations to help on this work.

Every year approximately 1,850 soldiers are transferred to the Reserve, and as many again retire on pension. A large proportion of these return to the Punjab. These ex-soldiers, in view of the training and discipline which they have received in the Army, should be better citizens than non-enlisted men. In practice it is found that, although they have been taught the rudiments of hygiene and have enjoyed a higher standard of living over a period of years than is available at their homes, they soon revert to type and are generally no more capable of improving the amenities of life in their villages than are the ordinary villagers.

It is probable that to link up with the Civil Rural Reconstruction movement and do our best to interest and instruct the serving soldier in improving his conditions of living and farming is the best contribution the army can make to the solving of the new problems presented by the short service system.

It has been decided that in order to raise the standard of living of ex-soldiers, not only in the Punjab, but also in all districts from which recruits are drawn, it is necessary for instruction in the rudiments of Rural Reconstruction to be given to men while they are actually serving with the Colours. Conditions vary in different parts of India, but the elementary principles of sanitation, and the necessity for improving the standard of living remain constant. The suggested methods for implementing the above decision are outlined below with a view to obtaining the co-operation of all concerned.

2. *Introduction of Rural Reconstruction as a subject in the Educational Training of the Indian Army.* (a) Rural Reconstruction will be included as part of the syllabus for the Citizenship and General Knowledge papers for the Indian Army 2nd and 1st Class Certificates of Education; it is also intended that a selected Roman Urdu Reader shall be used in the Roman Urdu Subjects of both the 2nd Class Certificate and Part A (Practical) of the Indian Army 1st Class Certificates examinations. Educational Training, India, Section 26, paragraph 3 (ii) and (v) and Section 27, paragraph 23 will be amended accordingly, in due course.

(b) The book "Citizenship in India, its Privileges and Duties", which was issued on a small scale in 1923 and is at present a recommended book for the Indian Army Special Certificate examination, *vide* Educational Training, India, page 90, will be re-written and distributed on a wide scale in both English and Roman Urdu. It will then be adopted as a text book for the Citizenship and General Knowledge papers for the Indian Army 2nd and 1st Class Certificates of Education.

(c) The book "Socrates Persists in India" will be combined with the pamphlet "Pits" and translated into Roman Urdu. It will then be distributed on a wide scale and become the official text book for the Roman Urdu portions of the 2nd Class and Part A of the Indian Army 1st Class Certificates examinations, in place of the training manuals at present used for this purpose.

(d) Unit Education Instructors will attend refresher courses for Civilian Schoolmasters and demonstrations, where these can be held in the unit's station; see paragraphs 4 (d) and 5 (b) below.

3. *Instruction of Indian Military Academy Cadets and Pupils at the King George's Royal Indian Military Schools.* In order that pupils at the King George's Royal Indian Military Schools may learn the importance of the subject before joining their units, and that Cadets at the Indian Military Academy may be taught how to lecture on this after joining, the Commissioner for Rural Reconstruction, Punjab Government (Mr. F. L. Brayne, M.C., I.C.S.), and his assistants, will visit and deliver lectures at the Indian Military Academy, Dehra Dun, each term, and the King George's Royal Indian Military School, Jhelum and Jullundur, whenever possible. He will also arrange for other speakers to visit these institutions at the request and convenience of the military authorities concerned.

4. *Formation of local committees.* It is suggested that in each Military station a local committee be formed to co-ordinate instruction in Rural Reconstruction. In each case the committee might consist of the Brigadier or Station Commander, representatives of units, officers of services and departments, e.g., Royal Engineers, Medical, Grass Farms, Dairy Farms, while representatives of local civil authorities and departments should be invited to co-operate. The functions of committees will be as follows:

(a) To form a direct link with the local civil authorities engaged in Rural Reconstruction and (in the Punjab) with the Commissioner, Rural Reconstruction, and in other provinces with whoever is employed by Government to co-ordinate this work throughout the province.

(b) To co-ordinate instruction in units, and to arrange for demonstrations of improved methods of agriculture and building at local Grass and Dairy Farms; lectures and distribution of literature.

(c) By keeping in touch with local civil authorities to make what use is possible of their farms, demonstrations exhibitions, competitions, travelling cinemas and lecturers, classes, courses, and where possible to assist by arranging for the attendance of Regimental Bands, etc.

(d) To arrange for the attendance of instructors at local refresher classes and generally to do everything possible to stimulate interest in and to provide opportunities for learning about rural reconstruction.

(e) To provide material for officers before they proceed on District tours and to stimulate interest in Rural Reconstruction among officers so that they may be able to assist in lecturing, demonstrating, etc.

5. *Assistance to be given to Punjab Committees by the Commissioner, Rural Reconstruction, Punjab.* (a) As a first step, Mr. Brayne will visit all Cantonnements in the Punjab to help in the formation of Committees and give advice regarding methods of procedure. In the Northern Command he will, subject to the concurrence of G. O. C.-in-C., arrange his programme direct with the Brigadier, General Staff.

(b) Timely intimation of all civil training classes, civil demonstrations and exhibitions will be given and should then be published in District, Brigade and Unit Orders.

(c) Committees will be kept informed of all touring cinemas and magic lantern lectures etc., so that they can arrange for the attendance of military personnel.

(d) Propaganda literature on Rural Reconstruction issued by civil authorities will be provided to committees for issue to units recruiting in the area to which it applies.

(e) The Commissioner, Rural Reconstruction, Punjab, or his assistants, will lecture at all stations in the Punjab.

(f) Part of the Delhi Wireless Programme will be allotted to the Punjab Government for Rural Reconstruction purposes.

6. In addition to the above, (a) A series of articles will be published in the *Fauji Akhbar*. The Editor of this paper will arrange for a local correspondent in Lahore to collect news direct from the office of the Commissioner, Rural Reconstruction Lahore. This local correspondent should be a member of the Lahore Station Committee. In addition, Regimental Journals will be provided with material for articles.

(b) All local Governments will be asked to invite all departments and district officers concerned with Rural Reconstruction to co-operate with these committees in every way possible so that the best advantage may be taken of the Government Rural Reconstruction efforts.

(c) Wherever possible, Regimental Thrift Societies should be linked with the Civil Co-operative system so that serving personnel may understand the system on which the latter works.

(d) In some districts village newspapers are published under the auspices of the local authorities. The subscription is approximately Rs. 3 per annum and Recruiting Officers, after consulting civil officers will, if desired, send sample papers to each unit recruiting in the area of each newspaper.

7. It must be realized that no money can be made available from Army Funds, with the exception of the free issue of the books mentioned in paragraph 2 above, for the purpose of imparting instruction. The civil authorities will provide all the help they can, but any instruction and demonstrations must of necessity be of the type that can be carried out within the limits of each station.

The success of the scheme will depend upon the interest taken in it, and on the co-operation given by each local military commander.

#### SEPARATION OF POSTS AND TELEGRAPHS DEPARTMENT.

321. \*Mr. N. V. Gadgil (on behalf of Mr. Akhil Chandra Datta): Have Government come to any decision with regard to the separation of Posts and Telegraphs Department? If not, when is the decision likely to be reached?

**The Honourable Sir Frank Noyce:** Government have no proposal for the separation of the Indian Posts and Telegraphs Department into two or more departments but as the Honourable Member is no doubt aware the accounts of the four constituent branches of the Department are prepared and published separately. If, however, the Honourable Member refers to the allocation of joint revenue and expenditure between the postal and telegraph branches I would refer him to the speech I delivered in this House on the 3rd April, 1935. I explained then that the existing methods of determining the revenue and expenditure of each branch had been evolved over a long period in consultation with experts and added that the description of the methods in use had been submitted to the Public Accounts Committee. As a result of the further investigations carried out at the instance of that Committee it is generally accepted that those methods are fair to the branches concerned but certain simplifications in procedure have been adopted.

**DEATHS DUE TO STARVATION AND INCOME OF CERTAIN PEOPLE IN INDIA.**

322. \***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to lay on the table a statement showing:

- (a) the total number of deaths in India due to starvation, year by year, during the last five years 1930—34;
- (b) the total number of people in India who had no two square meals a day year by year during the last five years 1930—34;
- (c) the total number of people in India who during these years, year by year had a daily income of
  - (i) less than two annas;
  - (ii) less than four annas; and
  - (iii) less than eight annas; and
- (d) the total number of Indians year by year who had no house of their own during the years 1930—34?

**Sir Girja Shankar Bajpai:** (a) to (d). It is not possible to comply with the request made by the Honourable Member as no information is available.

**Mr. S. Satyamurti:** Will Government call upon the Local Governments to supply the information?

**Sir Girja Shankar Bajpai:** As far as I am aware, the only machinery that Local Governments have is to collect information regarding deaths from starvation in the event of famine. In ordinary times, as far as I know, they have got no machinery to collect the information.

**AVERAGE INCOME OF AN INDIAN AND A MAN FROM THE UNITED KINGDOM RESIDING IN INDIA.**

323. \***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Will Government be pleased to state what the average income of an Indian in any one year during 1933-34 was, leaving out of account those Indians whose income was 2,500 and above?

(b) What was the average income of a man from the United Kingdom residing in India in any one year during 1930—34?

**The Honourable Sir James Grigg:** Data are not available from which a calculation could be made.

**Prof. N. G. Ranga:** Will Government ascertain the data?

**The Honourable Sir James Grigg:** No, Sir.

**Mr. S. Satyamurti:** Have Government seen statements published from time to time giving the average income of Indians?

**The Honourable Sir James Grigg:** I have seen, I think, something in Sir Walter Layton's chapters in the Simon Commission's Report in which he stated the average income or rather made certain references to calculations of the average income of all the inhabitants of India.



**Mr. S. Satyamurti:** Will Government consider the question of inventing some machinery by which we can get very important economic facts, so as to judge of the progress, if any, in the average income of an Indian?

**The Honourable Sir James Grigg:** I think such machinery would be extremely expensive; and I think there are other more urgent things on which the Government of India could spend their money.

**Mr. T. S. Avinashilingam Chettiar:** Is not such a machinery in existence in England and other countries?

**The Honourable Sir James Grigg:** There is a very highly developed machinery in England connected with the income-tax returns which produces a lot of statistics, but these, as I have the best reasons for knowing, are kept confidential.

**Mr. S. Satyamurti:** Will Government consider this question?

**The Honourable Sir James Grigg:** Well, except in so far as it is covered by Sir Walter Layton's report, no.

**Mr. T. S. Avinashilingam Chettiar:** Is not such a machinery necessary in order to find out the true average income of an Indian?

**The Honourable Sir James Grigg:** That is a matter of opinion.

#### PERCENTAGE OF ILLITERATE INDIANS AND BOYS AND GIRLS NOT SENT TO SCHOOLS.

324. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Will Government be pleased to lay on the table a statement showing for the year 1933:

- (a) the percentage of Indians who were quite illiterate to the entire population;
- (b) the percentage of Indian boys below 12 who were not sent to any school; and
- (c) the percentage of Indian girls below 12 who were not sent to any school?

**Sir Girja Shankar Bajpai:** (a) The attention of the Honourable Member is invited to Tables XIII and XIV of the Census of India, 1931, Vol. I—India, Part II—Imperial Tables, which give the latest figures available about illiteracy in India. A copy of the Tables is available in the Library of the House.

(b) and (c). The information asked for by the Honourable Member is not readily available.

**Mr. S. Satyamurti:** Will Government take steps to collect the information, especially as it is a very serious charge that boys and girls below twelve are not attending any school?

**Sir Girja Shankar Bajpai:** Sir, the question concerns the percentage of Indian boys and girls below twelve who were not sent to any school. As far as I can make out, it should be possible to make a rough and ready calculation, but the percentage changes from year to year, and one does not know whether it is worth while collecting statistics of that character.

**Mr. S. Satyamurti:** As a matter of policy, do not Government take an interest in the spread of elementary education in this country?

**Sir Girja Shankar Bajpai:** My Honourable friend realises as well as I do that education is a provincial subject, and I have no doubt that Local Governments, compatibly with their resources, are doing what they can to spread elementary education.

**Mr. S. Satyamurti:** Have Government any information as to the areas where compulsion is enforced at the present time for children up to eleven or twelve?

**Sir Girja Shankar Bajpai:** I believe that information on that subject is available in the Quinquennial Review of the Educational Commissioner with the Government of India, but I can verify that and let my Honourable friend know.

#### STATISTICS ABOUT INFANT MORTALITY.

325. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Have Government any machinery for collection of statistics about infant mortality? If so, will they be pleased to lay on the table a statement shewing:

- (i) the number of deaths of Indian children under six months, one year, two years, and five years respectively in the year 1933; and
- (ii) the rate of infant mortality in India in 1933?

**Sir Girja Shankar Bajpai:** The Central Government have no such machinery: the Public Health Commissioner with the Government of India brings together such information as the Local Governments, who are primarily concerned with the subject, provide. The Honourable Member will find this in paragraph 8 of volume I of the Annual Report of the Public Health Commissioner with the Government of India for 1933, copies of which are available in the Library of the House.

#### ENACTMENT OF A LEGISLATION TO PREVENT DEATHS FROM STARVATION AND EXPOSURE.

326. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): Are Government prepared to consider the advisability of enacting legislation to prevent death from starvation and exposure?

**Sir Girja Shankar Bajpai:** The matter is primarily one for Local Governments who will doubtless deal with it if the problem referred to by the Honourable Member is at all acute.

## DEFICIT IN RAILWAY BUDGET.

327. \***Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) With reference to the following statement made by the Honourable Sir Muhammad Zafrullah Khan in answer to starred question No. 152 on the 5th September, 1935, will Government kindly state what the tentative suggestions referred to therein were, namely?

"A meeting was held between the Honourable the Finance Member, the Agents of the Railways, Members of the Railway Board and myself, sometime ago when this question was discussed, and tentative suggestions were made. The Agents were asked to consider those suggestions in detail and any others that might occur to them or be sent to them, and the question would be more fully discussed with the Agents next October":

(b) Have the Agents of Railways submitted their opinion with regard to those suggestions? Has any decision been reached about reduction of working expenses and increase of revenue? If so, what are they?

**The Honourable Sir Muhammad Zafrullah Khan:** As the House is aware, my Honourable colleague, the Finance Member, and I had meetings with the Railway Board and with the Agents of Railways in July and in October last year. These meetings were convened for the purpose of discussing with the Railway Board and with Agents what steps could be taken to improve the financial position of railways. Various suggestions were then made for alterations in rates and fares, which were scrutinised by the railway administrations. I regret I cannot give details of the various proposals considered, but I can say that the action already taken by railway administrations, or proposed to be taken by them in the very near future, is expected to increase railway revenues by about a crore. Apart from suggestions for alterations in rates and fares, attention was drawn in the meetings to certain other measures which it was considered were essential if the financial position of railways were to improve. Among these latter, the most important were the following:

(1) The problem of the ticketless passenger and the necessity for an amendment of the Railways Act to provide for more stringent penalties on such travelling, which was estimated as producing a loss to railways of a very considerable amount.

(2) The question of road motor competition and the necessity of persuading Provincial Governments to regulate motor transport and restrict uneconomical competition between railways and road vehicles, to use available funds for the construction of feeder roads in preference to competitive roads, and to refrain from action likely to prejudice the railways, such as the imposition of a tax on travellers to places of pilgrimage going by rail where such tax is not imposed upon people travelling by road.

(3) The reduction in 1935 of the surcharge on coal traffic and the rebate granted on export coal even to Indian ports which was responsible for a considerable amount of loss in revenue to railways.

(4) The necessity of sustained efforts to check methods of defrauding railways, such as by underweightings and misdeclarations of consignments which, it was feared, were responsible for large losses of railway revenues at present.

(5) The continuation of job analysis and of efforts to reduce expenditure in all directions; and, in selecting persons for retrenchment, adopting the criterion of comparative inefficiency and not of length of service for discharge.

**Mr. S. Satyamurti:** Apart from the measures in connection with job analysis, has my Honourable friend considered or are the Government of India now considering any other means of reducing the working expenses of Railways?

**The Honourable Sir Muhammad Zafrullah Khan:** I should have thought I had made this reply as complete as possible.

**Mr. S. Satyamurti:** Well, I followed it as carefully as I could. The question consists of two parts,—the reduction of working expenses and the increase of revenue. Unless my ears deceive me, ninety per cent. of the answer was about the increase of revenue. I am now asking a question with regard to the reduction of working expenses. My friend referred to the item of job analysis, among others. I am asking whether, apart from these, Government are considering or the Conference have considered any other suggestions for reducing the working expenses.

**The Honourable Sir Muhammad Zafrullah Khan:** Government have impressed upon Agents the necessity of scrutinising every item of expenditure continuously and to effect reductions wherever possible.

**Mr. S. Satyamurti:** Has my Honourable friend heard from any Agent of any saving of expenditure of even a lakh of rupees on a single Railway?

**The Honourable Sir Muhammad Zafrullah Khan:** During the last few years, working expenses have been reduced by six crores.

**Mr. S. Satyamurti:** Is there anything doing this year?

**The Honourable Sir Muhammad Zafrullah Khan:** I could not possibly say till the results of this year are scrutinised.

**Mr. S. Satyamurti:** As regards persuading Local Governments in the matter of the rail-road competition, may I know if my Honourable friend is considering the question of taking power to regulate this rail-road competition, if persuasion fails?

**The Honourable Sir Muhammad Zafrullah Khan:** That will have to be considered when persuasion does fail.

**Mr. S. Satyamurti:** How long will the Honourable Member wait?

**The Honourable Sir Muhammad Zafrullah Khan:** Government intend to have a conference on this matter shortly after they are free from their duties in connection with the Legislature.

#### RAIL-ROAD COMPETITION AND COMFORTS TO THIRD CLASS PASSENGERS.

328. **\*Mr. N. V. Gadgil** (on behalf of Mr. Akhil Chandra Datta): (a) Have Government laid down any policy on the question of rail-road competition both as to passengers and goods traffic? If so, what it is?

(b) Have any steps been taken recently for increasing the comfort and convenience of third class passengers? If so, what are the improvements made?

**The Honourable Sir Muhammad Zafrullah Khan:** I would refer the Honourable Member as regards (a) to the reply given to Mr. Lalchand Navalrai's question No. 23 on the 5th February, 1935, and as regards (b) to Chapter VII of the Railway Board's Report for 1934-35.

### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

329. \*Sirdar Jogendra Singh: (a) Will Government be pleased to state if the point raised in starred question No. 333, dated the 2nd March, 1934,—i.e., whether personal waiting upon an Officer Commanding, or on the Resident, or on the Chairman of a Soldiers Board Committee, and whether the granting of a *Jangi Inam*, in consequence of such waiting by a claimant, does not amount to the preferment of a war pension claim in time, and whether full arrears should not be granted in such cases—has been answered? If so, how and on what date?

(b) If the above mentioned question was not answered till the last session, in what way have such claims under Recommendation No. VII been disposed of? Have they been kept pending?

(c) Do Government intend that the principle underlying Recommendation No. V of the War Pension Committee, should have effect from 29th September, 1929? If so, why?

Mr. G. R. F. Tottenham: (a) The Honourable Member's attention is invited to the statement which was laid on the table on the 19th July, 1934.

(b) Does not arise.

(c) No.

### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

330. \*Sirdar Jogendra Singh: (a) Is it the intention to give effect to Recommendation No. XVII with effect from 20th April, 1932?

(b) In what way have the Government Orders on recommendation No. VII, as given in brackets [A pension sanctioning authority may grant full arrears, if he is satisfied with the explanation for the delay ..... (Government orders:)] The first part of this Recommendation is in conformity with the existing practice] been correctly applied in this instance?

(c) Will Government please state clearly what sort of claims will be admitted by their orders on Recommendation No. VII?

Mr. G. R. F. Tottenham: (a) No.

(b) In the case to which I believe the Honourable Member refers Government being dissatisfied with the explanations of the individual concerned, exercised the discretion to which reference is made in that part of the orders on Recommendation VII which the Honourable Member has not quoted, and limited the arrears to the 20th April, 1932, the date of his only traceable application for the revision of his pension.

(c) I am not prepared to suggest hypothetical claims, but I can assure the Honourable Member that each case is sympathetically considered on its merits.

RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

331. \*Sirdar Jogendra Singh: (a) Will Government be pleased to state if it is a fact that in giving their assent to some of the Recommendations of the War Pensions Committee, the Home Government was not consulted?

(b) Is it not the Secretary of State for India who frames, amends, or changes rules governing war pensions?

(c) Is it a fact that the Secretary of State objected to the incurring of any further liability on account of war pensions, and the whole question of assent referred to in part (a) above, is under reference to the Secretary of State?

(d) Is it not a fact that the question of incurring further liabilities is not yet decided, and pending such decision claims under different Recommendations are being rejected?

(e) Is it not a fact that Government accepted Recommendation No. IX of the War Pensions Committee in the words given in brackets (..... —but the Government have no objection to allowing the old rules and rates to be applied in those cases, if any, where they would be more favourable to the individual) and it is awaiting the sanction of the Secretary of State for India, *vide* letter No. G./3/1978, dated the 15th February, 1934, of the Deputy Controller of Military Pensions?

(f) Have Government any reasons to advance that Recommendation No. IX, would involve more money than Recommendations Nos. V, VII, and XII?

(g) If the reply to part (f) be in the affirmative, will Government please state if Recommendations quoted in part (f) have not been referred to the Secretary of State, or have they got the sanction of the Home Government already?

(h) If the reply to part (f) above be in the negative, will Government please state why out of a dozen Recommendations of the War Pensions Committee, Recommendation No. IX, has been picked out for the approval or assent of the Secretary of State for India?

(i) Will Government please lay a copy of the correspondence which passed between them and the Secretary of State in connection with such Recommendations as have been accepted by the Government of India?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) The Secretary of State prescribes the principles which govern these pensions.

(c) and (d). No.

(e) No. The sanction of the Secretary of State was received in the middle of 1934.

(f) No. The number of cases falling under Recommendation No. IX has proved very small indeed.

(g). Does not arise.

(h) Recommendation No. IX was not the only one that required the sanction of the Secretary of State. It was not necessary for the Government of India to address the Secretary of State on matters which were within their own powers to deal with.

(i) No.

## RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

332. \*Sirdar Jogendra Singh: (a) Is it not a fact that the Field Controller of Military Pensions, Poona, interpreted that the Recommendations of the War Pensions Committee do not apply to claims of family pensions?

(b) Is it not a fact that the Deputy Controller of Military Pensions *vide* his letter No. G-3/3610, dated the 6th December, 1933, interpreted Recommendation No. VII, read with Recommendation No. XXI 'that Recommendation No. VII relates to a general principle as to what the Pension Sanctioning Authority may grant.....Government have nowhere in their orders on the Recommendations of the War Pensions Committee conceded to re-open the question of arrears in cases where they have already limited them to a certain period with due regard to financial and other considerations for which they still retain discretion'?

(c) Will Government please state whether the phraseology of Recommendation No. XXI given in brackets (Claims which have been rejected, should be re-examined in the light of any changes now decided on) was used in the sense so as to exclude claims rejected by Government as per interpretation of the Pension Controller given in part (c) above, and whether it is not a fact that for all practical purposes, Government have concurred in the view and have refused revision of the amount of arrears finally, *vide* Mountain Artillery Training Centre letter No. R./23/1/168, dated the 1st August, 1934?

(d) Is it not a fact that Government have themselves put in certain conditions on revision of claims dealt by them, *vide* an India Army Order issued in June, 1934, which is worded as having been issued in amplification of Recommendations of the War Pension Committee?

Mr. G. R. F. Tottenham: (a) Not so far as Government are aware.

(b) to (d). It is true that the Pension Controller in Lahore began by interpreting the orders on Recommendation No. VII in the sense stated. As soon as this was realised all Pension Controllers were notified that Government desired even cases where they themselves had already fixed the amount of arrears to be forwarded for their consideration if new facts or special reasons were adduced by the applicants. This intention was also made known in the Indian Army Order referred to. The Controllers were instructed to review all cases in the light of this intention and the individual case referred to was so reviewed. As no new fact or special reason had been adduced, it could not be entertained.

## RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

333. \*Sirdar Jogendra Singh: (a) Is it not a fact that the amplification Order of the Government on Recommendation No. VII imposes two conditions on claims to arrears of pensions, namely: (i) that fresh facts not previously considered should be brought forward, (ii) or special reasons adduced—and if the Deputy Controller of Military Pensions, and Officer Commanding are satisfied that the claimant has succeeded in satisfying the conditions, his claim will be forwarded?

(b) Is it not a fact that Government have usually quoted no reasons for the rejection of claims, and claimants have no means to know what fact was not considered by them previously and what special reasons were, previously, not attended to?

(c) Do Government intend to retain the new conditions, and call them 'Instructions, in amplification of their previous orders on recommendations of the War Pensions Committee'?

(d) Is it a fact that (i) granting of gratuity *vice* an invalid pension, (ii) partial admission of a claim in the first instance, (iii) granting of an *Inam vice* pension, (iv) granting of provisional pensions for limited periods in the first instance, (v) refusal and silence, on the part of Government, of petitions, have not been considered as amounting to the pre-ferment of claim within the terms of the parenthesis used in Recommendation No. VII given here in brackets, and accepted by Government unconditionally (A claim put forward in consequence of any decision on the part of Government to re-open certain classes of cases is not to be deemed 'belated')?

(e) Is it not a fact that total blindness, total paralysis, minority, and other such disabilities are not, and have not been considered as a satisfactory explanation for the delay for the purpose of the first part of Recommendation No. VII?

(f) With what explanation will be the Pension Sanctioning Authority be satisfied? Will Government please give an example?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) No.

(c) Yes.

(d) to (f). I am not prepared to quote hypothetical cases. I can, however, assure the Honourable Member that all applications are considered on their merits and Government are always ready to interpret their rules with sympathy and to make allowance for any reasonable degree of failure to comply with them.

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

334. **\*Sirdar Jogendra Singh:** (a) Will Government be pleased to state if their intention is not to apply the Recommendations of the War Pensions Committee as they stood?

(b) Is it not a fact that the first part of Recommendation No. XII was accepted in the words given here in the brackets (If there is any evidence on record to show that a man was discharged on medical grounds, the onus should lie on the Government to show that he should not receive a pension)?

(c) Is it not a fact that the Controller of Military Pensions has applied the language quoted in part (b) above by expanding the language *vide* his letter No. G.-3/4648, dated the 9th July, 1934, as given in brackets (The entry on the discharge certificate as 'medically unfit' does not conclusively prove that the individual was discharged on account of any specific disability connected with service, as it is known that during the War a large number of men were discharged as medically unfit not being up to the physical standard required, malingering, retarding the cure of disability, etc. The bare statement of the N. C. O. that he contracted the disability on field or foreign service cannot be accepted, and some reasonable evidence should be adduced in support of his claim. The principle



that notwithstanding the fact that personal documents are missing, such evidence could be produced in all genuine cases, has been accepted by the Government of India also)?

(d) Is it the intention of Government to go back on the accepted phraseology of Recommendation No. XII, as quoted in part (b) above, and throw the 'onus' on to the individuals, even in cases where the records show that they were discharged 'on medical grounds'?

(e) Is it not the intention of Government to frame facts 'in issue' as in civil cases and then prove or disprove them?

(f) Are Government not aware that the pre-committee medical boards had given their finding in accordance with the definition of the term 'attributable to military service' given in Medical Regulations?

**Mr. G. R. F. Tottenham:** (a) Government have been acting upon the orders they issued on those recommendations, and will continue to do so.

(b) and (c). Yes.

(d) The answer to the first part of the question is in the negative. As regards the second, the attention of the Honourable Member is invited to the reply given to unstarred question No. 76 on the 21st February, 1934.

(e) No.

(f) I cannot understand this part of the question. If the Honourable Member has any particular case in mind, I shall be only too glad to furnish the necessary details.

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

335. **\*Sirdar Jogendra Singh:** (a) Is it not a fact that the Post-War Medical Boards were held to adjudicate the term 'attributable to military service', and not the term 'contracted on' field or foreign service, which had been decided by the War Medical Board [Authcrtity statement laid on the table on the 15th September, 1932, in reply to unstarred question No. 141 (a) and (d), dated the 9th March, 1932]?

(b) In what way do these two Medical Boards, i.e., the War Medical Boards, and the Post War Medical Board, support each other, especially when they were assembled to opine on two different points as admitted by Government in their statement quoted in part (a) above?

(c) Is it not a fact that the men deputed on field service were examined by Government experts before such deputation, and after a service of years on the field were invalided by Government medical officers as unfit for field operations?

(d) What is the definition of the term 'not aggravated by field or foreign service' and to what extent Government are prepared to respect the expert opinion of their medical officers mentioned in part (c) above, against the opinion of a Medical Board stating that the disease was chronic, that it was not contracted on field or foreign service, and that it was not aggravated by such service?

(e) Are Government aware that the definition of the term 'aggravation' is as given in the brackets here? Is it the intention to restrict its application to the British personnels only (A disease shall not be deemed

to be aggravated by military service, or by active service as the case may be, unless it was contracted before the date of mobilization, and was and remains worsened by such service)?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) The War medical board normally declared the nature of the man's disability and whether it was contracted on or attributable to field or foreign service. (See paragraph 1053, Army Regulations, India, Volume I—1915). Such information is obviously of the utmost assistance to a post war medical board which is required firstly to say whether the individual is still suffering from the original disability, secondly whether that disability was attributable to military service (although this is of course a formality if the previous board had certified to that effect) and thirdly to assess the percentage of disablement.

(c) Yes.

(d) The term means what it says and I cannot define it further. In no case would Government over-rule the opinion of a properly constituted medical board without first consulting the highest military medical authorities in India.

(e) No. In so far as Indian troops are concerned the date of mobilization has no significance. The criterion is that a disability must have been aggravated by *military service*, that is to say, a disease may have been present on enlistment, but it must have been made worse by the conditions of military service, and not merely by the passage of time.

#### RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

336 **\*Sirdar Jogendra Singl:** (a) Will Government please state if some decision is arrived at, as promised in their orders on Recommendation No. II on the point as to what extent the powers of Medical Boards to express opinion regarding attributability should be limited? If not, when is it likely to be reached?

(b) Has some decision been arrived at on Recommendation No. XV about which Government said that an announcement will be made in due course?

(c) Are Government aware that the period of the two years given under Recommendation No. VI is to expire, and the decision will be of little avail, if a further extension is not given?

(d) Do Government contemplate giving time?

**Mr. G. R. F. Tottenham:** (a) I assume that the Honourable Member is referring to Recommendation III. Government have carefully considered this part of the Recommendation and have decided that it would be inadvisable for the following reason to limit the powers of Medical Boards as suggested. Medical Boards are called upon to give *an opinion* on the medical aspects of the case to help the pension sanctioning authority to decide whether attributability should be conceded. If any restrictions were imposed on the expression of this opinion, it is not unlikely that the pension sanctioning authority would not have at his disposal the full advice of the medical expert which is so necessary to the disposal of pension cases of this kind, and that as a result the interests of the applicant might be adversely affected.

(b) The Secretary of State has agreed to the continuance of pensions in cases where a widow marries her deceased husband's brother, and orders will shortly be issued on the subject.

(c) and (d). Government are aware of the situation, but see no reason to extend the two years' limit, having regard to the small number of cases that have been represented during that period.

#### DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

337. **\*Sirdar Jogendra Singh:** (a) Is it not a fact that old rules of family pensions which provided a pension for 12 years only to fathers of deceased sepoys, in certain cases, were superseded by the new rules introduced in 1917?

(b) Is it not a fact that the new rules provide for a life pension to a father after the age of 50 years?

(c) Is it not a fact that there are cases in which the new rules have not been applied, and pensions discontinued, and the Military Accountant General ruled that continuance is not eligible (M. A. G. letter No. 396-At./B./2775, dated 6th January, 1931, and D. C. M. P. letter No. G.-4/2750, dated 5th July, 1934)?

(d) Is it not a fact that Government have not given reasons for the rejection of claims referred to them, notwithstanding Recommendation Nos. II, and XXI (II) (g) (i)?

(e) Is it not a fact that the view of the Army Department is and has been that Recommendations of the War Pensions Committee are not applicable to them, and that the only words that they may use are: 'He is not eligible for a disability, or family pension'?

(f) Is it not a fact that the principles accepted under different Recommendations of the War Pensions Committee needed the assent of the Home Government to which the war pensions are charged?

(g) What extra liability was estimated as a result of the acceptance of the Recommendations of the War Pensions Committee, and what number of sepoys and their families have benefited so far?

(h) Will Government please lay on the table a complete statement showing how many claims have been admitted under each Recommendation and with what arrears?

**Mr. G. R. F. Tottenham:** (a) and (b). Yes.

(c) The new rules were not applicable to cases in which the individuals concerned were already drawing pensions for 12 years under the old rules. The particular case referred to by the Honourable Member was one of the latter and was not covered by any recommendation of the War Pensions Committee. Any grant to the individual concerned would have had to be made as an act of grace on compassionate grounds.

(d) and (e). No.

(f) No, nor is it the case that all the extra cost resulting from the acceptance of the recommendations of the War Pensions Committee is borne by the Home Government.

(g) As far as I have been able to ascertain there have been 31 cases involving an extra recurring expenditure of Rs. 4,600 in which claims have been admitted as a result of the recommendations of the Committee.

(h) The total number of claims submitted has been about 275, whereas the total number of War Pensions being paid is in the neighbourhood of 57,500. This fact in itself bears out the contention of Government at the time when the Committee was constituted that there was no very widespread grievance.

# DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

338. \*Sirdar Jogendra Singh: (a) Will Government please state if it is a fact that the time-limit for putting in war pension claims was fixed seven years in England, *vide* War Pensions Act of 1921, and the same limit was allowed to Indian ranks in 1926, when most of the claims had become time-barred?

(b) Why, in the War Pensions Committee, while discussing Recommendation No. VII, did they emphasise on the three years' limitation?

(c) Are Government aware that in Army Instructions they have put the last date for time barring disability claims as 1st July, 1932, as per Recommendation No. VI, and A. I. I. No. 53 of 1932, but they have been time barring claims which were preferred in 1920, and acknowledged (*vide* Officer Commanding Labour Corps Depot, Bhimtal, letter No. 385/11/P.A., dated 29th April, 1920, Field Controller, Poona, letter No. 372/5/AIXX/V, dated 20th June, 1925, and dozens of other acknowledgments prior to the last date fixed by the Government)? Is it a fact that the Government of India, Army Department, have upheld the Adjutant General's decision about the claim being time-barred, *vide* their letter No. B./6398/14 (A.G.14), dated 27th April, 1934?

(d) Is it not a fact that one of the methods adopted by the Army authorities for rejecting disability pension claims is to state, in absence of the original board's proceedings and medical history sheets, that the present disability of the claimant is not connected with the one he sustained on field service? In what way do they know the original disability to give a finding that the present disability is in no way connected with the one sustained on the field?

Mr. G. R. F. Tottenham: (a) and (b). The position was fully explained in paragraph 21 of the report of the War Pensions Committee, to which I have nothing to add.

(c) No, the Army Department letter quoted dealt with a particular case in which after exhaustive consideration under the recommendations of the War Pensions Committee it was found that the individual had no title to a disability pension. It merely confirmed that decision, which was not based on the fact that the claim was time-barred.

(d) No. Claims are always carefully considered and decided with reference to all the evidence available.

Mr. M. Asaf Ali: Is any list maintained at the headquarters of all those who sustained injuries on the field?

**Mr. G. E. F. Tottenham:** I do not think a list is maintained here in the Army Headquarters, but a list of pensions is maintained in the office of the Controller of Pensions?

**Mr. M. Asaf Ali:** If any list is maintained of those who sustained injuries on the field, it should be possible for the headquarters pension office to issue certificates to them, so that they may, when claiming pension on that ground, take advantage of such a certificate to prove their injuries?

**Mr. G. E. F. Tottenham:** What we are considering now is what happened during the Great War. It is because there was some doubt whether certain people who claimed disability pensions on account of the War ought or ought not to get pensions, that a War Pensions Committee was set up. If a certificate had been clearly issued to every man who was injured during the war, the matter would have been put beyond doubt and there would have been no necessity to have a committee on the subject.

#### ACTION TAKEN AGAINST INDIANS IN MESOPOTAMIA.

339. **\*Dr. Ziauddin Ahmad:** (a) Will Government be pleased to make a statement about the action taken by the Mesopotamian Government against the Indians?

(b) What action have the Government of India taken on the decision of the Mesopotamian Government?

(c) What is the value of the property in Mesopotamia owned by the Indians?

**Sir Aubrey Metcalfe:** (a)—(b). Presumably the Honourable Member has in mind the 'Labour Protection Law' proposed to be introduced by the Iraq Government. This measure has not yet been passed by the Iraqi Legislature. Government are, however, doing all they can to protect the interests of Indians in Iraq.

(c) Slightly more than £500,000.

#### INCREASE IN THE PRICE OF MATCHES.

340. **\*Dr. Ziauddin Ahmad:** (a) Is it a fact that consumers used to purchase 130 match sticks for one pice?

(b) Is it not a fact that the consumers now get only 40 match sticks for one pice?

(c) How is this additional money realised from the consumers on account of increase in price by  $3\frac{1}{4}$  times distributed among the Government, manufacturers and middlemen?

**Mr. A. H. Lloyd:** (a), (b) and (c) Government are not in possession of detailed information regarding the retail prices of matches of different qualities before and after the imposition of the excise duty. The proposals originally put forward by Government in this House were designed to add exactly one pice to the price of a box of matches containing not more than 80 sticks, the whole of which increase in price was to go to the revenue. These proposals were modified by the Select Committee to which the

Bill was referred. The Select Committee was anxious to secure that a box of matches should be purchaseable for one pice including the tax and the tax on this size of box is now a fraction of the lowest unit of currency. It is, therefore, not possible to say that the whole of the increase in price has been secured by way of revenue but I must leave it to my Honourable friend to calculate exactly what additional margin has been left to the trade in respect of any particular quality of matches. I have no doubt that his qualifications are equal to the task.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that they do not put 40 sticks in a box, but invariably less, and yet they charge one pice?

**Mr. A. H. Lloyd:** I am prepared to take it from the Honourable Member; the tax is on a box containing not more than 40 matches.

**Dr. Ziauddin Ahmad:** Is it not a fact that the sound policy of taxation is that whatever taxes are put on the consumer, nearly the whole of it ought to go to the Government, barring the charge of collecting the revenue? Is it not bad form of taxation if Government got only  $\frac{1}{3}$  or  $\frac{1}{4}$  of what the consumers pay?

**Mr. A. H. Lloyd:** That is a matter of opinion, although I am prepared to say that my opinion inclines to that of the Honourable Member.

**Dr. Ziauddin Ahmad:** If so, then, is it not the duty of Government to find out the effect on the retail price of any measure of taxation which they may impose in order to find out whether the whole of the taxes came to Government or whether a small fraction was actually received by Government?

**Mr. A. H. Lloyd:** If I may apply that question to this particular case, it is difficult to see how any information as regards the retail price of matches could, in view of the currency limit of one pice, be made the basis of any practical change.

**Dr. Ziauddin Ahmad:** Is it or is it not . . . .

**Mr. President (The Honourable Sir Abdur Rahim):** These are matters of opinion.

**Dr. Ziauddin Ahmad:** One thing I should like to ask, and it is very important. Whenever a duty is imposed on a particular article, we have to judge in the following year whether the duty was a *bonâ fide* one or not, and the only way in which we can judge it is by finding out how much of the tax has come to Government and how much has gone to other parties. Is it or is it not the duty of Government to place these facts before us?

**Mr. A. H. Lloyd:** I do not think, broadly speaking, that that can be said to be the duty of Government.

**Sir Cowasji Jehangir:** Does the Honourable Member mean to say . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order; next question.

# PROTECTION OF THE TRADING RIGHTS OF INDIANS IN NATAL AND TRANSVAAL.

**341. \*Mr. C. N. Muthuranga Mudaliar:** (a) Has the attention of Government been drawn to an article by 'Seafarer' in the *Hindustan Times* of 29th September, 1935 in which it is said that numerous cases of applications by Indians for trading licenses have been refused by the licensing authorities in Natal and Transvaal?

(b) What steps do Government propose to take to protect the trading rights of their nationals in Natal and Transvaal?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) The Agent General in South Africa has been asked for a report of the facts.

**Mr. C. N. Muthuranga Mudaliar:** May I know the reason for such refusal?

**Sir Girja Shankar Bajpai:** I have said that I am not yet in possession of the facts; I have asked for them.

**Mr. S. Satyamurti:** When did the Honourable Member ask for them?

**Sir Girja Shankar Bajpai:** On receipt of the question.

**Mr. C. N. Muthuranga Mudaliar:** Will Government supply the answer on ascertaining it?

**Sir Girja Shankar Bajpai:** Yes, if the House wishes, certainly.

# RETENTION OF THE PRIVILEGE OF ELECTION BY INDIANS IN FIJI.

**342. \*Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that in Fiji Legislative Council Indians have been given the right to elect three representatives to the Council?

(b) Is it a fact that the European Members of the Council recently got passed a resolution recommending to the Secretary of State for India the abolition of this privilege of election?

(c) If the answer to part (b) be in the affirmative, do the Government of India propose to take steps to urge on the Secretary of State for India the retention of this privilege of election by Indians?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) There are two Resolutions on the subject—one was moved by the Senior Indian Member of the Legislative Council and the latter one by a European Official Member. On the latter Resolution four out of the six non-official European members voted for it.

(c) The attention of the Honourable Member is invited to the reply given by me on the 6th February, 1936, to Mr. Satyamurti's starred question No. 100.

**OFFICERS OF THE LEAGUE OF NATIONS AND CONTRIBUTIONS BY DIFFERENT COUNTRIES.**

**343. \*Mr. C. N. Muthuranga Mudaliar:** Will Government please state:

- (a) the total number of officials of all grades in the service of the League of Nations in its different departments, viz., League Secretariat, International Justice, etc.;
- (b) the total number of such officials belonging to each country that is a member of the League of Nations;
- (c) the total amount drawn as salary per annum by such officials belonging to each country that is a member of the League of Nations;
- (d) the total income and expenditure per annum of each country that is a member of the League of Nations;
- (e) what the various factors are that are considered by the League Assembly in determining the annual contribution to the League of Nations of each State Member; and
- (f) the official position, length of service, qualifications and salary of each Indian who is in the service of the League of Nations in any of its departments?

**The Honourable Sir Nripendra Sircar:** (a), (b) and (c). The Honourable Member is referred to pages 1092 to 1121 of the League of Nations Official Journal, 16th Year, No. 10 of October, 1935, a copy of which is in the Library. I may just add that an identical question was answered by me last week.

(d) The Honourable Member is referred to pages 273 to 281 of the Statistical Year Book of the League of Nations for 1934-35, a copy of which is in the Library.

(e) The existing scheme of allocation is based on the report of the Allocation Committee of 1925 which proceeded upon the principle of capacity to pay, but did not disclose the data relied upon for the conclusions reached on the basis of that principle.

(f) Official positions and salaries are stated on pages of the Journal to which I have referred in my reply to part (a). Information as to length of service and qualifications is not readily available.

**Dr. Ziauddin Ahmad:** Is it not a fact that in the same pages already referred to there are shown six Indians, and four of them are temporary?

**The Honourable Sir Nripendra Sircar:** If my Honourable friend has made that calculation, I am not in a position to contradict him. If it is six, it must be six. (Laughter.)

**Dr. Ziauddin Ahmad:** Is it not desirable that the Honourable Member should actually calculate and find out whether it is not a fact that the number is very small and most of them are temporary?



**The Honourable Sir Nripendra Sircar:** I am taking advantage of my Honourable friend's calculation, and accepting it as six. I have answered question at least six or seven times as to why there is no increase in the number of Indians and what steps have been taken. I cannot add anything to the answers I have given on the previous six occasions.

#### CONTRIBUTION BY INDIAN STATES TO THE LEAGUE OF NATIONS.

344. **\*Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that ever since the Treaty of Versailles in 1919, Indian Princes or their nominees always formed part of the delegation nominated by the British Government to represent India at the League of Nations?

(b) What portion of the contribution made by the Government of India to the League of Nations is defrayed annually by the Indian States?

(c) If no contribution has been made till now by the Indian States, do Government propose to consider the advisability of levying a contribution from the Indian States in view of the representation enjoyed by the States so far on the delegation?

**The Honourable Sir Nripendra Sircar:** The Honourable Member is referred to the reply given to question No. 193 asked by Sirdar Mangal Singh on the 10th February, 1936.

#### RESTORATION OF THE RIGHT OF COLLECTING SALT FOR PERSONAL USE IN THE MADRAS PRESIDENCY.

345. **\*Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that in June 1935, the Sub-Magistrate of Chingleput, Madras Presidency, convicted a batch of persons consisting mostly of Harijans of both sexes, on the charge of collecting and keeping in possession salt earth at the southern portion of the Poonjeri swamp near Mahabalipuram?

(b) Is it a fact that a fine aggregating to Rs. 450 was imposed upon these Harijans?

(c) Are Government aware that in and about these swamps mostly poor Harijans live and that they collect salt only for their own personal consumption and not for the purpose of traffic in salt?

(d) Are Government prepared to consider the advisability of restoring to these poor villagers the right to collect salt for personal use?

**The Honourable Sir James Grigg:** (a) and (b). I am aware that there have been a number of convictions for breaches of the Salt Act and have no desire to question the accuracy of the figures given by the Honourable Member.

(c) Government are aware that salt has been collected for their personal use by poor villagers of the neighbourhood. There has also, however, been a very extensive traffic in salt carried away to more distant places and this abuse became so serious that the concession had to be withdrawn.

(d) For reasons that have already been explained in this House it is not possible, when widespread abuse occurs, to take any other action than complete withdrawal of the concession.

**Mr. M. Ananthasayanam Ayyangar:** May I know what is the extent of the damage or inconvenience?

**The Honourable Sir James Grigg:** Does the Honourable Member want a calculation of the revenue loss?

**Mr. M. Ananthasayanam Ayyangar:** Yes, Sir.

**The Honourable Sir James Grigg:** I do not know, but it is even more a question of fairness to the manufacturers of salt.

**Mr. C. N. Muthuranga Mudaliar:** Is it possible for such a great traffic to be carried on, by taking salt earth and making salt out of it?

**The Honourable Sir James Grigg:** I understand from the local authorities that there has been a widespread abuse of the concession.

#### TRAINING OF JUNIOR INDIAN CIVIL SERVICE OFFICERS IN THE OFFICES OF THE ACCOUNTANTS GENERAL.

346. **\*Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that Government have decided to depute about 40 Junior Indian Civil Service Officers for special training in the Accountant Generals' Offices in the various Provinces?

(b) How many of them are Indians and how many Europeans?

**The Honourable Sir James Grigg:** (a) No.

(b) Does not arise.

#### SUBSTITUTION OF CONTRIBUTORY PROVIDENT FUND FOR PENSION.

347. **\*Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state what the present position is in respect of the proposal to substitute contributory provident fund system for pension which was debated upon some years ago in the Council of State?

(b) What do Government propose to do in respect of officers and inferior staff who die before they are able to enjoy their pensions and whose families are left destitute for want of a bread-winner?

(c) Are Government aware that the fund for giving compassionate grants to such families is inadequate and are they prepared to increase the amount granted from this fund and also increase the number of persons to whom it is granted each year?

(d) Will Government lay on the table a statement showing how many applications have been received during the past five years for grants from this fund and how much was actually granted in each case?

**The Honourable Sir James Grigg:** (a) I would refer the Honourable Member to the answer given to unstarred question No. 32 on the 25th February, 1933, and the summary then laid on the table.

(b) As was mentioned in the summary referred to Government decided that the existing pension system must remain in force. A suggestion has been made that for new entrants it might be made compulsory to subscribe to the General Provident Fund or take out a State insurance policy. Government have not yet come to a final decision on the proposal.

(c) Government do not consider that the annual grant to the Compassionate Fund is inadequate. In 1930 it was raised from Rs. 20,000 to 40,000 and in 1929 the similar grant for the Posts and Telegraphs Department was raised from Rs. 20,000 to 50,000. These increases automatically increased the number of cases helped from the Fund each year.

(d) Government regret that the collection of the information asked for would involve an enormous amount of time and labour which would be incommensurate with its value.

#### APPOINTMENT OF INDIANS IN THE CYPHER BUREAU IN THE FOREIGN AND POLITICAL DEPARTMENT.

348. \***Mr. C. N. Muthuranga Mudaliar**: Will Government state what is the present position in respect of the Cypher Bureau in the Foreign and Political Department and whether Indians are eligible to be appointed in that section?

**Sir Aubrey Metcalfe**: The position is that the Government of India still await the introduction of certain new codes before making  
12 Noon: any substantive appointment of an Indian in a vacancy in the Cypher Bureau. A beginning has, however, been made by posting an Indian for preliminary training in the use of Cyphers.

**Mr. T. S. Avinashilingam Chettiar**: How many officers are now working in the Bureau?

**Sir Aubrey Metcalfe**: I could not give you the exact number without notice.

**Mr. T. S. Avinashilingam Chettiar**: Why is there only one Indian?

**Sir Aubrey Metcalfe**: I have explained that there is at present one Indian posted there for training.

#### GOVERNMENT OF INDIA DEPARTMENTS DEBARRING INDIANS FROM ANY APPOINTMENT.

349. \***Mr. C. N. Muthuranga Mudaliar**: Will Government say if there are any offices in the Government of India Secretariat or in any office subordinate to the Government of India where in theory or in practice Indians as such are debarred from any kind of appointments in favour of Anglo-Indians or Goanese?

**The Honourable Sir Henry Craik**: With the exception of the posts in the Central Cypher Bureau under the Foreign and Political Department, which are at present reserved for Europeans and Anglo-Indians, there are no posts in the Government of India Secretariat or its subordinate offices at headquarters from which Indians as such are excluded in favour of Anglo-Indians or Goanese.

**Mr. C. N. Muthuranga Mudaliar:** Why is the Foreign and Political Department alone made an exception?

**Sir Aubrey Metcalfe:** I have explained a great many times that it has been necessary, because in the Cypher Bureau are used certain codes which do not belong to the Government of India, and the Government of India are, therefore, compelled to comply with the requests made by His Majesty's Government in that respect.

**Mr. S. Satyamurti:** Do His Majesty's Government say that they do not want Indians employed there?

**Sir Aubrey Metcalfe:** His Majesty's Government are entitled to make a rule as to who shall use the codes which belong to them.

**Mr. S. Satyamurti:** Have they said that Indians shall not be employed there?

**Sir Aubrey Metcalfe:** Obviously, otherwise Indians would be employed.

**Mr. S. Satyamurti:** I am glad to hear that.

**Mr. N. M. Joshi:** May I ask the Government of India whether, if any prohibition is imposed against the employment of Indians in this office by Great Britain, it is not inconsistent with the provisions of the Government of India Act which prohibits any discrimination against Europeans in India?

**The Honourable Sir Nripendra Sircar:** That is asking for opinion on an alleged point of law.

**Sir Cowasji Jehangir:** Are all those employed Anglo-Indians?

**Mr. N. M. Joshi:** Statutory.

**Sir Cowasji Jehangir:** If that is so, then the answer that Indians are not appointed to this Bureau is not correct.

#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to part (a) of starred question No. 36 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.*

#### APPOINTMENTS OF SUCCESSFUL EX-APPRENTICES OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOOH, IN OTHER WORKSHOPS.

(a) The answer to the first part of the question is in the affirmative.

As regards the second part, the number of vacancies which occurred since the 1st January, 1934, is 56 and the names of the 25 ex-apprentices who have been appointed against these vacancies are:

S. Banerjee.  
Mritunjoy Roy.  
R. J. Carr.  
H. K. Mukherjee.  
Mohd. Yusuf.  
S. A. Nilsen.  
Ram Ch. Dutt.  
S. N. Verma.  
B. N. Mishra.  
N. L. Sackett.  
Panchanan Mukherjee.  
Mohd H. Ansari.

S. B. Mukherjee.  
A. D. Thomas.  
O. G. P. Gallagher.  
K. L. Mehrotra.  
S. K. Sanyal.  
H. C. Banerjee.  
J. N. Basu.  
G. A. Smith.  
G. W. Ashe.  
N. D. Haty.  
K. M. Basu.  
P. N. Dutt.

*Information promised in reply to unstarred questions Nos. 55 and 60 asked by Dr. N. B. Khare, on the 4th February, 1936.*

WATCH AND WARD DEPARTMENT ON THE EAST INDIAN RAILWAY.

55. (a) Yes.

(b) No.

(c) Because the officers concerned are entitled to the old scales of pay under the rules. As regards the latter part the answer is in the affirmative.

(d) The original post of Superintendent is being abolished but the post of Deputy Superintendent is being retained and re-designated "Superintendent".

(e) This is a matter of detailed administration which has been left to the discretion of the Agent.

APPOINTMENT OF STAFF ON OLD SCALES OF PAY INSTEAD OF NEW SCALES ON THE EASTERN BENGAL RAILWAY.

60. (a) and (b). The reply is in the affirmative, but I would add for the Honourable Member's information that the revised scales of pay though having effect from 16th July, 1931, were not actually introduced till 1st October, 1934, when the employees referred to in the question to whom they applied were brought on to them.

(c) The appointments were made by the Head of the Department concerned through the Establishment Branch of the Head Office, which is under the control of the Deputy Agent (Personnel).

*Information promised in reply to unstarred questions Nos. 85 and 89 asked by Mr. Muhammad Azhar Ali, on the 4th February, 1936.*

INVESTIGATION OF THE CASES OF CLAIMS PREFERRED AGAINST THE EAST INDIAN RAILWAY.

85. (a) Yes.

(b) As the work done by the special Inspector requires technical knowledge in commercial matters, it cannot be made over to the Watch and Ward Department of the Railway.

(c) Police experience is not considered necessary for the efficient discharge of the duties of this Inspector. At the present time there are two police officers employed in the Watch and Ward Department, one of whom is the Superintendent referred to.

(d) The post of special Inspector was sanctioned in 1933 after job analysis of the Chief Commercial Manager's Office had been completed when the necessity for this appointment was recognised by the Agent.

(e) The grade was not enhanced. The appointment was sanctioned in 1933 in the co-ordinated grade of Rs. 160—10—220. As the employee who filled this appointment was governed by old scale of pay, he was fitted into the corresponding equivalent old scale Rs. 160—10—260 according to rules.

(f) The old scale of pay of the post was enhanced with the Agent's approval to Rs. 230—15—350 in 1935 in view of the additional work and responsibility which devolved on the holder of the post.

(g) The fixing of the pay of posts is a matter for the administration, but the Chief Accounts Officer is the financial adviser of the Agent, and in addition is expected to see that any alteration in pay sanctioned by any authority is not beyond the powers of such authority.

(h) I would invite the Honourable Member's attention to my reply to part (b) of his question.

# SCALES OF PAY OF STENOGRAPHERS OF HEADS OF DEPARTMENTS ON THE EAST INDIAN RAILWAY.

89. (a) No.

(b) I presume the Honourable Member is referring to the Agent's Stenographer. If so, the reply is in the negative.

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

(e) Yes.

(f) The revised scales of pay for 'confidential stenographers' and 'stenographers' are already uniform for all offices and no further action is necessary.

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*Information promised in reply to unstarred questions Nos. 96 and 97 asked by Pandit Sri Krishna Dutta Paliwal, on the 4th February, 1936.*

## RULES FOR THE REMOVAL OF STAFF FROM ONE POST TO ANOTHER ON STATE-MANAGED RAILWAYS.

96. The State-managed Railways are required to adhere to any rules regarding matters referred to in the question which may have been issued by the Governor-General in Council, or the Railway Board. This does not, however, prevent them from making a departure from the rules where they are empowered to do so.

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## GUARDS ON THE EASTERN BENGAL RAILWAY.

97. (a) There were originally two classes with a maximum of Rs. 100 and Rs. 210, respectively. With the introduction of the new scales of pay, there are now three classes, the maximum of each class being Rs. 60, Rs. 85, and Rs. 120, respectively.

(b) Both methods are employed.

(c) There are a number of guards who have been on the maximum pay of the old "A" class for some years but promotion to "B" class has not been retarded to keep down working expenses. The reason is that there has been a reduction in the sanctioned number of "B" class guards owing to a revision of the cadre.

(d) Yes.

(e) As the cadre has been revised and reduction to the revised number is being effected gradually as "B" class guards retire, instead of discharging men in that category, no "vacancies" have actually occurred since the revision.

(f) Since 1930, certain gazetted officers' posts have been abolished or held in abeyance, and this has naturally retarded the promotion of officers as well. There has, therefore, been no differential treatment.

(g) The actual number of guards employed during 1934-35 was 105 "B" class and 250 "A" class against provision of 111 and 245 respectively in the Establishment Rolls. The actuals for 1935-36 are not available yet, but provision has been made for 105 "B" class and 260 "A" class guards in the Establishment rolls.

(h) In view of my reply to part (f), this does not arise.

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*Information promised in reply to unstarred questions Nos. 102 and 103 asked by Sardar Mangal Singh, on the 4th February, 1936.*

## REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

102. (a) (i) Yes.

(ii) Yes, with certain exceptions.

(iii) Yes.

(b) The old scales of pay for the following posts on the East Indian and Oudh and Rohilkund Railways before the introduction of the Crew System were as stated below :

	East Indian Railway.	Oudh and Rohilkund Railway.
Head Ticket Examiner . . .	250—10—300	200—10—250
and Head Ticket Collector . . .	180—10—230	
Assistant Head Ticket Collector	120—10—160	100—5—120

These posts were, however, abolished on the introduction of the Crew System in 1926.

### REVISED SCALES OF PAY FOR SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

103. (a) Government are informed that with certain exceptions the new scales of pay given in the circular referred to by the Honourable Member are applicable to subordinates who were not in permanent service prior to the 1st November, 1923.

(b) The ticket collecting and examining staff are an exception referred to in part (a). The reason is that the Moody-Ward scheme of re-organisation entirely superseded from the 1st June, 1931, the previous ticket checking and collecting organisation and the appointments and scales of pay previously existing ceased to exist on the introduction of this new scheme. The staff employed under this scheme were placed on the new scales of pay with the exception that certain employees who held permanent posts in a substantive capacity as travelling ticket inspectors prior to the introduction of the Crew system in 1926 were allowed the option of retaining the scales of pay applicable to the permanent posts held by them in a substantive capacity previously, but when such employees are promoted in vacancies which occur in higher grades they are given the new scales prescribed under the Moody-Ward scheme.

(c) Yes, unless they elected the new scales of pay under the option which was allowed to them.

(d) The ticket examining and ticket collecting staff represented their grievances in this connection and their appeals were carefully considered by Government.

(e) I would invite the Honourable Member's attention to Mr. Rau's reply to Khan Bahadur Haji Wajihuddin's question No. 636 asked in this House on the 20th August, 1934.

(f) None.

### MOTION FOR ADJOURNMENT.

#### CONTRIBUTIONS GIVEN TO THE Y. M. C. A. IN INDIA.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice of a motion from Dr. T. S. S. Rajan for adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the unsatisfactory attitude of the Government as revealed by the answer of the Honourable the Home Member to starred question No. 271 and to the supplementary question thereon regarding the giving of contribution or other help to the Y. M. C. A. in India, the Simla Branch of which had refused admission to an Honourable Member of this House on the ground of his wearing Indian costume.

Is this a matter of public importance?

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## THE ARBITRATION (PROTOCOL AND CONVENTION) BILL.

**The Honourable Sir Nripendra Sircar** (Law Member): Sir, I beg to move for leave to introduce a Bill to make certain further provisions respecting the law of arbitration in British India.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to make certain further provisions respecting the law of arbitration in British India."

The motion was adopted.

**The Honourable Sir Nripendra Sircar**: Sir, I introduce the Bill.

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## THE PAYMENT OF WAGES BILL.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now proceed to further consideration of the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee.

**Mr. V. V. Giri** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I explained on Monday the psychology of strikes and lightning strikes. It may not be said and it should not be said that a lightning strike is the right or privilege of the worker; but, at the same time, it has to be said that it sometimes becomes an unavoidable weapon in the hands of workers when the supervisors or employers begin to be hopelessly provocative by acts of commission and omission. I would like, Sir, to refer to some of the instances in which I had occasion to take part. I would like to refer to an association of workers in the Bengal Nagpur Railway, namely, the Bengal Nagpur Railway Union, with which I was connected as President for 15 years. In the year 1926, there was a strike fever or lightning strike fever on that railway. The Union alleged on behalf of the workers maltreatment on the part of the supervising staff, corruption, bribery, assaults, insults, harassments, and so forth. The administration would not take any heed; they entirely relied on their officers and supervisors, feeling that the allegations made by the Union were entirely wrong and ill-founded. After a good deal of agitation on this matter and a number of discharges, dismissals and suspensions of the workers, the Administration felt that it was impossible to cope with the situation unless there was some enquiry into the matter. Thanks to a statesmanlike Agent who was at that time presiding over the destinies of the Railway, it was agreed, on the demand made by the Union which was recognised then and which still continues to be recognised, that a joint committee of the representatives of the Union



[Mr. V. V. Giri.]

and the officers of the Administration should be formed, presided over by a gentleman who still continues to be the Deputy Chief Mechanical Engineer of that Railway, one Mr. Robertson. It was called the Robertson Enquiry Committee. You will be glad to hear, Sir, that on account of the collaboration of that Committee after two months' sitting, it was unanimously held by them that the allegations and the assertions made by the Union were absolutely founded, and the wrongs done to the workers were righted. Similarly, recently there was a case at Dohad where a certain worker died and some of the comrades of that worker in that shop demanded a holiday, so that they could attend to his funeral. The foreman refused to give leave; the workers had to go and they were dismissed. Similarly, Sir, we read recently in the Press also of an occurrence of that character, and not only a lightning strike, but a lockout happened. Therefore, my humble submission is this: it is not by laws or amendments that we can prevent such occurrences. It is only the human touch on the part of the employer, human understandings between the workers and employers, tact on the part of the supervisory staff and businesslike capacity on the part of the employer, that would prevent these lightning strikes occurring. My Honourable friend, Sir Hormasji Mody, asked me a question the other day: "What about strikes in Bombay in 1929?" I did not like to answer him in a detailed manner, because, at that time, I had not that information which I have at the present moment. If strikes and lightning strikes and unrest occurred in Bombay in the year 1929, it was due to the acts of commission and omission on the part of my Honourable friend, Sir Hormasji Mody, and other millowners in Bombay at that time . . . . .

**Sir H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Is it not a fact that the origin of the strike and everything connected with it was fully inquired into by a Committee presided over by a High Court Judge and the Committee held that it was due to Communist organisation and agitation and that there was no justification for the strike?

**Mr. V. V. Giri:** I can have my own deductions in the matter even after what the Committee said at the time. At that time, there was a textile union which was managed by moderate and reasonable persons like my friend, Mr. Joshi, and Mr. Bakhle; and the millowners of Bombay refused to recognise that union, because outsiders were connected with that organisation. It is because such things were done and such recognition was not given that Communist organisations came in, and because the Communist organisations came in, the millowners became anxious to encourage the trade union movement, and because the Communists came in, the Fawcett Committee came into existence. All these would have been avoided if only the employers had encouraged the orderly progress of trade union movement, and the trade union movement would have prevented these strikes and lightning strikes in Bombay.

I would here like to refer to the observations made by the Royal Commission on Labour, which observations, I am sorry to say, have been followed more in the breach than in the observance, not only by the employers of labour in India, but by the Government of India themselves. Under the heading "Gulf between Employers and Employed", at pages 339 and 340 of their report, the Royal Commission say:

"The attempt to deal with unrest must begin rather with the creation of an atmosphere unfavourable to disputes than with machinery for their settlement. It is precisely here, in our view, that Indian industrial organisation is weakest. We believe

that an important factor at work in creating industrial unrest in India is the lack of contact which too often exists between employers and employed . . . . . In practically every centre and every industry the lack of contact and understanding is evident. In the interests of all concerned, we urge that every effort should be made to bridge the gulf . . . . . But it will fail to secure the results it deserves unless much more attention is given to the difficult sphere of human relationships."

Then, again, with reference to the means of establishing contact, the Royal Commission has observed at page 342:

"In considering, therefore, what can be done to prevent misunderstanding and disputes, it is necessary to begin with the individual industrial establishment. No machinery of a more comprehensive or external character can hope to repair the loss which arises from the absence of a proper understanding within the factory or mine . . . . . The development of stable trade unions, with access to those responsible for the management is the most obvious need."

Then, again, they observe with respect to the organisation of joint machinery to avoid such unrest:

"The organisation of the employees is as a rule weak; but we believe that in many centres it would suffice to make a start, and the working of joint machinery would go far to strengthen the better elements and to increase that sense of responsibility in trade unions which so many employers are anxious to develop."

Then, again, as regards the conduct of Government in these matters, it was stated as follows:

"There seems a tendency at present for Government to withhold their hand until a dispute has attained serious magnitude and constitutes a threat to the public peace."

That conduct continues on the part of the Government, and, it is because that conduct continues, that many strikes have occurred in India, and consequent bitterness created between employers and workers in this country. The last passage I would like to quote is with respect to neglect of conciliation, referred to at page 347, where they say:

"We would emphasise the fact that the most useful form of State assistance in dealing with trade disputes is scarcely employed in India. The official outlook, like that of the public, has been concentrated largely on the final stages of disputes. As a rule, committees and tribunals have been set up only when disputes had attained considerable magnitude, and when a strike was either imminent or in being. Individual officers, on the comparatively rare occasions when they have intervened, have also waited, as a rule, till the later stages. It is at the climax of a dispute, when the parties have completely failed to reach a common standpoint, that settlement is most difficult."

After the introduction of the Trade Disputes Act, the Government of India established conciliation boards only on four or five occasions, though hundreds of disputes have occurred during this period. That has been the conduct of the Government of India against which we protest strongly: much of the unrest and injustice that has happened is due to the acts of omission and commission on the part of the Government of India.

Now, I would like to say a word or two about the proposed amendment. If it was desired that there should be mere reciprocity or equality in the relationship between the employees and the employers, there would not have been much difficulty; but what the Honourable Sir Nripendra Sircar's amendment desires is that the employer should be allowed to deduct in the first instance from wages what is due; and, then, if the employé failed to agree, he had to go to the authorities and complain. If the common law right of the employer is left as it is, which is absolutely untouched by this

[Mr. V. V. Giri.]

Bill, there would have been no complaint. Our complaint is that the employer is placed in a very advantageous position as compared with the employé. Then comes the threat of the loss of 13 days' wages if notice is not given; even if the workers, on account of a very provocative act on the part of the supervisors, go on a lightning strike for even five minutes, it is likely that the employés would lose up to 13 days' wages. I am sure, the desire to bring in, by the backdoor, this amendment at this stage will result in the establishment of new contracts hereafter, and I am almost certain that this is an encouragement to the employers to have hereafter printed or stereotyped agreements wherein it will be said to the employé: "If you go on a strike or on a lightning strike or have any cessation of work, you will straightaway lose up to 13 days' wages". My feeling is this: good law and good contracts might make bad business, and that this new amendment will sow the seeds for future discontent. I am sorry, Sir, that the employers have forgotten the unrest and the industrial disputes that occurred between the years 1927 and 1929. No doubt, the trade depression has caused also trade union depression. If today, Sir, the workers are afraid to assert their right to combine, it is due to the fear of retrenchment. Therefore, Sir, the moment this trade depression goes, the moment the workers feel strong, they will hit back and have their innings. I, therefore, desire to tell the employers to be careful, and I would also tell the Government that they are not doing the right thing in rushing through an amendment of this character without previous consultation with the Local Governments, without giving an opportunity to the workers to know exactly the implications of this amendment.

I would also like to refer, Sir, to another aspect. Under English law, it was held,—a reference to this I shall read from the Fawcett Committee's Report which has also alluded to that point,—that when young persons, children and women come within the scope of the Factory and Workshops Acts, no forfeiture, on the ground of absence or leaving work, may be deducted from any claim for wages due for work already done. This is what is stated in paragraph 87 at page 42 of the Fawcett Committee's Report:

"No doubt, in England, there are special statutory provisions under which, in the case of children, young persons or women within the scope of the Factory and Workshops Acts, no forfeiture on the ground of absence or leaving work, may be deducted from any claim for wages due for work already done."

That suggestion, Sir, does not find a place in this amendment. Moreover, I do not know how this clause will work in the case of workers who work in mines, who work on a weekly payment basis, who are paid their wages week after week. I am also afraid, Sir, of the existence of the words "implied by terms of their service"; "implied" would mean much more than the word implies. That generally happens, and, therefore, I am afraid of the words "implied by the terms of the agreement". I feel that the Government should have considered all these things before bringing forward this amendment.

Another point to which I should like to advert is as regards notice of termination. The Royal Commission on Labour has recommended seven days' notice for the termination of work, and I am sorry that Government have not carefully looked into this matter when drafting this amendment. At page 240, the Royal Commissioners have stated as follows:

"We recommend that for industrial employees in factories the legal period of notice should in no case exceed a week whatever the period by which wages are paid."

Before I conclude, Sir, I would like to say this, that the employés and workers of this country are bound to consider that this measure is nothing more and nothing less than an anti-strike measure, whatever the other benefits of this Bill may be. The other advantages are minimised by the introduction of this amendment. Sir, after the introduction of this amendment, I have received many communications from various parts of India from workers' leaders and workers' organizations stating in most unambiguous terms that they would rather forgo the benefits of the Bill than have this Wage Payment Bill with the addition of this new amendment, and I feel, after considerable thought and many sleepless nights, along with them, and speaking for myself, I really cannot associate myself with the passing of this measure if this clause is insisted upon. My feeling is this, Sir, that the workers are bound to say that if the Government of India pass this measure, "God save us from our friends".

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I do not like to make a speech, but I merely desire to make my attitude clear on the amendment. I have already spoken on the other amendment, but if you will permit me, Sir, I should like to.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech.

**Mr. N. M. Joshi**: But, Sir, this amendment is quite different. The Honourable the Mover has changed the amendment.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to speak now or Sir Cowasji Jehangir would like to speak?

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I rise to a point of order with respect to both the original amendment by Sir Hormasji Mody as well as the amendment substituted by the Honourable the Leader of the House. The amendment moved by Sir Hormasji Mody enlarges the scope of the Bill.....

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment to which clause?

**Mr. M. Ananthasayanam Ayyangar**: Amendment to clause 9, Sir. It adds a proviso to clause 9 which says:

"Deductions may be made under clause (b) of sub-section (2) of section 7 only on account of the absence of an employed person from the premises where, by the terms of his employment he is required to work, such absence being for the whole or any part of the period during which he is so required to work."

Then comes clause (2), Sir, which says:

"The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such wage-period, during which, by the terms of his employment, he was required to work."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, you will see from the Statement of Objects and Reasons and from the notes on the several clauses as originally set out relating to clause 7.—this is what is stated:

*"Clause 7 (formerly clause 6).—We have restricted the list in sub-clause (2) to a definition of the types of permissible deduction and have removed certain substantive prescriptions formerly included here to other clauses. We have added a provision for deductions on account of absence as, particularly with our revised definition of wages, the employer would otherwise have been obliged to pay wages to men who failed to appear for work. Conditions to govern such deductions are contained in the new clause 9" . . . . .*

**Mr. President** (The Honourable Sir Abdur Rahim): What is the point of order?

**Mr. M. Ananthasayanam Ayyangar**: The point of order is that the amendment now under discussion enlarges the scope of the Bill, and as such it ought not to be allowed.

**Mr. President** (The Honourable Sir Abdur Rahim): How?

**Mr. M. Ananthasayanam Ayyangar**: Sir, the Bill is not intended to fix a minimum wage, nor is it intended by the Bill to direct the employers to pay wages where wages are not due; nor does the Bill say that for paying wages a permanent fund shall be created. The Bill is primarily intended to regulate the payment of wages in cases where wages are due or have already been earned.

**Mr. President** (The Honourable Sir Abdur Rahim): What is the Honourable Member's point of order?

**Mr. M. Ananthasayanam Ayyangar**: My point is this. Clause 9 says that wages that have accrued and are due shall not be withheld, and if the wage-period is a month and the employee works only for fifteen days and absents himself either without notice or without reasonable cause the amendment says that 13 days wages or for some shorter period may be withheld. That is not the original intention of clause 9.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair does not want a long speech. The Honourable Member must simply state what his point of order is.

**Mr. M. Ananthasayanam Ayyangar**: Clause 9 is that if the wage period is for a month and if the employee works for 15 days, to the extent of the 15 days he has worked he is entitled to get the wages, he need not be paid for the whole month. That is the object of clause 9. Without clause 9 it would mean that irrespective of his absence for the rest of the period the wages in entirety would be paid. That is what would occur by the mere definition of wages. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is only to state his point of order.

**The Honourable Sir Nripendra Sircar** (Law Member): I submit that there is nothing in this point of order. This Bill is to regulate the payment of wages. How do we ascertain wages? Wages due *minus* permissible deductions under the Act. I submit that it does not enlarge the scope of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair holds that the point of order is not a valid one. The object of the Bill is to regulate the payment of wages and wages have got to be ascertained with reference to all the facts. The Chair rules against the point of order raised.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): I may start by saying that the issues involved in this amendment appear to me to have been rather clouded, perhaps, unconsciously. Under prevailing conditions, any employer who dismisses an employee without giving notice, has to pay in full the wages due to him up to the date of dismissal *plus* 13 days' wages in lieu of notice. On the other hand, if the employee ceases to work or leaves his employment without notice, he is paid his wages up to the date of his ceasing work *minus* 13 days' pay in lieu of notice. These are the conditions that prevail today. Under the Bill, the position is that an employer who dismisses one of his employees without notice has to pay his wages *plus* 13 days' pay in lieu of notice, and by the Honourable Secretary's amendment wages will include those 13 days' pay. But if the employee leaves service without due notice the employer will have to pay the full wages and then ask the employee for a refund of 13 days' wages in lieu of notice, and, as my Honourable friend, Mr. Giri, said, if he did not get that refund, his remedy was the Common Law rights of an employer, which in ordinary parlance, means that the employer would have to sue the employee to get that refund. I do not think there is anybody so ignorant in this Honourable House as not to be able to understand the difficulties of an employer, who would have to sue hundreds of employees in order to get a refund.

**Mr. N. M. Joshi**: What is the difficulty?

**Sir Cowasji Jehangir**: The difficulty is that the employees disappear completely; for all practical purposes they disappear from the face of the earth, and if my Honourable friend, Mr. Joshi, or his Union will guarantee to find them or to pay on their behalf their dues to the employer and see that the rights of the employer are not disregarded when they leave without notice, then perhaps, the employer would change his mind. But Mr. Joshi is not in that position, nor is his Union. He is unable to trace the employee once he leaves the employer's service. As my Honourable friend, Sir Hormasji Mody, says, Mr. Joshi is unable to recover even his subscriptions, for which he has got to adopt many methods, which he would be unable to explain to the House and which the employer would not employ. Now, the amendment seeks to bring back the conditions that prevail today with considerable modifications. All it says is that if more than ten men leave service without notice, and if their action is based on reasonable grounds the amendment becomes inoperative, but if they have no plausible cause whatsoever for leaving their employers' service without notice, then under the conditions as laid down

[Sir Cowasji Jehangir.]

by the amendment the employers will be entitled to cut the wages for a period not exceeding 13 days. We have heard a good deal about lightning strikes. This amendment does not prevent my Honourable friend, Mr. Joshi, from instigating or organising a lightning strike. None of their rights and privileges as members of Trades Unions have been taken away. We have deprived them of none of their rights—the right of persuasion, the right of organisation and so on and so forth which they claim and which I am not going to explain. All it does is that it discourages men from leaving service in an organised manner without due notice. It discourages it due to a loss of upto 13 days' wages. It discourages, but not prevents it. And why does the representative of Labour in this House, my Honourable friend, Mr. Joshi, desire to deprive the employers of the right to discourage employees against lightning strikes—a right which they have all along possessed but let me tell him, never asserted.

**Mr. N. M. Joshi:** They cannot do it.

**Sir Cowasji Jehangir:** That is the strongest argument in our favour. If they cannot do it, why do you complain? The employers do not, under present conditions, forfeit these wages. . . .

**Mr. N. M. Joshi:** Without prolonging the strikes.

**Sir Cowasji Jehangir:** And as a matter of fact, the employer has rarely used this privilege—very, very rarely. I admit that under certain conditions where there have been lightning strikes the employers have threatened to do so, and on one or two occasions they have put the threat into practice but the employee in the end has got back those 13 days' wages. Nobody knows that better than Mr. Joshi himself.

**Mr. N. M. Joshi:** That prolongs the strikes.

**Sir Cowasji Jehangir:** Let this House realise that this is a discouragement of lightning strikes and that is what Mr. Joshi does not like. He wants to encourage them while we desire to discourage them. We desire to encourage negotiations, a clear statement of views on both sides and a compromise, if possible. We want to prevent strikes and anybody who, like ourselves, desires to prevent strikes and does not want that the poor workmen should be deprived of their living, sometimes for six or seven months at a stretch will vote for this amendment, but those who desire to see these strikes shall occur regardless of the hardship it entails upon the worker leaving him without food and clothing for six months at a stretch will vote against this amendment. I sincerely regret that men of Mr. Joshi's standing in the labour world, from whom we expect fairplay, and at least equity, should rise to oppose this amendment and bring forward arguments which, to say the least of it, are exaggerated and try to make this House believe that this amendment has been framed with the object of depriving the labourer of his rights and privileges. It does nothing of the sort. On the contrary, it retains the present conditions in a modified form. It does discourage lightning strikes but it does not discourage such strikes as are decided on after due deliberation and mature consideration and when the labourer and his representatives are convinced that they are in the right. I cannot understand

anybody arguing in favour of lightning strikes. A lightning strike means a strike which is decided on without proper consideration of the facts, allegations and explanations that may be put forward by the other side. Is that to be encouraged? Mr. President, I have the greatest respect for my friend, Mr. Joshi, whom I have known for 30 long years, with whom I had had the privilege of negotiating about strikes, when he came to represent his Union accompanied by those whom we in Bombay know as Communists. Mr. Joshi does not, I trust, believe that we have such short memory. I well remember the occasion in 1927 when my friend came to us with several well-known Communists, day in and day out in connection with a strike. I do not say for one moment that he should not have joined hands with those friends of his.

**Mr. N. M. Joshi:** I do not believe in untouchability of any kind!

**Sir Cowasji Jehangir:** Nor do I believe in untouchability, but I do believe in not adopting principles against which I have preached all my life, because I happened to be left out on a certain occasion in some agitation when I thought I ought to have a finger in the pie. Well, Sir, all I have got to say is that this amendment is not as black as it has been tried to be painted. It is a very simple amendment which has been explained and, I believe, will be further explained. I only want to appeal to the Honourable Members, many of whom have got sympathy with this amendment but who will be seen walking into the opposite lobby. I appeal to them, as very often they appeal to us, to act and vote according to their conscience; but nevertheless we do realise that under certain conditions certain people have got to vote in certain ways.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): You know that.

**Sir Cowasji Jehangir:** We know that. We have had bitter experience of that. I do appeal to my Honourable friends, whatever they may feel on this matter, to realise that we do have a certain amount of justice and equity on our side when we plead for this amendment and not to go about painting us men of the blackest dye. We are here pleading for an amendment, which we conscientiously believe is for the good of the worker, and we want you to do us the justice, as we do in your case of believing that we act conscientiously.

**Mr. J. A. Milligan** (Bengal: European): I shall not take up the time of the House for more than a minute. I desire to call attention to a point arising from the speech of my Honourable friend, Mr. Giri. In the course of his speech he mentioned several instances of lightning strikes with which he was personally familiar. His manner of describing those strikes showed that in his opinion they were strikes made with reasonable cause. Now, the provisions of this amendment are so drafted as to exempt such strikes from the penal operation. I should like to have Mr. Giri's opinion of a strike which has occurred within the last week in the Smithfield market in London where the workers, ignoring the advice of their leaders and trades union officials, engaged in a lightning strike: but, after a few days, they were persuaded to listen to the advice of their leaders and trades union officials and returned to work and the subject of their grievances is now being discussed. The occurrence of such strikes seems to call for action of the kind described by this amendment. I desire to support the amendment.



**Maulana Shaukat Ali** (Cities of the United Provinces: Muhammadan Urban): Both Mr. Joshi and Sir H. P. Mody know that my chief workers in Bombay are the weavers in Madanpura, Arab Lane and Kamatipura, and I am well in touch with them in their affairs.

**Mr. N. M. Joshi:** I am also.

**Maulana Shaukat Ali:** Most of my sympathies are with these poor workers. Yet I am going to support Sir Hormasji's amendment, and I am perfectly willing to face my friends over there. I make my position clear. In the first place, I believe that every worker has a right to strike. In Bombay sometime ago I had to interfere and take some part in two strikes. The first one lasted for six months, and I know the poor Mussalman weavers came to me and told me how they suffered. My friend, Mr. Joshi, had no hand in that strike; I think he would have liked to stop it. It was quite uncalled for and it was done only to show off the new blood that had come into the labour unions—the Red Flag Union; they wanted to show off their power. Well, they did not suffer; it is the workers who suffered. Now that is a class of strike we really ought to do our best to stop in the interest of labour itself. The second strike was the other way about; it was really a lock-out by the millowners; they had cut down the poor workers' wages to such an extent that the poor fellows had no other course left but to strike. My Honourable friend, Sir Hormasji Mody, wielded a considerable power and control in the textile industry of Bombay and I feel, Sir, that the poor workers have been treated badly and they have suffered since then. On some pretext or other their wages were cut. Of course, the millowners said that business was dull, while at the same time, as we know, night-shifts were working in most mills of Bombay. Men, Sir, who were earning Rs. 50 or so per month were now earning only about Rs. 28 or Rs. 29. Sir, in the interest both of the industry and of labour, there should be fair play: and when we play cricket, there should be no umpiring-out. Under this Bill, if the employer gives notice to labour, they have got to pay them for the notice period. I think it is perfectly fair. Lightning strikes should not be encouraged either in the interest of labour or of the industry: Therefore, if labour is obliged to go on a lightning strike, and if they think there are circumstances calling for that, they should do so, but then they must be prepared to pay for that indulgence. If I find that I am forced to oppose this Government and I must break their laws, well, I could do so and I am entitled to do so, but I think I must be prepared to pay the price and be ready for their police to come forward to arrest me and lock me up in prison. Sir, the peace-maker gets kicks from both sides. (Laughter.) This quarrel between labour and capital is very unnatural to the East and especially unnatural to India. In the whole of our history and I know intimately at least the history of Islam, there never have been any quarrels between labour and capital, because the Islamic laws make it one of the basic principles to make a capital levy of 2½ per cent. yearly: Every rich Muslim has to give that for the help of the poor.

**An Honourable Member:** We Hindus also recognise such a thing in our laws.

**Maulana Shaukat Ali:** My friend says the Hindus also recognise such a thing. Therefore, it is from the West that we have got this. We may have got some good things from the West but certainly we have got some very bad things from the West also, and one of these is this unfortunate quarrel between capital and labour which is most unfortunate; and it is the duty of everyone who loves his country to do his utmost so that this unnatural quarrel should stop, and I think this amendment of my Honourable friend, Sir Hormasji Mody, is fair and square. If the employer wants to compel labour to strike, and if labour wants to bully and to compel the employer to have a lock-out, if those are the conditions that prevail, the respective sides ought to pay.

**Mr. N. M. Joshi:** Sir, I am not going to speak at all, but.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to say anything about the alteration which has been made, then he must confine himself to that.

**Mr. N. M. Joshi:** I shall only utter two or three sentences, Mr. President, with regard to the change sought to be made by the amendment of the Honourable Sir Nripendra Sircar. In the first place, Sir, the amendment proposed by the Honourable Sir Nripendra Sircar, substitutes the word "and" in place of the word "or". I consider that amendment to be a drafting one and I have absolutely no objection to that. Secondly, he also inserts in his amendment the words:

"that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service."

These words will enable the employer to deduct thirteen days' wages even when there is no condition in the contract of service, when he leaves service without notice. What the employer has to do is to imagine that the condition is "implied" in the terms of service—not in the contract of service. Now how are these terms of service determined? Once the amendment uses the words "contract of service", I take it that that means "expressed contract of service". Again, the amendment uses the words "terms of service". I do not know what the difference is between "terms of service" and "contract of service"; I take it that the words "terms of service" are used in order to imply that these terms need not be expressed.

**Mr. M. S. Aney** (Berar Representative): In the contract.

**Mr. N. M. Joshi:** Now, Sir, here again the employer is made the judge of the implication of the conditions regarding deduction of thirteen days' wages for want of notice. I consider, Mr. President, that the amendment moved on behalf of the Government goes much further than the amendment moved by my Honourable friend, Sir Hormasji Mody. Secondly, the amendment moved by the Honourable Sir Nripendra Sircar takes away the power from a Local Government to make regulations regarding the terms which may be in the contract of service enabling the employer to deduct thirteen days' wages. As I have already said in my speech, I am against this amendment. At the same time, I am not against giving power to a Local Government to control

[Mr. N. M. Joshi.]

the terms on which employers may make their contracts of service, especially regarding notice. I, therefore, say, Sir, that the amendment moved by the Government of India is reactionary in two directions. In the first place, it enables the employer to import a condition of service which may not be expressly stated at all, and, secondly, it deprives the Local Government of the power of making regulations regarding controlling the conditions under which the employer can deduct thirteen days' wages.

**Mr. A. G. Glow** (Secretary, Department of Industries and Labour): How does it do that?

**Mr. N. M. Joshi:** That is to say, the Local Government cannot regulate the giving of the notice which they are required to give either expressly by their terms of employment or impliedly by the terms of their service. The employer can always say that this was implied in the terms of service.

**The Honourable Sir Nripendra Sircar:** May I point out, Sir, that there are the words "subject to any rules made in this behalf by the Local Government".

**Mr. N. M. Joshi:** The conditions are not subject to the rules. You are going to enable the employer to deduct 13 days' wages, if there is a condition in the contract of service express or implied. That is not subject to the rules.

**Mr. Sham Lal** (Ambala Division: Non-Muhammadan): Sir, I had no mind to take part in this debate because the representatives of labour have discussed this subject fully. I thought there would be smooth passage of the Bill in the Assembly because the amendment moved by Sir Hormasji Mody had not been accepted by the Select Committee. The surprise is how he has succeeded in converting the Government, and how the Government are now convinced of the propriety of his amendment. So far as he is concerned, I think his position is consistent. He pressed it before the Select Committee and he is pressing it now. But how has he succeeded in convincing the Government? That is a great surprise and the surprise appears to be that this debate is on the eve of the Ottawa debate.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I can assure the House that this is an entirely unfounded insinuation. The conversion of the Government had nothing whatever to do with any extraneous consideration except the opinion of the Government of Bombay in support of the amendment. The conversion has been that of the Government of Bombay.

**Mr. Sham Lal:** Sometimes there is an unconscious bias in favour of a party which supports another party, it may not be intentional. How is it that no arguments were advanced here today and yet the Government stands convinced. On the same analogy, on my Cantonments

Bill, which is an agreed Bill, amendments might be introduced and it would be suggested that those amendments were because of the suggestions from the Local Government. There can never be an agreed solution. I thought that the Wages Payment Bill would be passed in this House, but what I now find is that the Bill should now be named Wages Withholding Bill. (Hear, hear.) A very important question of principle is involved because an employer is given the right of forfeiting the wages of the employee for 13 days. This is not an ordinary thing. It is a very important right. When small concessions were being given to the employee, we thought that the Government after all had changed their mind and that they wanted to do something good for the employee. But when this amendment of Sir Hormasji Mody was accepted by the Government, I thought the Government had accepted the suggestion of Major Cadogan who said in Parliament: "You may pass this Government of India Act and then by an Order in Council lay down that the whole of India is to be excluded". What is the use of passing this Wages Payment Bill if you allow the employer to forfeit 13 days' wages of the employee. That is the history of all very exceptional powers and of all safeguards. You give with one hand and then take away more than you have given with the other hand. The question is not whether a strike should be encouraged. Nobody is in favour of encouraging strikes. The question is if there is a contest between two parties would you allow one party to take away the wages of another party. Supposing it were to be laid down in the Assembly that if there is a concerted action on behalf of any party, the daily allowances of the Members comprising that party should be withheld and that power should be given to the Government, or rather to Sir Satya Charan Mukherjee to determine whether any party acted in concert and did not attend the Assembly and to withhold the daily allowances of such party, what would happen if such a power were to be given. Or again, if Professor Ranga thinks that Government Members do not give proper answers to questions put in the Assembly or that Government give evasive answers, by saying: "the question does not arise", "the Government are not prepared to disclose confidential documents" and so on, then if such a power were to be given to Professor Ranga to withhold the salary of the Government Members, what would happen? How would the Government Members feel that? The question is if there is a contest between one party and another, one party alone should not be entitled to withhold the wages of the other party. I am quite in favour of the principle that if a party defaults, its wages should be cut. But I am against this principle of giving right of private defence only to one person. You are allowed to take my purse and money which is just lying before me and then you ask me to go to Court to claim the money. Where is the remedy in Court? My Honourable friend, Sir Cowasji Jehangir quite rightly said that the remedy in Court so far as the employer was concerned was illusory. Certainly, he might not be able to find a worker if he victimises them in this way. But the remedy in Court so far as the employee is concerned is more illusory. The employee's wages are forfeited to the extent of 13 days' wages and he is asked to establish his claim in a Court of law against an employer. Where is the poor employee to find the money to go to Court? How can he fight against his employer if his 13 days' wages are forfeited? The only equitable solution is if there is a dispute between a worker and an employer, there should be

[Mr. Sham Lal]

some joint machinery to decide the question, not compel the employee to go to Court, nor give the right to the employer to cut the wages of the worker. Unless trade unions are established and unless a joint machinery is set up to settle these disputes, you cannot ask either party to go to Court. My submission is that it is not a proper thing to drive an employee to go to Court to prove that there was a reasonable case for his absence or that he had given notice to the employer. It is all very difficult for the employee. The Honourable the Law Member has, of course, changed the phraseology and has given you a different phrase, but the employees do not want phrases; they want wages. You cannot withhold their wages, unless you first establish that they have forfeited their wages. I think, it is a recognised principle of law that if any money is to be forfeited or if any fine is to be imposed, the person who wants to forfeit the money or who wants to impose the fine must prove his right in a Court of law before he can inflict the penalty. I thoroughly agree that there should not be lightning strikes, that there should be no strike without any justification and the employer should be enabled to withhold wages if the labourer goes on strike without any reasonable cause. That principle is not in dispute. The only point in dispute is how is it to be decided, whether the employer should be compelled to go to Court or the employee should be compelled to go to Court. If you do not establish a joint machinery like the one suggested by me, there will be no proper remedy. My submission is that if this amendment is accepted by the Government it would retard the establishment of trade unions, it would corrupt the employees, it would humiliate and demoralise them. This amendment, if it is incorporated in the Bill, will always be hanging like a Damocles sword on the employees and they would not be able to get their grievances redressed. In all sincerity, we believe that this power should not be vested in the employers. I, therefore, oppose this amendment.

**Mr. M. Ananthasayanam Ayyangar:** Sir, I oppose this amendment both on principle and on the merits. Apart from the point of order, with respect to the principle;—the principle is that a person who has earned wages ought not to be made to lose his wages merely at the whim and caprice of the master. The man has earned his wages and the master ought not to be placed in the position of the prosecutor, judge and the jury. Now, Sir, had there not been this amendment to clause 9, there would have been no occasion for this imposition of a new measure penalising various things by a side track. Clause 9 arose out of the definition of the word 'wages'. Wages include any amount that is payable for a wage period and if the wage period should be a month and if the employee works only for a period of a fortnight, he is naturally entitled only for a proportionate amount for the period he has worked. According to the new definition of 'wages' it is laid down that "wages include all remuneration which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable", that is, if the wage period is for a month, even if he absents for a fortnight "wages" under this definition would be whatever is payable for the full wage period irrespective of the question as to whether he worked during the entire period or not. That is the employee would be in a position of advantage over the employer, he would be in a position to earn not only for the work done but also for the work that he has left undone or not done. To avoid this inconvenience and to give him only propor-

tionate wages to which he is legally and normally entitled, clause 9 has been added. The sub-clauses in clause 9 say that for the period for which he works he shall be entitled only to such amount as would work out the proportion of the number of days he worked to the total number of days during the wage period. This is all that there is in clause 9, and this is all the need for a separate clause, clause, 9, which has arisen on account of the enlargement of the definition of wages. Therefore, it has not abrogated the law as it stands, or changed the normal course of law. Lightning strikes or thunder strikes are not made penal, so far as I am able to see the law at present, neither here nor anywhere else; and by the backdoor let not a new weapon be forged and placed in the hands of the employer to deduct from the wages normally payable under the contract to the wage-earner. Sir, the wage-earner is entitled to receive his wages both under the contract and under the common law. And if a special provision is made in the terms of the contract even then the deduction that the employer is entitled to make is only for the amount of actual damage that is incurred. Even in respect of these deductions it is a question whether the deductions are by way of penalty, that is, penalising his absence, or by way of liquidated damages. Even when it is specially provided by contract the law stands thus; that it is not open to the employer to deduct anything at his sweet will and pleasure so as to penalise the absence, but only that amount which would place him in the position in which he would have been if the employed had not absented himself. If on account of the absence of the employed he had to employ other persons to do the same work or on account of the lightning absence of the employed there is some inconvenience caused, to the extent to which he has suffered by way of damages and to that extent alone he is entitled to retain or hold back the wages due to the employed. That is, even when there is a special term by way of contract, it is open to a Court of law to say that a particular term is penal and to relieve the employed from the penal provisions of the contract. Very often the employee has to be relieved out of his contract; and there is a clause in this Bill, clause 23, to save a man out of his contract if unwarily the employee enters into a very harsh and onerous contract much against his own interest. There is a similar provision in the Contract Act as in this Wages Bill. I will read a relevant passage from the law of master and servant from the Laws of England by Halsbury:

"The damages to which a master is entitled are such as are the reasonable and probable consequence of the servant's breach of contract, including any expenses which he may be compelled to incur. If the contract of service is expressed in writing and specifies a sum payable by the servant in the event of a breach of contract, the master is entitled to recover that sum, provided that from the language of the contract it is clear that it is a genuine pre-estimate of the loss likely to be sustained by the master, and that the parties intended it to be payable as liquidated damages and not as a penalty."

Therefore, again and again when it is said by Honourable Members that this must serve as a deterrent to lightning strikes if they are indulged in, I would say that the framers of the amendment and the persons who are trying to support it have all misconceived the remedy. This is not the Bill which the employers should take advantage of for preventing lightning strikes. Under the old common law they have not got that right. Let not Government assume the responsibility of forging a new weapon and put it in the Statute-book in the guise of helping the wage-earners.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

**Mr. M. Ananthasayanam Ayyangar:** Sir, I referred to the present law even in cases where the terms of service have been embodied in a contract, and where there is a special term in the contract providing for such penalty and as to how that penalty should be levied. The employee has to pay in the first instance, and it is open to the Court to find out whether the amount is reasonable or not. As regards the common law, I will quote a few lines from Halsbury's Laws of England, Vol. 20, page 108:

"In the absence of any such provision the master remains liable, notwithstanding the servant's breach of contract, to pay him any wages already accrued due and remaining unpaid at the date of the breach, since the servant's right to payment is not affected by the subsequent breach. Even where the servant is summarily dismissed for misconduct the same principle applies."

Sir, it is, therefore, clear, and I am specially making this appeal to lay Members of this House who are not lawyers, that they need not be under the impression that there is absolutely no change except a change of procedure by the amendment which is sought to be made in this Bill. The amendment that is sought to be introduced is by way of punishment, not even by way of penalty which is an estimate of the damages that they might incur. Irrespective of the question of damage—whether the employer actually suffers damage or not—he is entitled under the present amendment to impose certain fines by way of punishment to avoid what is called a lightning strike. Therefore, let the Honourable the Leader of the House make up his mind if, in the guise of introducing this Bill, he is really going to introduce a measure which must take the form of a separate Bill altogether. It may be necessary not only in this country but in other countries also. If there is really a parallel for such a provision in other countries, certainly that may be followed here. Therefore, in the guise of helping the employees or the employer, let there be no surreptitious insertion of such a measure which is really against them and which is by way of punishment. Hitherto it was only by way of contract that such things were done; under the common law they have no right. If a provision is made under a contract, that provision can be relieved against him but if the same penalty is imposed by a Statute, no power on earth can relieve the consequences of that penal provision created of the Statute. What I mean is if Rs. 100 are made payable by an employee for his absence by way of penalty as a term of agreement, if the matter comes before a Court of law, it is open to him to plead that as a matter of fact the employer did not suffer so much damages, and it is open to the Court to say: "Not a pie of that hundred rupees shall be levied". If in a factory employing 1,000 people, ten people are absent, there is really no damage. There is no damage because that inconvenience could be relieved against by ten other persons being employed immediately. Now, under the provision sought to be introduced, there is no question as to whether the employer suffers damages or not; he is entitled to punish a man for mere absence from duty. It finds no parallel either in the criminal law or in the civil law of the land. It is a new thing, and I would, therefore, once again urge upon the Government to consider if, in the guise of helping these workers, they are really not injuring them and whether this should not be a fit and proper matter for separate legislation, if necessary. That is what meant when I raised a point of order.

Sir the other day we found that when an Honourable Member of this House wanted to move an amendment of a formal nature that wages really due to an employee ought to be paid to his heirs in the event of the employee's death, it was objected to by the Honourable the Leader of the House as beyond the scope of the Bill. If really such a provision had been made, the heavens would not have come down. As a matter of fact, the wages are due to the employee: only, by accident, the man passes away. If he were there, it is his property and no power on earth can take away that right from his heirs. It is only a matter of procedure and convenience. If the heir has to go to a Court of law, he has to obtain a succession certificate, pay stamp duty and all that. These are the hardships in the way of an absolutely harmless and innocent child or wife of a deceased employee. Then, objection was taken on the ground that it is not covered by the objects of the Bill or of its preamble. I would ask the Honourable the Law Member whether there are not such objections in the way of an amendment of this nature. Sir, I would say that it is not proper for Members of Government to lend their support to this amendment. I would, therefore, request the Honourable the Leader of the House to withdraw his amendment and not to support the amendment of Sir Hormasji Mody.

I would only make an appeal to both the Knights from Bombay not to make the unfortunate position of those workers darker still. That is my objection on principle to the amendment sought to be introduced. It is foreign to the scope of the Bill and ought not to be, therefore, allowed. It is said that if ten or more employed persons acting in concert absent themselves, it is open to the employer to punish them, as if they wanted to start a lightning strike. I would say that in a factory consisting of 1,000 persons the absence of ten persons may not matter. Therefore, a provision regarding the absence of ten persons and their punishment for acting in concert seems to me to be highly detrimental to the interests of the workers. My second point is that the deduction of 13 days' wages in case of absence seems to be abnormal and penal. The third is this: There is a provision for the appointment of a Commissioner to enquire into such disputes under clause 15 of the Bill; the scope of this enquiry by the Commissioner is very narrow and limited. Perhaps he may have to enquire if there was legal and proper notice according to the rules and whether, in the absence of notice, there was reasonable cause. If he is satisfied that there was no notice and there was no reasonable cause, he has absolutely no jurisdiction to enquire if the deduction of wages was proper or not. For a small offence as well as for a big offence, it is open to the employer to deduct these wages at his sweet will and pleasure. As in the Contract Act, there is no provision for the Commissioner to make an enquiry, assuming all the facts to be true, whether the amount of damages is proper or reasonable having regard to all the facts of the case. I would, therefore, make a suggestion, if this amendment has the support of the House,—and that will also be in consonance with the ordinary practice prevailing and make the machinery cheap. Today without this provision the employer has to pay away the wages in full and file a suit for recovery later; but under the Bill . . .

**Sir H. P. Mody:** No: that is not the case; under their contracts they are bound.



**Mr. M. Ananthasayanam Ayyangar:** Under the common law he has to pay the wages in full and then file a suit for recovery of damages for absence without notice: he has to prove actual damages. But when there is express contract, it can be withheld but it is open to the other side to file a suit for recovery of the withheld wages and if the Court is satisfied that there was no reasonable cause for absence it can award damages: even in that case the Court has got power to relieve him from the penal provisions. What I would, therefore, suggest is that automatically in every case where the employer wants to exercise his right of imposing punishment of withholding 13 days' wages, let him transfer the amount into the hands of an arbitrator or commissioner to be appointed with respect to each factory: and within a month that commissioner or arbitrator can decide; and in that period the employer can satisfy the commissioner that there has been want of proper notice and the money should, therefore, be deducted: otherwise it automatically goes to the employé . . .

**Sir Cowasji Jehangir:** That can be done under the rules: with this very amendment it can be done.

**Mr. M. Ananthasayanam Ayyangar:** It is a question of the employer satisfying the commissioner about the reasonableness of the amount withheld—whether it is proper under the circumstances. The burden should be thrown upon the employer to satisfy the commissioner, otherwise the employé should be entitled to take away the money. If this amendment is to stand I would suggest that some such arrangement should be come to whereby the amount would be available immediately after the termination of the work. That will relieve him from a very difficult situation into which he is bound to be thrown by this amendment.

Lastly, I will say this: I found lately a cartoon in the *Hindustan Times* of our friends, Messrs. Joshi and Giri, roaming in the wilderness as lonely babes. I thought the imagination of the cartoonist was not sufficiently strong: he must have put a tartar there, so that the real situation could have been brought out: this Bill was intended to benefit wage earners and protect their wages being unnecessarily withheld by employers. But what is sought to be given to them by one hand is taken away by the other hand by this amendment. I have again and again found on the floor of this House the two Honourable Members from Bombay running to the Government side for support. How long this kind of support they are expecting from the Government it is not possible to say . . .

**Sir H. P. Mody:** That will depend upon you.

**Mr. M. Ananthasayanam Ayyangar:** I am only requesting my Honourable friends to negotiate and make things easy for themselves and others. The old order is disappearing fast. They must understand that the position is no longer one between master and servant: the relationship has changed to that of partner and partner. We have been told of what is going on in England and other places, where they are pooling all their resources. Let them not forget that labour is live capital and that not one single machine will work unless they utilise this live capital. Let them not destroy this live capital. It is a matter of adjusting domestic relations. Let them talk matters over with this side, instead of trying

to get the votes of the Government and the others trying to destroy it. I would, therefore, appeal to Members of the Government not to take part or vote in this matter but allow this side, the non-official side, to settle it.

**Mr. Husenbhai Abdullabhai Laljee** (Bombay Central Division: Muhamnadan Rural): Sir, I rise to support the amendment that has been moved by the Honourable Member. I think it will be conceded by my friend, Mr. Joshi, that if I am an employer, I have also taken keen interest in the welfare of the workers and have been doing so. I too find this amendment to be as much in the interests of employers as in the interests of the employes, and I am going to place before the House a concrete instance, and I am sure my friends on this side will appreciate it in the interests of industry which is as much for the benefit of capital as it is for labour.

Take the instance of a cotton mill. In an ordinary cotton mill, you have 2,000 to 4,000 employees; and you have got about eight departments to run your cotton through, and you have to keep up the machinery in such a condition and you have to keep up the cotton in such a condition that it should pass in full strength from one end to the other. For that purpose we have to employ humidifiers, and what not? If, for some reason or other, the employes of a certain department, which varies from 10 to 400 in each department, take it into their head to go on a lightning strike, the result would be that the mill would be closed, the result further will be that all the cotton on that mill and on the machinery will be spoiled: my friends may not care whether the cotton is spoiled or not; but, surely, they do care that the machinery ought not to be spoiled. The result in such a case invariably has been that, not only the cotton on the machinery has been spoiled, but that the machinery is locked up for more than a week; with the result that for nearly six or seven days the earnings of labour have gone down from 25 to 50 per cent. In all earnestness, I ask my friends, who represent labour, whether this is not a fact that if it be a fact, is it fair that you would like these people—4,000, or, in some cases at least, 2,000—to suffer on account of this lightning strike. If you have got a right case, if you think that your employers are not looking after you, give them reasonable notice and stop the work. Keep all machines clean. As my friend just now said, the machine belongs to employees just as much as to the employer. You are living on that machine: keep it well, at least. Do not destroy the very instrument which gives you support. Sir, if ten men of a certain department—say in the blow room or engine room—strike for any reason whatever, without consulting the other 2,000 or 3,000 men employed in that mill, they can bring ruin to those 2,000 to 3,000 people. My friends may say that Sir Cowasji Jehangir can bear the loss for a year. I do believe he can: but what about the wages of 2,000 to 3,000 people who will lose? Can they bear it; but what happens to the three thousand workmen? Is that fair? Is that equitable? Are you looking after those 3,000 people? I say, no. If the majority of the people want to strike, they can do it; but even then give fair notice. You ought to look at it in this sense, that the industry is as much for the interests of labour as it is for capital; and when you look at the question from that standpoint, I am sure, they will all agree that it is not only labour, but capital also is benefited by the acceptance of this amendment. If the Honourable

[Mr. Husenbhai Abdullabhai Laljee.]

Member has moved this amendment of his own accord, I congratulate him; or even if he has moved it at the instance of my friend, Sir Hornasji Mody, I thank him; because this amendment will benefit all interests concerned.

Now, Sir, take the case of any workshop or a sugar mill or a ginnery. If a lightning strike takes place a day previous to the cleaning day, what happens to the whole machinery? The machinery has worked for nearly eight or ten days, and it was time that it was cleaned, and if just a day previous to its cleaning there is a lightning strike, the whole machinery is kept unclean, and the result is heavy breakages and stoppages, besides the losses due to smallness of outturn.

Then, my friend over there said that you can go and file a suit for damages. It is all very good, but we know very well that even my friend, Mr. Joshi, will not be able to trace out any of the workmen. But even if we were to trace out some of them, there will be such enormous losses caused, not only to the chief millowner, not only to all the shareholders, but to two or three thousand people. Who is going to pay for them? Can the poor workmen, can the 10 or 20 people, or, for the matter of that 100 or 200 people, can they be expected to pay for the wages of even two or three days of 3,000 to 4,000 men? Can they pay? I say, no. Therefore, it is no use telling us that you have got legal rights, that you can go to the Court and penalise a man who is unable to pay for the losses. On the whole, Sir, I do feel that this amendment is as much in the interests of the industry as it is in the interests of capital, and my friends will do well to support it rather than reject it.

**Mr. A. G. Glow:** Sir, if there is any Honourable Member in this House who has not had leisure to study the details of the Bill, he must have gained the impression from the speeches delivered by my friends, Mr. Joshi, Mr. Giri and others, that some extraordinary injury was proposed to be inflicted on the classes whom this Bill is designed to protect. Sir, in the course of a long experience in this House, I do not ever remember quite such a smoke-screen as has been put up on this occasion, and I want to suggest to the House that not merely an exaggerated but a misleading impression has been created of the effects of the proposed amendment. I think my Honourable friend, Mr. Joshi, in speaking on it, said that "the Legislature could do no greater harm to the working classes than to accept this amendment": no greater harm, not even if they reject the Bill. I feel sure that in the course of that survey of labour legislation from China to Peru, to which he referred in his speech, he must have found a good many acts of greater harm than this Legislature could copy. He went on to say that if we were going to deprive the workers of "the only weapon" they possess to defend themselves against attacks on their standard of living,—language which was echoed, I think, by my Honourable friend, Mr. Giri, who talked about fundamental rights, and said we would be doing a great injustice. And then we had a lecture on how we were providing a "punishment" for the working classes. Sir, I believe honestly and sincerely that these are all entirely inaccurate accounts of the effect of this amendment, for I think that, so far from leaving the workers in a worse position than they are in at present, it will leave them in a better position than they hold at the present moment.

For this purpose let us look for a moment at the law as it stands today. It has been expounded by several distinguished lawyers, and the matter can be put very briefly. The employer can at present—this is a statement of fact, not of law,—the employer can at present withhold from any wages in his possession the damages which he believes to be due to him on account of breach of contract. That, I say, is a statement of fact, not a statement of law. The wages are there, and he can withhold them. The workman can go to the Court to recover the wages that he believes to have been wrongly withheld, and if damages are due to the employer under the common law, the employer can then claim as a set off the amount he has withheld. So that in actual practice, he has not merely a right, but he has the power to enforce the right by withholding such sums as are due to him. Now, I would just like the House to look at the position that will be created if the amendment is carried. A good deal of the misapprehension about this amendment has arisen from the fact that not a single Member who has spoken against it has mentioned the fact that it is not a substantive provision; it is a proviso to an existing clause, and there has been no reference to the clause to which it is a proviso. That clause defines the circumstances in which you can make a deduction for absence from work. Sub-clause (2) of clause 9 to which this amendment is a proviso says in effect that the employer can only deduct wages for the time that the workman was not there. In other words, wages will be proportionate to the work. If the workman does not work for one day or two days, he will not get his wages for those days. But there is no provision there for a penalty and there is no provision whatever for recovering damages.

Now, Sir, before I go on to the actual provision, I would like to make one further point clear, and it is this, that the clause does not confer on the employer the right to a single anna, which is not his independently of this Bill. It is only what is due to him that he can withhold. I think that is the answer to my friend, Mr. Giri, who suggested that when men were working on a weekly basis, the employer could deduct 15 days' pay. Quite obviously, in such circumstances, 13 days' pay could not be due as damages, and therefore could not be deducted. And it is also the answer to my friend, Mr. Ananthasayanam Ayyangar, who suggested that there was going to be a punishment on the workmen. There is going to be no punishment at all. What we are proposing to give to the employer is a means, a means which he has at present in effect, but which we give in a more restricted form of recovering certain sums which under the law may be due to him legally. That right is in future going to be subject to certain restrictions; and what are those restrictions? In the first place, in no case can more than 13 days' pay be recovered. I think my friend, Sir Cowasji Jehangir, understated his case when he said that employers could recover that at present. Some employers can recover much more than that at present. They can recover up to the full period of notice, which may be 30 days. In future, whatever provision of that kind there may be in the contract, the amount the employers can recover under this Bill will be restricted to 13 days. In the second place, the employer has a right at present against the individual; if an individual breaks the contract in such a way that the employer has a right to damages against him, the employer can withhold the damages from that individual. In future, under this Bill, the only possible amount that can be withheld is where ten or more persons act

[Mr. A. G. Clow.]

in concert. Finally, we have inserted a provision regarding reasonable cause. In other words, the effect is to place the workman in a more favourable position than he is at present and to place the employer in a less favourable position than at present, and I would not be at all surprised if my friend, Sir Hormasji Mody, stands astounded at his own moderation . . . . .

**Sir H. P. Mody:** I am.

**Mr. A. G. Clow:** Before we go on to discuss the effect that will be produced if this amendment is rejected, let us see what has been done for the workmen. I moved in this House the other day an amendment which was carried, I think, without any comment whatever. That amendment related to adding damages, in the case of workmen, to the definition of wages. There was no mention there of a limit 13 days; the damages may go up to 30 days. There was no mention there of a collective action; the individual has the right. There was no mention there of restrictions by a Local Government; it is an unfettered right. If there is any lack of reciprocity in this matter as some Members have suggested, it is not in favour of the employer.

**Mr. N. M. Joshi:** Go to a law Court.

**Mr. A. G. Clow:** I am coming to that. Now, let us look at the position if the amendment is rejected, in other words, if the clause stands without the amendment. The employer will then be precluded from recovering from wages any sum on account of damages due to him for breach of the contract. My Honourable friend, Mr. Joshi, says, "go to a law Court". This prohibition of recovery from wages will apply, however unreasonable the strike has been, or however sudden the breach of contract has been, or whatever damage has been caused to the employer. And yet my Honourable friend, Mr. Joshi, says "go to a law Court"!

**Mr. N. M. Joshi:** Yes.

**Mr. A. G. Clow:** If he will only reflect, he will realise that it is an illusory remedy. Two or three thousand workmen go on strike. You propose to compel the employer to hand out the wages up to the last moment they work. Up to the last moment he has got to pay it out, and if he does not do so, we provide for them a summary and cheap way of recovering it. We provide special tribunals and not only that, but we say, you can go in a body. Two or three thousand men can file a single application under section 16 and recover the amount the employer has withheld. But in the case of the employer, you turn him out and tell him, "Go and file two thousand or three thousand suits in a Civil Court because the men have disappeared with your money in their pockets. You can pursue them, get decrees and then execute those decrees against them".

**Sir Cowasji Jehangir:** Put a section in the Act that he should produce the men!

**Mr. A. G. Clow:** And the money too? (Interruptions.) I ask the House to realise that that remedy is an illusory remedy and that we are not treating the employer and the workman on anything like equal terms.

Finally, look at it in a broader light. My Honourable friend, Mr. Joshi, talks of depriving the workers of their only weapon. What is that weapon?

**Mr. N. M. Joshi:** Absence from work.

**Mr. A. G. Clow:** We are not depriving any workers of any right of absence from work. We are not depriving them of any right. If there is a lightning strike, without reasonable cause, is that a weapon that should be encouraged? I agree with my Honourable friend, Sir Cowasji Jehangir, that those who are opposing this amendment will be offering a direct encouragement to the use of that weapon. My Honourable friend, Mr. Giri, in a long diversion on the Labour Commission's recommendations, laid stress on the need for conciliation. He seemed a little confused in the process because he appeared to think that the Whitley Commission laid the main stress on appointing Courts of Enquiry and Boards of Conciliation and he blamed the Government for appointing so few. Their main point was that the need for these Courts of Enquiry and Boards of Conciliation should, in many cases, not be allowed to arise; and since the Commission recommended, one Local Government has taken rather striking action with a view to that end. They have passed a Conciliation Act, and they have gone further than most Conciliation Acts in that they have appointed an officer who is not merely a conciliator holding the balance between the employer and the employee, but a Government officer who is there to represent the interests of the workers,—there for advocacy and not mere conciliation. It is that Government that comes to us and says that if these provisions of theirs are to operate smoothly this amendment will be valuable. There can be no stronger argument in favour of the amendment than that. I have stood generally in this House in favour of measures for workmen, but I can tell my Honourable friend, Mr. Joshi, with my hand on my heart since he so wishes, that I regard this amendment as one which gives nothing more than justice to the employer. (Applause.)

**Some Honourable Members:** Let the question be now put.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhanmadan Rural): I rise to oppose this amendment, and, in doing so, I can assure the House that I feel as strongly, as sincerely and as honestly that this amendment, if passed, will be harming the interests of the workers, as my Honourable friend, Mr. Clow, thinks that it will help the workers. Sir, Mr. Clow has accused us of having thrown up a smoke screen upon the actual facts and also of having given a misleading interpretation of this amendment. He says that the workers really stand to gain by this amendment because he thinks that the right of the employer to recover damages from workers, whenever they leave service without notice, is already existing and all that this amendment seeks to do is to legalise it, is to make it a legal fact instead of being a mere practice. It seems to me that he is blowing hot and cold in the same breath. He says that the employers do have this right to collect these damages and yet admits that it is an illusory right and the employers are not really able to collect them because the workers are not there by the time they think of recovering these damages.

**Mr. A. G. Clow:** Might I explain, Sir? I did not make any such suggestion. What I said was, as long as you can withhold money from wages the power is there and is real. But if you take the clause as a whole and withdraw that power, then you create an entirely different position.

**Prof. N. G. Ranga:** He seems to think that at present the employers have a right to collect damages from each one of these workers who have left service without giving notice, whereas, if this amendment were passed into law, it would not be possible for them to collect those damages unless ten or more people do concert amongst themselves and leave the service without giving notice.

**Mr. A. G. Clow:** Not under this Act.

**Prof. N. G. Ranga:** I would like to know how it can be settled by an employer whether ten or more people have really taken a concerted action. There is no definition at all of this particular phrase and a very mischievous phrase, "concerted action". Is that to be interpreted in the same way in which the Criminal Courts have been interpreting it in connection with the Civil Disobedience Movement and the Criminal Law Amendment Act? Or is it to be interpreted in whatever way the employers like to interpret it? There is no definition at all about it. And who are those ten people? Are they to be unionists or non-unionists? If they are non-unionists who is there to settle the particular fact whether they have taken a concerted action or not? It would only mean that the employer would be obliged to appoint C. I. D.'s as they have always been doing, and to depend upon them and the information supplied by them. They will have to depend upon information supplied by the C. I. D.'s paid and pensioned by the employers themselves. Is it fair to insert a term like this, "concerted action" against which there is no insurance, for which there is no proper interpretation, and which really cannot be discovered by any means either by workers or employers themselves?

Then, Sir, my Honourable friend, Mr. Clow, maintained that at present the workers stand to lose very much more than 13 days' wages if they broke the terms of their contract and by this amendment he seeks to save them from all that worry and trouble and protect them at least for the loss of wages beyond the 13 days' period and wages due in that particular period. Sir, if there were any contracts as a result of which the workers are liable to lose very much more than 13 days' wages and if Mr. Clow as well as the Government of India feel that it is an indignity and an injustice to the workers to be obliged to lose very much more than 13 days' wages, it is for them to come forward with a legislative proposal that it should not be so and such contracts should be made null and void. It does not lie in their mouth to come here and say that merely because there is a system of contract which really is inimical to the interests of the workers this House should accept this invidious and dreadful amendment. He seems to think that by this amendment the conditions of the workers here in this country are going to be improved. I wonder how. He has not made out a case at all. He has only said that we must after all respect what is known as reciprocity of treatment. The employers are expected to pay certain damages if they do not fulfil the terms of the contract and, therefore, the workers also should be made to respect the terms of their contract. We know only too well in this country that neither the workers nor the peasants are in a position to look after themselves and see to

their interests when they enter into any contracts. Most of the workers have no other choice but to accept any contract of the employer that is insisted upon, as otherwise they would have to go without employment at all and it is for the State to come to the rescue of the workers and see that they are helped and that they are prevented from getting into these ruinous and suicidal contracts that are being imposed from time to time and from day to day not only in Bombay but also in other centres of industrial activity in this country. Instead of that, Mr. Clow comes here to support my Honourable friend, the Baronet from Bombay, in his plea that there should be reciprocity of treatment between these two unequal partners. There is partnership, unfortunately, in our industrial system . . . . .

**Sir Cowasji Jehangir:** Why 'unfortunately'?

**Prof. N. G. Ranga:** Because I want the workers to become one day, even if it is not possible today, the masters of the industry just as today my two Honourable friends, on that side, happen to be, as far as Bombay is concerned.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then on that day, somebody will be a worker.

**Prof. N. G. Ranga:** If my Honourable friend, Sir Muhammad Yakub, becomes a worker, I will only be too glad.

**Sir Muhammad Yakub:** I claim to be a worker.

**Prof. N. G. Ranga:** It is very easy to talk about it, sitting comfortably in one's own drawing room, but it is not really so.

**Sir Muhammad Yakub:** Even the leaders of the Congress live more comfortably than I do.

**Prof. N. G. Ranga:** I leave it to the Honourable Member himself to lay his hand on his heart and say to himself what he has just said is true. I can assure him that lakhs of Congressites do not today get even as much as they ought to get as human beings and they do not even get enough to maintain themselves from out of any public fund. If they do exist and maintain themselves, it is out of their own resources and out of the resources that are placed at their disposal by some kind friends or by their own relatives and, therefore, it does not lie in the mouth of my Honourable friend, Sir Muhammad Yakub, to turn round and say that Congressmen are having a better time than many like himself, Knight as he is.

**Sir Muhammad Yakub:** Don't they get money from Moscow and other places?

**Prof. N. G. Ranga:** I only wish as many of them get money from Moscow as so many do get here from Government in so many ways and in so many directions.



[Prof. N. G. Ranga.]

Now, who are these ten people? Are they to be unionists? If they are unionists, certainly it is really an extraordinary thing that unionists should be accused of going on lightning strikes. It is very rarely indeed and I have yet to come across any instance of unionists going on lightning strike, without giving any notice, at least as far as South India is concerned. Even according to the Royal Commission on Labour it is clear that only ten per cent. of our workers, in organised industries, are members of some trade union or other and the rest are not, and yet strikes have had to take place and did take place. These ten per cent. of the workers try to take a concerted action and try to think out the whole situation when they have to decide upon going on a strike. They have to think about the attitude of these 90 per cent. of the non-unionists—whether they are going to strike or whether they are going to play the blackleg. Are they going to hold out or are they going to get into the factory and run the factory as if nothing has happened. If they are not going to help the employers themselves directly at least are they going, while the unionists are on strike, to finance the strikers. All these factors will have to be taken into consideration and are being taken into consideration by the unionists whenever they have to think on going on a strike and when they do go on strike, they expect a reasonable amount of support from the non-unionists when they give notice to the employers that they are going on strike from such and such a day.

What is then the position of non-unionists? They have to weigh all such considerations, as whether they stand to gain more by joining the unionists and going on strike or whether they stand to lose. They cannot possibly be expected to come to their decision at the same time as the unionists themselves. They wait till the unionists come to their own decision. They may try to help the unionists with their own suggestions, thoughts and counsel and yet on most occasions they do not really come to their decision to go on strike just at the same time as the unionists themselves do. Then they wait for a few days to see how the wind blows. It is an absolutely psychological proposition. They wait and see how the Government is inclined, how the public is inclined, how this holy Legislative Assembly is inclined and how the employers in the country are inclined. If they think that the employers are hesitating about their position, are not able to unite themselves and fight the strike or if they have some sympathetic friend, like my friend, Mr. Hussenbhai Laljee, who can influence the employers, then they may throw in their lot with the strikers and then decide in favour of going on strike. You cannot call it a lightning strike. Strike there is already. The strike is going on only with the aid of ten per cent. of the workers. The other 90 per cent. have to decide and come to their decision. They cannot go on strike according to this amendment.

**An Honourable Member:** Why?

**Prof. N. G. Ranga:** It is as clear as daylight. It would be clear to a baby, to any one who exercises his common sense. He cannot go on strike merely because he has got to give thirteen days' notice to my friend, the Baronet from Bombay. He has got to give thirteen days' notice if he is not to run the risk of losing his thirteen days' wages. Sir, he decides to go on strike. And what are his prospects?

**Maulana Shaukat Ali:** Why should he not give notice?

**Prof. N. G. Ranga:** He has got to give thirteen days' notice. What happens? People are already on strike; it may be they are already on strike for a week, and, on the top of it, for thirteen days more they have to carry on the fight, without the help of their fellow-men in a number of factories and including the first three or four days (that is, with thirteen days more, already on strike), it now becomes sixteen days of lone fight and at the same time the employer is able to sit comfortably in his arm-chair smoking his cigars and then say to himself: "after all, I do not lose anything". So for nineteen days or twenty days or twenty-two days, those who are on strike have to carry on their lone fight,—without the employer suffering for it, without the employer being at all affected, without the employer caring that much for it. (Laughter.) And during the whole of those twenty days, these people the strikers are going without food, without provisions, without any help, without any funds, without even public opinion coming to their rescue, and what happens? Sir, anyone who has got a heart can imagine the prospects. You cannot expect ten per cent. of the workers to carry on a strike, a costly strike, a dreadful strike, without any support from anybody, without even the support of their own rank and file, their own brethren and comrades,—the ninety per cent. of the workers—and what are the prospects? Even after twenty days' strike they may or may not have the support of the other ninety per cent. of the workers who have got to wait till then in order to get the money they have already earned. Is it possible for them to carry on the fight? Is it not quite possible that in these circumstances these people might be compelled to go back to their work rather than go on with their strike? And that is why, Sir, I oppose this amendment.

And, next, coming to the other ninety per cent. of the workers they give notice, they carry on their work in the factories, but all the while the profits for my friends grow fatter and fatter, and they get richer and richer, blooming and still more blooming! And what is it that is happening within this particular period, these thirteen days? This ten per cent. of the workers, who are already on strike, get discouraged and despondent and completely down and out, and they give up the fight. But these non-unionists would by that time have incurred the displeasure of my friends, the two Knights, Sir Hormasji Mody and the Baronet from Bombay; they would have incurred the displeasure of these two great men. And what happens? Their leaders are liable to be victimised thereafter. Now would they be willing to do that? Would they be willing to incur the displeasure and run the risk of being victimised by merely trying to be comradesly with their own workers who are already on strike? Would they not then ask this ten per cent. of the workers who are already on strike to assure them of the success of the strike that they have ventured upon? How can any striker assure a fellow-worker who is earning something, and who has got to suffer very much and just as much as the striker himself,—how can he assure him that the strike is going to be a success, and how can ten per cent. of the workers that are already on strike assure the ninety per cent. who are still earning a little that it is going to be a success and that, therefore, they should throw in their lot with themselves? Sir, it is easier to convince them before the strike has begun that the strike is likely to be a success and, therefore, they should all join hands by going on strike because the pinch of a strike has not yet begun to make itself felt by the strikers, unionists as well as non-unionists. Therefore, Sir,

[Prof. N. G. Ranga.]

this amendment, if carried, would not only stop lightning strikes, against which my religious friend has grown so much religiously angry, but would also stop the regular strikes; and that is why I think my Honourable friend, Mr. Joshi, is right in saying that it deprives the worker of the only right he now has.

Yes, Sir, it is the only right. It is very easy indeed to talk about reciprocity; it is very easy to talk of the injured husband as well as the injured employer; it is very easy to think of the losses that the employers have to incur. But, Sir, the employers have got piled up capital reserves, strike funds and so many other things. They can depend upon them, fall upon them. I have yet to come across an employer in this country who has got broke merely because of a strike; but you can come across thousands of workers in every industrial town who have gone broke because of a strike, who have gone broke because of a lock-out, and yet they think it lies in their mouth to talk about reciprocity. They do, and when they do it, what is it they say? "Here is a right that the employee has got against the employer,—the right of claiming damages for being locked-out without notice, and they think it is unreasonable on our part to say that the workers should not be made to pay damages when they leave their service without notice". Yes, they can talk about it. But that is the only right the workers claim to enjoy; that is the only right that the workers can wish to continue to enjoy, the right to cease to work, the right to say to the employer: "you have injured me, you have injured my comrades, you have harmed me, you have harmed my comrades, and, therefore, I refuse to co-operate with you in carrying on the work of this factory, from today or from tomorrow or from day after tomorrow from whichever day is convenient and possible for me". And that right my Honourable friend, Mr. Clow, the Industries and Labour Secretary, the champion of labour from the Official Benches, wishes to deprive the workers of! And yet he seems to grow extraordinarily angry with my friend, Mr. Joshi, for having called a spade a spade and for having courageously said in this House that this amendment seeks to deprive the worker of the only right he now enjoys.

**An Honourable Member:** It is a domestic squabble.

**Prof. N. G. Ranga:** We are all having domestic squabbles, and one of the domestic squabbles is that of the industry where employers are able to come here and place an amendment before the Honourable the Leader and the Honourable the Industries Member and get it straightaway accepted.

**The Honourable Sir Nripendra Sircar:** On a point of personal explanation, Sir, I was asked to draft that amendment, not only by the alleged capitalists, but also by my friend, Mr. Bhulabhai Desai, and by my friend, Pandit Govind Ballabh Pant. They all came to me and asked me to help in drafting the amendment.

**Prof. N. G. Ranga:** Well, Sir, I am glad, the Honourable the Law Member, Sir Nripendra Sircar, has himself let the cat out of the bag.

**The Honourable Sir Nripendra Sircar:** Three cats! (Laughter.)

**Prof. N. G. Ranga:** Sir, we now know where we stand. It may be that in some subtle way the Government have been able to get this kind of co-operation, this kind of proffering of co-operation from the different sections of this House, but that does not justify the Government coming here with this amendment, obnoxious and injurious as it is and unjust as it is. Sir, it is the duty of the Government to scrutinise it and to see that it is not injurious to any section, to any large section of the people in this country. It is the duty of Government to save me in spite of myself. It is the duty of Government to save the masses sometimes against their own Legislatures if that is necessary (Hear, hear), but yet what is it that my Honourable friend has done? Sir, he has failed in his duty. He has simply jumped at this surreptitious opportunity that was given to him, he has jumped at this "*Swayamvaram*".

**The Honourable Sir Nripendra Sircar:** It is not easy for me to jump.

**Prof. N. G. Ranga:** Sir, I wish him good luck for *this* kind of co-operation.

Here is an amendment placed before the Government and they simply jump at it, digest it and like a bee they bring it back with so-called honey which is nothing but a sting, a poison, a deadly poison that goes to the head of the workers, not only the workers now existing but also the workers to come. Have we come across another instance where Government have shown so much readiness to accept the suggestions from this side of the House? Why all this solicitude for the suggestions made by the employers, by the magnates and the capitalists and the captains of industry from Bombay and Ahmedabad? Why? It is not a new phenomenon. The Government and the capitalists, the Government and the Baronets and Knights have been hand in glove with each other for a very long time. They want their co-operation in so many ways. The Government want their co-operation, shortly, in connection with the Ottawa Agreement. Of course, the Honourable Sir Frank Noyce was very angry at the suggestion of my Honourable friend Mr. Sham Lal, that there might be some connection between this amendment and the Ottawa Resolution that is to be taken up shortly. It is because of the promised support of the capitalists of Bombay that this unholy amendment and this secret amendment has been hatched. There may or there may not be any connection between the two. I accept the statement of the Honourable Sir Frank Noyce. But Government cannot disclaim their responsibility in having gone more than half way in meeting the employers. Why more than half way? The Honourable Member, Mr. Clow, himself deplored the fact that the Honourable the Baronet from Bombay has not done sufficient justice to his own cause and it was why, therefore, he came out with his proffered hands to help him to get out of the difficulty and to tell him where he was wrong and show his sympathy! To whom? Not for the workers! To whom is he shedding all these tears? He knows what tears these are. This is the sort of co-operation that Government have offered. To whom? Not to the Congressmen, not to the workers, but to the employers and the magnates of industry. What is this reciprocity? A reciprocity between the lamb and the wolf, between the chicken and the wolf. (Laughter.) Yes, a reciprocity between the chicken and the wolf, for a cat won't do, a bigger animal like the wolf is necessary. This is a reciprocity between the mice and the cat. I am sure that nobody on this side of the House wants such a

[Prof. N. G. Ranga.]

reciprocity. My Honourable friend, the Baronet from Bombay, was saying that he was expecting co-operation from this side of the House. I do not know really from whom he was expecting this co-operation. The speeches that were made this morning and this afternoon on the floor of the House from this part of the House must have made it perfectly clear that as far as the Congress is concerned, there is no support for that sort of reciprocity. There will be reciprocity only on the day when the capitalists and industrialists can be asked to bid good-bye to their ownership and their control of the industries and give place to the workers. There should be reciprocity only on the day when the workers will never suffer anything at the hands of the employers; reciprocity only as a result of which and on account of which the Government would be able to stand with all their forces both armed and unarmed behind the workers in order to raise their bargaining capacity to the level of the employers themselves. Can any employer who has any respect for truth and who has any respect for facts deny the fact that today the workers are not in a position to bargain with the employers? Is there any employer in this country who has got the temerity to come and say on the floor of this House or anywhere else that the workers are able to look after themselves, and, therefore, they should be allowed to get into whatever contract they like? No, Sir. Not even one employer however bad he may be. In these circumstances is it not the duty of the State to come to the rescue of the workers?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is repeating himself too often.

**Prof. N. G. Ranga:** Why should Government go out of its way to stand behind the employers and not behind the workers?

Then, there is the question of how to give notice of a strike. If an employer wants to give notice to the workers, he has only to put a notice on the notice board. The employer need not get into personal touch with every one of the workers who are affected by any one of his actions. What is to be done by the workers themselves? Am I to be told that each one of them, who is more often illiterate than literate, is to give a written notice to the employer? I am sure this is not feasible. In that case to whom is he to give that notice? Is it enough if that notice is put on the notice board of the trade unions? In many cases there are no unions at all. Again what happens in the case of workers who are not members of the union? What happens to these non-members? Are they to approach the employers individually? That course is absolutely useless and impossible. The Royal Commission on Labour has made it perfectly clear that between the employer and the actual workers there are very many intermediaries and it is only in very few cases that the workers are able to get into personal touch with the employers. There are the jobbers, there are the supervisors, there are so many *mukadums* and all sorts of intermediaries between the employers and the workers. Then how are the workers to approach all these people? These intermediaries take a lot of bribes and this fact is borne out from the report of the Royal Commission on Labour. The Report of the Royal Commission on Labour bears eloquent testimony to the vagaries of these intermediaries. Is there any hope for these non-members of the union to get justice at the hands of these intermediaries? Again, is it enough

that the workers should give oral notice to the employers? Again, is it to be individual notice or collective notice? If there is a trade union for a particular factory, is it enough if the trade union secretary gives notice not only on behalf of the union as a whole but also on behalf of the non-members of the union? It may not be enough. Because the non-members might or might not decide to go on strike and in that case the secretary of the trade union might not hold himself responsible for the decision of the non-members to go on strike. After all the union members might be only ten per cent. of the workers. After that what happens to the 90 per cent. of the workers who are non-members of the union. If there is no notice from the 90 per cent. of the workers who are non-members, then the employer might turn round to the 90 per cent. workers who are not members of any trade union and say that they cannot go on strike unless they are prepared to lose 13 days' wages even if they had tried to give notice in the only way possible through all the intermediaries. So with or without notice given, accepted or not accepted, it comes to this, that 90 per cent. of the workers who are non-unionists will have to anyhow lose their 13 days' wages, if only they decide to support their own brethren and their own comrades who are already on strike. And it is for this reason I feel that with this necessity for giving notice, it is impossible for the workers to go on strike,—lightning, thundering, ice-cooling or earthquaking as a friend suggests.

Then, Sir, there is what is known as 'implied'. This is a beautiful word; I do not know who has coined it, my congratulations to him. It is "implied"; so the employers need not take any trouble at all. They can give French leave to their clerks hereafter. They need not be very particular as to how their contracts are framed and drafted; it is already "implied"; it is the practice. Four employers have taken care to write it down that 13 days' notice should be given; and, therefore, the fifth one need not do it because in the same locality four have got it in. It is a mistake or an oversight that this provision was not put in; therefore, it is implied. So the workers of this fifth employer also will be made to lose their 13 days' wages merely because they had the humanity and the courage to go on strike because their comrades had already gone on strike. And, therefore, I support my Honourable friend, Mr. Joshi, in his opposition to the word "implied" and this provision should really be omitted, even if this Government were so obdurate and unconscionable as to get this amendment passed in the teeth of the opposition of my friends and myself on this side.

**Mr. M. S. Aney:** Sir, may I bring one thing to my Honourable friend's notice? In the definition of "wages" in clause 2, there is a reference to "implied" terms and that has been accepted.

**Prof. N. G. Ranga:** Who has accepted it?

**Mr. M. S. Aney:** You have passed clause 2 and you have accepted it.

**Prof. N. G. Ranga:** Beg your pardon, I have not accepted it.

Sir, the Honourable Member for Industries has said that he has taken up this amendment not merely on the suggestion of Sir Hormasji Mody but also on the suggestion of the Bombay Government. In this Report of the Select Committee which has been circulated we are told that they had the guidance of an able officer of the Bombay Government, and on our behalf the Select Committee has thanked him and congratulated him

[Prof. N. G. Ranga.]

on having helped them with all his wisdom and experience and also sympathy for the workers. I really do not know why on that occasion, when the Select Committee was in session, that officer was not sounded, and if he were sounded and if his advice was sought after and taken, if it came to be dismissed by the Select Committee as a whole or by a majority. I really do not know why Sir Frank Noyce has again thought of seeking the assistance of the Bombay Government in order to help him to proceed with this amendment, to foist it on this House in an unexpected fashion, without any notice at all. And then if any Local Government was to be consulted I should like to know why only the Bombay Government was to be consulted and not any other Government. If the Bombay Government came to be consulted why did he not think of consulting other provincial Governments also? Is it because the other provincial Governments are not interested in labour? Or is it because the other provincial Governments could not be expected to come so directly under the insidious influence of these employers and capitalists of Bombay? I should like to know the truth; may be we will not get it.

**The Honourable Sir Frank Noyce:** Sir, if my Honourable friend had responded to the invitation which was extended to him to be present at the informal conference which was held on this subject, he would have known the truth. He did not even do us the courtesy of replying to the invitation which was sent to him to come to that conference.

**Prof. N. G. Ranga:** I am sorry for having been found wanting in showing courtesy to my Honourable friend. I am extremely sorry and I apologise for it. But I can only state in extenuation that I was busy losing my voice in touring about the villages and addressing meetings which cost very much more voice than the meetings in Rotary Clubs which my friends to my left have to address either at Bombay or at Madras. Sir, the other Governments were not consulted; the same Select Committee was not consulted as a Select Committee. The House was never given the opportunity. There were certain amendments that were made by the Select Committee at Simla and when this report was submitted to the House and this Bill came to be discussed, my Honourable friend, Mr. James, himself and his friends of the European Group rose in indignation and said that there were new things introduced, they were never given any notice, their constituencies had no chance of discussing these things, and, therefore, they wanted time, precious time; that it was unfair on the part of Government to rush through with this Bill. And yet the House wanted to go on with this Bill; and what did Government do? Government deferred to the views and pleadings of the people whose colour of course is an insurance against any kind of thing in this country. But the Government comes forward with this very dangerous amendment without giving any notice whatsoever to people who are many times more numerous than the Europeans in this country and people who are less able to look after themselves than the European planters and capitalists and industrialists. And, yet, my Honourable friend, Mr. Clow, comes and says that he is absolutely sincere and honest in recommending this amendment to us. I do not think there is really any Honourable Member on this side who will be carried away by that kind of profession of honesty and sincerity.

Sir, what is the implication of this 13 days' notice? How does it affect the workers who are on strike? According to the provisions of this Bill ordinarily it would be impossible for workers to get their monthly wages soon after a month is over. They have to wait for seven days. Of course some employers, if they are good, may pay the wages on the first of the next month; but most will take advantage of this provision and would like to pay, as has been happening, on the last day permitted, namely, on the seventh. If on the fifth or fourth or third of the next month the workers were to decide to go on a strike, what happens? The whole of the previous month's salary is there in the hands of the employer. Will he be willing to pay it to the workers who are on strike? Has he done so in the past? I wonder; I really do not think he would pay. I do not think that he would be human enough to pay. Then, what happens? The workers will have to go to the Courts, while they are starving, while they are on strike, while they are being tabooed by the capitalist press, by the capitalists and all those other legislators who are under their muzzle. Is it easy for them to carry on their fight without any money in their hands, even for their salaries for the previous month? No, Sir. Then what is the good of this 13 days' notice? What is its earthly use for the workers? Is it to help them? Certainly not. Is it not to harm them and damage their interests? Is it not to victimise them, to disable them in their fight against their employers? It will be certainly apparent to anybody who has any humanity in him and who wishes to exercise his common sense. But of course if people are carried away by their self-interest and wish to bid good-bye to their common sense, I cannot help them and nobody can help them.

Sir, in England neither women nor children can be made to lose their wages for any fault of theirs. The Truck Acts see to it and other Acts too. Their wages cannot be deducted, but here there is no provision at all for that.

**The Honourable Sir Frank Noyce:** Sir, is my Honourable friend in order in discussing the other clauses of the Bill? I venture to think that he is taking advantage of this opportunity to discuss matters which were disposed of during his absence.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment.

**Prof. N. G. Ranga:** I am confining myself, to the best of my ability, absolutely to the four corners of this amendment. According to this amendment, it is quite clear that no exception can be made either in the case of women or in the case of children as far as the deduction of 13 days' wages is concerned. This is a chivalrous age. I suppose we have not bidden good-bye to it but yet the British seem to have done so. Having said good-bye to their chivalry, the British are still ruling here, and my friend is himself a distinguished Britisher. He does not make an exception even in the case of women or children. What is to happen to them? We have large numbers of women among the ranks of our industrial workers in Bombay, in Ahmedabad, in Coimbatore and other places. What is to happen to them and to women who have children in their bosom? They have to feed them, they have to maintain them; these women also have to go not only on strike but to feed themselves and their children while on strike without getting their 13 days' wages which they have honestly earned. So is the pitiable case of children.



[Prof. N. G. Ranga.]

Sir, in England, the period of notice that the employer has to give to the worker is very much longer than that to be given by the workers themselves to the employers. But it is not at all to be so in this country. In Britain Parliament has tried to help the workers as against the employers, but here we come to a Legislature where we are asked to place these two people on a par, two unequal partners, one the exploited and the other the exploiter, one the weakest, the other the strongest.

**The President** (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to repeat himself.

**Prof. N. G. Ranga:** I am not repeating.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is repeating.

**Prof. N. G. Ranga:** I won't do it hereafter. In Australia, again, we have a provision that members of any trade union, if dismissed by an employer, are protected against the employer by the latter being fined £50 sterling. But here our employers can dismiss their employees with impunity and, smilingly and comfortably and complacently and they are not to be fined at all, but if the workers take it into their heads to leave the employers and their factories without notice, then my friend, the Law Member, comes forward with his amendment: "No, you shall not do it, if you dare do so, you will have to lose 13 days' wages." Where are we? How many thousands of miles are we away from Australia? Australia is only an infant country. Australia was once the dumping ground of convicts and yet that Australia is very much more humanitarian than the Government of India wants India to be.

**An Honourable Member:** Why don't you go to Australia?

**Prof. N. G. Ranga:** I would like to go to Australia only if I am allowed to settle down there. I would take with me very many more people also in order to save them from the clutches of these employers. (Laughter.) This amendment takes it for granted that the workers are absolutely free to form their unions, to organise themselves, to give an organised notice, carry on an organised strike, help themselves and fight the employers; but is that so? Can even Mr. Clow, who was himself a signatory to this report of the Royal Commission on Labour, say today, that the workers are absolutely free? Even in Government employ we came across so many instances only last year. It was said that there were some yellow unions on the railways and some Honourable Members on that side got up and prided themselves that they belonged to trade unions, but Mr. Giri exploded that and exposed their pretensions to belong to real white unions. White unions there are few in this country, because the employers do not want unionism, and this report makes it perfectly clear that the employers do not want unionism. They are up against unionism. Even a Congressman, my friend, Mr. Birla, was objecting to an outsider taking interest in the union of the workers employed by him.

and so is the case with very many of my friends, the employers of Bombay. Unionism is not free, unionism is not favoured by the employers.

**The Honourable Sir Nripendra Sircar:** May I ask what Mr. Birla's union has to do with the amendment?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member not to travel beyond the amendment.

**Prof. N. G. Ranga:** There can be no concerted action at all here. Concerted action can be taken only when the workers are either in a union or anxious to be unionists, and how can there be concerted action unless there is unionism, and how can there be trade unionism in this country as long as employers as well as Government set their face against the development of team work and organisation amongst workers of concerted action? There cannot be, and, as long as there is not that trade unionism in this country, as long as the Trade Unions Act remains a dead letter as it is today and as long as even the registered trade unions are not recognised either by the employers or by Government, as long as 90 per cent. of the workers are not in a position to join the unions and pay subscriptions as has been admitted by the Honourable the Baronet from Bombay, as long as it is absolutely necessary for my Honourable friend, Mr. Joshi, to resort to so many methods referred to by the Baronet from Bombay in order to collect the small subscriptions, it is impossible for the workers of this country to look after themselves, to safeguard their own interests, to organise themselves, to stand up for their rights and put up a fight against this strong, wealthy, powerful, influential capitalists. And this amendment makes it impossible for its growth.

Sir, one more point. Here we are in the Legislative Assembly. To be frank to ourselves, can we really—can anybody—say that there is a party for labour in this House?

**Some Honourable Members:** There is.

**Prof. N. G. Ranga:** A party that makes labour questions party questions, a party that is prepared to espouse the cause of the workers. No, Sir. Why is it so? It is because the franchise has been so hopelessly restricted that the workers could not send their representatives and the workers could not have their own labour party.

**Mr. President** (The Honourable Sir Abdur Rahim): These are not matters for discussion on this amendment.

**Prof. N. G. Ranga:** The mere fact that the Congress alone has to espouse the cause of the workers and the mere fact that the Government of India could think of bringing here one solitary representative on behalf of labour out of 145 members show only too clearly that the workers are not in a position to look after themselves, the workers are not in a position to influence the counsels of Government, the workers are not in a position to depend upon this Government and that the workers are not in a position to make their needs felt. I, therefore, wish to make it perfectly clear to the public that very little justice can be expected from so

[Prof. N. G. Ranga.]

many of us here sent by people who are directly or indirectly interested in capital and industries and who are not so much interested in labour, and, therefore, Sir, I recommend to this House, in all humility, in all honesty, and with all the sincerity that I can possibly command, that this amendment should not be carried, that this amendment should not be assented to, that this amendment should be dismissed.

**Mr. G. Morgan** (Bengal: European): Sir, I move that the question be now put.

**Pandit Govind Ballabh Pant:** Sir, I do not want to make any speech, but a word of personal explanation. When Mr. Ranga was speaking, the Honourable the Law Member made a few remarks that were absolutely correct, but it is just possible that some misapprehension might be caused in consequence of what he said if I did not make it clear as to how I came to make certain suggestions in connection with Sir Hormasji Mody's amendment. The amendment under discussion is the one which was moved by Sir Hormasji Mody. As you might be remembering, Sir, when this amendment was being read out, there was the word "or" between the words "due notice" and "reasonable cause". I felt that it would be prejudicial to the interests of the labourers and that it did not even represent the view of Sir Hormasji Mody himself. So, irrespective of my own opinion as to the merits of that amendment, I suggested then, while the amendment was being read out, that perhaps "or" was a slip and had been put in inadvertently, because it meant in a way that, even after notice had been given, if there was not reasonable cause, then the wages could be deducted: and even if there was reasonable cause, if notice had not been given, then also the wages could be deducted. That was not the intention of Sir Hormasji Mody. So, that was how I came to make that proposal; but it was made clear to Sir Hormasji Mody, I believe, that we did not agree with the merits of this amendment, but we felt that it did not carry out his intentions correctly, so that there should not be any mistake as to our attitude towards the merits of the amendment. It was only to improve it, so far as draftsmanship of the amendment is concerned that I intervened and approached the Leader of the House again in this connection; when he had put the amendment previously in another form, then I felt that it would be open under the form in which it was first proposed by him to frame rules under this Act itself requiring notice, and that too did not seem to me to be the intention of Sir Hormasji Mody. I pointed out that fact, as it struck me, to the Honourable the Law Member; but all through we have unfortunately not been able to persuade ourselves to agree with the merits of the amendment moved by Sir Hormasji Mody.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That for the proviso set out in amendment No. 34, the following be substituted, namely:

'Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for 13 days as may by any such contract or terms be due to the employer in lieu of due notice.'

The Assembly divided :

AYES—65.

Abdoola Haroon, Seth Haji.  
 Abdul Matin Chaudhury, Mr.  
 Abdullah, Mr. H. M.  
 Acott, Mr. A. S. V.  
 Ahmad Nawaz Khan, Major Nawab.  
 Allah Bakhsh Khan Tiwana, Khan  
 Bahadur Nawab Malik.  
 Aminuddin, Mr. Saiyid.  
 Ayyar, Diwan Bahadur R. V.  
 Krishna.  
 Ayyar, Rao Bahadur A. A.  
 Venkatarama.  
 Badrul Hasan, Maulvi.  
 Bajpai, Sir Girja Shankar.  
 Bhagchand Soni, Rai Bahadur Seth.  
 Burt, Sir B. C.  
 Buss, Mr. L. C.  
 Clow, Mr. A. G.  
 Craik, The Honourable Sir Henry.  
 Dalal, Dr. R. D.  
 Das-Gupta, Mr. S. K.  
 Dash, Mr. A. J.  
 DeSouza, Dr. F. X.  
 Essak Sait, Mr. H. A. Sathar H.  
 Gajapatiraj, Maharaj Kumar Vijaya  
 Ananda.  
 Gauba, Mr. K. L.  
 Ghiasuddin, Mr. M.  
 Ghuznavi, Sir Abdul Halim.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Grigg, The Honourable Sir James.  
 Grigson, Mr. W. V.  
 Hossack, Mr. W. B.  
 Hudson, Sir Leslie.  
 Hutton, Dr. J. H.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur  
 Sardar Sir.  
 Jehangir, Sir Cowasji.

Khurshaid Muhammad, Khan Bahadur  
 Shaikh.  
 Lal Chand, Captain Rao Bahadur  
 Chaudhri.  
 Laljee, Mr. Husenbhai Abdullabhai.  
 Lindsay, Sir Darcy.  
 Lloyd, Mr. A. H.  
 MacDougall, Mr. R. M.  
 Matthai, Dr. J.  
 Mehr Shah, Nawab Sahibzada Sir  
 Sayad Muhammad.  
 Metcalfe, Sir Aubrey.  
 Milligan, Mr. J. A.  
 Mody, Sir H. P.  
 Morgan, Mr. G.  
 Muhammad Ismail Khan, Haji  
 Chaudhury.  
 Mukherjee, Rai Bahadur Sir Satya  
 Charan.  
 Noyce, The Honourable Sir Frank.  
 Rau, Mr. P. R.  
 Sale, Mr. J. F.  
 Sarma, Mr. R. S.  
 Scott, Mr. J. Ramsay.  
 Shaukat Ali, Maulana.  
 Sher Muhammad Khan, Captain  
 Sardar.  
 Singh, Rai Bahadur Shyam Narayan.  
 Sinha, Raja Bahadur Harihar Prosad  
 Narayan.  
 Sircar, The Honourable Sir  
 Nripendra.  
 Spence, Mr. G. H.  
 Tottenham, Mr. G. R. F.  
 Vissanji, Mr. Mathuradas.  
 Witherington, Mr. C. H.  
 Yakub, Sir Muhammad.  
 Zafrullah Khan, The Honourable Sir  
 Muhammad.  
 Ziauddin Ahmad, Dr.

NOES—44.

Aaron, Mr. Samuel.  
 Asaf Ali, Mr. M.  
 Ayyangar, Mr. M. Ananthasayanam.  
 Banerjee, Dr. P. N.  
 Bhagavan Das, Dr.  
 Chattopadhyaya, Mr. Amarendra  
 Nath.  
 Chettiar, Mr. T. S. Avinashilingam.  
 Das, Pandit Nilakantha.  
 Datta, Mr. Akhil Chandra.  
 Desai, Mr. Bhulabhai J.  
 Deshmukh, Dr. G. V.  
 Fuzlul Huq, Mr. A. K.  
 Gadgil, Mr. N. V.  
 Giri, Mr. V. V.  
 Govind Das, Seth.  
 Hans Raj, Raizada.  
 Jedhe, Mr. K. M.  
 Joshi, Mr. N. M.  
 Kailash Behari Lal, Babu.  
 Khan Sahib, Dr.  
 Khare, Dr. N. B.  
 Maitra, Pandit Lakshmi Kanta.

Mangal Singh, Sardar.  
 Mudaliar, Mr. C. N. Muthuranga.  
 Nageswara Rao, Mr. K.  
 Paliwal, Pandit Sri Krishna Dutta.  
 Pant, Pandit Govind Ballabh.  
 Raghubir Narayan Singh, Chou-  
 dhri.  
 Rajah, Rao Bahadur M. C.  
 Rajan, Dr. T. S. S.  
 Raju, Mr. P. S. Kumaraswami.  
 Ranga, Prof. N. G.  
 Saksena, Mr. Mohan Lal.  
 Satyamurti, Mr. S.  
 Sham Lal, Mr.  
 Sheodass Daga, Seth.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Anugrah Narayan.  
 Sinha, Mr. Satya Narayan.  
 Sinha, Mr. Shri Krishna.  
 Som, Mr. Suryya Kumar.  
 Sri Prakasa, Mr.  
 Thein Maung, Dr.  
 Varma, Mr. B. B.

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair will now put the motion again:

"That to sub-clause (2) of clause 9 of the Bill, the following proviso be added:

'Provided that, subject to any rules made in this behalf by the Local Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which they are required to give either expressly by their contracts of employment or impliedly by the terms of their service) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for 13 days as may by any such contract or terms be due to the employer in lieu of due notice.'

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That clause 1 stand part of the Bill."

**Mr. G. H. Spence** (Secretary, Legislative Department): Sir, may I, with your permission, move a formal amendment:

"That in sub-clause (1) of clause 1, for the figures '1935', the figures '1936' be substituted."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That in sub-clause (1) of clause 1, for the figures '1935', the figures '1936' be substituted."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

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

The motion was adopted.

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

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce**: Sir, I move:

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

I do not propose to detain the House long at this stage of the afternoon, but in view of what has been said by my Honourable friend, Mr. Ranga, in the course of his lengthy and impassioned harangue, I would like to remind the House for a moment or two of the history of this measure. The thoughts of the Government were turned towards the question of prompt payment of wages and deductions therefrom, in 1925, that is, no less than ten years ago. They collected a mass of material at that time and, in due course, placed it before the Royal Commission on Labour which they thought was better able to sift it and to come to reasoned conclusions on it than they themselves were.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

As the House knows, the Royal Commission did make very valuable recommendations on this subject, but more urgent and less difficult matters arising out of its report claimed our attention and it was not until 1933 that we were in a position to bring a Bill before the House. That Bill lapsed with the Assembly before which it was brought, and personally I am very glad that it did, because after it had been circulated for public opinion, the opinions we received were so massive and raised issues of such importance that we thought it advisable to drop it and bring forward a fresh one. The fresh Bill was considered by this House a year ago and was referred to a Select Committee which discussed it at very great length and with the utmost care for several days before the Simla Session. It then came before the House in the Simla Session, and, at the request of my Honourable friends of the European Group who wanted further time to consider it, was postponed to this Session. What I do wish to urge upon the House is, and I think, that the history I have related enables me to make the claim with some confidence, that no other labour legislation that we have brought before it has received more careful thought than this—careful thought at every stage, even up to the last. Even a week or so ago, my Honourable friend behind me and I had a conference with those Members of the House who are specially interested in this Bill in a last minute effort to improve it and to ensure its smooth passage through this House. And if my Honourable friend, Mr. Ranga, had been here and had been able to accept our invitation to that conference, all that which seemed to him to be a mystery would have been plain; at any rate, I think he would have realised,—as I am sure did those of my Honourable friends opposite who were present at the conference and for whose help and co-operation I am grateful—I am sure, he would have realised that our acceptance of the amendment which has caused so much controversy today was not due in the smallest degree to any extraneous considerations regarding any other business before this House. My Honourable friends, I am sure, will give me and Mr. Clow credit for dealing with this Bill entirely on its merits, and with no other consideration in our minds. (Cheers.) I have thought it advisable to dwell on the history of the Bill because it is my contention that at every stage, and there have been many stages in that history, the Bill has been altered, where it has been altered, with very trivial and unimportant exceptions, entirely in the interests of the work people, and I maintain that our last and most important alteration has been in their interests. I am not going over that ground again; we have spent a whole day on it and I do not propose to repeat anything that has been said, except to say that, in my view, the amendment which the House has just accepted will tend to the promotion of industrial peace, and without industrial peace we cannot expect industrial prosperity.

The only other point to which I wish to refer now, and on which I think the House will seek some enlightenment, is the question when the Bill is to come into operation. I am sure that, in spite of its reactionary character on which my Honourable friends opposite and my Honourable friend, Mr. Joshi, have dwelt, they would like to see it in operation as soon as possible. And I am fairly certain that my Honourable friends from Bombay would like to see its introduction postponed for some time. I think that is really the test, after all, that is really the best test of the possible effects of this Bill—which party would wish it to come into operation first. I have no doubt whatever in my own mind which party that is

[Sir Frank Noyce.]

and I think that is the answer to many of the criticisms which have been levelled at us from the other side. All I can say now is that we shall do our best to ensure that if the Bill is passed it comes into operation as soon as it is reasonably possible. But the House will, I have no doubt, recognise that there is a good deal to be done, in a case such as this, between the passing of the Act and its coming into force, especially when the Act breaks so much new ground as this one does. The rules have to be thought out and framed both by the Central and Provincial Governments, and that, with an entirely new Act, is not a simple matter. They have then to be subjected to public examination and the criticisms received have to be carefully considered. Then they have to be published and various orders have to be framed and authorities appointed. All this cannot, I think, be done in less than a year. The employers also must have a considerable period in which to make their preparations, and I would suggest that in the same spirit with which many of them, all of them I think I may say who are represented in this House, have accepted the proposals, they might, in the interval, make such adjustments as may be necessary to bring their systems into line with the provisions of this measure. This will minimise any dislocation that might be created when the law, after it is passed, commences to operate. Sir, I move. (Cheers.)

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Motion moved:

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

**Mr. G. H. Spence**: Sir, I move:

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely:

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'. "

This, Sir, is merely consequential on the amendment which has been adopted this afternoon. Honourable Members will observe that clause 26 (3) contains sub-clauses referring to various specific rule-making powers, and with the insertion of a further provision conferring a specific rule-making power under the proviso added to sub-clause (2) of clause 9, it is desirable that a reference thereto should be inserted in clause 26 (3). Sir, I move.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Amendment moved:

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely:

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'. "

**Mr. M. S. Aney**: On a point of order. When the third reading has been taken up, is it open to any Member of Government to move any amendment whatsoever?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): This is merely consequential, and, therefore, it can be moved.

**Mr. G. H. Spence:** See Standing Order 49 (4).-

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is:

"That sub-clauses (g) to (k) of clause 26 (3) be re-lettered as sub-clauses (h) to (l) and that the following be inserted as sub-clause (g), namely :

'(g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of section 9;'"

The motion was adopted.

**Mr. F. E. James** (Madras : European): I believe it is customary at this stage of the Bill to congratulate the Mover for having reached so far. Inasmuch as it is customary, I desire to pay the usual tribute to my Honourable friend, the Mover of this Bill, and also to his lieutenant, Mr. Clow. I do so, not merely as a matter of custom, but because we are grateful to the Honourable Member in charge of the Bill for the consideration and courtesy which he has shown to all sections of the House in dealing with this Bill. I also would like to pay a glancing tribute to my Honourable friend, Mr. Joshi, and his colleague, Mr. Giri, for fighting their battles steadily, not altogether alone, with the powerful support of various quarters of the House. There was the other day a cartoon in the *Hindustan Times* in which an attractive portrait was drawn of Messrs. Giri and Joshi as the babes in the wood. I could not help observing, when I saw that cartoon, that actually they were not really depicted as innocent as babes usually are; and that they were not alone in the wood, because quite near to them were the figures of the Mover and his lieutenant, Mr. Clow. So they were not lost at any time. It reminded me of the truth that Mr. Joshi, whose public career in this country has been one of great service to the cause of labour, owes it in a large measure to the patronage which he has almost unceasingly received from this "Satanic" Government. With regard to the object of the Bill, the two main objects were, firstly, the dealing with the more glaring cases of delay in regard to the payment of wages. It is a curious commentary upon the discussions that have proceeded in this House, that the factor of indebtedness, which according to the Whitley Commission gave rise to these proposals, has hardly been mentioned. The other object of the Bill is the desire to deal with unreasonable deductions from wages. That, again, arose from considerations relating to the income of the wage-earner in this country, which is a consideration which has hardly been touched upon during the discussions on this Bill.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Now, Sir, I wish to place on record one or two misgivings in regard to this piece of legislation which have been voiced not only in my own constituency but in other constituencies as well. In the first place, one is struck with the enormously wide scope of the Bill. The Bill admittedly deals with two particular evils. It is called the Payment of Wages Bill. As a matter of fact, it deals with practically every side of the intricate relationship between the employer and labour. It ought really to be called a "Bill to regulate the relationship between employer and labour". My friend, Mr. Giri, even called it an anti-strike Bill. I do



[Mr. F. E. James.]

not imply by this statement any criticism of the principles underlying the Bill. I want to make that perfectly clear. But I do want to ask one question. When we are dealing with two particular evils which are not universal, was it necessary to have a Bill which has such an enormously wide scope. Could not the evil be tackled at its root first, rather than at the top? The Honourable Member has spread out his net so wide, that many of the industries in which the evil is really rampant have entirely escaped. Then there is also the question of the increased cost to the various industries which this legislation involves. I would very respectfully utter a word of warning not only to the Honourable Member in charge of this Bill but also to our colleagues in this House who charge themselves specially with the interests of labour; and that is the danger incurred in connection with labour legislation in this country of playing into the hands of the labour leaders of the West. Those Honourable Members of this House who have followed the attitude of labour movements in the West to the question of industrial labour in the East know perfectly well that their policy is to increase the standard of living of the workers in this country as quickly as possible without any corresponding rise in the standard of efficiency, so as to increase the cost of production in the East and thus handicap the Eastern industrialists as a competitor in the world's market as well as a competitor in his own market. In encouraging at too fast a pace legislation which has been suitable in the West and which does lay increasing burdens upon the industrialists in the East there is a tendency to play into the hands of those in the West who have that object deeply at heart for their own particular reasons. Now, during the course of the discussion, two rather astonishing admissions were made by Honourable Members particularly interested in this Bill. The first was made by my Honourable friend, Mr. Joshi, who said that in spite of four years at a university and five years spent in studying the Bill he did not understand it. I ask if that is the case with Mr. Joshi, what will be the condition of the employer? Then, we had the Honourable Member for Industries and Labour referring to this Bill as an experimental measure and as possibly requiring modifications in the near future.

**The Honourable Sir Frank Noyce:** Every new measure, which is brought before this House, which breaks entirely new ground, must be regarded as an experimental measure. I think, that is only logical.

**Mr. F. E. James:** In that sense, every piece of legislation is an experiment.

**The Honourable Sir Frank Noyce:** Of course, it is.

**Mr. F. E. James:** I seemed to detect in the words which my Honourable friend used in this connection some little nervousness as to the actual effects of this Bill on the relationship between employer and labour, which this Bill is now going to disturb in different parts of the country. Yet although admitting that this Bill is an experimental one, as far as its application is concerned, he resisted and succeeded in defeating an amendment which was moved from our Benches giving the Local Governments power to apply the Bill to all cases where the experiment

would be desirable, giving them at the same time power to adapt it to the circumstances of each case. My Honourable friend, with the help of other Members of the House, defeated that amendment, and what is the result? The result is in effect that the Bill is left in a state of rigidity which makes it almost impossible for Local Governments to apply it to the extent which I am quite sure my Honourable friends themselves would desire. If this Bill is really an experimental measure and to be treated in that sense, then we find it rather difficult to understand why this particular amendment which was moved from our side of the House was not accepted by the Government. Then I would suggest very respectfully to the Honourable Member that the talk of experiment, in the sense in which he used the words in connection with a Bill of such a far-reaching and wide application and importance, seems a little inappropriate and does illustrate the difficulty which many of our constituents have felt—the difficulty of interfering with the established relationship and existing institutions except with the greatest possible care, both in regard to labour and in regard to social legislation. Now, Sir, I have said earlier that there are a number of industries in this country where the two evils with which this Bill is supposed to deal are most rampant, and yet those industries are not yet included in the Bill. Some of the constituents in my own Province had considerable sympathy with the amendment moved by my Honourable friend, Mr. Joshi, extending the scope of the Bill as widely as possible. We felt, as far as this Group is concerned, that this particular amendment in regard to the structure of the Bill was neither practicable nor desirable; but I know that there are those who feel that the Bill, even as it stands, does not deal, in many parts of the country, with the evil where it is worst. Now, I should like to quote the opinion of an employer in South India—one who is now unfortunately dead; I refer to Mr. Kay, the Managing Director of the Buckingham and Carnatic Mills. I knew Mr. Kay for a number of years, and I do not think anyone who knew him could fail to realise that he devoted an enormous amount of care and time and sympathy to the improvement of the lot of his workers. (Hear, hear.) He was, in the best sense of the word, a model employer of labour. What did he say very shortly before his death? He said:

“Why should the absence of power to aid the process of manufacture in a factory exclude the workers in such a factory from the benefits the present Bill seeks to impose on workers in power-driven factories?”

Why, for instance, should a weaver in a handloom factory be exposed to unlimited hours of work, indefinite periods of payment of wages and indiscriminate fining, from all of which a weaver in a power-driven factory is protected under the Bill?

The Royal Commission on Labour in India, in their Report, made some very trenchant criticisms of the conditions of workers in unregulated factories. The cult of the *bidi* factory worker is not so spectacular as, for instance, that of the textile worker, but it seems unfortunate that so much time should be spent on devising legislation to render increasingly difficult the conditions of more or less well-regulated power-driven factories, while the needs of the workers in unrecognised hand-driven factories are, apparently, not only not worth considering but any suggestion to bring them within the purview of the present Bill is to be rigorously opposed.”

Now, I quote those remarks of Mr. Kay to illustrate what many a conscientious and good employer feels in regard to this Bill. He is getting a little irritated at the meticulous attention which is paid to the conditions in his well-run industries and at the ignoring of the thoroughly bad conditions which very often lie just round the corner. He quite

[Mr. F. E. James.]

realizes that on many occasions the good has to be penalized for the bad, but he thinks it rather hard lines that on this occasion the good should be penalized, when the bad, the really very bad, is allowed to go scot-free. Well, Sir, however that may be, I felt it my duty to place that point of view on record before this Bill passed its final stage in this House, and I also felt it my duty to place on record those other misgivings which I referred to in regard to this piece of legislation. My final word, Sir, is that if the Bill is passed here and elsewhere and finally receives the necessary assent, I hope that it will work smoothly. I think I can guarantee, as far as the interests which we represent are concerned, that we shall—as we always do in connection with Bills that reach the Statute-book—co-operate as fully as possible in making this a workable and satisfactory Bill. But I do most sincerely trust that the Honourable Member for Industries and Labour will be prepared,—if defects are found in the working of the Bill, and on the assumption that he has already mentioned, *viz.*, that it is largely an experimental measure—to come forward promptly to remedy those defects and to ensure that the real objects of the Bill are achieved in as large a measure as possible and with as little dislocation to the reasonable and well-established relationships which are at present deeply rooted in different parts of the country between the employee and his employer. (Loud Applause.)

**Mr. N. M. Joshi:** Mr. President (Applause), before my Honourable friend, Sir Hormasji Mody, brought forward his amendment and before I learnt that the Government of India and the Independent Party were going to support him, my attitude towards this Bill was quite enthusiastic. The Bill that was introduced in 1935 was an improvement over the Bill introduced in 1933. When we met in the Select Committee, the Select Committee, in my judgment, on the whole, improved the Bill still further. Great credit is due to the Honourable Member in charge of the Department of Industries and Labour, Sir Frank Noyce, and the Industries and Labour Secretary, Mr. Clow. (Hear, hear.) They were sympathetic and conciliatory, and Mr. President, you may not be surprised if I had felt at the meeting of the Select Committee that my Honourable friend, Sir Hormasji Mody, was at least a sportsman. But, Mr. President, today my attitude is somewhat different; I feel sad and despondent. It was said by my Honourable friend, the Secretary of the Department of Industries and Labour, that we tried to create a smoke-screen. Mr. President, that was not our object; we tried, with our limited intellect and limited powers, to place what we really felt about that amendment before the Assembly; and if there was a smoke-screen, perhaps it was due to the fact that the eyes of those that looked at us may have some faults. But in any case let me tell you that he did not enable people to see through the smoke-screen by throwing dust into their eyes. My Honourable friend, the Secretary for the Department of Industries and Labour, said, that the amendment restricted some of the rights and some of the practices which the employers had followed and enjoyed. But he should have told the House whether the amendment did not detract very materially from the position that existed if the Report of the Select Committee had been adopted.

**Mr. A. G. Clow:** I admitted that.

**Mr. N. M. Joshi:** Our change of attitude is due to that. He even said that the amendment restricted in certain matters the rights which the employers would exercise. I honestly feel that the form in which the amendment has been made gives an invitation to the employers to deduct wages which they had very rarely done up to this time. I feel that it will not only do harm to the interests of the workers, but if I am to say what I honestly feel, I have absolutely no doubt that it will do harm to the industrial peace which the Honourable Member in charge of the Department of Industries and Labour said was the object of the Bill. If after a strike the employers try to insist upon the reduction of wages for 13 days, let me tell you frankly that it will be more difficult to settle a strike. The strikes will be prolonged on the issue that the wages shall not be deducted. I have absolutely no doubt in my mind that instead of helping the industrial peace by the amendment which my Honourable friend, Sir Hormasji Mody, has proposed, strikes will be prolonged and will be more difficult to be settled. Mr. President, I feel that after this amendment a great deal of value which the proposer of the Bill had in view has disappeared. If the employers, by means of the powers which they have obtained, try to put down strikes and if they succeed in their object, I feel that the standards of life of the working classes in this country will go down much further. My Honourable friend, Sir Hormasji Mody, himself knows that during the last few years the wages in Bombay and other places have gone down nearly 50 per cent. and if the employers try by means of the weapon which they have got through this Bill to prevent any resistance by the workers to the attacks which may be made against their standards of life, the wages will go down still further. It is that fear, Mr. President, which causes apprehension in my mind more than the loss of 13 days wages. It is on account of that fact I feel that after the amendment which was accepted by this House, the value of this Bill has greatly disappeared. My fear is that the object which my Honourable friend, Sir Hormasji Mody, and the Honourable Member in charge of the Bill had in mind will not be served. It is this that made me change my attitude towards this Bill; instead of being enthusiastic about its passing, I can only receive it in sadness and disappointment. (Applause.)

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#### STATEMENT OF BUSINESS.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways): May I, with the permission of the Leader of the House, make a statement with regard to the course of Government business on Friday. As the House is aware after the Payment of Wages Bill, my motion on the Ottawa Trade Agreement was set down for discussion. Having regard to the stage at which we have arrived, that is to say the Payment of Wages Bill was to be taken up today and, if possible, finished—I see it is not going to be finished today—the Leaders of Parties in the House felt that they were being asked to take part in a debate which was not likely to be finished by Friday afternoon and that, therefore, the time being so short if the debate was likely to go over the Budget discussions, they felt that it was very much better if the start of the debate was postponed so that the whole debate could take place at one stretch as it were . . . . .

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): I think the Government too felt likewise.

**The Honourable Sir Muhammad Zafrullah Khan:** When this proposal was made to me, I felt that it was a very reasonable proposal and, therefore, after consultation with the Leader of the House the Government have decided that subject to your permission, Sir, the motion in my name in the list of business for Friday might stand out and the matter would then be taken up for discussion after the Finance Bill has been disposed of.

**Mr. F. E. James** (Madras: European): If this business is taken out, what will be the business on Friday?

**The Honourable Sir Muhammad Zafrullah Khan:** If this motion is taken out, I think I am right in saying that the Italian Sanction Bill will be taken up and then other Government business.

**Mr. F. X. DeSouza** (Nominated Non-official): On what date approximately will this Ottawa Resolution be taken up?

**The Honourable Sir Muhammad Zafrullah Khan:** That is entirely in the hands of the House.

**Sir H. P. Mody** (Bombay Millowners' Association: Indian Commerce): What is the earliest possible date?

**The Honourable Sir Muhammad Zafrullah Khan:** I cannot say when the Finance Bill will be disposed of. As soon as the Finance Bill is disposed of, subject to anything very urgent that the Government might wish to get through, the motion on the Ottawa Agreement will be the next item of official business to be taken up. I cannot say at this stage when it will be set down on the agenda.

**Mr. President** (The Honourable Sir Abdur Rahim): It is for the Government to decide how to arrange their own business. The Chair takes it, the proposal made by the Honourable the Commerce Member in consultation with the Leaders of Parties will suit the convenience of the House.

**Some Honourable Members:** Yes, yes.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th February, 1936.