

17th March 1938

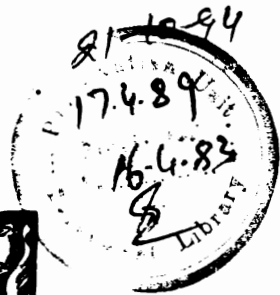
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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M77LAD

Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Thursday, 17th March, 1938.

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.

MEMBERS SWORN.

- Mr. Charles MacIvor Grant Ogilvie, C.B.E., M.L.A. (Defence Secretary);
Mr. Leonard Burges Gilbert, M.L.A. (Government of India: Nominated Official);
Mr. Yeshwant Narayan Sukthankar, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ASSIGNMENT OF PETROL REVENUES TO ASSAM.

758. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state:

- (a) if Government have recently received any representation from the Government of Assam regarding the grant to Assam of an amount equivalent to the petrol tax collected in the Province;
- (b) if Government are aware that this demand is being insistently and persistently made by Government, Legislature and the public of Assam from the time of institution of inquiry into financial allocation between Provinces and the Central Government;
- (c) whether any expert committee set up in connection with the inauguration of Provincial Autonomy recommended that dues to Provinces may be made in the shape of assignment of revenues;
- (d) if so, the reasons for not following this expert advice and assigning the petrol revenues to Assam;
- (e) if (i) at present the income *per capita* of the people of Assam is lowest among the Provinces, and (ii) the ratio of its area to Provincial revenues is the biggest;
- (f) Assam's total contributions to the Central Exchequer in all shapes per head of population; and
- (g) if Assam does not contribute to the centre the biggest amount *per capita* among the Provinces?

The Honourable Sir James Grigg: (a) Yes.

(b) Government are aware that the question has been raised on several occasions during the last few years.

(c) and (d). I presume that the Honourable Member is referring to the Indian Financial Enquiry Report by Sir Otto Niemeyer. If so, I would invite his attention to paragraph 15 of that report, in which the special claim made by the Assam Government was specifically considered and rejected.

(e) (i). Government have no information. (ii) Yes. In three other Provinces, however, the ratio of population to provincial revenues is higher than in Assam.

(f) It is not possible to give any accurate reply to this part of the question.

(g) The total amount of revenue collected by the Central Government, in Assam, represents about Rs. 2/1/- per head of the population. In three other Provinces this proportion is higher.

Mr. Brojendra Narayan Chaudhury: Did the Government of India recommend to the Niemeyer Committee the claims of Assam for the assignment of the petrol revenue?

Th Honourable Sir James Grigg: I do not feel called upon to enter into the evidence or to give any description of the evidence which the Government of India tendered to the Niemeyer inquiry.

MEN THROWN OUT OF EMPLOYMENT DUE TO THE ARMY MECHANISATION.

759. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) what is the number of men thrown out of employment because of the Army mechanisation, recently undertaken by Government;
- (b) how they are proposed to be absorbed in the army again; and
- (c) whether any interim arrangements will be made for them till they are re-absorbed?

Mr. C. M. G. Ogilvie: (a) About 3,350 in the course of three years.

(b) About 610 will be re-absorbed.

(c) Surplus personnel who are to be re-absorbed will be retained with their present units until their transfers are effected.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that they will be employed and kept at their present pay and status till they are given definite work again?

Mr. C. M. G. Ogilvie: Yes.

Mr. M. Asaf Ali: Will they be retained in India or will they be sent back home?

Mr. C. M. G. Ogilvie: They are all Indians.

SAVING DUE TO INDIANISATION AND MECHANISATION OF THE INDIAN ARMY.

760. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state:

- (a) the amount of money that will be saved by the substitution of British by Indian troops in the Indian Army;
- (b) the cost of mechanisation of the whole of the Indian Army; and
- (c) whether Government have considered the advisability of making the saving and mechanising the Indian Army?

Mr. C. M. G. Ogilvie: (a) A substitution of British units by Indian units in the Army in India would result in an annual recurring saving of about seven crores on effective charges. Rs. 1,63,45,000 is present cost of non-effective charges on British troops.

(b) The information is not available.

(c) No.

Mr. T. S. Avinashilingam Chettiar: May I ask whether it is not true that the Finance Member said in his speech in Simla that about 12 crores will be saved?

The Honourable Sir James Grigg: No, I did not.

Mr. M. Asaf Ali: Did the Finance Member say that 10 crores will be saved?

The Honourable Sir James Grigg: I said seven crores. If you could assume that at the end of a large number of years the whole of the non-effective charges will be saved, then after a long period of time the total may amount to 12 crores.

Mr. N. M. Joshi: May I ask whether the Government of India propose to make this saving?

(No answer.)

Mr. T. S. Avinashilingam Chettiar: May I ask why the Government of India have refused to consider the matter of the mechanisation of Indian troops by making this saving?

Mr. C. M. G. Ogilvie: I do not quite understand the Honourable Member's question. Government are considering the mechanisation of a portion of the Indian Army.

Mr. T. S. Avinashilingam Chettiar: I want to know whether the Government of India will consider the advisability of mechanising the Indian army out of the savings?

Mr. C. M. G. Ogilvie: No.

Mr. T. S. Avinashilingam Chettiar: Why not?

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

AMENDMENT OF THE RESERVE BANK OF INDIA ACT.

761. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether the Reserve Bank in its latest report have recommended any amendments to be made in the Act;
- (b) if so, in which matters; and
- (c) whether Government have considered the report and come to a conclusion in the matter?

The Honourable Sir James Grigg: (a) and (b). I presume that the Honourable Member is referring to the paragraph entitled, "Distribution of shares between the various areas" in the annual report of the Reserve Bank for 1937. The report was published in the Gazette of India, dated the 5th of February, 1938.

(c) The question is still under consideration.

Mr. T. S. Avinashilingam Chettiar: May I ask when the Government expect to finish the consideration of this matter?

The Honourable Sir James Grigg: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to bring any legislation in Simla on this matter?

The Honourable Sir James Grigg: That I have already answered.

POSTS RESERVED FOR THE INDIAN CIVIL SERVICE IN THE CENTRE AND THE PROVINCES.

762. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- (a) whether any, and, if so, what, posts are reserved for the Indian Civil Service in the Centre as well as in the Provinces;
- (b) whether any number of the Indian Civil Service men are allotted to each of the Provinces, which they must employ;
- (c) what is the total number of Indian Civil Service men at present employed and how many of them are Indians; and
- (d) of these how many are employed by the Central Government, and how many in each of the Provinces?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to Part 2 of Schedule VII-A to the Superior Civil Services Rules, a copy of which will be found in the Library of the House. These Rules continue in force by virtue of section 276 of the Government of India Act, 1935, in so far as they are not inconsistent with that Act, until such time as new rules are made by the Secretary of State under sub-section (1) of section 246 of the Act.

(b) Yes.

(c) and (d). I lay a statement on the table.

Statement showing the number of I.C.S. officers employed by the Central and Provincial Governments on the 1st January, 1938.

Name of Government.	Number of I.C.S. officers employed.			Remarks.
	Europeans.	Indians.	Total.	
Central Government	68	33	101	
Government of Madras	72	93	165	
Governments of Bombay and Sind	54	68	122	
Government of Bengal	88	91	179	
Government of the United Provinces	97	98	195	
Government of the Punjab	69	71	140	
Governments of Bihar and Orissa.	56	56	112	
Government of the Central Provinces and Berar.	32	39	71	
Government of Assam	22	13	35	
	558	562	1,120	

N. B.—Figures in the total column against Provincial Governments include holders of "listed posts".

Mr. T. S. Avinashilingam Chettiar: May I ask whether there is under contemplation the making of the rules in the near future?

The Honourable Sir Henry Craik: Yes, Sir. The Secretary of State has been addressed on the matter.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government of India have received communications from the Provincial Governments that they would like to provincialise their services?

The Honourable Sir Henry Craik: No, Sir.

COMMUNAL COMPOSITION OF CERTAIN POSTS IN THE KARACHI CUSTOMS HOUSE.

763. *Sardar Sant Singh: (a) Will the Honourable the Finance Member be pleased to state the total strength of the employees in the Karachi Customs House, and the proportion of Hindus, Muslims and Sikhs in the posts of:

- (i) Assistant Collector;
- (ii) Principal Appraisers;
- (iii) Appraisers; and
- (iv) Preventive Officers?

(b) Does the Honourable Member propose to appoint a Sikh on any of the above posts? If so, when? If not, why not?

Mr. A. H. Lloyd: (a) A statement is laid on the table.

(b) Appraisers and Preventive Officers are recruited by the Collectors of Customs who are bound to observe the communal rules in making appointments. There is no specific reservation for Sikhs in these rules. With regard to the Head Appraiser, appointment is made by promotion

and as there are at present no Sikh Appraisers it cannot be said how long it will take for a Sikh to become Head Appraiser.

Statement showing the strength of Employees in the Karachi Customs House by Communities as at 1st March, 1938.

Service.	Hindu.	Muslim.	European.	Anglo-Indian.	Indian Christian.	Sikh.	Parsi.	Total.
Assistant Collector:	1	..	1	..	1	..	..	3
Head Appraiser	1	..	..	..	..	..	..	1
Appraisers	11	3	1	2	3	..	3	23
Preventive Officers	7	7	8	9	..	..	2	33

NOTE (1).—Recruitment to the Imperial Customs Service is not made for each Custom House separately but on an all-India basis and postings of Imperial Custom Service Officers are made in the interest of public service and not on communal grounds.

NOTE (2).—There are no Principal Appraisers at Karachi but only one Head Appraiser.

Mr. Manu Subedar: With regard to part (b) of the question which relates to Preventive Officers, is it true that there are no Indians in that grade at all?

Mr. A. H. Lloyd: No, Sir.

RESIGNATION OF MR. E. M. PHILLIPS, DEPUTY DIRECTOR OF PUBLIC INFORMATION.

764. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member be pleased to state:

- whether Mr. E. H. Phillips, Deputy Director of Public Information, has tendered his resignation;
- whether the resignation has been accepted;
- whether the Standing Finance Committee had rejected the proposal of the appointment of Mr. Phillips as Deputy Director of Public Information;
- whether in spite of the Standing Finance Committee's recommendation, the appointment was made by the Government of India;
- whether Government are prepared to take steps to select a suitable Indian to succeed Mr. E. H. Phillips; and
- whether the Public Service Commission will be asked to advertise for the post and make the selection?

The Honourable Sir Henry Craik: (a) and (b). Yes.

(c) A majority of the Standing Finance Committee were opposed to the proposals for the expansion of the Bureau which included the appointment in question.

(d) Yes.

(e) and (f). Government propose to advertise for the post in India but the appointment is not one for which consultation with the Public Service Commission is required.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member see to it that an Indian is appointed to this post?

The Honourable Sir Henry Craik: I cannot give any undertaking till we see what replies we get to the advertisement.

Mr. Manu Subedar: With reference to parts (a) and (b), will the Honourable Member tell this House the circumstances under which the officer had to resign?

The Honourable Sir Henry Craik: Mr. Phillips resigned for private reasons.

Mr. Manu Subedar: Was he asked to resign? Or did he resign voluntarily?

The Honourable Sir Henry Craik: He resigned of his own accord for private reasons.

Mr. Manu Subedar: Did not the Honourable Member ask him to resign?

The Honourable Sir Henry Craik: No.

Mr. N. M. Joshi: Why was this post taken out of the scope of the Public Service Commission?

The Honourable Sir Henry Craik: It was never within the scope of selection by the Public Service Commission.

Mr. N. M. Joshi: May I ask what is in the nature of this post which renders it necessary that the Public Service Commission should not be asked to make the selection?

The Honourable Sir Henry Craik: Under the rules, the Public Service Commission are empowered to recruit for certain classes of posts. This is not one of those posts.

Mr. N. M. Joshi: What is the reason why this post was not included among the posts to be recruited by the Public Service Commission?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that the rules do not lay down that the Public Service Commission should select for this post.

Mr. N. M. Joshi: I want to know the reason why it was not placed in the rules governing appointments made by the Public Service Commission.

The Honourable Sir Henry Craik: I do not know. The Honourable Member had better put down a question.

Mr. K. Santhanam: Will the Government consider the advisability of retrenching this post?

Mr. President (The Honourable Sir Abdul Rahim): That question does not arise.

Mr. Mohan Lal Saksena: Will the Government give an assurance that no foreigner will be appointed to this post so long as an Indian with the necessary qualification is available?

The Honourable Sir Henry Craik: I have said that I cannot give any undertaking till I have considered the replies received in response to the advertisement.

Mr. Mohan Lal Saksena: Is it not a fact that the Honourable Member gave an assurance the other day to this House that no foreigner will be appointed unless an Indian with suitable qualifications was not available. Only the other day the Honourable Member announced in the House that instructions have been issued that no foreigners should be appointed to any post unless an Indian was not available.

The Honourable Sir Henry Craik: That is quite true.

Mr. Mohan Lal Saksena: Will he not then apply those instructions in filling up this post?

The Honourable Sir Henry Craik: Yes, they will be applied.

ACQUISITION OF LAND NEAR THAL, KOHAT DISTRICT.

765. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) whether his attention has been drawn to a news item in the *Tribune*, Lahore, dated the 26th February, 1938, regarding acquisition of land near Thal, Kohat District, North-West Frontier Province;
- (b) whether Government intend to acquire land near Thal for Cantonment purposes;
- (c) if so, how many owners are likely to be dispossessed as a result of this move;
- (d) whether it is a fact that the Thal owners at a public meeting objected to this acquisition;
- (e) if Government have considered whether it is not possible to acquire a vacant and less fertile area for Cantonment purposes; and
- (f) whether Government propose to modify their attitude?

Mr. C. M. G. Oglvie: (a) Yes.

(b) No such proposal is under consideration at present.

(c) Does not arise.

(d) The Government of India have no information.

(e) and (f). Do not arise.

OBSERVANCE OF GAZETTED HOLIDAYS AS COMMUNAL HOLIDAYS IN THE BANNU CANTONMENT.

†766. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

- (a) whether it is a fact that at Bannu Cantonment in certain sections the general gazetted holidays are observed as sectional holidays, that is to say, that in the case of Hindu holidays only Hindus are allowed to observe that holiday and so on;
- (b) if the answer to part (a) be in the affirmative, why; and
- (c) whether the Honourable Member proposes to make enquiries and set the matters right?

Mr. C. M. G. Ogilvie: (a) Yes, it was so until the beginning of this month.

(b) To meet the abnormal pressure of work necessitated by the Waziristan operations.

(c) The matter has already been set right on the restoration of normal conditions.

NON-DELEGATION OF CERTAIN POWERS TO THE VICE-PRESIDENT OF THE LAHORE CANTONMENT BOARD.

767. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether it is a fact that recently there was a proposal in the Lahore Cantonment Board that some powers of prosecution and compounding of offences of civilians residing in bazaar areas, be given to the non-official elected Vice-President of the Cantonment Board?

(b) Is it a fact that the official members in the Cantonment Board declared that the policy of the Government was that the non-official elected Vice-President should not be given any powers and that, therefore, they defeated the proposal by official majority?

(c) If the answer to part (b) be in the affirmative, is it a fact that Government have prohibited the giving of powers to non-official elected Vice-Presidents of the Boards?

Mr. C. M. G. Ogilvie: (a) A resolution was moved to authorise the Vice-President to lodge complaints and compound offences under the Cantonments Act generally.

(b) The answer to the first part is in the negative. The answer to the second part is that the resolution was lost by seven votes to four.

(c) Does not arise.

Mr. Mohan Lal Saksena: Which way did the Government officials vote?

Mr. C. M. G. Ogilvie: They voted against the Vice-President being vested with these powers.

Mr. Badri Dutt Pande: Is it a fact that the Act provides for the transference of powers? If so, may I enquire whether, in any of the Cantonments, there has been such transference of powers to the Vice-President?

†Answer to this question laid on the table, the questioner being absent.

Mr. C. M. G. Ogilvie: As far as I know, no.

Mr. Mohan Lal Saksena: Did they vote under instructions from Government?

Mr. C. M. G. Ogilvie: No.

Mr. Mohan Lal Saksena: Was any circular issued?

Mr. C. M. G. Ogilvie: No, Sir.

Mr. Badri Dutt Pande: Why have no powers been transferred yet?

Mr. President (The Honourable Sir Abdur Rahimi): The Honourable Member cannot argue the question now.

NON-DELEGATION OF POWERS TO THE BAZAR COMMITTEE OF THE JHANSI CANTONMENT BOARD.

768. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether the Headquarters Eastern Command instructed the Cantonment Board of Jhansi Cantonment to pass a resolution regarding Bazar Committee in the following terms?

"The minutes shall be laid before the next meeting of the Board and the Board may confirm, reject or revise the same or any item thereof as it thinks fit."

(b) Is it a fact that the elected members of the Cantonment Board objected to the passing of such a resolution, because they wanted real powers to be delegated to the Bazar Committee?

(c) Are Government aware of their assurance in the case of Bazar Committees in Cantonments, and what steps do Government propose to take to translate the same into actual practice?

Mr. C. M. G. Ogilvie: (a) The instructions were not in respect of the Bazar Committee only but of all Committees of the Board.

(b) Yes, the elected members wished the Bazar Committee to have a free hand without any control by the Board.

(c) Yes. Government of India do not propose to take any action to divest the Board of its power to control the Bazar Committee. Attention of the Honourable Member is invited to my reply to parts (a), (b), (d) and (e) of starred question No. 999 of the 5th October, 1937.

Mr. Badri Dutt Pande: Was the resolution that was passed, done under guidance of the Defence Department?

Mr. C. M. G. Ogilvie: No, Sir.

BAN ON PROCESSION TO RECEIVE SETH GOVIND DAS IN THE JUBBULPORE CANTONMENT.

769. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state the circumstances under which a peaceful procession led by some

gentlemen of Jubbulpore Cantonment, proceeding to the railway station to receive Seth Govind Das, M.L.A., on his return from South Africa, was forbidden?

(b) Is it a fact that the Executive Officer, Jubbulpore Cantonment wrote a letter which was a sort of notice to four gentlemen of Jubbulpore Cantonment that they will be prosecuted for taking out a procession?

Mr. C. M. G. Ogilvie: (a) The procession was not forbidden.

(b) The organisers were asked to show cause why they should not be prosecuted under section 118 (1) (g) of the Cantonments Act, 1924.

Mr. T. S. Avinashilingam Chettiar: What was the object of the prosecution?

Mr. C. M. G. Ogilvie: The object would have been if they had been prosecuted to prevent playing of loud music in Cantonments?

Mr. T. S. Avinashilingam Chettiar: Is loud music prohibited in Cantonments?

Mr. C. M. G. Ogilvie: Yes.

Mr. Badri Dutt Pande: Was it not scout music that was played?

Mr. C. M. G. Ogilvie: I do not know.

Mr. K. Santhanam: Is the military band silent music?

Mr. C. M. G. Ogilvie: No, Sir.

Mr. T. S. Avinashilingam Chettiar: Is scout music louder than military band?

Mr. C. M. G. Ogilvie: I do not know.

Mr. Badri Dutt Pande: Did not the Honourable Member say the other day on the floor of the House that processions will be allowed with music within bazar area?

Mr. C. M. G. Ogilvie: I do not remember anything about it.

POLICY RELATING TO THE APPOINTMENT OF HEADS OF SPECIALISED DEPARTMENTS.

770. ***Seth Govind Das:** Will the Honourable the Finance Member please state:

- (a) the policy of Government relating to the appointment of heads of specialised departments, such as, Customs and Income-tax, and whether members of the Civil Service are appointed in these specialised departments without any training of a special work relating to those departments;
- (b) if so, the number of such appointments made during the last three years, and the names of such officers appointed;

- (c) whether non-Indian Civil Service officers, as the heads of Income-tax Department, have, in the past proved satisfactory and successful;
- (d) the number of Income-tax Commissioners in India of the Indian Civil Service (European and Indians) separately;
- (e) the number of Commissioners whose services have been extended;
- (f) their names and the divisions they are in charge of;
- (g) reasons for such extensions of service despite unemployment;
- (h) whether it is the policy of Government to promote the Assistant Commissioner when a Commissioner retires or whether the Assistant Commissioner's claim is overridden by appointing a fresh man;
- (i) whether Government contemplate stopping the grant of any more extension to officers who are either on account of age or service due to retire; and
- (j) if not, the reasons therefor?

The Honourable Sir James Grigg: (a) In the Customs and Income-tax Departments I. C. S. officers generally receive training as Assistant Collectors of Customs or Assistant Commissioners of Income-tax for sometime before they are appointed Heads of these departments.

(b) Does not arise. No I. C. S. officer was appointed as Head of the Department in the Customs and Income-tax Departments during the last three years without first receiving training in the lower grades.

(c) Yes, but not in all cases.

(d) There are at present four I. C. S. Commissioners of Income-tax in India—three Europeans and one Indian. Two European officers are on long leave, one preparatory to retirement, and the third European officer is on deputation to the Burma Government.

(e) and (f). There is one permanent Commissioner of Income-tax who has been granted an extension of service. He is Khan Bahadur J. B. Vachcha, Commissioner of Income-tax, Bombay.

(g) The extension has been granted in the public interest.

(h) The most suitable person available is selected and due consideration is given to the claims of the Assistant Commissioners concerned.

(i) and (j). I would refer the Honourable Member to the reply given to parts (c) and (d) of Sardar Mangal Singh's starred question No. 819 on the 25th February, 1936.

Seth Govind Das: Is it a fact that I. C. S. officers are being sent as Income-tax Commissioners to the United Provinces and the Central Provinces?

The Honourable Sir James Grigg: I submit that does not arise. The Honourable Member had better give me notice.

Seth Govind Das: The Honourable Member just now said that one European Income-tax Commissioner is on leave preparatory to retirement. Will this post be filled by an Indian?

The Honourable Sir James Grigg: I cannot look into the future to that extent. If the Honourable Member wants any further information as to anything which has happened, he had better put down a question.

Mr. Manu Subedar: Will the Honourable Member state the normal period of training required by I. C. S. officers for Customs and Income-tax?

The Honourable Sir James Grigg: That depends upon their aptitude to their work as disclosed by practice.

Mr. Manu Subedar: What is the cost of such training given to them?

The Honourable Sir James Grigg: Their training is obtained by their actually doing the work.

NEEMUCH OPIUM FACTORY.

771. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Finance Member please state the reason for starting the Neemuch opium factory from the year 1935-36?

(b) Is it a fact that it has doubled its output within three years from 200 maunds to 400 maunds? If so, will Government please state the reasons for the increased output?

(c) Have Government adopted the policy of terminating the internal opium trade in India within a certain period?

(d) Have Government noticed the policy adopted by the different Provincial Governments to terminate the opium trade within a limited period?

(e) Are Government prepared to reduce the manufacture of opium in Ghazipur and Neemuch factories accordingly?

Mr. A. H. Lloyd: (a) The Neemuch Opium Factory has been started with a view to supplying hard opium to certain States in Central India and Rajputana. These States are at present taking their supplies from the stocks of Mewar opium purchased by Government which will last until September, 1940. As hard opium usually takes five to six years to mature, it has been decided to start the manufacture of hard opium at the Neemuch Factory from the year 1935-36.

(b) The reply to the first part is in the affirmative. The increased output has been sanctioned in order to have a sufficient stock to meet the anticipated requirements of the Indian States.

(c) No, this is a matter which mainly concerns the Provincial Governments.

(d) Government are kept informed of the opium policy adopted by Provincial Governments.

(e) The quantity of opium manufactured at the Ghazipur Factory varies according to the estimated requirements of the Provincial Governments and States which are supplied. The Government of India have before them no proposal to discontinue the supply of opium to Indian States from Neemuch.

Mr. Kuladhar Chaliha: Was there any discrepancy between the reported and the calculated stocks for internal consumption as reported to the League of Nations in 1936?

Mr. A. H. Lloyd: I am not aware of any discrepancy.

Mr. Kuladhar Chaliha: May I draw the Honourable Member's attention to the report?

"In reply to enquiries made by the Board on the subject of discrepancies between calculated and reported stocks, the Indian authorities stated that these discrepancies were due to the fact that the accuracy of the consumption figures furnished by certain Local Governments was doubtful. The Board is therefore glad to report that the Government of India has decided to check, in future, the consumption reported by the various local authorities with the quantities of drugs received by them in the course of the year. It is hoped that the consumption figures for 1937 and subsequent years will thus be more reliable than those for earlier years."

Mr. A. H. Lloyd: I am prepared to take it from the Honourable Member that what he has read is what is in print.

Mr. Mohan Lal Saxena: Am I to understand that the output of opium from the Neemuch factory will be reduced in future years?

Mr. A. H. Lloyd: It is rather difficult to say. It depends upon the success we attain in maintaining our market for the Neemuch factory in competition with producing Indian States for supply to consuming Indian States.

Mr. Manu Subedar: What was the approximate cost of the opening of this factory?

Mr. A. H. Lloyd: I shall require notice of that question.

LEAVE PERMISSIBLE TO CERTAIN SERVICES.

772. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

- (a) the amount of leave permissible during a single year and during the whole of their service to officers of the following services:
 - (i) the Indian Civil Service, Indian Police, Indian Medical Service and other All-India Services, recruitment to which is made by the Secretary of State for India (separately);
 - (ii) the Central Services, class I and II (separately);
 - (iii) the Subordinate Services employed by the Central Government; and
- (b) whether, in the matter of the leave permissible, there is any distinction between the Indian and European officers of any of the services above, either as regards the conditions under which it is granted, or as regards the amount, or the place in which it should be spent, and, if so, what and why?

The Honourable Sir James Grieg: The Fundamental Rules apply to officers of All-India Services to which recruitment is made by the Secretary of State and also to those officers of Central Services who entered service before the 16th July, 1931. The Revised Leave Rules of 1933 apply to Government servants of the Central Government who entered service on or after the 16th July, 1931. Both publications are in the Library and

the Honourable Member is referred to them. The relevant rules are Fundamental Rules 75—81 and rules 9, 13 and 14 of the Revised Leave Rules.

INDIAN CIVIL SERVICE OFFICERS EMPLOYED BY THE FINANCE DEPARTMENT AND ITS ATTACHED OFFICES.

773. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable the Finance Member please state the total number of Indian Civil Service officers employed by the Finance Department and the offices attached to it on the 1st January, 1937 and the 1st February, 1938?

(b) What is the increase in the number of Indian officers and what is the increase in the number of European officers?

(c) Is it a fact that a greater number of European than Indian officers were recruited, and, if so, what is the reason?

(d) Is there any principle on which the recruitment was made, and if so, what is it? Is there any proportion as between Indian and European officers in which the recruitment was made?

(e) What is the source of recruitment of these officers and how are they selected and by whom?

The Honourable Sir James Grigg: (a) The total number was six on the 1st January, 1937, and eleven on the 1st February, 1938. These include officers holding temporary appointments.

(b) Two Indian and three European officers.

(c) Yes. No more suitable Indian officers were available at the time.

(d) The deciding factor is the suitability of the individual officer for the work done in the Finance Department for which not every officer is fitted. No proportion has been fixed for recruitment as between Indian and European officers.

(e) These officers are selected by the Governor General in Council from the Provincial cadres of the Indian Civil Service mainly on the strength of recommendations made by the Provincial Governments.

Mr. C. N. Muthuranga Mudaliar: With reference to the answer to (d), is it not at least the avowed policy of Government to appoint more and more Indians?

The Honourable Sir James Grigg: In this particular cadre the criterion is efficiency and there is no racial test.

Seth Govind Das: Is it a fact that on such occasions generally no suitable Indian is available for the post?

The Honourable Sir James Grigg: I do not know about the general rule but, as I said in answer to part (b) of the question, two Indians and three Europeans have been appointed; so that, whether it may be general or not it is not universal.

Mr. Abdul Qaiyum: Is it a fact that in this department Europeans are the judges of the relative efficiency of Indians and Europeans?

The Honourable Sir James Grigg: In so far as I am a European, yes.

Mr. M. Ananthasayanam Ayyangar: Do these qualifications depend upon the sweet will and pleasure of the Finance Member for the time being?

The Honourable Sir James Grigg: The criterion for their appointment is not the whim and fancy of the Finance Member but the Finance Member's judgment after receiving the recommendations and opinions of those who are qualified to advise him in this matter.

Mr. M. Ananthasayanam Ayyangar: Is it a fact that the present Finance Member has found certain persons qualified who have been condemned by previous Finance Members?

The Honourable Sir James Grigg: I do not understand what the Honourable Member means.

Mr. Manu Subedar: With reference to clause (a), has the Honourable Member stated the total number or has he merely stated that the total number was fixed at a certain date?

The Honourable Sir James Grigg: I do not understand the distinction at all; it is much too fine for me. The answer I gave was that the total number was six on the 1st January, 1937, and eleven on the 1st February, 1938. And if I say that the total number was a certain figure, then it is the total number.

COMPENSATION TO STAFF AFFECTED BY THE PARTIAL STOPPAGE OF THE SIMLA EXODUS.

774. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Finance Member please state whether Government have issued orders on the question of the grant of certain allowances and other compensation to the staff of those officers of the Government of India whom it is proposed to detain in Delhi during the ensuing summer?

(b) What is the total number involved, and to which grades of service do they belong?

(c) Is it a fact that Government have sanctioned to the staff concerned a single fare for the journey to and from Simla to arrange for the removal of their belongings and for making other arrangements necessitated by the decision to stop them at Delhi? If so, what is the justification for asking the staff to bear the other fare and other incidental expenses?

(d) Is it a fact that Government have sanctioned only half the usual maundage? If so, why?

(e) Is it a fact that Government are not agreeable to meeting, or enabling their staff to meet the obligations incurred by the staff in connection with contracts entered into by the latter with house owners in Simla? If so, why? If not, what are the arrangements proposed by Government?

(f) Do Government propose to consider the desirability of so arranging the matters that the staff concerned are not put to any expense on account of their decision to detain them and about which they had no previous warning?

(g) Are Government prepared to consider the desirability of deciding before they move down from Simla this year, which departments of the Secretariat and who among the officers and clerks are to be kept down in New Delhi next year?

The Honourable Sir James Grigg: (a) Yes.

(b) About 205 ministerial and 80 inferior servants.

(c) Yes. Government pay travelling allowance each year for the transport of personal effects to Simla and back and have thus already paid for the transport of personal effects from Simla to Delhi. In the circumstances, the payment of a single fare is a concession in itself.

(d) Yes; for the same reason as in (c) above.

(e) No. Suitable compensation will be granted in cases where officers are not able to get out of their commitments.

(f) Does not arise.

(g) The suggestion will be borne in mind.

PROCEEDS FROM THE EXCISE DUTY ON SUGAR.

775. *Mr. J. Ramsay Scott (on behalf of Seth Haji Sir Abdoola Haroon): Will the Honourable the Finance Member be pleased to state:

(a) the total proceeds from the excise duty on sugar during the last five years;

(b) the number of factories which paid the tax; and

(c) the total amount of sugar manufactured in the country?

Mr. A. H. Lloyd: With your permission, Sir, I will reply to questions Nos. 775 and 776 together.

Part (a) of question No. 775 and question No. 776. A statement is laid on the table.

Parts (b) and (c) of question No. 775. I would refer the Honourable Member to the notes on the production of sugar direct from cane in modern factories in India published by the Director, Imperial Institute of Sugar Technology, India, in the issues of the *Indian Trade Journal*, dated the 19th and 26th November, 1936, and the 7th October, 1937, (copies of which are in the Library of the Assembly) which contain the required information in so far as it is available.

Excise Duty on Sugar.

	Rs.
*1934-35	97,36,592 net receipts.
1935-36	1,67,91,758 "
1936-37	2,59,18,492 "
1937-38 (upto 31st January, 1938)	2,70,01,000 gross receipts.
1938-39 (Budget estimates)	2,60,00,000

*The excise duty was first imposed on sugar on 1st April, 1934.

Import Duty on Sugar.

	Rs.
1934-35	3,62,21,871 net receipts.
1935-36	3,03,75,181 "
1936-37	38,34,114 "
1937-38 (ten months—March to January)	24,16,000 Gross receipts.
1938-39 (Budget estimates)	20,00,000 Gross figures.

Mr. M. Ananthasayanam Ayyangar: May I know how many factories have closed down in consequence of the excise duty?

Mr. A. H. Lloyd: The reasons why a factory has closed down seem to me to involve a matter of opinion.

Mr. T. S. Avinashilingam Chettiar: May I know if any factory has closed down directly as a result of the excise duty?

Mr. A. H. Lloyd: That again is a matter of opinion.

Mr. M. Ananthasayanam Ayyangar: Did any factories close down during the year?

Mr. A. H. Lloyd: I would refer the Honourable Member to the answer I have already given.

REVENUE FROM THE EXCISE DUTY AND IMPORT DUTY ON SUGAR.

†776. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Honourable the Finance Member be pleased to state the amount of revenue derived from the excise duty and the import duty on sugar during the last three years, and their expectation of the revenue for 1938-39 from this source?

MEASURES TO PREVENT DUMPING OF SUGAR BY JAVA.

777. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Has the attention of the Honourable the Finance Member been drawn to the representation from the Bihar Chamber of Commerce, Patna, in December, 1937, pointing out an enormous increase in the sugar production in Java, and its possible harmful effects on India, in the event of Java deciding to unload her heavy stocks in the Indian market, irrespective of consideration of prices, due to her markets in China and Japan being restricted on account of prevalence of war conditions?

Mr. A. H. Lloyd: The question should have been addressed to the Commerce Secretary.

TERMINAL TAX IN THE AMBALA CANTONMENT.

778. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state if it is a fact that terminal tax was introduced in Ambala Cantonment on the 2nd September, 1933, and the revised schedule was prepared in January, 1934 and passed by the Cantonment Board, Ambala, in February, 1934 and is now under the consideration of the Government of India?

(b) What orders have Government passed with regard to this tax?

(c) Are Government prepared to expedite the sanction of this tax?

Mr. C. M. G. Ogilvie: (a) Government have no information. No proposals regarding the revision of the tax in the Ambala Cantonment have been received by the Government of India.

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

DENIAL OF CERTAIN CONCESSIONS TO CIVILIAN CLERKS AND STORE-KEEPERS OF THE ROYAL INDIAN ARMY SERVICE CORPS DETAILED ON FIELD DUTY IN THE GREAT WAR.

779. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state if it is not a fact that all civilian clerks of the Royal Indian Army Service Corps accompanying a Field Force are treated as military for all concessions and in fact for all purposes, including court martial, under Field Service Regulations Part II?

(b) Is it not a fact that all civilian Indian superior personnel accompanying a Field Force are given military status with proper rank, etc., and treated as such according to their pay for all concessions and privileges, *vide* Field Service Regulations Part II?

(c) Is it not a fact that no civilian clerks and store-keepers of the Royal Indian Army Service Corps detailed on Field Service during the last Great War were awarded a grant of land 'Jangi Inam', etc.?

(d) If so, will Government disclose the reasons why they are deprived of these concessions?

Mr. C. M. G. Ogilvie: (a) and (b). Civilians accompanying a Field Force are given relative military ranks for certain purposes, that is to say, they receive rations, clothing, equipment, accommodation and field service *batta*, according to those ranks, but they have not the right to be called subadars, jemadars, etc., nor have they any power of command. They are subject to the India Army Act when on Field Service.

(c) Yes.

(d) Because they were not eligible for these concessions under the Government of India's special war reward scheme.

PERIOD OF SERVICE QUALIFYING FOR FULL PENSION FOR CERTAIN SERVICES.

780. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

(a) the period of service required to qualify for full pension the members of the following services:

(i) the Indian Civil Service, the Imperial Police Service, the Indian Medical Service and other All-India Services, recruitment to which is made by the Secretary of State for India (separately);

(ii) the Central Services, classes I and II (separately);

(iii) the Subordinate Services employed by the Central Government; and

(b) whether there is any difference in the qualifying period required as between the members of the All-India services to which recruitment is made by the Secretary of State and others, and if so, why?

The Honourable Sir James Grigg: (a) The periods of service required to qualify for full pension are:

(i) Indian Civil Service	25 years
Indian Police Service	30 years
Indian Medical Service.	27 years
Indian Ecclesiastical Establishment	23 years
Other officers appointed by the Secretary of State	30 years
(ii) and (iii) Central Services, Class I and II and Central Subordinate Service (excluding inferior servants)	30 years

(b) Yes. The differences are due to the varying characteristics of the services concerned, e.g., the differing ages of recruitment, and the varying nature of their duties and responsibilities.

Mr. M. Ananthasayanam Ayyangar: Why is a distinction made in the case of the Ecclesiastical Service—only 23 years? Is it more onerous than other services?

The Honourable Sir James Grigg: I answered that in general terms in part (b).

Mr. M. Ananthasayanam Ayyangar: I want to know particularly with reference to the Ecclesiastical Service, how it is more onerous than other services.

The Honourable Sir James Grigg: I applied the general to the particular: it is precisely the reason I have given in general in part (b).

Mr. C. N. Muthuranga Mudaliar: May I know if any of these officers are given extension of service after the completion of their periods of service?

The Honourable Sir James Grigg: There must be many thousands of these officers and I cannot possibly answer that question without notice.

Mr. K. Ahmed: In view of the fact that the answer of the Honourable the Finance Member has not given any sensible reason of deferentiation or variation to the question asked by the other side, may I ask the rules prescribing 23 to 25 years for pension to be revised so as to bring them to uniformity for doing the same kind of work as they take the same food here in India and do the similar thing all over?

The Honourable Sir James Grigg: I am afraid my judgment of what is sensible is rather different from that of the Honourable Member. I gave a perfectly sensible and valid reason.

COMMUNAL COMPOSITION OF PLATOONS IN 11/15TH PUNJAB REGIMENT.

781. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- (a) the communal composition of platoons in the 11/15th Punjab Regiment;

- (b) whether it is a fact that in the 11/15th Punjab Regiment there are four senior grade Hindu officers for four Hindu platoons, one Christian senior grade officer for four Christian platoons and one senior grade Muhammadan officer for seven Muhammadan platoons;
- (c) whether it is a fact that a Muhammadan senior grade officer has left the unit recently or is about to leave it, if so, how Government propose to fill up the vacancy;
- (d) whether Government are prepared to make all selections of senior grade officers in future according to paragraph 5 of Appendix VII of the Indian Territorial Force Regulations; and
- (e) whether Government are prepared to give proportionate representation to all communities as far as senior grade appointments are concerned, and make such suitable arrangements by transfer or otherwise that the number of senior grade officers more or less approximate to the strength of each community in different provincial units of the Indian Territorial Force?

Mr. C. M. G. Ogilvie: (a)—

4 Platoons . . .	Christians
4 Platoons . . .	Hindus.
7 Platoons . . .	Musalmans.
1 Platoon . . .	Sikhs.

(b) Yes.

(c) Yes. The recommendations of the local military authorities for filling this vacancy are awaited.

(d) The rule quoted by the Honourable Member is already being observed.

(e) Government do not propose to make any change in the existing rules.

Dr. Sir Ziauddin Ahmad: With reference to part (b) of the question, is the shortage due to the fact that officers are not available or to any other policy of the Government of India?

Mr. C. M. G. Ogilvie: I imagine that the shortage is due to the fact that a suitable officer of the community concerned was not available.

SYSTEM OF APPOINTING WING COMMANDERS IN THE INDIAN TERRITORIAL FORCE UNITS.

782. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- (a) if it is a fact that in the provincial units of the Indian Territorial Force regular officers are appointed as Wings or Double Company Commanders over and above the Company Commanders of the Indian Territorial Force;
- (b) if so, under what section of the Indian Territorial Force Regulations these Wing Commanders are being appointed; and

- (c) if there is no such regulation, whether Government are prepared to stop this system of Wing Commanders and run the Indian Territorial Force units according to the regulations and recognised system of the regular infantry units?

Mr. C. M. G. Ogilvie: (a) No. There is no appointment of Wing Commander in the Indian Territorial Force.

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

Mr. Manu Subedar: Will the Honourable Member state whether the Indian Territorial Force is Indian?

Mr. C. M. G. Ogilvie: The Indian Territorial Force is Indian.

PROMOTIONS AND CONFIRMATIONS IN THE INDIAN TERRITORIAL FORCE UNITS.

783. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- (a) if the promotions and confirmations in the Indian Territorial Force units are done strictly according to paragraph 40 of the Indian Territorial Force Regulations;
- (b) if it is a fact that certain regular Lieutenants were made local Captains during their attachments to some of the Indian Territorial Force Units;
- (c) if it is a fact that on account of local promotions or appointments as mentioned above, these regular officers become senior to some of the Indian Territorial Force officers, to whom these attached regular officers would have been juniors otherwise; and
- (d) whether Government are prepared to discontinue local promotions as far as the regular officers attached to the Indian Territorial Force units are concerned?

Mr. C. M. G. Ogilvie: (a) Government have no reason to believe that regulations are not being observed.

(b) and (c). Yes. This is covered by paragraph 24 of the Indian Territorial Force Regulations.

(d) Government do not propose to make any change in the existing rules.

RECRUITMENT OF ARAINS IN THE ARMY.

784. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- (a) the total number of recruits taken during the years 1935, 1936 and 1937;
- (b) how many of them were Arains;
- (c) if the number of Arains recruited is very small, the reasons for it;
- (d) an analysis of the total number according to their caste; and
- (e) the names of places where recruitment is going on?

Mr. C. M. G. Ogilvie: (a) 16,639, 18,388 and 16,470 respectively.

(b) The required information is not available. The following number of Arains were, however, serving in the Indian Army on the 1st January of the last three years:

1935	229
1936	204
1937	227

(c) The selection of sub-classes rests with officers commanding the units who possess discretionary powers in the matter.

(d) The information could be collected only by reference to all recruiting officers concerned. This would involve an expenditure of time and labour which would be incommensurate with the value of the result.

(e) Peshawar, Rawalpindi, Jullundur, Lahore, Delhi, Lucknow, Ajmer, Poona, Bangalore, Lansdowne and Karachi.

EXPENDITURE ON THE ARMY REMOUNT DEPARTMENT AND MECHANISATION OF DEFENCE.

785. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- the total expenditure on the Army Remount Department each year since the grant of lands to mule-breeders in the Punjab on conditions; and
- the total expenditure each year on the mechanisation of defence in the same period?

Mr. C. M. G. Ogilvie: (a) and (b). The information is being collected and will be laid on the table when received.

Mr. President (The Honourable Sir Abdur Rahim): The answers to the next four questions will be laid on the table.

MULES AND HORSES BOUGHT FROM MULE-BREEDER AND HORSE-BREEDER GRANTEES.

†786. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- how many mules or horses were bought from grantees of land for mule-breeders each year since the inception of the scheme;
- what was the original idea and how far it was fulfilled;
- whether, due to mechanisation, the circumstances have changed and methods of defence also are different;
- whether there is still the same necessity for horses and mules; and

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (e) whether they have considered if there will be any loss if Government give proprietary rights to mule-breeders and continue to buy mules in the market?

Mr. C. M. G. Ogilvie: (a) The following number of mules were purchased from the mountain artillery mule breeding grantees:

1932-33	23
1933-34	38
1934-35	62
1935-36	77
1936-37	68

No horses were bought from them.

(b) The original idea was to breed mountain artillery mules, a type which is not procurable in India and has to be imported from overseas. Since the production of this type of mule in India our annual importation has decreased by the number purchased from the grantees.

(c) and (d). Mules will still be required for mountain artillery.

(e) Yes, there will be a loss.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†787. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- when the squares of land on horse and mule-breeding conditions were granted to the *lambardars* in the districts of Lyallpur and Sheikhupura in the Punjab;
- how much land was given to each;
- whether the *lambardars* had some land attached to their *lambardari*; if so, how much; and
- whether this land was also brought under the mule-breeding grants?

Mr. C. M. G. Ogilvie: (a) Land on mule breeding conditions was granted to the *lambardars* in the districts of Lyallpur and Sheikhupura in the Punjab in 1912 and a few squares in 1922. No land was granted to them on horse-breeding conditions.

(b), (c) and (d). I am collecting the information and will lay it on the table in due course.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†788. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- for how many years *lambardars* have been fulfilling the conditions imposed on them regarding mule-breeding;

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (b) if some of the *lambardars* have fulfilled them in a satisfactory way for over 25 years, whether Government are prepared to grant them proprietary rights now; and
- (c) if not, why not?

Mr. C. M. G. Ogilvie: (a) Since the years mentioned in my answer to previous question.

(b) and (c). No, for the reason that the objects of the grants are to improve and maintain the indigenous supply of mules so as to render India independent, as far as possible, of foreign supplies and to create a reserve of mules suitable for military use in time of war, thus obviating the dangers consequent on a possible stoppage of supplies from overseas, in emergency. If proprietary rights were granted to the *lambardars*, they would cease mule-breeding.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†789. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- (a) the total number of *lambardars* and the total area given on these conditions in the districts of Lyalpur and Sheikhupura, respectively;
- (b) the total area that was in the possession of those *lambardars* before the conditions were imposed; and
- (c) whether Government are prepared to let them acquire the proprietary rights, if they have been fulfilling the conditions: if not, why not?

Mr. C. M. G. Ogilvie: (a) I am collecting the information and will lay it on the table in due course.

(b) The information is not available.

(c) No, for the reasons already stated in the answer to the previous question.

COST OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY.

790. ***Mr. M. Asaf Ali:** Will the Honourable the Finance Member state the estimated cost of the six modern escort vessels (mentioned by him in his Budget speech) and the manner in which this money is proposed to be found by him and when?

Mr. C. M. G. Ogilvie: The question of which type of escort vessel will be built is under active examination. There are many types of escort vessels and their cost ranges from some Rs. 30 to 54 lakhs each. It is proposed to find the money from a suspense account which will be financed by the normal sinking fund allotment of Rs. 14 lakhs per annum and the sums formerly paid as contributions to His Majesty's Government.

Mr. M. Asaf Ali: May I ask that questions Nos. 791, 792 and 793 be answered together, if it is possible and convenient?

†Answer to this question laid on the table, the questioner having exhausted his quota.

TRAINING OF INDIAN CADET OFFICERS FOR THE ROYAL INDIAN NAVY.

791. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary state whether Government's policy has undergone any change in the matter of training of officers of the Royal Indian Navy since Mr. Young made the following statement on the 21st February, 1928 (page 581, Legislative Assembly Debates):

"The period of training both for executive and engineer officers must necessarily be in the United Kingdom. The Admiralty have kindly undertaken to afford to our cadet officers precisely the same training facilities as they give to officers of the Royal Navy. The course in both instances is a long one, and the Government of India hope to offer considerable financial assistance in order to enable Indian cadets to go through the course without undue expense. The first entry of candidates under the new system of recruitment will take place during this year?"

(b) How many Indian cadet officers have been trained by the Admiralty since 1929 for the Royal Indian Navy?

Mr. C. M. G. Ogilvie: (a) No.

(b) Thirteen have been trained and a further thirteen are now under training.

INDIANISATION OF THE PERSONNEL OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY AND ARRANGEMENTS FOR THEIR REPAIRS.

792. ***Mr. M. Asaf Ali:** Will the Defence Secretary state with regard to the six modern escort vessels (mentioned in the Budget speech of 26th February, 1938):

- (i) what steps Government are taking in order to ensure that these ships will be manned and officered by Indians, and
- (ii) whether the R. I. M. Dockyard at Bombay, is adequate for effecting minor and major repairs to such ships in future when the occasion arises, or whether these ships will have to be sent to the United Kingdom for such repairs?

Mr. C. M. G. Ogilvie: (i) I refer the Honourable Member to His Excellency the Commander-in-Chief's speech in reply to a Resolution in the Council of State on the 17th of March, 1937. The ratio of recruitment of officers is still one Indian to two British.

(ii) Yes. Only in the event of alterations and repairs amounting to reconstruction would the ships have to be sent to the United Kingdom.

DUTIES OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY.

793. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary please state whether the duties of the six modern escort vessels (mentioned in the Budget speech of 26th February, 1938) will be confined to protection and convoy work connected with the Indian sea-borne trade in Indian waters, or will they extend to other than home waters?

(b) Will there be any ships or equipment in the hands of the Government of India for the naval defence of Indian harbours, which means mine-laying and mine-sweeping and other connected operations?

(c) What expansion in personnel is expected as the result of the obligation to maintain the six modern escort vessels, and what is the estimate of the cost?

Mr. C. M. G. Ogilvie: (a) Their normal role will be the protection of shipping in Indian waters in co-operation with the Royal Navy.

(b) Yes.

(c) The requirements for additional personnel have not yet been finally determined.

Mr. Manu Subedar: With reference to the answer to part (b) of No. 791, will 13 more be sent or have they been sent?

Mr. C. M. G. Ogilvie: No; they have been sent and are now under training.

Mr. Manu Subedar: And 13 additional ones are being sent?

Mr. C. M. G. Ogilvie: No. 13 are now under training.

Mr. Manu Subedar: The Honourable Member said that a further 13 will be sent?

Mr. C. M. G. Ogilvie: No, I did not. I said that 13 were now in service and 13 more will be trained for it.

Mr. M. Asaf Ali: The ratio between Europeans and Indians is?

Mr. C. M. G. Ogilvie: Two Europeans to one Indian.

Mr. M. Asaf Ali: Is there any particular policy behind this and what exactly is the policy?

Mr. C. M. G. Ogilvie: The policy was that to start with that figure should be fixed; the Commander-in-Chief's speech of the 17th March, 1937, gives the reasons at length.

Mr. M. Asaf Ali: Is there any possibility of this ratio being changed later on?

Mr. C. M. G. Ogilvie: As His Excellency the Commander-in-Chief said on that occasion, there is nothing secret about it.

Mr. Asaf Ali: May I know when this proportion will begin to change?

Mr. C. M. G. Ogilvie: That I am afraid I cannot give.

Mr. Manu Subedar: In view of the proposed increase in the Navy is there a proposal before Government to revise this ratio in future?

Mr. C. M. G. Ogilvie: There is no such proposal at present.

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

PROHIBITION OF EXPORT OF JAGGERY TO CEYLON.

794. ***Mr. Sami Vencatachellam Chetty:** Will the Honourable the Finance Member be pleased to state:

- (a) if he is aware that the customs authorities at Tuticorin and Kulasekarnpatnam of the Madras Presidency prohibited the export of palmyra-jaggery to ports in Ceylon;

- (b) if so, whether such action was taken under the International Sugar Agreement;
- (c) whether there is any, and if so, what clause in the said Agreement by which jaggery should not be exported to Ceylon by India;
- (d) if he is aware that jaggery is used by the estate labourers in Ceylon for medicinal purposes; and
- (e) if he is prepared to cancel the orders prohibiting the export of jaggery to Ceylon?

Mr. A. H. Lloyd: (a) and (b). Yes.

(c) Article 16 read with Article 1 (3) of the Agreement provides for the prohibition of export of sugar in all its commercial forms other than final molasses. Jaggery was regarded as falling within this description.

(d) Government have no information.

(e) Government have since instructed Customs authorities in India that for the purposes of the notification they should treat cane and palmyra jaggery as final molasses.

Mr. T. S. Avinashilingam Chettiar: May I know if Government have finished consideration about the palmyra candy?

Mr. A. H. Lloyd: Not yet, I am afraid.

Mr. Sami Vencatachelum Chetty: Did the Government represent to the International Board that sugar candy also should not be included in non-export?

Mr. A. H. Lloyd: I would suggest to my Honourable friend that he should put down a question addressed to the Commerce Secretary on that subject.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

795. ***Mr. N. M. Joshi:** (a) Will the Honourable the Finance Member be pleased to state the amount of annual reserve accumulated in the Sunday Fees Fund at the various major ports of India during the last five years?

(b) Will he state in what manner the amount collected in the Fund is being utilised?

(c) Will he also state whether the unexpended balance of these reserves is brought forward from year to year and whether any credit for interest is given to these reserves?

Mr. A. H. Lloyd: (a) There has been no surplus to carry forward.

(b) After making payments on account of Crown Overtime Fees, the balance is distributed to Seamen's and Customs Welfare Institutions but subject to a minimum payment of Rs. 60,000 a year.

(c) Does not arise.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

796. ***Mr. N. M. Joshi:** (a) Will the Honourable the Finance Member be pleased to state whether the proceeds of the Sunday Fees Fund are utilised for the benefit and welfare of Indian seamen and, if so, how?

(b) Will he be pleased to state the amount spent for the benefit of European seamen and Indian seamen, respectively, from the proceeds of this Fund?

Mr. A. H. Lloyd: (a) Yes, a part of the Fund is used for the benefit of Indian Seamen. A grant is made to the Indian Sailors Home, Bombay.

(b) A sum of Rs. 8,200 is paid yearly to an exclusively Indian Institution and about Rs. 26,900 a year is paid to other institutions which are mainly, but not in all cases, for European Seamen.

Mr. N. M. Joshi: In view of the fact that the Indian seamen get comparatively less benefit from this fund, will Government consider the advisability of re-distributing the fund more equitably between the two?

Mr. A. H. Lloyd: The question of what is an equitable distribution seems to me to involve a question of policy which concerns more than one department of the Government of India.

Mr. K. Ahmed: Are Government aware that the principle underlying would be better served if a greater proportion of Indian seamen are helped, who are in Calcutta and the neighbourhood living there homeless and destitute and more miserable than the Europeans or even the Chinamen or the foreigners, and is it not a dereliction of public duty on the part of the Government of India if these Indian seamen are not properly looked after?

Mr. A. H. Lloyd: From what the Honourable Member has said, I should think that he has certain opinions on this subject.

Mr. N. M. Joshi: May I raise a point of order and ask for your guidance? The Honourable Member stated, in reply to my supplementary question whether the Sunday fees would be more equally distributed, that it is a question of policy and referred me to some other departments of the Government of India. Sir, when we ask a question, we ask the question of the Government although we name the particular department, and I feel that the reply which is given is given on behalf of the Government. To me it does not matter which particular Member gives a particular reply, and I feel that the Honourable Member who speaks on behalf of the Government is not entitled to tell me that it is a question of policy and some other Member will reply.

Mr. A. H. Lloyd: I am afraid the Honourable Member misunderstood me. I did not mean to say that because it was a question of policy some other Member would reply. What I meant to say was that it was a question of policy which could not be decided except in consultation with the various departments of the Government of India. Therefore, obviously, he would infer from that that I am not in a position to give an answer in regard to that question of policy, in reply to a supplementary question.

Mr. K. Ahmed: In view of the fact that the question had been considered by the Royal Commission on Labour and its report has been published long ago and also in view of the fact that it was referred to by His Majesty the King to the people of India, that there should be a more equitable distribution and the answer of Mr. Lloyd is in contravention of the principles of equity that have been laid down,—may I ask for the benefit of the people and say that they should extend much more help on the principle of equity to the Indian seamen clubs, Indian Sailors' Home and other institutions? Otherwise, the very object of collecting the Sunday Fund will be frustrated.

Mr. A. H. Lloyd: The Honourable Member's speech, including certain inaccuracies contained in it, will receive the notice of the Government of India.

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

BUILDING OF AERODROMES ON THE NORTH-EAST FRONTIER AND IN ASSAM.

796A. ***Mr. Kuladhar Chaliha:** (a) Will the Defence Secretary please state whether it is proposed to build any aerodromes at strategic points in the North-East Frontier and in Assam as a precaution against air attacks on India from the North?

(b) Has Sadiya been selected as a possible site and, if so, what will be the approximate cost of the undertaking?

Mr. C. M. G. Ogilvie: (a) It is not proposed to build military aerodromes on the North-East Frontier or in Assam at present.

(b) Does not arise.

USING OF SEAPLANES ON THE BRAHMAPUTRA RIVER.

796B. ***Mr. Kuladhar Chaliha:** Will the Defence Secretary please state:

(a) whether Government have considered the feasibility of using seaplanes on the Brahmaputra river both for military and commercial purposes; and

(b) whether Government are prepared to make an experimental trial on the river?

Mr. C. M. G. Ogilvie: (a) and (b). No.

Mr. President (The Honourable Sir Abdur Rahim): Short notice questions. (The Members who proposed asking two short notice questions were absent.)

Dr. P. N. Banerjee: Sir, I gave notice of a short notice question.

The Honourable Sir James Grigg: Notice was given to me but I do not accept short notice.

UNSTARRED QUESTIONS AND ANSWERS.

TEMPORARY UNQUALIFIED CLERKS IN THE ENGINEER-IN-CHIEF'S BRANCH.

78. **Pandit Shambhu Dayal Misra:** (a) Will the Defence Secretary kindly state how many temporary unqualified clerks there are in the Engineer-in-Chief's Branch?

(b) Is it a fact that as a result of questions asked in this House last year it was discovered that certain unpassed temporary clerks were employed in the Engineer-in-Chief's Branch in contravention of the Home Department orders?

(c) Is it a fact that while some of the temporary unqualified clerks have recently been discharged, two clerks have been retained?

(d) If so, under what rule are they being retained in service in spite of the Home Department orders that vacancies of more than three months' duration should be filled by men nominated by the Home Department?

Mr. C. M. G. Ogilvie: I am collecting the information and will lay it on the table in due course.

IMPORT OF MOTOR CARS FROM GERMANY.

79. **Mr. J. D. Boyle:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that the number of motor cars imported from Germany is increasing annually and that during the past twelve months has increased from 739 to 1,701;

(b) whether Government are aware that German export prices are more than 50 per cent. below their home retail prices and lower than the manufacturing costs of the car;

(c) whether Government are aware that by this means the effect of the preference of 7½ per cent. given to cars of British manufacture under the Ottawa Agreement is being nullified, and that the Central Government Revenues are losing considerably because of the fictitious value of these German cars; and

(d) what action Government propose to take in this matter?

Mr. A. H. Lloyd: (a) Yes, there has been an increase in the number of motor cars imported from Germany during the past two years. The number of cars so imported was 813 in 1936-37 as against 335 in the previous year and the number imported during the nine months ended 31st December, 1937, was 1,514 as against 626 during the corresponding period of the previous year.

(b) Government are informed that some form of subsidy is allowed to exporters of cars and certain other products of German industry, with a view to counteract the depreciation of the £ sterling and the United States of America dollar, but they have no definite information as to the extent and nature of such subsidy.

(c) As regards the first part of the question, the matter is one for the consideration of His Majesty's Government in the United Kingdom. As

regards the second part, the conclusion of the Government is that so far the increase in the number of cars imported from Germany has not adversely affected the Customs revenue.

(d) Government are not satisfied that any action on their part is called for at present, but will not lose sight of the matter.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 26 asked by Mr. Manu Subedar on the 15th February, 1938.

EXPENDITURE ON CONFERENCES PRESIDED OVER BY A MEMBER OR SECRETARY OF THE CENTRAL GOVERNMENT.

Statement showing the particulars regarding conferences which were held during the financial year 1936-37 and presided over by a Member of Government (Central) or a Secretary to Government (Central) for which complete accounts are available, and the expenditure incurred on each during that year.

Conference.	Presided over by	Expenditure incurred during 1936-37.
		Rs.
The Grain and Oilseeds Conference, Delhi, April 1936, to examine the possibility of eliminating existing differences between standards and contract terms in the grain markets of India.	Vice-Chairman, Imperial Council of Agricultural Research.	
The Marketing Officers' Conference, Delhi, April/May 1936, to discuss the progress of marketing surveys and future programme of work.	Ditto	
The Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry, Madras, December 1936.	Vice-Chairman, Imperial Council of Agricultural Research, who is the Chairman of the Board.	
The Twelfth Conference of Registrars of Co-operative Societies, December 1936, Delhi.	Honourable the Education Member.	160
Eighth Industries Conference, Lucknow, December, 1936.	Honourable the Industries Member.	1,500
Transport Advisory Council Conference to discuss the question of the selection and training of Indians for employment in aviation.	Ditto. Secretary, late Industries and Labour Department	

Information promised in reply to starred question No. 364 asked by Mr. Badri Dutt Pande on the 18th February, 1938.

EXPULSION OF ONE TARA DATT SATI FROM THE RANIKHET CANTONMENT.

(a) No. Tara Datt Sati was expelled from the Ranikhet Cantonment under section 238(3) of the Cantonments Act, 1924. He appealed against this order to the District Magistrate who dismissed the appeal.

(b) The police did report that Tara Datt kept a common gaming house. As he was convicted for this offence on October 18, 1935, the charge was well founded.

(c) No.

Information promised in reply to starred question No. 632, asked by Sardar Mangal Singh on the 4th March, 1938.

CANTONMENTS WITH COMPULSORY PRIMARY EDUCATION.

- (a) None.
- (b) Does not arise.

THE TRADE DISPUTES (AMENDMENT) BILL.

Mr. A. G. Glow (Labour Secretary): Sir, I move:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

It seems to be a fact that measures designed to promote peace and harmony in industry tend to produce something quite different among those who discuss them. The Trade Disputes Act itself proved unhappily controversial, and on this much more modest measure we have not been able to reach complete agreement. The Select Committee, in fact, did not turn out to be a Board of Conciliation. I recognise that those Members who sympathise with the employers' point of view have reason to be disappointed with what has been omitted from the Bill and that our labour advocates cannot be entirely content with what is in it. But I hope that the middle course we have pursued will appeal to those Members who take a detached view as a reasonable one on the whole. I suggest, particularly to those Members who feel strongly in sympathy with Labour, that you cannot approach a Bill of this kind if you view it entirely through labour spectacles or entirely through employers' spectacles for that matter. You have got to see both these points of view and to remember that, over and above those points of view, there is a third point of view which, I think, is in danger of being overlooked, and which is more important than the other two, and that is the point of view of the community in general.

I do not propose to go through the clauses of the Bill. Most of them have been amended, but the amendments are of a fairly straightforward character. I will come straight to clause 8 which is the main change that has been made by the Select Committee. Honourable Members will recollect that, in the clause as it originally stood, we proposed to substitute for the existing section 16 of the Act a section of a different character. Section 16 of the Act relates to general strikes and defines certain strikes as being illegal strikes. The clause which we proposed to substitute would have given Provincial Governments power to declare strikes to be illegal strikes, provided they were of a fairly grave character and provided that a tribunal had been appointed to investigate the dispute. Now the Select Committee decided that they preferred the old section 16 with certain minor modifications and the clause which we proposed to substitute has been dropped. I do not think any defence of section 16 is necessary from me. It represents a principle which is embodied in British legislation and which has stood on the Statute-book for a number of years. And I think I am right in saying that even its opponents prefer it to the clause which we wanted to substitute.

But I think the House will expect some explanation from me of Government's acquiescence in the dropping of the new clause. I should

[Mr. A. G. Clow.]

like to make it clear that it represents no change of view regarding the essential soundness of the principle underlying it. A prominent trade union official in England once said to me: "You have got to remember that a strike is a declaration of war". It represents an appeal to force and a recognition of the fact that you are abandoning for the time being the way of negotiation. If Government steps in and endeavours to conciliate the parties, surely it is not unreasonable that there should be a truce while the question is being investigated. You cannot really discuss peace terms in the best atmosphere if the parties are not willing to concede even an armistice. We stand, therefore, to the idea that the principle underlying it is sound.

But once the Select Committee had decided to restore the old section there were obvious difficulties about including the new section also in the Bill. It had been subjected to various criticisms and we recognise that its form was unsatisfactory. I think the House would have reason to complain if, when they had asked the Select Committee to decide whether a new section should be substituted for the old one or not, the Select Committee had returned with both. And the difficulties did not end there, because being satisfied that the clause required considerable modification, we would have had to bring here in addition to the old section 16 a clause of a somewhat novel character and a clause on which the numerous opinions we have collected gave little or no guidance. And we felt, therefore, that it would be rather unfair to the House to ask it to accept both propositions, that is the old section 16 and the new section, without a further reference to public opinion. What we propose to do, therefore, is to refer the question of the principle underlying the new clause 16 to Provincial Governments and the public again, so that if we approach the House again with a proposal on those lines they will know what Provincial Governments and the public think about it. It is for that reason that I have put forward no proposal to restore the clause that the Select Committee dropped.

The only other clause to which I am going to refer is clause 10 which relates to the Conciliation Officer. This to my mind, embodies a principle of considerable importance. I think all of us in this country, Governments, employers and labour, have tended to concentrate rather on the settlement of strikes than on their prevention. As I said earlier, a strike is a declaration of war and it is much more difficult to secure conciliation after a strike has broken out than before it commences. There are strike leaders in this country, who declare strikes and then turn round to Government and say: "Now, appoint a Board of Conciliation". To my mind, that attitude is rather like two men in a quarrel in the street. One of them suddenly delivers a lusty blow on his opponent and when the opponent is preparing to retaliate, he turns to an onlooker and says: "Please come and help us to kiss each other and be friends again". It is very difficult to discuss the matter at that stage; and I believe that if suitable mediators were appointed, who come in a quite informal manner and deal with the differences of opinion at an early stage, a good many strikes could be prevented and a good deal of unnecessary hardship could be avoided.

I would like in conclusion just to refer to the Minutes of Dissent which are appended to the Committee's report. Those Honourable Members who were not on the Committee will see with some surprise that

whereas some Honourable Members regard the Bill as unimportant, because it contains a few provisions of a minor character, other Honourable Members seem to find something wrong with nearly every clause of it. Well, I may say that I have a certain amount of sympathy with both points of view. I do not regard the Bill as one of a momentous character at all and, in that respect, I agree with the signatories of the first Minute of Dissent, though not for their reasons. It is not because these are amendments of a minor character but because the possibility of securing industrial peace by legislation is extremely limited. Industrial peace depends largely on sympathetic understanding of the other man's point of view and cordial relations and I do not believe you can secure either by an Act of this Legislature. It depends upon a different spirit altogether. At the same time, I agree with those Honourable Members opposite who have shown that they regard this question of industrial relations as one of vital importance. Every detached observer who looks at Indian industry is, I think, struck by its lamentable weakness in that sphere, a weakness which may prove perilous, if it not remedied. And I believe that if Provincial Governments can find and are willing to appoint suitable officers to exercise this work of conciliation we shall be doing something to secure a better atmosphere. For the bigger changes that are necessary, we must look, and I hope we shall not look in vain, to the leaders of Indian industry and the leaders of Indian labour in this country.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I am glad to learn that the Government have realised the importance of the changes that they have made in section 16 of the Original Act. If I followed Mr. Clow correctly, his intention is that after the Bill is passed, the opinion of the various Provincial Governments will be ascertained on the modifications made in section 16. I submit that when this Bill was first circulated for public opinion, the various Provincial Governments had made their position perfectly clear. In the first place when section 16 was sought to be replaced by clause 8 in the original Bill, the general trend of criticism, both from Governments and from labour associations, was that clause (a) of the original clause invested the executive with great power and, in particular, the power of declaring a strike illegal. If you will refer to the opinions received, you will see that the Government of Bombay, the Government of Bihar and other Provincial Governments wanted the retention of section 16 as it was. In the Select Committee we were very glad to find that the Government understood the force of the criticism so far as clause (a) was concerned and they actually dropped clause (a); and we rather thought that the Government had now definitely parted company with the capitalists and were moving towards doing something for the labour organizations and labour in general. But soon after that, an amendment was moved for the deletion of the words "prolonged and general" . . .

Babu Balnath Bajoria (Marwari Association: Indian Commerce): On a point of order, is the Honourable Member in order to tell the House something about what happened in the Select Committee?

Mr. N. V. Gadgil: I am not telling anything about what happened in the Select Committee; what I am telling the House is that the original Bill contained a clause which declared that a certain strike would be illegal in case it caused a certain hardship to the community, provided a conciliatory machinery was made available. That clause was omitted, and the original section 16 was retained, and some modifications were suggested to original section 16, but I am only referring to it in so far as the same has been referred to by the Honourable Member in charge of the Bill. In the original section 16 the conditions laid down for making a strike illegal, were, firstly, that it must have:

"any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged, and is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Sir, the report of the Select Committee will show that the two words "general and prolonged" have been deleted and only the word "severe" is retained. Now, if we make a reference to the opinions expressed by the Provincial Governments, we will see that they have clearly stated that the old section, as it was, should be left as it is.

Now, This is a very great modification. A strike that was declared in the Bombay textile industry in 1934 was construed to be a strike which came within the mischief of section 16, and some labour leaders were prosecuted. The Chief Presidency Magistrate acquitted them on the ground that the strike was not designed or calculated to inflict a severe, general and prolonged hardship, and against that order of acquittal the Government of Bombay filed an appeal, and in the High Court the order of acquittal by the Chief Presidency Magistrate was confirmed. It was clearly pointed out that unless a strike was such as not merely calculated to inflict an injury that was severe and general and prolonged, it must also be such as to compel the Government to take a particular course of action or not to take such action. Now, it is common knowledge that those who are running the industries in this country are always antagonistic to any labour legislation, howsoever modest, just or fair it might be. From the papers and various memoranda submitted by the millowners in Bombay and elsewhere we find that they are always at the door of the Government asking them to have legislation against picketing, against this or against that and somehow or other they want to cripple labour and particularly organized labour.

When the Government introduced this Bill in 1936 they went to such a great length as to invest the executive with the power of declaring a strike illegal; in fact they tried to swallow more than they could chew. The result was that not only were the Provincial Governments opposed but every sensible section of the community was opposed to it, and now, when they could not do it as against the severe criticism they had, they come back, I won't say by the backdoor, but they still want to oblige their capitalist friends once more. As I stated we were really glad when we learnt that clause 8 was dropped, but somehow or other they felt that the warmth of the capitalist pocket was far more comfortable than the absolutely cold atmosphere in which the Government would be if they did not do anything to oblige their capitalist friends. What is the meaning of this? It is not only that they are content with the deletion of these

two words "general and prolonged", but from the order paper I find that a notice of an amendment is given for the deletion of the word "severe" also. Now, if that is carried, the position will be most surprising; then, it will be like this,—“designed or calculated to inflict”—the words “severe, general and prolonged” are dropped out—“hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action”. I want to know any strike which does not cause even some hardship on some section of the community. May I ask in all humility, if any section of the community had a just grievance, and if the community as a whole did not redress that, then, if that section took into its own hands the redress of its grievances, has the community as such any ground for grouse or grumble? What have you provided for the redress of their grievances? Sir, nobody undertakes a strike for the mere fun of it or for any other object

Mr. A. G. Olow: Oh!

Mr. N. V. Gadgil: Every strike is based on some sound, economic fact; it is not undertaken merely for the pleasure of it. A strike involves loss of wages and loss of security and if it is resorted to, it is resorted to out of unselfish loyalty to great principles and comrades. If you are not going to appreciate the motives in the light of what I have said, I think those who are opposed to this ought not to be there where they are today. What is it that you provide for the redress of their grievances? I am at one with those who claim that there should be industrial peace, but that must not be the peace of the graveyard, that must be honourable peace, a peace in which there is absolute equality; it cannot be a peace in which my friend, Sir Homi Mody, will dictate, and we, the labourers of the textile mills, quietly obey him. That cannot be. Sir, if today in the year of grace 1938 you are going to ask us to submit quietly to all this repressive legislation calculated to put down organized labour, I think you will not succeed.

Now, there is another point which I want to draw the attention of the House to. The Bill as it has emerged out of the Select Committee has included certain services in the category of public utility services. I can understand if a public utility service is run, owned and controlled by the Government, because Government always has to face the democratic opposition in the Legislature, but if that service is run, owned and controlled by private hands, you give them all sorts of facilities for over-riding organized labour without imposing any corresponding obligation upon employers to redress the grievances of the labourers. This is exactly what the Labour Commission laid down years ago. It said:

“In our view the weakest point of the Indian provision is that while it restricts the power of the workers in public utility services to coerce their employers, it gives, in return, no assurance that their grievance will receive a hearing”

Now, I fail to see any such provision here. If there is something like a standing court of labour inquiry, I can understand that; if there is any grievance, it can be automatically referred to that court, but in the absence of any such provision it is impossible to contemplate the further addition of services in the category of public utility services. It does not mean that we want to let down the other sections of the community. I was told that if there is a strike in a trainway service, the middle classes will suffer and the whole of the traffic will be stopped. I appreciate this, but at the same time I want to urge on those, who

[Mr. N. V. Gadgil.]

plead this line of argument, as to what have they done in order to redress the grievances of those who are going or who have threatened to go on strike? You cannot have duties and obligations unilateral. If you want to impose burdens on the labour, you must, at the same time, provide that similar burdens are imposed on the employers as well. You cannot have it unilateral all through. Therefore, this reactionary attitude taken by the Government in the Select Committee and the further reactionary attitude as is evidenced from the notice of amendment given by one of the Members of the Select Committee representing the Government for the abolition even of the word "severe" ought not to be allowed by the House to succeed. Therefore, I submit that at this stage I should have very much liked to oppose this motion for the consideration of the Bill but I do not do so because there are some good points in it especially about the conciliation machinery in clause 10. When the proper time comes, I shall move my amendments and, if possible, I shall try to convince the Member in charge that the attitude he has taken is not the one which we expected from him.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I want to confine myself to only two or three points. I cannot but think that the new section 8 inserted by the Select Committee is rather extraordinary. It reads that a strike or a lock-out shall be illegal if it has any object other than or in addition to the furtherance of a trade dispute. Suppose during a strike a strike leader or a worker says that we must have Swaraj or Labour Raj or something of that kind, then it can at once be interpreted as having an object which is something in addition to the furtherance of a trade dispute. I cannot see how the Government Members or the Congress Members or any Member can allow such a broad definition. That will ruin all possible good relations between the employers and the labour. Nobody can say that in a trade dispute nothing will happen except the furtherance of a trade dispute. After all, it will be very difficult to define it. We can only be sure that the furtherance of a trade dispute is *bona fide*. So long as the *bona fide* trade dispute is there, all other considerations must be treated as irrelevant whether they are imported into it by employers or by labour. The section as it stands is bad enough. It says "has any object other than the furtherance of a trade dispute". It may be that this object may be subsidiary or not but here you want to make it clear that even if the other object is entirely subsidiary and is entirely minor, the strike will also be illegal. As my Honourable friend, Mr. Gadgil, has pointed out, clause 8 (b) is equally bad and the Government propose to make it worse by taking away the word "severe". That is to say, if any strike is calculated to inflict hardship upon the community, the Government can declare it illegal.

Mr. A. G. Clow: No, no.

Mr. K. Santhanam: Can the Secretary of the Labour Department tell the House whether any strike is possible which does not inflict hardship on the community? Every strike automatically inflicts hardship on the community otherwise it cannot be a strike and it will have no effect. Can the labourers successfully strike and have their grievances redressed unless the strike causes hardship? The whole point is whether that

hardship is such that the entire business of the community will be dislocated. Government ought to have made the present position narrower. Instead of doing that, they are trying to make it much more broad.

The next point I would like to refer to is about the Conciliation Officers. My friend who spoke before me said that this is one of the good provisions of this amending Bill. Of course, the idea is good but the provisions are so sketchy that I am afraid they will do more harm than good. The enactment of these provisions will prevent the Provincial Governments from enacting fuller and more detailed provisions regarding Conciliation Officers. This is a matter, I suggest, which can be better dealt with by the Provincial Governments which are more sympathetic towards labour than the Government of India. It is said in the Bill that the Conciliation Officers will be charged with the duty of conciliation. But they are not given powers, and they are not provided with staff and machinery. It is said that the Provincial Governments may appoint certain Conciliation Officers. We have seen many officers who are drawing fat salaries and have nothing to do. These provisions about the Conciliation Officers ought, therefore, to be extended and there ought to be a whole Chapter dealing with their appointments and regulating how they should act. Unless all these things are done, the present provisions will not be of much use and I suggest that for the present we might allow the Provincial Governments to take up this question of conciliation machinery. Let them develop it and then the Central Government may compare notes with all the provinces and bring in an appropriate amending Bill. If you take away clauses 8 and 10, then the other clauses are absolutely of minor importance and I do not think they tend to make much improvement in the present Act.

The inclusion of tramway in clause 2 is also rather queer. Nowadays the tramways have ceased to be of much importance and the bus traffic has made their position rather obsolete and I do not see why a tramway strike must be considered a matter of public importance. Nowadays people in every town where there are tramways have got alternative transport such as the electric suburban railways or the buses and therefore the tramway strike is not a matter of public importance at all. It is rather too late in the day to bring in a tramway strike as something of public importance.

Then, we have got the water transport services. We do not know what harm they have done to the public. If people on board the ship go on strike, then their grievances must be very severe indeed because the ordinary conditions are not favourable for such a strike. If the employers are so bad that their employees prefer to strike, I do not think it is a matter in which the Government or the Legislature should step in. In fact, I would like to see provisions by which the grievances of such people are to be promptly settled rather than a provision by which their strike is to be declared illegal. Each ship contains a very limited number of persons and a boat will have much less and unless you have got a very large number of strikers, a strike is not an effective thing. If a few people strike, I daresay it is not a matter in which the public should come down upon them with the weight of law and say: "You cannot strike". So, until you give some more remedies by which their grievances can be settled, I suggest that this should not be supported. Therefore, I suggest that this Bill is not of much practical consequence, it is not of any use, and the Assembly will not be doing anything bad if it throws it out entirely at this stage. If it does not do so, I suggest that it should

[Mr. K. Santhanam.]

oppose clauses 2, 8 and 10 and leave the verbal amendments to the satisfaction of the Government which has taken so much trouble to prepare this Bill.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, the Honourable Mr. Clow, when he was delivering his speech, harped on the beauty of adopting the middle course and insisted that we should see both points of view, and also carefully look at both sides of the picture. These are very beautiful principles indeed, but we find that, in practice, these very principles have been disregarded by the Government. Anyone who reads the Act of 1929 and also the new Bill—which aims at amending certain provisions of that Act,—will see that all these provisions have been inserted with a view to strengthening the position of the employers and the capitalists and weaken the position of organised labour. The thing is so obvious that it does not require any arguments in support of it. As on many other major issues, so on this very important issue, the Government are in the wrong because they have decided to back the employer, who is very well organised and who is very strong financially, as against disorganised and illiterate labourers who have to oppose them now and then with a view to consolidate their position and to vindicate their rights. The Act of 1929 was bad enough, but the attempt in the present measure to widen the definition of public utility services by bringing in all water transport and tramways is a very dangerous step, and it cannot possibly be supported by all those who have the true interests of this country at heart. If the list of public utility services is increased, then all such services are hit by the provisions of sections 15, 16 and 17, which are very dangerous provisions indeed. If we read sections 15, 16 and 17, we observe that at least on paper Government have tried to be impartial and to hold the scales even between capital and labour. But when we come to see the thing in practice, we find that labour is absolutely disorganised, very weak financially, and that labour organisations have only recently been started in this country. As against them, the capitalists are very strongly entrenched, and they can always hold their own against any attempt by labour to improve its conditions. Now, the efforts of Government to treat capital and labour on par cause great hardship, because the two sides are unequally strong. It is just like the spirit of the Government of India Act, (and it seems that the same spirit has been imported into this measure as well), where all attempts at discrimination in the matter of trade and industry by India against Great Britain have been stifled. It seems to me the same spirit has been imported into the provisions of this Act and any attempt by labour to organise itself will be thwarted by the attitude of Government as exhibited by the various provisions of the Bill.

Then, Sir, the provision about making political strikes illegal is a very dangerous provision and no representative of the people can possibly support such a dangerous provision. If we had responsible Government functioning in this country, a Government which had the interests of the people at heart and which really worked for the welfare of the people, one could trust such a Government with ample powers. But, as it is, we are faced with an irresponsible executive who always do the wrong thing, and who are absolutely out of touch with the feelings of the people. Now, the only way in which the people can wrest power from the executive is by resorting to political strikes. Occasions may arise when a political

strike may become a necessity and it may be a patriotic act. As a result of the provisions of this Bill, we are asked to declare, in so many words, that all such political strikes will be illegal. This we certainly are not going to do. There are many of us in this House who believe that political strikes are absolutely necessary and, at times, we may have to resort to all-India strikes with a view to paralyse the machinery of the Government. Further, the Government will meet with very strong opposition in their attempt at making political strikes illegal. How are we to draw the line between trade disputes and political strikes? After all politics and economics are so inextricably mixed up together, that even economic experts have failed to draw the line of demarcation between politics and economics. It is very difficult to say where politics end and where economics begin. Now, Sir, it is obvious that labour can improve its position by seizing political power and the only way in which it can seize political power is by organising themselves. For this particular purpose strikes may become absolutely necessary. Then, the Government will come down and say, "this is a strike which does not come within the purview of a trade dispute, but it is a strike which aims at political objects and, therefore, it is illegal", and the result will be that the persons involved will be sent to the prison by the Courts set up by the Government. Persons who are doing their obvious duty will be imprisoned under this measure.

It is not only this aspect of the Bill which is unreasonable, but there is one other objectionable aspect, namely, the principle embodied in section 15 of the old Act which is now sought to be strengthened by the present measure. Now, this section declares all sudden strikes and lock-outs in public utility services illegal. We know, Sir, that public utility services are only partly controlled by Provincial and Central Governments, and that they are also mainly controlled by private enterprise. It is all very well to describe the latter part of the public utility services, which are controlled by capitalists, as public utility services. They are services which are being run by interested capitalists who are out to make as large a profit out of that particular business, not only at the expense of the unfortunate workers who have to work under them, but also of the community at large. These are all agencies for exploitation, for taking big dividends and for exploiting labour and the community. Now, Sir, to lay down in so many words that any person who resorts to a strike in such a service without giving previous notice of 14 days will be sent to jail, is an attempt to lay down a very dangerous doctrine. The time has come when this particular section 15 should be removed from the Statute-book. (Hear, hear.) After all how are disorganised labourers, who are only just beginning to organise themselves in the country, going to better their conditions? How are they going to improve their wages and their economic condition? Certainly it is by resorting to strikes. It may not be palatable to persons who draw big dividends at the expense of sweated labour and who exploit the community at large. It may not be convenient for them. It might also be inconvenient to the general public. But the public must not cry out when they are subjected to a very ordinary inconvenience. The question is that in this case there is a struggle between capital and labour and capital is unreasonable. Under such circumstances, to hold that such strikes should be declared illegal at the stage of labour development that we find in this country, is I think playing into the hands of capitalists and arming the Government with very great powers to crush the opposition of poor labour.

[Mr. Abdul Qaiyum.]

The provisions of this particular Bill are very dangerous, and when we examine them minutely and carefully we feel convinced that the Honourable Member in charge of this Bill has not attempted to look at both sides of the picture. He has not genuinely attempted to appreciate both the points of view. I do not blame him at all. He is a Member of a Government which always take the wrong view, and which always take the view which is opposed to the best interests of the majority of the people in this country. Like many capitalists in this country, this Government also believes in exploiting the people of this country. Hence the Government is in league with the capitalists of this country and for their benefit the Government is now bringing forward this monstrous measure before this House and soliciting our support to achieve this object. I assure the Honourable Mr. Clow that we, on this side of the House, are not going to be a party to this gigantic fraud which is going to be practised on the millions of helpless, illiterate, and exploited workers in this country and that we will do our utmost to throw out this most obnoxious measure at the first available opportunity.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural).

Sir, I rise to associate myself with the sentiments expressed so eloquently by my Honourable friend from the Frontier. Sir, this is a Bill which cannot be said to be in the interests of labour at all. Even from the point of view of Government which wants to be impartial as between capital and labour, it can easily be shown that this Bill is intended to benefit the employers and not the workers and if it benefits anybody at all, it benefits the employers more than the workers.

Sir, the Royal Commission had recommended as long ago as 1930-31 that the workers should at least be placed on the same footing as employers. Government have done nothing in that direction till today. What is it that Government have done even to help our workers to organise themselves as well as the employers? They can only point to the Indian Trade Union Act and nothing more. But that Act is only a permissive piece of legislation. If the workers are anxious to organise themselves into a trade union, Government make it possible for them to get it registered, but beyond that have Government tried to take measures to see that these registered trade unions, when a particular period of time has elapsed after their registration, are recognised by the employers in their respective trades or industries? No, Sir. Have Government tried to help these trade unionists and the leaders of labour to get more and more people organised into their trade unions, to collect more funds and in short to make their trade unionism more and more popular and powerful? No, Sir.

But Government may say that it is no part of their duty to do any such thing. But, there, I am afraid, their example is not on all fours with that of Great Britain or Australia or even New Zealand. In those countries there is what is known as trade board machinery. One of the objects for which these trade boards are established in those countries is to encourage almost unorganisable labour to organise itself, to strengthen trade unions and to help organised life to develop itself in the rank and file of labour. Government have not done anything whatsoever in this country to bring into existence any such machinery.

Then, Sir, they may say that they are providing for conciliation machinery, that they are not doing anything more than simply keeping the old sections 15 and 16 and so on, and that this Trade Disputes Act itself is evidence of their solicitude for the welfare of labour and so on. But what is it that is contained in this Act? According to section 3. Government can appoint a conciliation board if it wishes to, but we know that in actual practice it has wished to appoint these conciliation boards very rarely,—may be three times or even only once on its own initiative? It is bound to appoint a conciliation board if both parties agree, but even there there is a proviso, and that is that Government must be satisfied that the majority of people interested in both parties also put their signature to this particular application for the appointment of this conciliation board. The second condition is very difficult to be satisfied. Next, it is almost impossible for these two parties to agree to the appointment of the conciliation machinery. Therefore, it has happened that in very rare cases,—not even in 1 per cent. of the cases in which trade disputes had taken place,—did this conciliation machinery come to be established by Government. Then what is the earthly use of this section at all? If section 3 has not really become operative who gains? It is not the workers, it is the employers. It is certainly in the interests of the employers that there should be no conciliation machinery, that the workers should be left to their own wit's ends and to the mercy of the employers themselves and that there should be no intervention whatsoever, either directly or indirectly, from Government, whether Provincial or Central. Naturally, therefore, employers have very good reason to congratulate themselves on the fact that there is no provision in this Bill for making conciliation machinery an obligatory duty on the part of Government. Government are not obliged, as they ought to be obliged, to appoint conciliation boards whenever there is any serious trade dispute, whenever there is any trade dispute at all. Government are at liberty to appoint it or not; and as long as Government do not take up this particular responsibility of appointing this conciliation machinery, it is the employers who stand to gain and it is the workers who are in danger of being victimised.

Then when we come to section 16, as my Honourable friend, Mr. Abdul Quyum, put it, it penalises political strikes, I am not at all sure whether the country itself and the people of our country will not be prepared at a particular juncture to welcome a political strike. And I am perfectly sure of one thing, and I am convinced about it, that it is only through a political strike, whether you call it a non-co-operation movement or a civil disobedience movement, that it will be possible for us eventually to overthrow this British imperialism and get complete Swaraj for this country. But I am not at all afraid of this section 16 if it is intended to prevent that strike alone, because when a really effective nation-wide political strike takes place, no amount of laws on the Statute-book can stand in the way of the public, and certainly we will break not only this law but many other laws and all laws in order to upset this Government. I am, however, concerned here in so far as it affects workers alone. In a political strike every section of the community is expected to take its place when we have to overthrow this form of Government. But in this particular thing it is the workers alone who are sought to be brought in and who are sought to be victimised by Government, and that is why I take particular objection to this section. Sir, as my Honourable friend, Mr. Santhanam, has put it, it is open to a police officer

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in any part of the country to take it into his head that because of certain phrases used by some labour leader in one of his speeches in a particular meeting, he must take it to be politically strong, and therefore he goes on arresting as many of the leaders of labour and workers also as he likes. He puts them into jail and places them before a Court, and the Court may or may not find them guilty; but it is open to the prosecution to harass these people, take this particular case right up to the High Court and get them involved in such costly litigation that it will be almost impossible for the workers to think of going on any serious strike. As you know, Sir, and as you are yourself aware, nowadays those who are interested in labour are also interested in the political emancipation of the country; and naturally it has become almost impossible for any public worker to think of ameliorating the conditions of any section of the people without at the same time referring to the need for us to get rid of this British Government and of this domination of British imperialism. The mere mention of that can be considered to be a red rag to the police, and on that basis alone the workers may come to be harassed. I am not afraid that eventually section 16 may stand in the way of the country, but it is because it may stand in the way of the legitimate operations of trade unions in this country that I am opposed to this section 16 and what is sought to be done now. Government are not satisfied with the old section 16; they want to make its application much more sweeping. They want to drop those two very important words "general" and "prolonged", and they want to keep the word "severe". That is the story as it comes from the Select Committee. Then my Honourable friend, Mr. Clow,—I do not know why he has seen wisdom since then,—has suddenly realised that he must try to have some sort of bargaining weight on his side and, therefore, he must propose to drop this word "severe" also in order to make some of us give up our amendments, that there should be at least one of the two words that he proposes to drop. If it is not a matter of bargain it makes his position much worse, because I have always taken him to be a champion of labour—or rather it has been claimed that he is one of the champions of labour and I have taken him at least to be a well-wisher of labour. Now, what is the story that this amendment supports? It supports quite clearly that here is Mr. Clow coming in the name of the Government and saying "No, you should have the application of this provision against political strike for any strike, provided the police take it into their heads to apply it, because these three words are to be dropped". Sir, our Courts have got a very peculiar habit—excuse me, Sir, for my making reference to the Courts—for everything they simply refer to the British legislation that may be there on this particular subject; and what do they do now? They look into the old Act and they see these three words; and in this new Bill when it becomes an Act these words will not be there, or at least two words will not be there; then they simply wonder why it is that the Legislature has taken particular care to drop these two words or these three words and they say, it must be because the Legislature wanted this section to be made applicable as widely as possible, for as many strikes as possible: and once they read it that way, they will make it impossible for any genuine strike to be carried on in this country because it might be mistaken for a political strike. Why is it that workers go on strike at all? It is not because it is a matter of play with them: it is not that they simply want to learn some political or economic or even industrial experience by going on strike. If they

want to do that they must be very rich indeed: because then it will be a mere matter of play with them; they can say "Let the employer suffer; we have enough to eat and enough to clothe ourselves with and to house ourselves". But they are not rich, they are very poor; most of them are afraid to think of the morrow for their food and raiment: in the old biblical fashion they are obliged to go on praying that they should be granted not stones but bread for the next day; and for such people, how is it possible for anybody to claim that they like to go on strike in a lighthearted fashion or for no reason at all? They want to go on strike for very serious reasons and to improve their own economic conditions. True that they might like to go on strike some day to improve their political conditions also, but now, when they resort to any particular strike, they simply want to improve their economic condition. Under these circumstances, why is it that Government should make these exceptional provisions in this Bill to make a political strike illegal? There is no danger of any political strike being resorted to. Has there been one general strike in this country which has been declared to be a general strike? No. As far as we can see, there was only one general strike in England and it is only after that had taken place that some legislation came to be passed there to make it illegal. But when there is no need at all here for such legislation, I do not see why it should be placed on the Statute-book only to be made use of by the police in order to harass the workers and their legitimate trade union activities.

Then I come to the question of public utilities. We all want public utilities to be safeguarded; but when we wanted these public utilities to be owned and controlled and managed by the State, why is it that Government is not prepared to co-operate with us? Why is it that Government are so affectionate towards these private capitalists and commercial interests and want to leave all these public utilities in the hands of these private interests only for their own private benefit? It must be because the Government really does believe that the welfare of the community is assured so long as these private individuals are allowed, helped and encouraged to pocket as many millions as possible for their own private benefit at the cost not only of the community but also of the labouring masses. From such a Government naturally we can expect only this section 15 and further extensions of the application of this section 16 and nothing else. But is it really in the interests of labour? Even the Royal Commission on Labour of which my Honourable friend, Mr. Clow, was himself a member, and I daresay a respected member, had come to the conclusion that this provision was unjust, was partial in favour of the employers and against the workers, that this is a one-sided provision because you make it obligatory for the worker to give fifteen days' notice within a period of one month of his intention to go on strike; if he fails to give that particular notice, he is liable to be fined or imprisoned or suffer both. When they have made it so very stringent, why is it that they have not tried to create any sort of conciliation machinery or provide any other machinery in order to make it possible for these workers to get their ordinary day to day grievances redressed? They have not made any provision whatever. The Royal Commission wanted that such a provision should be made, and I am sure that Mr. Clow was himself a signatory to that recommendation and he accepted it. If that is so, why is it that till now, he as a spokesman of the Government has not come forward with a Bill or a clause in this Bill providing some conciliation machinery for all these public utilities? It is because Government really

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does not allow him to go so far as because Government do not wish to think about labour; and like other reports of Royal Commissions appointed only for the benefit of the people of this country, this report also has been consigned to the waste-paper basket. To penalise these workers in public utility services in this way, without any compensatory benefit, is not at all fair. What happens? As my Honourable friend, Mr. Abdul Qaiyum, has said, many of these public utilities today are in the hands of private individuals, companies and interests. Take the railways. We know how these privately managed railways are behaving towards labour. Not to speak of raising their wages or giving them any special privileges in the matter of holidays with pay or a provident fund for their low-paid employees, the railways have not even cared to extend recognition to registered and well-established labour unions. The Great Indian Peninsula Railway Labour Union is as old as ten years. The Bengal Nagpur Railway Labour Union is a powerful and representative union: yet these two unions are still not recognised. What is more, the railway authorities refuse to recognise these unions and Government merely says again and again "We are not directly responsible for the administration of these particular railways and so we are not able to give any assurance to the Honourable Members that these unions will soon be recognised; we will use our good offices". But they have used their good offices for nearly an year in vain. These unions are still there without any recognition. This is in regard to railways which are owned by the State but not managed by them. But what about the other employers. There you have the yellow trade unions. Many of these employers create bogus trade unions of some workers who are in their pockets, and then they say—"Well, here are your own people who represent labour. If they ask for any particular thing, we are certainly prepared to consider it, but since they do not ask for anything, we can do nothing". But if all the other workers ask for anything, the employers simply say that they cannot recognise that. That is the way how they behave themselves. Only today a general strike of all tramwaymen is going on. They are obliged to go on *Satyagraha*. Government wanted to use their good offices also, but the Tramway company were obdurate and would not yield to the demands of these workers; their demands are very reasonable. They want a little more wage, better uniforms and so on. Yet the tramway company would not yield. Does the Government come forward with any assurance that there is any provision in this Bill to make it obligatory for the Local Government there or for themselves to appoint a conciliation machinery? And yet, Sir, if this particular Bill were passed into law, it would become impossible for those people to go on strike unless they gave a notice in writing a month or 15 days in advance about their intention to go on strike. If they do not do it or if they give a shorter notice, then they come within the mischief of this particular measure, and each one of them is liable to one month's imprisonment or to a fine of Rs. 50 or both. Now, where are they to get this money from to pay this fine when they are already starving. Yet that is what will happen if this provision is passed. That is why the National Trade Unions of Federation suggested that the whole section should be deleted, or if it is not deleted, then at least some compensatory advantage should be shown to the workers. Of course, this idea of theirs is on all fours with the recommendations of the Royal Commission on Labour, but yet no such provision is made here. Therefore, I think we ought, in all fairness to the workers, to throw out the

whole section. But Government will not be satisfied with that. They want to extend it to steamships, tramways and so on. Tramways are not the only means of communications, especially now when the buses are successfully competing with tramways. In fact, tramways are not very popular as the buses. In Bombay, I am told, buses are also run by tramways, and therefore they can exploit both the consumer, the community as well as the workers. And I don't see why the tramways should be brought within the category of public utilities. It is bad enough to have that old section, but it is worse to extend its scope further to other concerns. Then there are the steamships. I rather fear that there is some legal Indian interest, but essentially a non-Indian interest behind it. Most of this coastal traffic is in the hands of non-Indians, and a part of it is to be brought in here. Most of these tramways are also owned by non-Indians. Of course, legally, according to the wonderful Parliamentary Act of 1935, the owners of these tramways are also Indians or they are to be treated as Indians, but they are not really Indians,—and it may be that for the benefit of these people for whom Government has always some solicitude and whose words carry more conviction and weight than all our words put together, they wanted to extend the scope of this Bill in this direction except for that particular route between Commilla and Sylhet by which people can reach Assam. There is no other part of India where these steamships or waterways are absolutely essential for people to travel, and for that one particular service alone there is no need to make this provision. Government have not made out a case to prove how many times had there been any strikes at all on that particular service, how many workers were involved, what was the damage caused to the tax-payer and so on. If there was no damage caused to the public, if there had been no serious strikes, I do not see why for any problematic insurance to be aimed at Government should come forward with this provision and extend it to steamships as well. They may say they have to carry passengers, and straightaway every one of these steamers can be converted into a passenger steamer; they may say "Oh, we have added one cabin here, and one cabin there, and we can carry 3 or 4 passengers". If they carry even one passenger it is enough; only they have to put it down and say that the steamer is intended to carry both goods and passengers. Then it will come within the scope of this Bill, and therefore I do not want this extension at all.

Then, Sir, if Government are really anxious about the welfare of the community and want to safeguard the interests of the public in this country, let them straightaway say that they are not going to restrict these public utilities only to those which are owned, controlled and managed by the State, whether by Provincial or the Central Government or by Local Boards, that they are even prepared to extend them to those public utilities which are in the hands of private employers, but which will satisfy the condition that certain minimum conditions of labour are offered to workers and proper safeguards provided in so far as the interests of consumers and the public are concerned. Government are not prepared to give that assurance; they are not prepared to make these provisions in this Bill, and therefore I do not want this section, at least I do not want an extension of this section.

Then, Sir, there is a big story behind this section 16. They wanted to drop it, because they found it practically useless for them, and therefore they wanted to have something else, and so they brought in clause 8.

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Suddenly they decided to drop this clause 8 also and give the employers sufficient time to create some more mischief for workers. When they said that they were dropping section 16—that is what the Honourable Sir Thomas Stewart said in Simla,—they wanted to have clause 8 in an amended form, so that much of the mischief may be removed so far as labour and other interests were concerned, and the reference in respect of compulsory application to conciliation machinery may be there. They want to drop it now. Therefore, I ask what is there in this Bill left for labour. Every strike as in the past would go on only so long as the workers are able to carry on. Workers are of course welcome to apply for the establishment of a Conciliation Board according to section 3, but Government will not appoint it. We have seen it in Delhi. They say 'Oh you have now your own Governments, they can appoint their own conciliation machinery if they want to'. That is why my European friends and others were responsible for the creation of clause 8. They wanted to see that whenever any particular dispute is referred to a conciliation machinery straightaway it should be made illegal; but that is dropped now. Once it is dropped, even if the Provincial Governments want to appoint a Conciliation Board or anything of that kind, are we quite sure that the workers will be able to get their desert? I do not know.

There is a Bill coming from Bombay which maintains that only when recognised unions apply for such conciliation machinery, such conciliation boards will be appointed. What is that recognised union? It must be recognised by the employer. Which union will the employer recognise? Not the yellow union. Therefore, it is no good leaving the fate of the workers to the tender mercies of either the Provincial Governments or the Central Government, whether they are Congress Governments or any other Governments. (Interruption by Babu Baijnath Bajoria). You wait until you get your Congress Government in your province, then you will be singing another song. I want the workers to be insured against the vagaries of all Governments. Every Government has its own vagaries, and that is why we want that some provision should be made, if not now, at least as soon as possible, that, as soon as this Conciliation Officer who is going to be appointed now reports that his efforts at conciliation have failed and the strike is there and is going on, there should be appointed automatically a conciliation board to study the whole question and place all the facts before the public. I know that so far it is only the Madras Government, after my friend Mr. Giri has become the Labour Minister, which has tried to work this section freely in its proper spirit. What has happened there? Any number of strikes have come to take place. Why? Not because they thought there was a labour man at the head of the labour department, but because they have realised that there is one Minister who knows his duties towards labour and who will not allow the workers to be exploited by all the employers. And they have gone on strike, not for flimsy reasons but for very good reasons, for an improvement in their economic conditions. Mr. Giri has appointed many more conciliation boards than this Government have done in all these years since this particular section has been there on the Statute-book. Who has gained? The workers have gained. That is why I claim that this Bill, not having any provision at all for compulsory reference of every trade dispute to a conciliation machinery, is more in favour of employers than workers. So, my

charge remains there that Government is more partial towards employers even under this Bill than towards workers.

Then, Sir, the Royal Commission on Labour has recommended that there should be a standing conciliation machinery in order to help workers and employers to settle their day to day ordinary disputes so that these, if not settled earlier, may not lead to a serious strike. Government, only for their own State-managed railways, have recently appointed a Conciliation Officer. We do not know how this officer is going to function. We only know that he has not been recruited from the ranks of the welfare workers for labour in this country, and it is quite possible that in the near future this officer or his successor may prove to be as useless or as harmful as the Government itself to labour. But the Government have not made any provision that the company-managed railways also should appoint their conciliation officers and that all the other public utility companies should similarly do so. And as long as they are not prepared to make that provision, it is not possible for us to agree to workers being victimised by section 15.

I am not so very enamoured of the claim that there should be industrial peace. There can be real industrial peace only when workers come to control the whole machinery of industry, and it is only when workers and other toiling masses in this country come to run this Government that it is possible to dream of any industrial peace. The sort of peace that we are having is only the peace of the dead, of people who simply exist but do not live. Because the masses do not challenge the right of these employers to run the industries as they like and jeopardise their livelihood, there seems to be some sort of peace. What is the sort of peace that the Government wants? That there should be no strikes when employers stipulate whatever conditions they like without giving any notice whatsoever to workers, when employers insist upon paying starvation wages even when they can pay better wages, and when employers are allowed to swallow for themselves millions and millions of rupees without sharing with the workers even a small portion of it, then they say there is peace. But once the workers take it into their head to demand a portion of these profits and ask for better conditions of labour, then they say peace is disturbed, there is strife, there is struggle, there is dispute, and they place before us a frightening array of facts of so many millions of workers having gone on strike, so many millions of days of labour having been lost, and for so many days and in so many industries there was so much stoppage of work and so on. Yes, all this only shows that there is somewhere some sore point in your industrial structure. No engine goes without letting off steam. Only when the steam goes out you know that the engine is going to run and is ready to work. So also, only when there is a strike or some sort of a disturbance you really know that workers have got to live and you begin to think of their welfare. Therefore, I am not one of those who are going to be afraid of the very appearance of a strike. Strikes there are, and in a country like this there must be many more strikes, strikes almost galore, not for ever, but for a short time, in order to improve conditions, at least to reach a particular decent minimum of living conditions. If more and more workers take courage into their own hands and go on strikes and then conciliation boards are appointed, I can assure the House that it will be found in every case that these workers are being starved, are being under-nourished, are being under-paid and are being persecuted in every manner by the employers and their conditions are bound to be improved. Their conditions certainly came to be

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improved because of some legislation undertaken as a result of the report of the Royal Commission on Labour. When it was being appointed, there were employers who said, "No, we do not want any such Royal Commission". When legislation was being undertaken, the employers said, "This Government is going too far. We do not want all this legislation. We are treating this labour very humanely and nicely and every piece of labour legislation is going to help labour". Every conciliation board has really tended to improve the conditions of labour every time it was appointed because the conditions of labour are so very bad in this country and the workers are so hopelessly ill-treated and exploited by the employers. This is why I am not going to discourage, even if they wish to call it, this fever of strikes. When this fever comes, let it be a very useful fever and not a suicidal one. (*An Honourable Member*: "Can fever be useful?") Yes, it can be very useful. You had better go and ask Mahatma Gandhi. He will tell you that fever is an indication of something wrong in the system. When a strike takes place, when the workers have taken their courage in their hands and when they decide to risk their livelihood, the object is to draw the attention of the community and the people in that particular industry and also the Government and tell them that something should be done to improve their conditions. We should welcome that. We should really congratulate these workers on their being prepared to sacrifice even the little pittance of a livelihood that they are getting in order to improve their conditions. We should welcome that expression of discontent and take the opportunity to explore all avenues and compel the employers to satisfy the minimum conditions as regards labour and wages. That is not the spirit with which the Government is actuated. That is not anyhow the spirit with which the Government have come forward with this Bill. That is why I am not so much in favour of this general consideration of this Bill. I do not want this Bill. I do not want even this particular Act, because I know that if this Act were not there, the Provincial Governments will have absolutely no excuse not to discharge their own duties towards labour and once they are obliged to move in the matter, I am sure they will be obliged to go very much further than this Bill, even very much further than the Bill that is sought to be introduced by the Government of Bombay recently and to do justice to labour. Fortunately, in the provinces, labour has come to have a greater voice than in this House. All the members of the scheduled castes, a good number of my Muslim friends, a good number of Congressites and the special representatives of labour, all of them make a very much more imposing array of friends for labour than a few of us here, one nominated Member and some elected Members. The Government in the provinces is much more responsible and is obliged to be much more responsive to public opinion, and therefore Government have to take up much more radical legislation but they will not do it, because this particular Bill is there to give them an excuse and they say "we have many more urgent things to do". That is why I do not want this particular Act on the Statute-book. If power is given to me today to get rid of this Act, I will certainly do it but if I cannot do it, then I want the co-operation of the House to see that as much mischief as possible is removed from this Bill and if possible to see that this Bill is thrown out.

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. Deputy President (Mr. Akhil Chandra Dutta) in the Chair.

Prof. N. G. Ranga: Sir I wish to draw your attention to a few recommendations made by the Royal Commission on Labour. On page 347 of their Report 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. At this stage public opinion tends to demand action. Government, which has been either unaware or a passive spectator of the earlier stages, may be compelled to intervene, and such intervention nearly always partakes more of the nature of arbitration than conciliation."

We do not suggest that the heavy artillery of the Trade Disputes Act should be used at this stage; we would repeat that it is far better to get the parties to a dispute to settle it themselves than to put forward a settlement for them and attempt, by invoking public opinion or otherwise, to give it force. There are frequent occasions when the tactful and experienced official can assist by bringing the parties together, or by putting before either party aspects of the other's case which may have been overlooked, or even by suggesting possible lines of compromise. India has tried to copy the less valuable part of the machinery employed in Great Britain whilst ignoring the most valuable part. There, less reliance is placed on *ad hoc* public enquiries of the kind contemplated by the Indian Trade Disputes Act than in the efforts of conciliation officers and others to bring the parties privately to agreement. The need of qualified officers to undertake conciliation is greatest in Bengal and in Bombay; but elsewhere also the heads of the labour departments or other qualified officers should undertake the work of conciliation."

And, Sir, to give effect to this recommendation Government would certainly have established a standing conciliation machinery. What is known as the Whitley Commission in England started on the recommendation and on the initiative of the late Mr. Whitley who was the chairman of this Commission and the same kind of machinery could have been established in this country also, but Government have not done that.

Mr. A. G. Clow: We are precisely doing that, in clause 11 of the Bill.

Prof. N. G. Ranga: Instead of that, they have simply tried to give belated effect to one of the many recommendations made by this Commission that there should be appointed conciliation officers. I say it is rather too late in the day, because the Bombay Government itself has appointed a conciliation officer long ago; the United Provinces Government proposes to appoint one, and now for this Government to say that it will be open to Provincial Governments to appoint conciliation officers is really not going far enough. Conciliation officers there must be, at least in every industry which is declared to be a public utility. Even that is not proposed to be done by this Bill. Then, Sir, in regard to public utilities, they say on page 346:

"The principle is accepted in a number of other countries and had found a place in certain other Indian Acts long before the Trade Disputes Bill was introduced; but it is not one which commands by any means universal assent. In our view the weakest point of the Indian provision is that, while it restricts the powers of workers in public utility services to coerce their employers, it gives in return no assurance that their grievances will receive a hearing. We have made elsewhere proposals to alter the position of railway workers in this respect. With regard to the other classes to whom the section applies, we think the question of providing means for the impartial examination of disputes should have early consideration. The danger that must be faced here

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is that the external machinery set up for arbitration may be invoked without adequate cause, e.g., that strike notices may be sent whenever a workman is dismissed, and that there may be a corresponding disinclination to settle disputes internally. This danger can be minimised in various ways, e.g., by making arbitration conditional on a definite failure of the parties to reach agreement in a reasonable time and on a substantial measure of support for an application, and by requiring a deposit of money with each application. The deposit required, which could be forfeited if the application proved to be trivial or vexatious, should not be larger than is necessary for the purpose in view."

Lastly, I wish only to state that the Bill, as it is, is not at all in favour of workers, and for the sake of this paltry provision, that is, the last clause of the Bill, it is not fair that the House should be asked to accept this Bill *in toto*, because the Bill on the whole weighs more on the side of the employers and against the workers. I, therefore, request the House not to give its sanction to this Bill as it is placed before the House.

Mr. T. Chapman-Mortimer (Bengal: European): Mr. Deputy President, it is not my intention on this occasion to go into any lengthy examination of the Bill now before the House, nor is it my intention to deal in any detail with the various points of criticism brought against employers by some of my Honourable friends opposite. It is, however, necessary that we, in this Group, should set out our attitude briefly and in broad terms in regard to certain general charges that have been made against employers as a class—and we, as a Group, represent a fairly large section of employers—and also to set forth our general attitude in regard to the motion now before the House.

In regard to the general charge that employers are opposed and have been opposed to any kind of legislation for the amelioration of labour, I think the answer to that is to be found in the attitude of this Group, and of other Groups representing employers, during many pieces of legislation which have been dealt with by this House during the last five years. It has been suggested that very few recommendations of the Whitley Commission have in fact, been implemented by Government. My Honourable friend, the Labour Secretary, will, I feel sure, deal adequately with that charge. So far, however, as I can see, it seems to me that a great number of very useful recommendations of that report have in fact, been implemented under the guidance of a recent colleague of ours, Sir Frank Noyce, and under the guidance of his able Secretary, my Honourable friend, Mr. Clow. As I have said, in our attitude towards these various pieces of legislation introduced in the past will be found, I think, a sufficient answer to those who suggest that employers on this side of the House at all events are unsympathetic to any kind of legislation designed to assist and ameliorate the conditions of labour. Then, Sir, the second and more specific charge is that employers of labour are out generally to crush labour, to impose upon it conditions of work which are intolerable, and to impose wage rates and other conditions which are not calculated to improve or to raise the standard of labour. Well, Sir, I absolutely deny that charge and anyone who knows anything at all about the history of labour conditions in this country during the last 30 years would. I feel certain, agree with me, in denying that charge brought in a general way against all employers, whether European or Indian.

Then, Sir, in regard to our attitude towards the motion now before the House that the Bill to amend the Trade Disputes Act, 1929, be taken into consideration: to that question we answer with an affirmative. We are in favour of this Bill being taken into consideration. In that connec-

tion, I should like to take the opportunity to congratulate my Honourable friend, the Labour Secretary, on the very able analysis he gave when he introduced this Bill. In that connection, too, I should like to say how much all sections of the House,—and I believe I am speaking not only for our section but for others as well,—appreciate his attitude towards this House. He knew very well that in the matter of clause 8, which deals with section 16, very strong feelings have been aroused in different quarters and for quite different reasons by persons approaching the subject from very different angles. Knowing that as he did, he took very great pains to explain his own position and to show how he and the Government he represents tried to approach this problem; why it was that they first put forward a proposed new section 16A; and why it was that in the Select Committee they altered their point of view. Finally, he gave a definite and clear undertaking to the House—at least, if I understood him correctly—that he and the Government realise that it is important that every avenue should be explored to see whether something could not be done to make it possible for the settlement of strikes, and discussions in regard to such settlement, to take place in a better atmosphere than is always possible when you have the bitter feeling aroused, that normally is aroused when men are still on the strike or employers are still in maintaining a lock-out. Therefore, from that point of view as well as from his own general attitude towards this House, I appreciate and I know that we, in this Group, all appreciate the attitude of my Honourable friend, the Labour Secretary. I agree with him—and I feel sure also here again, many others agree with him—in thinking that this Bill is not a very momentous Bill. At the same time, as it has emerged from the Select Committee, it has been improved and is designed to assist in the creation of suitable machinery for dealing with industrial peace. My Honourable friend, the Labour Secretary, very capably pointed out that there is a limit to the possibility of providing by legislation for the promotion of industrial peace. Obviously, that is so and must always remain so even if we live in the paradise that my Honourable friend, Prof. Ranga, looks forward to, because in the last analysis the relationship between the employer and the employee,—whether the employer be the State or an individual,—depends on the personal contact of the individuals concerned and on the way in which these individuals handle any particular problem that comes before them. At the same time, something can be done by legislation to promote industrial peace and it is from that point of view that I welcome clause 10 as it is now (clause 11 as it was in the original Bill) dealing with Conciliation Officers. My Honourable friend, Professor Ranga, quoted at length from the Whitley Commission report for reasons which I find it very difficult to understand; because all he did by quoting, in the way he did from that report, was to prove to the hilt the wisdom of my Honourable friend, the Labour Secretary, in introducing this Bill and to prove how utterly wrong he himself was in his opposition to it! I, therefore, find it extremely difficult to understand why he took the trouble to quote, as he did at such length, from that particular document, because in clause 10 of this Bill there is a definite provision for the setting up of an intermediate type of conciliation machinery between what the report called the heavy artillery of the Trade Disputes Act, 1929, and a situation in which nothing exists at all. It has been suggested in one or two quarters that if this Bill is passed it is going to prevent Provincial

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Governments from implementing their own promises to labour or their other supporters, or in other ways from taking action designed to improve and promote industrial peace. I am perfectly certain my Honourable friend, the Labour Secretary, will deal trenchantly with comments of that kind because they are, of course, quite wrong.

It is, then, suggested that this Bill was promoted by capitalists. One Honourable Member even went so far as to suggest that we, in this Group promoted it. All I can say is I wish he had been present at our discussions on this Bill when it was first introduced a year ago. He would have realised then that so far from having promoted it we did not like it at all. It has now been improved very considerably. In the first place, the obnoxious clause 8 has now been largely deleted and section 16 of the Act, slightly amended, has been restored. In the second place, clause 10 has also been improved. Therefore, we have very adequate and reasonable grounds for changing our opinion. We are not, I think, among those who believe that merely to say the same thing day after day serves any useful purpose or is a mark of intelligence. I feel sure my Honourable friend, the Professor of Economics on my right, being as he is a seeker after truth and learning will agree with that point of view.

Then, Sir, it was suggested, for what reason I could not quite understand, that public utilities will really be only public utilities if they are owned by the State. We may all have—and many of us do have—very strong views on one side or the other in regard to State-ownership or State-management or State-control of industry and, in particular, of public utilities. But that fact need not blind us to a realisation of realities, and the reality of the position is that if you are managing an Electricity Supply Corporation or a Water Works or some transport or other facility for the convenience of the public, you are conducting a public utility just as much if you are a private employer as you would be if you were a State employer.

Lastly,—and I have almost finished,—it was suggested in one quarter that the object of this Bill and the underlying intention of this Bill is, in some way or other to, stifle the organisation of labour in this country. Well, Sir, this Bill has directly nothing whatever to do with the organisation of labour, which is dealt with under the Trade Unions Act. At the same time, it is obvious that any Bill relating to trade disputes must, to some degree, affect the development of trade unions. Of that, I need not say more at this stage except to say that I am quite certain that it was far from being the intention of so well-known a friend of labour as my Honourable friend, Mr. Clow, to bring in a Bill designed to stifle the very natural and proper development of trade unions in this country.

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, when the House discussed the motion that this Bill be circulated to elicit public opinion, I took advantage of the opportunity to express my views on the principles and some of the important clauses of this Bill. I shall, therefore, confine myself on this occasion to examine the changes which the Select Committee has made in the provisions of this Bill.

While moving that the Bill be taken into consideration the Honourable the Secretary for the Department of Labour stated that on this Bill those who try to represent the interest of labour and those who try to represent the interest of employers differ considerably and he expressed his view also that this is a Bill intended to bring about industrial peace and

we should, therefore, examine it not from the point of view of labour nor from the point of view of employers alone but from the point of view of the community as a whole. In his speech, he also quoted a friend of his in the British Trade Unions movement who expressed the view that a strike is a declaration of war. Now, Sir, on these general remarks of the Honourable Member who represents the Department of Labour, I would make only a few remarks. Let me assure the Honourable the Secretary of the Department of Labour that I agree with his friend in the British labour movement that a strike is a declaration of war. But is the Honourable Member surprised that there should be strikes in a system which is based upon the principle of war, the principle of struggle—we call it by the milder term, the principle of competition. If your whole system is based upon the principle of competition and struggle, what else do you expect except a strike. You may call it by a frightening name, call it war, but you cannot escape strikes, you cannot escape war if you adopt the system which is based upon the foundation of war. I would, therefore, like this House not to be frightened by the use of the word "war" for a strike. Many of us, perhaps most of us, practise the act of strike practically every day in our life. Sir, these acts are individual acts. I go to a shop, the shopkeeper asks for a price, I refuse to pay that price and I return without purchasing the article. This is a sort of strike. What does a man do when he goes on strike? The employer offers him certain conditions, he does not accept them, he refuses to work. Now, what is there frightening in this act of refusing to work. You may call it war, but there is nothing to be frightened about it. Sir, although I have tried my best to represent the interest of labour in this House, let me assure again this House and the Honourable the Secretary for Labour that I am against strikes as much as he can be. Sir, I know that in this war, in this struggle, the side of labour is weaker, labour suffers more on account of the strikes than the employers do. The labourers starve on account of the strikes, the employer may suffer some loss. The employer may lose Rs. 100 out of a thousand, but he does not starve on account of that. I am, therefore, not generally in favour of strikes. But, Sir, if we are against strikes, if we stand for industrial peace as I do, then a Bill merely to settle strikes is not going to bring about industrial peace. The Honourable the Secretary for Labour stated that in order to bring about industrial peace there must be legislation of various kinds. I do not know what he meant.

Mr. A. G. Clow: I did not say it.

Mr. N. M. Joshi: The Honourable Member thought that the Trade Disputes Bill was going to bring about industrial peace. Well, Sir, industrial peace is based upon social justice. If the system under which the workers work is just, you can expect industrial peace. But if your system is such that there must be strikes, then any amount of legislation that you may pass for settling disputes is not going to bring about industrial peace. Therefore, Sir, let us not talk about industrial peace when we are discussing measures for the settlement of disputes. I do not wish to go into the history of this legislation, because, as I have said, I have already spoken on that subject.

The main clause of the Bill is clause 8 which is substituted in place of section 16 of the original Act. Section 16 of the original Act made certain strikes illegal. The first is that the object of a strike is beyond

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the ordinary object of an industrial dispute, the dispute in an industry in which workers were employed, so that if workers in one industry went on strike and the workers in another industry wanted to support them in that strike and went on strike, even the object need not be a political one, that was one of the elements which made that strike illegal. So, Sir, those people who feel that that section 16 was intended only to deal with political strikes are not quite right. Sir, the second element in a strike which made strike illegal was that the strike besides having the object of helping the workers in more than one industry, should also have the object of compelling the Government by doing something which was likely to cause hardship to the community. Well, Sir, my object in going on strike sometimes may be to compel Government, because Government not only deals with political matters but industrial matters too. By doing that causes hardship to the community. Sir, the Honourable Secretary for Labour and the House will agree with me that in any strike if the number of people involved is large, there will be some hardship to the community. Therefore, it is not with political strikes only

S P. M. that this section 16 deals. If we say that it is only political strikes that this section 16 deals with, then we shall have to examine the meaning of the word "political". I shall give you an example of a strike which in my judgment is not political but will be covered by section 16 of the original Act. Let us suppose that the Government, in a fit of generosity, have established a system of health insurance, and have made it applicable to the mining industry but have not applied it to the textile industry. The men in the textile industry do not like this discrimination and they go on strike. The miners, on account of a feeling of solidarity of labour, join the strike. Sir, this is a strike the object of which goes beyond the industry. This is a strike which is obviously intended to bring pressure upon Government. You may say it is to coerce the Government; but I say it was a strike intended to bring pressure upon Government. The strike of the miners may cause some hardship to the public and the strike will come under the provisions of this section 16. I do not think there are many Members here who will call this strike a political strike. It is, no doubt, a strike intended to coerce Government and to bring pressure upon Government. It is no doubt a strike which extends beyond one industry, but it has absolutely nothing to do with politics or what we generally consider to be a political strike; and this section 16 will apply to that strike. Moreover, Sir, I should like to say one word to those Members who generally do not like political strikes. I may state that I am too generally averse to the method of using political strikes for our ordinary political agitation. But that is a different thing from saying that a strike is an illegal weapon for political agitation. We do not consider non-co-operation as an illegal method of political agitation. A shopkeeper closes his shop as a measure of political agitation. We have no law to punish the shopkeeper.

Mr. Mann Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): In cantonments, Yes.

Mr. N. M. Joshi: But a man can close his shop as a method of political agitation. We have a great service called the Indian Civil Service. Those gentlemen may go on strike and I am quite sure they will cause great hardship to the public. Their object will be political. Is there

any law or any section in the Indian Penal Code which will say that these gentlemen will be put in jail on account of their going on strike?

An Honourable Member: They will get the sack.

Mr. N. M. Joshi: If they get the sack, industrial workers will get the sack too; nobody escapes that sack. The question is whether the act is an illegal act. A whole community may go on strike; we do not consider their going on strike as an illegal act. A shopkeeper may close his shop; the pleaders and barristers may not go to court; that is not an illegal act. But if an industrial worker does not go to his factory on account of a political motive that is an illegal strike. Sir, this section 16 is a discriminatory section. Whether or not you approve of non-co-operation or a strike as a political weapon, you have no right to discriminate between politicians belonging to the middle classes and politicians belonging to the working classes. If you are against strikes and against non-co-operation, let us have a law which will apply to everybody, but it is wrong that there should be one law for the middle classes and another law for the working classes in their political methods. Sir, this is my main objection to section 16 of the original Act; it is a discriminatory piece of legislation,—one law for the middle classes and one law for the working classes. If the Government of India wanted a law or if the members of the European Group want a law or any other Members of this House want a law against political strikes, let them have a separate piece of legislation for dealing with political strikes. Let them include, if they like, the industrial workers in that law; I shall not object. But to have a discriminatory legislation only in the case of industrial workers is wrong, unjust and unfair. Sir, I shall not deal with that aspect of this question. Section 16 of the original Act has been in existence for more than nine years. Now the Government of India have come forward to change section 16 of that Act by removing certain restrictive words in that section. According to section 16 of the original Act, a strike could only be illegal if the hardship that was caused to the community was severe, general and prolonged. Sir, when this Act of 1929 was introduced, Mr. McWatters, who was then the representative of the Government of India in the Legislature, stated very clearly what in his view was an illegal strike. Mr. McWatters stated in the House that some friends of his from Bombay were very glad that the Government of India were introducing section 16 of the Act because his friends in Bombay thought that section 16 would prevent the strikes that generally took place in Bombay. Mr. McWatters made it very clear in the Legislature that section 16 was not intended to apply to strikes that took place in Bombay. The Honourable the Secretary for Labour stated that the object of the Government of India was the same as before. The Government of India have stated in the Notes on Clauses that the object of section 16 has failed. The original object of section 16 was not to apply to strikes like the Bombay strikes at all. I should like to know how section 16 has ever failed. There was a case made in Bombay which, in my judgment, was a very foolish case. After the statement made by Mr. McWatters, to spend public money on a case of a strike in Bombay for an increase in wages or rather for restoration of a cut in wages was a very foolish act. Section 16 could never apply to that strike and Government merely wasted public money. After having committed that folly, that Government approaches the Government of India and states that "your law is not of much use to us. . . ."

Mr. M. S. Aney (Berar: Non-Muhammadan): What was the result of that case?

Mr. N. M. Joshi: The case did not stand: it failed. I should like to know from any one who supports the report of the Select Committee how section 16 of the Government of India Act has failed. Were there any general strikes in this country? How many general strikes took place in this country which caused great hardship to the community? Government failed in Bombay. There was only one case brought under section 16 and Government failed: they failed in a case which was never intended to be covered by section 16, and that the case was not to be covered by section 16 was clearly stated by a representative of the Government of India in this House. There has been no strike in this country which could be covered by section 16. It may be said that the Government of India believes in prevention. My Honourable friend, the Secretary for Labour, stated that prevention is better than cure. I agree with him. But is there any danger or any risk of a general strike in India taking place?

Mr. F. E. James (Madras: European): It is imminent.

Mr. N. M. Joshi: Is it imminent? If it is not imminent, why waste public money and time in passing legislation? There are many dangers against which we have not yet provided. We have not wasted public time and money in fighting imaginary dangers. My Honourable friend, Mr. James, says: 'It is imminent'. He may know my country more. But is the House going to agree with him that there is a general strike imminent in India?

Mr. F. E. James: In South India, Yes.

Mr. N. M. Joshi: He says now: "In South India". Next time, he may say a general strike is imminent on his own plantation. Section 16 of this Act is not intended for these strikes. It is wrong, therefore, to try to pass legislation against imaginary dangers. There is no danger of a general strike in this country, and, therefore, we are wasting public time and money in trying to pass this legislation.

I do not wish to deal with the particular clauses of this Bill. But I hope that the House will examine this Bill from the point of view of the community, from the point of view of fairness and justice, from the point of view of practicability, and I have no doubt the House will come to the conclusion to which I have come.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I fully endorse the observations made by the Honourable Mr. Joshi as also by my friends who have spoken previously that this Bill which is before us for consideration is not a desirable Bill. The Bill, as it has emerged from Select Committee clearly shows that out of 15 members, nine members have given a minute of dissent. Somehow or other both capitalists and Labour representatives have given their minute of dissent. Even there is a note of dissent by the Honourable Mr. Aikman. Under these circumstances I think the Honourable Mr. Clow, the Labour Secretary, should have given up the consideration of the Bill for the present and should introduce a better one hereafter. This

is an amending Bill. I do not see that the amendments proposed have really done anything to improve upon the original Act. As all my friends have pointed out, the importance of this Bill depends on section 16 of the original Act—the right to strike. The original Act says: "Special provision for illegal strikes and lock-outs". First of all, it is a prerogative of organised labour to combine against their employers and to have their legitimate grievances redressed; and a strike is the only legitimate weapon with which the poor helpless labour can organise under the guidance of men who have sympathy for them and who work for them as labour representatives. The Bill under discussion wants to take away that right by introducing these amendments about which every one of the Honourable Members, who spoke before me, has pointed out. Clause 8 of the Bill says:

"in clause (b) the words 'general and prolonged' shall be omitted."

It also says:

"in clause (a) after the words 'other than' the words 'or in addition to' shall be inserted."

By the addition of these two words, it takes away the right altogether; for any purpose a strike may be said to be illegal. So this is not an improvement. It is rather depriving the labour of their legitimate right to combine and go on strike to have their grievances redressed. And what does the proposed omission of the words "general and prolonged" from section 16 mean? A strike may be declared to be illegal as soon as it is on. Even if it be for a day or a very short period, the removal of these two words will take away the right to strike. If these words are really removed, then, I am sure, Mr. Clow will agree that it takes away a very great right and privilege of the poor labourer, and, therefore, he should agree not to press these amendments. The rights of labourers to express their feelings freely and frankly and to ventilate their grievances in an open manner should be freely encouraged if Government is really anxious to provide a peaceful life to labour. Sir, we have been witnessing these days the prosecution and conviction of labour and peasant workers somewhat unjustly on various pretexts. Various sections are being applied for preventing them from working amongst their own countrymen to remove the illiteracy, and ignorance of labour and of peasants and, therefore, we should not be a party to a measure like this which, instead of encouraging labour to improve its condition, seeks to take away the legitimate rights to express itself freely and frankly in regard to their condition generally.

Then, Sir, with regard to the other small amendments, I think, if they are examined rightly, it will be found that they also are not calculated to improve the original Bill. I would, therefore, ask the Honourable the Labour Secretary to reconsider the Bill which has emerged from the Select Committee and postpone its further consideration. If he really means to improve the conditions of labour and bring about peaceful conditions in labour, which it is almost impossible to expect under the present system, he will be well advised to introduce another new Bill and circulate it for public opinion. The present measure is not at all acceptable to any one of us, as it is not calculated to advance the cause of labour. I hope the House will reject this measure.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Sir, I rise to take part in this debate, not so much as to differ from the several

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Honourable Members who have spoken on this measure in the sentiments they have expressed, but with regard to the relevancy of most of the points raised in the debate. Sir, my friends who have preceded me have referred to very many disabilities from which labour in this country is suffering and would suffer under the proposed amendments. They have accused the Government of being more partial to capitalists as against labour. With all respect to their opinions, I must say that their speeches savour more of special pleading for labour than constructive criticism as legislators on the amendments suggested here. I am not an industrialist, nor an employer of labour. I consider myself to be a white collared labourer

Mr. N. M. Joshi: You are a middleman.

Mr. Sami Vencatachelam Chetty: In fact, except while at Delhi and Simla, I perhaps work for more hours than a labourer is allowed to work under the Labour Union Regulations. I really disagree with my friends if they want to import in season and out of season considerations which are more relevant on political platforms than in legislatures like this. We are today engaged in considering certain amendments to an Act which has already been passed.

Now, Sir, it is the duty of the Legislature to keep the scales even and to see how far we can improve the conditions of labour without affecting the general prosperity and the economic progress of this country. Today it is not only the problems of labour and capital, industry and agriculture, that are the pressing problems of this country, but the most important problem of India, in which every shade of political opinion ought to be engaged, is the economic regeneration of this country, and I am sure my friends, who spoke before me so vehemently on behalf of labour, would be the first to acknowledge that what they really meant by the economic regeneration was the economic prosperity of the masses of this country. That they and I are sitting on the same Benches is an indication. Sir, that irrespective of our personal opinions, we are both engaged in that grand work of the economic regeneration of this country. Therefore, every energy of every political section and of every section of the population of this great country ought to be harnessed to solve that pressing problem. Now, I beg of my friends to examine the conditions and the restrictions which countries like Germany and Japan have imposed in order that those countries might develop economically and materially. Some of my friends have got unalloyed love and affection for Nazism and Communism, and what do these "Isms" mean?

An Honourable Member: Not on these Benches.

Mr. Sami Vencatachelam Chetty: Sir, I personally like Nazism for the economic drive it has got

Mr. N. M. Joshi: You like it because you are quite safe; the Government is also Nazi.

Mr. Sami Vencatachelam Chetty: Therefore, it is not a sin to be an admirer of certain aspects of these two "Isms" which seem to cloud the

whole horizon of this world. What did they do in respect of the industries of their respective countries? Nazis cannot be accused of lack of patriotism or of a disregard for the development of their country when they do not impose restrictions on the development of their industries, nor did they accuse communism when they abolished trade unionism as soon as they got into power. Sir, my point is that, if today we want our industries to compete successfully with foreign countries, it is desirable that the relationship between the industry and labour in this country must be as peaceful as possible so that all may benefit by an arrangement of that sort. My Honourable friends always speak of the industrial labour, which, after all, is not perhaps one-tenth of the whole labour population of this country. What about the nearly 85 per cent. of persons who are dependent on agriculture or labour dependent upon them? I have not heard any words spoken on their behalf. We speak of the industrial labour because it has gained strength by organisation, it has gained momentum by the very fact of collective bargaining with employers, and we would like to keep in the good books more of that section of labour than we attempt to do good in respect of the agricultural labour. In matters like this, it often happens that the community which has got to be benefited is rarely taken note of.

What is it that we are trying to do for labour by the vehement opposition which has been advanced by several speakers on this occasion? The amendment of the Act seeks to provide that in respect of public utility concerns it would be penal to strike without notice. Is that a dangerous provision? I am glad that some speakers, at least, have admitted the justification of a provision of that sort in cases where those public utilities are owned and managed by the State. I, for my part, shall be one with them if they should fight for the nationalisation of such public utility concerns. But, so long as we are not able to succeed in that, the mere fact of our failure in that direction does not change the necessity of safeguarding and protecting the public utility concerns from lightning strikes of the sort that are sought to be prevented. I would ask, if all the milkmen should strike on a particular morning, what would happen to the crying children? And what would happen to the invalids in the hospitals? There would be neither curds for me nor buttermilk for those who are jailed. Apart from that, the electricity concerns, transport concerns, and all those others, which by accident are now in the hands of private persons, are really serving the public and it would be disastrous to have any strike, without notice, in such concerns.

Another point that was raised was that if a particular dispute does not confine itself to a particular grievance in the particular trade and if it should be resorted to on account of something else which does not concern that particular grievance, that is also punishable. My Honourable friend, Prof. Ranga, has taken strong objection to that provision, but he himself refuted his own arguments by openly advocating a general strike of all persons in all trades if it could serve some national purpose. With regard to political strikes being subserved for national purposes, I think one has to protect labour from persons who propound such theories and make use of them for political purposes.

Prof. N. G. Ranga: Then you have to save them from the Congress itself!

Mr. Sami Vencatachalam Chetty: Not at all. The Congress has rightly shown the proper quarter to my friends like Prof. Ranga in respect of politics. The Congress is not so irresponsible, nor is it so short-sighted as to think that we could make use of these labour troubles for furtherance of political ends. My Honourable friends have taken objection to the notices being insisted upon in respect of strikes. Supposing the tables are turned and no notice is given for a lock-out of workmen, would my Honourable friends look at that state of affairs with complacency? I am sure they will be the first to condemn an act like that on the part of the employers, and the employers would be rightly condemned in cases of such lock-outs. After all, it is not our intention to foment trouble between labour and industry. It is our desire to see that these two sections consider themselves to be profit-sharers in the undertakings in which they are engaged. I think our attempts must be in order to restore friendly relations instead of putting before them lurid pictures with absolutely no prospect of realisation either in the near or in the remote future. I, therefore, think that we would be doing a great dis-service to labour if we do not tell them that strike is only a last resort in a big dispute and not a first resort as it has been generally used.

My Honourable friend, Prof. Ranga, has mentioned that my friend, Mr. Giri, is satisfied with the labour movement in South India. I think I also know Mr. Giri, if not as intimately as Prof. Ranga, at least sufficiently well to know that he is by no means pleased with the manner in which strikes have been resorted to in South India. As a matter of fact, one complaint of labour in South India against the present Government in Madras is that the Minister of Labour has not encouraged them in their somewhat hasty steps to strike work. My Honourable friend, Mr. Avinashilingam Chettiar, will bear testimony as to how these strikes have been resorted to in Coimbatore where there has been a phenomenal industrial progress during recent years.

Prof. N. G. Ranga: Read the reports of the Conciliation Boards.

Mr. Sami Vencatachalam Chetty: If these grievances were based upon inadequate wages or unsatisfactory conditions of life and surroundings, I am sure employers would consider very favourably indeed those demands, and when they fail to do so, there will be enough persons who would compel them to afford the necessary requirements of a good social life. But, in most cases, they are resorted to for imaginary grievances and with a certain prospect that if they collectively strike and bargain they stand to get the better of their employers.

I am glad that my Honourable friend, Mr. Joshi, has admitted that in almost all these strikes that have occurred in this country, in not one single case have the strikers been benefited. That is the experience of persons who have been in the labour movement. That is exactly the reason why those gentlemen who want to speak on behalf of labour must be very careful and cautious. I am at one with them when they plead for the betterment of the conditions of labour, but I shall certainly not advocate a strike which is a dangerous weapon and which should be resorted to only as a last resort. My friends in the European Group are in the anomalous position of being financiers of industry in this country. If they were not the financiers, they would have been more vehement than Prof. Ranga in asking for impossible conditions for the simple reason that Indian industries may not prosper. We should not fall in

line with the Government, who generally put on the cloak of being benefactors of labour and ask for conditions which in the field of competition can hardly be satisfied by the nascent industries which are struggling for existence in this country. My friend reminds me of protection. It is exactly for the reason that you and I are compelled to pay for this protection that we must see that there is no ill-feeling between labour and industry. Every strike means loss to the person who gives the protection. It means a loss in the development of the industry and it also involves loss by the suspension of the work which a strike naturally involves. There will be time enough for us to try to put a Labour Government on the Government Benches when the Congress comes into power. Till then it is our bounden duty to see that economically we are improved so that we may not go under in the field of international competition. My friend, Prof. Ranga, may perhaps be the Premier of a Labour Government in the future and, I am sure, that if he desires that if a particular industry ought to be developed he would see that all these concessions are withdrawn from labour, so that these industries might develop. I do not think my friend is right in accusing me for speaking on this occasion as if I was speaking on behalf of the capitalists. No such thing. I am merely speaking on behalf of the general community and the general progress of the country. It is not necessary that we must always use this weapon of strike. The offices of the Conciliation Boards must be freely used and the workers must insist upon the Conciliation Boards hearing their side of the case and getting their grievances redressed. If the workers feel that their case is strong, that is an argument why they should approach the employers, before they resort to strike, so that they may retain the sympathy of the general community. So, I think we must proceed in the direction of constituting compulsory arbitration boards in order to resolve the disputes or differences as they arise, so that they may not be magnified into a general grievance so as to justify a strike. With these words, I hope that we shall proceed to the next stage of considering the amendments.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong; Non-Muhammadan): The object of this small amending Bill is two-fold. It seeks to provide for the settlement of the disputes. In the original Act, we had provision for a Court and a Board but in this Bill by clause 17 we are going to provide for Conciliation Officers. This is supposed to be an improvement inasmuch as Conciliation Officers will be whole-time permanent officials who will go about the industrial areas. I cannot say whether this new device will minimise industrial disputes or the war which is often waged between capital and labour. If I am to judge by the spirit of war that is being displayed in this House by champions of labour and capital I am not much hopeful. Another object of this Bill is to protect the public from the inconvenience caused by a widespread strike. We are going to make a little alteration in the definition of utility services. The Bill seeks to give power to Provincial Governments to declare what steamer services can be brought under the term utility services. This definition of utility service has a bearing on section 15 of the Act. There is no amendment on the order paper by any Member of the House to omit section 15 altogether. There is no evidence in this House that any Member of this House wants to do away with section 15, i.e., with the necessity of giving notice, both on the part of the employer and the employed, if they want to lockout or stop work. It is useless

[Mr. Brojendra Narayan Chaudhury.]

now to say anything for or against sections 15 or 16. Supposing they are bad. We may now only try to choose the lesser evil. We may discuss sections 15 or 16 only to explain the amendments proposed. Now, in this definition of a public utility service, the point to consider just now is whether the stoppage of a steamer service or a tramway service would cause as much dislocation of business and inconvenience to the public as the stoppage of a railway service. In these days of motor transport, I am sure that the strike on a railway would not cause as much hardship as stoppage of steamer service would to the public whether to the rich people who delight to travel in cars or the poor public who can take the bus during a railway strike. So, I say, that a strike on a railway would not cause as much inconvenience to the public as was caused, for instance, in the year 1920 by the strike of Serangs and Lascars in the steamer service in river Poddah between Goalundo and Chandpur as a result of which the entire area of Eastern Bengal and the lower portion of Assam was cut off from West Bengal for a good many days. I do not mean to condemn that strike. Its object was not gain nor political but the motive was milk of human kindness for the sufferings of the Tea Garden coolies oppressed by the Police at Chandpur. I am only concerned with the fact of stoppage of the only possible transport and I want to press upon the House the fact that steamer services are no less essential than railway services but may in fact be more. Again, I do not mean that every steamer service is very important and indispensable one. There is a provision in this Bill which says that a Provincial Government: "may, by notification in the official Gazette, declare to be a public utility service, for the purposes of this Act, any water transport service, etc., etc.". I ask Honourable Members of this House, are they not going to trust the Provincial Governments,—of which there are seven Congress Governments—that any such notification that they may issue will be fair? The next important point is in connection with the amendment of section 16 in clause 8. Sir, I am not a linguist nor am I a lawyer, but it seems to me that the amendment of this section, proposed in the Bill, is more or less verbal. If we do not add the words "or in addition to", the meaning would still be the same.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Sir, a strike may have more than one object. If we remember that, the meaning of the original section and the amended clause comes to the same thing. The next important thing and a most serious one is that the words "general and prolonged" are proposed to be omitted. Sir, certainly, the object of the Bill is to protect the community, but the community can expect and deserve only a fair measure of protection and cannot expect full protection. As has already been said in this House, owing to the struggle for existence on which our present society is based, almost every strike and in fact every process of bargaining is a sort of warfare,—and whenever there is a warfare it always happens that the third party suffers more or less. If the community wants to be protected, it ought to see that there are no causes of disputes at all. Since the community has not been able to come to that stage of civilization, it must be prepared to suffer with a certain amount of inconvenience. It is for this reason that I strongly object to the deletion of the words

"general, prolonged and severe". Sir, I am not going to take up the time of the House by discussing the question of the relationship between labour and capital or that of partiality of Honourable Members towards labour or capital; we come here as the representatives of labour as well as of capital and of the general public.

Several Honourable Members: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

Mr. A. G. Clow: Sir, my task has been made easier by the speeches made by Mr. Chapman-Mortimer and Mr. Chetty, and, as I do not propose to deal with the clauses in detail, for discussing which there will be opportunities later, I shall try to be as brief as possible. My Honourable friend, Mr. Gadgil, who started off the debate, complained that we were making strikes illegal but providing no means of redress for them. I think I got him rightly? Well, I was rather surprised to hear that because it was we who proposed a clause by which no strike could be made illegal unless a tribunal had been appointed to inquire into it, and it was he who opposed that clause.

My Honourable friend, Mr. Gadgil, went on, I think, to say that all strikes were economic

Mr. N. V. Gadgil: I said that every strike has some sound basis of economic fact—it is not purely political.

Mr. A. G. Clow: I accept the correction. But my friend, Mr. Abdul Qaiyum, went on to talk about the purely political strike as a necessity; and he said that it might be a patriotic act and that the nature of political strikes was "to paralyse the machinery of Government". And my friend, Professor Ranga, went on to make a declaration that all Governments were in the same box, that the Congress Government were just as bad as those on this side of the House so that these gentlemen who spoke seem to be out to paralyse the activities of all Governments. I am sure the House will sympathise with me if I say that I am very

4 P.M. sorry that on mature consideration it is not a proposition that I can support.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Are you willing to paralyse your Government only?

Mr. A. G. Clow: Not at all; far from it. Then, I think Mr. Abdul Qaiyum or Professor Ranga, I forget which, spoke of the exploitation of labour. Well, there are various ways of exploiting labour and one way, I am quite clear, is to exploit it for political purposes.

Mr. Abdul Qaiyum: Certainly to seize power for the masses is not exploitation.

Mr. A. G. Clow: I have heard of a small oligarchy seizing power by exploiting labour, but it is exploitation all the same.

Mr. Abdul Qaiyum: I was thinking of the rule of labour.

Mr. A. G. Clow: But Professor Ranga with a disarming candour said that he was "not enamoured of industrial peace" but there must be many more strikes. He wanted "strikes galore". After that, he said, we will have conciliation. I have tried to explain to the House that the policy of strikes and the policy of conciliation are really antithetic. My Honourable friend, Mr. Joshi, suggested, that I was trying to frighten the House by calling strikes declarations of war. Not at all. I recognise that strikes, in some cases, are inevitable and that the workers may have no other way open to them, but you cannot have both war and peace. If you are going to resort to a strike, you abandon the idea of conciliation. You must choose between one and the other. I would merely say that, those who want industrial peace will, I hope, vote for the Bill. Those who are "not enamoured of industrial peace" like Professor Ranga, I can hardly hope to convince.

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

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): clause 2.

Prof. N. G. Ranga: Sir, I move:

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

Sir, I do not want the extension of sub-clause (g) of section 2 of the Trade Disputes Act to water transport and then to tramways. I know that public utilities must be protected and they will have to be protected. as I have said once before, not only from workers who may be irresponsible but also from employers who may be irresponsible and who may be a sort of grabbing too. They may say that both lock-outs and strikes are intended to be brought within the purview of this sub-clause (g) but we know that in most cases lock-outs really are not a serious matter. The employer can certainly go on until the workers are obliged to go on strike and therefore the workers really take the whole blame for having gone against this particular provision and then they would come within the mischief of section 16. So, it is relevant for our consideration simply to take the question of the strike. As I said this morning, the workers do not wish to go on strike merely for the sake of play. Even when I wanted more strikes and I do want them in spite of the logic of my Honourable friend, Mr. Clow, it is only for the improvement of the conditions of labour. We can have industrial peace only when workers have got satisfaction at least as far as their minimum needs are concerned, and then they can have some patience with the actual conditions of working which may not be to their taste. But we cannot have industrial peace as long as they are not allowed even the minimum conditions of labour. Then, Sir, the argument that the industrialisation of the country should be furthered both by labour and employers does not appeal to me if it were to mean that the workers should be satisfied with their present unenviable condition. That is why we want strikes.

Then, there is the question: why is it that the workers do not want to give sufficient notice? Workers want to give sufficient notice: they are quite prepared to give sufficient notice, but I do not see why you should penalise them and punish them to one month's imprisonment

merely because they may fail to give the prescribed notice of 15 days within the period of one month? Why do you want to penalise them? What is the purpose? It may be that you want to protect the public utilities. If you are so anxious to protect the public utilities, then bring them under the control and the management of the State; nationalise them. As long as you are not prepared to do that and as long as you allow these public utilities to be exploited by the employers, few of them or one of them or all of them, for their own benefit at the expense of the community as well as the workers, I do not see any reason why you should particularly stipulate this condition. If you want to stipulate this, then what is the compensatory advantage that you are showing to labour? There is absolutely nothing. Have you come forward with any proposal that there is going to be a regular conciliation machinery to go into the day to day grievances of these people? There is no such proposal. You allow these workers to go on grumbling against the day to day troubles that may be created by the employers. The friction goes on and it culminates in a trade dispute. You cannot expect these workers who are not employed to have such collective sense of responsibility as to be able to take all things into consideration and then come to a decision that they should strike and then give this particular notice in the prescribed form. It is impossible. It is quite imaginable that the employers create so much trouble for their workers and annoy them to such an extent that they have no other choice but to go on strike on the spur of the moment. If they go on strike in that fashion, you do not penalise them if they are employed in any other employment, but you penalise them merely because they happen to be employed in the public utility service. When you make that distinction, you must see to it that the employers do not misbehave themselves ordinarily. You can assure yourself that the employers will behave themselves with a due sense of responsibility only when they are subjected to certain conditions stipulated by the Government. If those employers happen to be the Government themselves, then they can be held responsible to this House or to the various Provincial Legislatures in the country. But as long as that particular condition is not satisfied, I think it is rather unreasonable to insist upon this condition, and bring within the mischief of this section more and more industries. As I have already said, these tramway services are not really such essential services and therefore they need not be included at all in this category of public utility services. As regards steamships, we know who owns them, and how they are being run. We have known to our bitter disappointment, how they have been treating these deck and third class passengers, and when they have treated so badly those who have been paying them, one can only imagine how they must be treating their workers. These workers till now have not gone on any major strikes and I do not know why Government should get into an alarmist mood and try to bring these services also into the category of public utility services; especially where there is no need for such provision Government are now asking the sanction of this House to extend the scope of this Bill to these two services. First of all I think it is unnecessary and secondly it is mischievous and thirdly it is really against the workers and on these three grounds I hope the House will accept my amendment to delete sub-clause (a) (i) of clause 2 of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

Mr. N. M. Joshi: Mr. President, I rise to support this motion. The provision in the Bill contains three things, namely, water transport, tramway and power. Section 15 of the Trade Disputes Act makes strikes in public utility services illegal when they take place without notice. In the first place, I do not understand why strikes in public utility services should be made illegal even if they take place without notice. If it is said that these strikes should be made illegal on the ground of hardship to the community, I submit, Sir, that hardship to the community may be caused not only by strikes or lock-outs but by the closure of electric work or power house itself. I would like the House to understand which will be greater hardship to the community. Suppose we have got a big electricity work, supplying electricity to a city for lighting and for everything. If the workers go on strike without notice, you can get some other workers. Electricity work may be continued after a break of four or five days. But, Sir, supposing a company takes it into its head to close down an electric work altogether, without notice to the public, it will be a greater hardship to the community than a strike which may after all, be settled or may be broken more easily than the erection of a second electricity undertaking. You cannot build another electricity work in less than a year. If we supply electricity to a city like Bombay, we cannot construct another electricity work of like magnitude so as to be able to supply electricity on such a large scale to the city in less than a year's time. What is the punishment for a man who closes down his work? Is he sent to jail? I have not yet seen any law under which a man who closes an electricity work can be sent to jail. Why should poor workers alone who go on strikes be sent to jail?

The Honourable Sir Nripendra Sircar (Law Member): Their licenses will be forfeited.

Mr. N. M. Joshi: It means nothing. Is he sent to jail? It is not a criminal offence. I have not yet seen any law under which the closing down of an electricity work or gas work is made criminal. Why should poor working classes be sent to jail because they resort to strike without notice? Sir, this clause is a discriminatory clause. It is not the working class alone who can create difficulties and hardship to the community. Other people can, but their action is not treated as a criminal offence. It is only in the case of working classes that we treat it as an offence. On that ground it is wrong to go on adding to the list of public utility services. It may be said that these public utility services generally are treated differently from other industries. There is some justification, no doubt, for treating these public utility services differently.

Then, Sir, if you want to put this disadvantage upon the working classes because they are working in public utility services, then is it not reasonable that you should give them some compensating advantage? It is on that ground that the Royal Commission on Labour proposed that inasmuch as there is a disadvantage placed on the working classes who work in public utility services, there should be a compensating advantage, namely, that if workers in public utility services have grievances, they will have the right of having their grievances investigated and enquired into. The Government refuse to give them this compensating advantage. They treat the workers in other industries and in the public

utility services on equal terms, but they are willing to place the disadvantage on the workers in public utility services. I feel it is unjust. It is on this ground that we shall refuse to allow any more services to be added to the list of public utility services.

Then, Sir, it is said that this sort of legislation exist everywhere. It is that in England this disadvantage exists in public utility services. If people in certain industries go on strike, without notice, they are penalised. While it is true that even in England some industries, not all the industries mentioned in our legislation, place this disadvantage on workers who go on strike without notice, but, Sir, the English legislation has provided many restrictions. In the first place, according to English legislation if workers working in public utility services go on strike, you must prove that they went on strike with malicious motive. You have to prove that they have gone on strike wilfully; not only that, but you have to prove in Great Britain that the act of strike is likely to cause inconvenience to the public. Not only that: the English legislation goes still further and says that these workers who are to be penalised must know that their action of strike not only was malicious and wilful but was likely to create public inconvenience and that they knew that their act was likely to cause public inconvenience and there was real likelihood of such public inconvenience. We have absolutely no kind of such restriction in our legislation. If a man goes on strike, we need not prove that his strike is malicious or wilful, we need not prove that this strike is likely to cause public inconvenience, we need not prove that he knew that public inconvenience would be caused thereby. I submit it is, therefore, wrong to go much further than British legislation. It is, therefore wrong to add to the list of public utility services.

I shall now deal very briefly with the public utility services mentioned in this clause. The first is:

"any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam vessels Act, 1917, apply."

Sir, there may have been some time when the only means of transportation for people were inland water transport. In those days some inconvenience may have been caused by the stoppage of this service. We are now living in an age when motor cars go almost everywhere. There is no part of the country, there is not a district in the country where motor cars do not run now very freely. What then will be the inconvenience? There is talk of water. There is no sea in the interior of India. There are rivers whose breadth is not long enough to make a big area

An Honourable Member: You have never travelled in East Bengal.

Mr. N. M. Joshi: I have travelled much more in East Bengal than perhaps my Honourable friend. There is no inconvenience caused to the public, because the public can travel by motor cars now. There are railways; and there may have been a time when the stoppage of these services may have caused inconvenience.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): And there are aeroplanes.

Mr. N. M. Joshi: Yes, there are aeroplanes as my Honourable friend, Sir Henry Gidney, says. The time has gone when you could consider water transport service as a public utility service. Then they talk of tramways. In any case a tramway is not water transport; it is transport on the road. If a tramway can run anywhere, certainly a motor car can also run. Why should we, in the year 1938, create a tramway as a public utility service? The public can go by motor cars or by buses. The real trouble is that these tramways, railways and buses are forming a monopoly. It is not the strikes which are a danger; it is the creation of these monopolies which is a danger to the public. If you are going to pass any law making it an offence, make it an offence to create a monopoly by tramways, railways and buses. It is wrong to create an offence of a strike in a tramway. Take Bombay for instance. In Bombay there may be a tramway strike but there will be no inconvenience. Of course, there will be some inconvenience because every strike is inconvenient, but it is not that kind of inconvenience. In London only about a year ago there was a bus strike. You know, Sir, what the London bus service is and how widespread and useful it is; but nobody thought of making that an offence. In England it will not be an offence if busmen go on strike without notice; and there the bus service is a much greater service than the tramway services in India. It is, therefore, wrong to create a strike in the tramway service an offence. They say that a tramway service will have to be declared as a public utility service but ordinarily if any Government wants to declare any strike as illegal they will do so. They have simply to issue a notification and there is no difficulty. Every Government wants to make its task easy; even the Congress Governments want to do it. Governments do not want trouble. If there is a strike, naturally there is some trouble to Government. Therefore, I am quite sure that as soon as this Bill is passed, every Government will issue a notification that a tramway strike and a steamship strike without notice is illegal. I have no doubt about it because that is the way of Governments, and every Government wants ease.

Then, Sir, comes the question of power. It is absolutely unnecessary according to the original Act. If the power is used for lighting, then the power is covered, because it says that:

"Any industry, business or undertaking which supplies light or water to the public is a public utility service."

If power is intended for lighting it is covered. But why should you include power which is intended to provide electricity for a private factory? Why should you make power industry a public utility industry where the power supplied is to a factory which is intended for private profit?

Mr. A. G. Glow: Sir, on a point of order. I do not think the amendment relates to power. It relates only to sub-clause (a) (i).

Mr. N. M. Joshi: All right; I shall reserve my speech for the next occasion.

I hope, Sir, the House will accept this amendment, inasmuch as, in the first place, our original legislation making strikes in a public utility service illegal goes far beyond any legislation that exists in Great Britain; secondly, our list is long. In Great Britain, as I have said, the bus service or railway service is not regarded as a public utility service because they know

Babu Baijnath Bajoria: What is your definition of a public utility service?

Mr. N. M. Joshi: I follow the English practice, if you like, in this matter. In England railways and buses and tramways are not public utility services, and we should follow their practice.

Then, Sir, there is another small point and that is that if a public utility service has to get some advantage, let it, at least, be a public utility and not a concern for private profit. I can understand your putting restrictions for the sake of the public, but why put restrictions upon the workers for giving larger profits to the employers? It is wrong. If a public utility is to be a public utility, let it be for the benefit of the public and not for the benefit of a few employers. It is, therefore, wrong that we should make the amendment which the Government of India have proposed. I hope the amendment will be carried.

Babu Baijnath Bajoria: Sir, I rise to oppose this amendment. I do not want to follow the English custom as my Honourable friend, Mr. Joshi, wants us to do. As for my Honourable friend, Mr. Ranga, he is opposed to the whole of this Act. He would like the Trade Disputes Act to be torn into pieces and thrown away, and he likes that strikes should be the order of the day and he has also preached today that he wants strikes galore, as my Honourable friend, Mr. Clow, said. I have got nothing to say to him; fortunately I am not of his view. What this clause proposes to do is to include water transport services carrying passengers only—the select committee has excluded goods services from this list—Water transport services carrying passengers only and tramway services are in the list of public utility services. I was surprised to hear from my Honourable friend, Mr. Joshi, that water transport, tramway and railway services are not public utility services. I asked him for a definition as to his idea of a public utility service, but he could not supply one. In my opinion water transport service or a tramway service is undoubtedly a public utility service, and the general public will be greatly inconvenienced if there is a strike all on a sudden in these services. I am not in favour of lightning strikes; if there is a *bona-fide* trade strike that is a different matter. These *bona-fide* trade strikes in a mill or a factory can be easily settled; but they are only made difficult of settlement on account of outside interference of persons like my Honourable friend, Mr. Ranga, or Mr. Joshi. Sir, I oppose this amendment because I think that water transport services and tramway services are really public utility services.

Mr. M. Ananthasayanam Ayyangar: Sir, I am really surprised to see that my Honourable friend, Mr. Bajoria, is opposing this amendment. He has been very anxious to know what the definition of a public utility service is. It is of course true that a public utility service is not defined in the Act, much less in the amendment. Certain categories of service have been put under public utility services. The point for consideration now is whether a tramway service or an inland steamer service should also be included within the definition of public utility service or within the category of public utility services. It is not every service that caters to the public which should automatically become a public utility service. My friend's argument will amount to that. Take a *jutka* service in a village. It is a public utility service. Why should that be differentiated from other public utility services and not included in the Act? Take

[Mr. M. Ananthasayanam Ayyangar.]

the *tonga* service in the city of Delhi. In every big city such a big service is essential.

Mr. N. M. Joshi: That caters to poor people and not to the rich.

Mr. M. Ananthasayanam Ayyangar: Therefore, if really any public utility service is to be brought in, as my friend, Mr. Joshi, has said, let the *tonga* and *jutka* services be brought in. For the information of my friends, I should say that a *jutka* is the southern counterpart of the north Indian *tonga*. So far as tramway services are concerned, we have a tramway service in Madras, but people have to be induced to get into the trams as they are so slow and go through all kinds of lanes and streets before reaching their destination—it is as good as a double-bullock *bandy*, and I cannot imagine how the public in general will suffer if suddenly, without notice, a few tramway people go on strike. There is absolutely no justification for this provision: and, after all, how many tramway services are there in India? I have seen one in Bombay and one in Madras and one in Delhi: probably there is one in Calcutta and perhaps in one or two other places: in the whole of India there may not be more than six or seven cities having trams. Tramways require rails below and wires overhead to carry the electric current; but buses can ply anywhere without rails or wires and in places where trams cannot run. I say it is absurd to include tramway services nowadays within the category of public utility services.

As regards inland steam transport, I am yet to know if there is one such in which a strike could cause such inconvenience as cannot be avoided, if there is a strike without notice. A strike in any major industry can be held to be illegal if this is accepted, and I say it is unnecessary to introduce this.

I want to clear one doubt. The Bill does not make it clear if the Provincial Government's notification is necessary both for water transport services and also tramway services. The words come after the words 'tramway service', and my Honourable friend, Mr. Joshi, naturally understood this to mean that a notification is requisite only with respect to the latter portion, that is, the tramway service, and on that understanding he has tabled amendments here. I would like to know if both for the water transport service and the tramway service the Provincial Government's notification is necessary. I support this amendment.

Mr. A. G. Gow: Sir, I am sorry I have to oppose this amendment. I think there is a good deal of confusion as to what section 15, to which it relates, actually does. I would like just to remind the House briefly of its main provision. It is directed against strikes without notice and strikes in breach of contract. In other words the action taken must be an action in breach of contract and further it must be concerted action. Even an individual who breaks his contract and leaves his work is not punishable under that section, if his act is an individual act. Prof. Ranga asked me what the object of the provision was? The object of the provision is surely fairly clear. It is to give the public a reasonable warning—fifteen days' warning—and to give the Government warning too so that if necessary they could appoint a tribunal under the Act. That is the purpose which we have carried a stage further in this Bill by placing an obligation on the employer to report the notices he receives to the Provincial Government

Prof. N. G. Ranga: In how many cases have the Government appointed a tribunal?

Mr. A. G. Glow: I must ask for notice of that question. They certainly have in public utility services. I can remember two or three on the railways

Prof. N. G. Ranga: What did you do in regard to the Bengal Nagpur Railway? That is one of the public utility services.

Mr. A. G. Glow: Now, we come to the actual services we are going to include. As I say the object is two-fold: it is to give the public reasonable notice and to give Government reasonable notice. My friend, Prof. Ranga, alluded to the fact that Local Governments are now taking more action under the Trade Disputes Act. He alluded to one, but it is true of others. I should have thought that he at least would have had confidence in more than one of the present Local Governments than he had in the past: apparently he has not. I am sorry.

Now, the two forms of service to which this amendment alludes are inland water transport service and trams. My Honourable friend, Mr. Joshi, said that you could drive motor cars everywhere where you needed water transport service. I cannot claim what he said was his exhaustive knowledge of Eastern Bengal, but, I am sure all those who know it will agree that for the most part of the year it is quite impossible in quite a number of districts

Prof. N. G. Ranga: And the Government are stopping the construction of any other railway!

Mr. A. G. Glow: As regards tramways, we have put in the safeguard that it can only be notified by a Provincial Government. Mr. Ananthasayanam Ayyangar asked if the Provincial Government's sanction was necessary to including both inland water transport service and tramways. As I read the clause, it is only in the case of tramways; but my Honourable friend, Mr. Mahadeva Ayyar, has tabled an amendment which will make it essential in the case of both types of services, and I hope that that will allay his apprehension.

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

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

The motion was negatived.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

I need not make a long speech on this. I have not heard anything from any authoritative sources yet that there is any part of India where there is no means of transportation except inland steam vessels. It is the people who are interested that have made these statements. But I have not yet had any authoritative statement from any quarter that in India there are parts where there are no roads. (Interruption.) There are not. It is only the men who want to support the Government who make

[Mr. N. M. Joshi.]

that statement. I have not got any statement from any disinterested man that there are parts in India where motor cars do not run. As Mr. Ayyangar has said, the truth is that we are really trying to safeguard a cheap transport service for the rich men: we are not protecting the bulk of transport in this country: we are not making a strike of bullock carts illegal: there may be a strike among such people, but we are not interested in the poor people who use carts: the poor man may suffer and we do not care. But the inland steam navigation companies are controlled by Europeans. It is for their benefit that the Government of India is passing this legislation. (Interruption.) I say you are: so far as my knowledge goes, these companies are all European companies, and it is because there might be inconvenience to this small number of European companies that we are including them in this Bill. Inconvenience may be caused by strikes on bus service and on carts. We are not interested in it, but if inconvenience is caused to one or two European firms, then we must treat inland steamers as public utilities. Sir, it is unfair and wrong.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

Mr. A. K. Chanda (Bengal: Nominated Official): Sir, I only rise to oppose the amendment moved by Mr. Joshi, as he said there were no parts of India where steamers were the only means of transport. I do not know—how he says he has travelled widely in Eastern Bengal. I do not know if he has ever travelled from Goalando to Chandpur and from Chandpur to Narainganj. If he had ever travelled on that side, he would have seen that steamers are the only means of transport. In 1921, Sir, there was a strike of workmen employed in steamers at Chandpur, and for a week practically the whole of the trade of that part was completely paralysed, I only rose to point out, that my friend, Mr. Joshi, in stating what he says, was speaking about something with inadequate knowledge.

Prof. N. G. Ranga: Sir, I support this amendment. My friend, Mr. Chanda, said that this is the only means of transport between Assam and Bengal (*Some Honourable Members*: "No, no"), between Goalando and Chandpur. Now, according to his own admission. . . .

Mr. A. K. Chanda: And one other.

Prof. N. G. Ranga: Anyhow, according to you it is the only means of transport between two places. It is not different from the only means of transport between New Delhi and Old Delhi. Who is to blame for this only means of transport? Only the other day a question was raised by my friends from Assam why a particular railway project was abandoned by the Government. . . .

Mr. N. M. Joshi: Because the steamship company wanted a monopoly.

Prof. N. G. Ranga: If the Government had proceeded with the railway project, I am sure there would have been a first class railway communication between Eastern Bengal and Assam, between Assam and the rest of India, but why was that railway project abandoned? It was abandoned because of the representations made by the British steamship companies. The British Government is here of course only for their benefit. There are a few in this House who somehow are able to get everything they want in this country because the Government with its manufactured votes is behind them, and so these public utilities are created by the Government. It is not a public utility, Government have destroyed the public utility. According to this "only means of transport" means "do allow us to treat this as a public utility and then give as much protection as possible for my cousins or blood relatives,—these Europeans,—here". This is a very unfair thing for Government to do. I do not know why my friend, Mr. Clow, has sponsored this. I could have understood if somebody else had introduced this, because my friend, Mr. Clow, is supposed to be a conscientious Christian. Certainly then it does not lie in his mouth to come here and say that we should treat this as the only means of transport and as a public utility and penalise these workers. How does this section read? It reads thus "Any person who being employed.....or Rs. 50 or both". This is a very serious provision. You penalise these people. You threaten them with imprisonment with fine and with all sorts of things. Why? Because they simply fail to give the prescribed period of notice. Why should you place these workers under such great disabilities for the sake of one particular sort of interest in this country? Strictly speaking, they cannot be considered to be Indian employers. We are obliged to consider them as Indian employers because of this infamous Parliamentary Act of 1935, otherwise if we had the same power and the sort of power which Mr. Hitler is utilising in his own country, for which my friend, Mr. Sami Vencatachelam Chetty, has so much love, I am sure these people would not have been allowed to carry on this service in this country. They would have been consigned to their own country just as the Jews have been consigned. . . .

Mr. F. E. James: Jews have no country.

Prof. N. G. Ranga: You have created a bogus country for them.

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

Prof. N. G. Ranga: The Europeans have created vested interests here, and the Government have failed to create any other means of transport equally efficient, equally good and convenient for the public. I personally think that we ought to resist to our utmost this particular provision in the Bill, and by supporting Mr. Joshi's amendment, we should see that Government take the earliest convenient opportunity of creating an equally good, efficient, convenient and useful means of transport to those parts of Assam which cannot be otherwise reached. Therefore, I hope this water transport service will not come to be regarded as a public utility service by this House.

Mr. K. Santhanam: Sir, the real point for consideration is this, whether they want all the water transport services throughout the country to be regarded as public utility service. If the amendment had confined itself to such cases, where they are the only means, then probably it might not have been objectionable, but as it stands, it can be applied not only to cases where the water transport is the only means of transport but it can be applied to other cases also. In Bombay, for instance, the Government can notify all the steamer services to come under this. Therefore, the point is whether they want all such services throughout the country to be protected. I suggest this is a wholly unnecessary and a wholly unwarranted extension of the term "public utility service", and on this ground this ought to be opposed and the amendment supported.

Mr. A. G. Olow: Sir, I should just like to thank my friend, Prof. Ranga, for giving so complete an answer to Mr. Joshi. My friend, Mr. Joshi, suggested that this type of service was nowhere essential, and I think he said earlier they could use aeroplanes. My friend Prof. Ranga's complaint was that it was a complete monopoly, and that people could not travel by any other route. Sir, I oppose the amendment.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): No. 3, Mr. Mahadeva Ayyar.

Mr. N. M. Joshi: Sir, my amendment No. 4 must come before that. If my amendment is carried, then his amendment need not be moved at all.

Mr. A. G. Olow: If No. 4 is in order, a point on which I have some doubt, I think it should come before No. 3. We have already rejected both, and I don't see what we have left now to discuss.

Mr. President (The Honourable Sir Abdur Rahim): What has been rejected now is any water transport service.

Mr. A. G. Olow: And we rejected them both.

Mr. N. M. Joshi: My Honourable friend may have learnt logic but I think he has forgotten it.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 1 was a general amendment relating to the whole sub-clause. No. 2 relates to water transport service, and No. 4 relates to tramway service. Amendment No. 4 is in order.

Mr. A. G. Olow: In that case I suggest that No. 4 may be taken up first.

Mr. N. M. Joshi: I am glad that wisdom has dawned on my Honourable friend! I am sorry I have made some remarks about the knowledge of logic of my Honourable friend, but he should have given some credit to me for knowing the Standing Orders of the House.

My amendment is:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

I move that amendment. We have discussed this subject for some time, but still I would like the House to consider this question. Is tramway service, according to the conscience of every one of the Members here, such an essential service that we should punish workers who are working on that service? That by putting tramways in this clause we are punishing workers there, there is no doubt. We do not consider strike as an offence if it is made by us or by several others, but if it is made without notice by tramwaymen then we make it an offence. And that we are punishing people in that service there is absolutely no doubt whatever Mr. Clow may say. Now, is it right to include tramways in this? Is the stoppage of tramways in Bombay, Calcutta, or Delhi going to create such a public hardship that we should penalise them? It is absolutely wrong. And let me tell you this now. Whoever may ask for a division or not ask for a division, I am going to ask for a division. Sir, I want you not to misunderstand me. I am not asking this simply because I want to ask for a division, but I want to test the sincerity of this House. Are there any people here who can lay their hands upon their hearts and say that this stoppage of tramway service in Delhi, Bombay or Calcutta will cause such an inconvenience that this Government should go out of its way and make it a penal offence for people to go on strike?

Mr. A. G. Clow: I think the Honourable Member ought to have prefixed "or" to his amendment, so that it will read like this, "or any tramway service".

Mr. N. M. Joshi: That is a consequential amendment and that is for the Government.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

Mr. A. G. Clow: I will merely say that if we were declaring all tramways to be public utility concerns there would be great force in what Mr. Joshi has said. But all that we are doing is to give the Provincial Government's power to declare them as such, and I have no doubt that Provincial Governments will not declare them as such if they are not an essential means of transport. I do believe that in certain places the tramway is a means of transport which is a very valuable means for the

5 P. M. poorer classes of the community.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

The Assembly divided:

AYES—5.

Banerjee, Dr. P. N.
 Chattopadhyaya, Mr. Amarendra Nath.
 Joshi, Mr. N. M.

Malaviya, Pandit Krishna Kant.
 Som, Mr. Surya Kumar.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ayyar, Mr. N. M.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Bakesh Illahi Bakesh.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dow, Mr. H.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Ghiasuddin, Mr. M.
 Gidney, Lieut.-Col. Sir Henry.
 Gilbert, Mr. L. B.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 Ismail Khan, Haji Chaudhury
 Muhammad.

Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Shahban, Mr. Ghulam Kadir Muhammad.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Stewart, The Honourable Sir Thomas.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 18th March, 1938.