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Volume II, 1933

(23rd February to 10th March, 1933)

FIFTH SESSION
OF THE
FOURTH LEGISLATIVE ASSEMBLY,
1933



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Legislative Assembly

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THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

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MR. C. S. RANGA IYER, M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 9th March, 1933.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

DEMAND NO. 86—EXPENDITURE IN ENGLAND—SECRETARY OF STATE FOR INDIA.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The House will now take into consideration Demand No. 86. The motion before the House is:

“That a sum not exceeding Rs. 22,09,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1934, in respect of ‘Expenditure in England—Secretary of State for India’.”

Safeguarding the Interests of Agriculturists and Landholders in the matter of Representation and Taxation in the New Constitution.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadian Rural): Mr. Deputy President, I move:

“That the demand under the head ‘Expenditure in England—Secretary of State for India’ be reduced by Rs. 100.”

I propose to speak under this motion about safeguarding the interests of the large and small landowners of India in the matter of representation and taxation in the new Constitution. Sir, my object, I must state at the outset, in moving this cut is not to censure the policy of the Government of India in connection with the subject matter of my motion. My object is solely to bring to the attention of the powers that be certain matters which have been agitating the minds of the large and small landowners in India. The other day some large landowners of Oudh went in a deputation to His Excellency the Governor General and laid their grievances and complaints in connection with the present matter before His Excellency. His Excellency sympathised with what the landowners stated, but expressed his inability to promise anything in the matter to satisfy the landowners on the ground that the whole subject was being considered by the British Cabinet and nothing lay in the power of the Government of India to do in the matter. The question on which I propose to speak today has been agitating the minds of the landowners

[Mr. N. N. Anklesaria.]

of India on account of the various circumstances ever since the deliberations of the Round Table Conference began. Rightly or wrongly, the landowners have come to feel that their interests have been neglected at the Round Table Conference. Rightly or wrongly, the landowners of India have come to believe that their interests are being ignored by the Government of India and, Sir, again, rightly or wrongly, the landowners of India have come to believe that the Government of India are unduly considerate to the commercial classes even though the latter, in pursuit of political power, have been lending their support, both moral and material, to the civil disobedience and other subversive and anti-Government movements. Another circumstance has brought this question prominently before the minds of the landowners and that is the Bolshevist doctrines of confiscation of private property recently propounded by the representative of the Congress as well as the prevalent socialistic doctrine of nationalization of land which has taken possession of the minds of both the politicians and sections of the public in the Continent of Europe.

An Honourable Member: What about India?

Mr. N. M. Joshi (Nominated Non-Official): In India land belongs to the State.

Mr. N. N. Anklesaria: I am just coming to that. It is a truism of politics in democratic times like the present that the interests which are most vocal, the interests which are most organized, the interests which are represented in the Legislature by the ablest men receive quite a disproportionate consideration both in this House and by Government and the truth of what I say, Sir, could be easily seen from the number of times my Honourable friend, Mr. Mody, came to this House with what my Honourable friend, Mr. Gays Prasad Singh, called the other day, "the beggar's bowl" and returned with it full to overflowing. Sir, these are some of the circumstances which have brought this question of safeguarding the interests of the landowning classes in India to the forefront at the present time and the fears and apprehensions of the landed classes have led them to claim that their interests shall be sufficiently safeguarded in the new Constitution and appropriate declaration shall be made by way of fundamental rights in the new scheme of things. Personally I do not believe in fundamental rights. If you look to history, you will find that many nations have provided in their constitutions for fundamental rights one day and have openly violated those fundamental rights the next day. The recent history of Germany furnishes a striking instance in point. As regards safeguarding the interests of the landowners and providing safeguards in the new Constitution, I also again say that I hate that word "safeguard" in the present connection. Safeguard is a word which connotes an attitude of mind in our constitution-builders which bodes ill for the constitution they are building. It negatives that large outlook, that virile state of mind and that confidence in the goodness of human nature, that have marked the proceedings of the fathers of the most famous constitutions of the world. It connotes an attitude of mutual distrust and suspicion on which no constitution could possibly rest for any length of time. However, the Round Tablers, both European and Indian, have set the fashion and you cannot blame the landowners following suit.

An Honourable Member: Rise above it.

Mr. N. N. Anklesaria: When the new Constitution must contain safeguards for the Europeans, for the Muhammadans, for the Depressed Classes, for the I. C. S. men, for labour and for my Honourable friend, Lieut.-Colonel Sir Henry Gidney's community, I do not see why the same "boon" should not be vouchsafed to the landed interests of India, more especially as they stand more in need of having safeguards in connection with their interests and stake in the country, than the classes which I have enumerated. If my Honourable friend, the Finance Member, wants to impose a super-tax of 100 per cent. on my Honourable friend, Sir Cowasji Jehangir, Sir Cowasji Jehangir is free to send away his capital outside British India, into Indian States or to Hong Kong, as one Bombay millionaire has already done. But what can the poor landed proprietor do? If you tax his agricultural income 100 per cent., he has got to give up the land or to non-co-operate with the Government as my friends in Guzerat have done

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): To their cost!

Mr. N. N. Anklesaria: Yes, to their cost. These are some of the reasons why I sympathise with the demands of the landowning classes for safeguards and a declaration of their proprietary rights in the list of fundamental rights which it is said is being provided for in the new Constitution. Up till now I have confined myself to the question so far as it affects the large landowners. Now I propose to speak of the interests of the small landowner, the agriculturist, who tills his own land and is owner of a small holding. As far as the question of the representation of the small land holder is concerned, it may be said, and it has been said in fact that in the new Constitution, on account of the wide franchise, he is almost over-represented. How far that allegation is true, it is not for me to say. But, however high the position of the small landowner may be as regards representation in the new Constitution, that will be of no avail to him absolutely unless and until the principles of the land revenue policy of the Government of India, which are of paramount concern to the landowner, are radically changed. At present the landowner is taxed not by the consent and sanction of the Legislature, but arbitrarily by an irresponsible executive. If my Honourable friend, the Finance Member, wants to increase the income-tax, he has got to come before the House every year and he has got to get the House to side with him, unless of course he depends on the extraordinary powers of the Governor General which sometimes he has to do. So far as the land revenue taxation is concerned, the Provincial Legislatures,—since land revenue is a provincial subject,—have got no control as regards the assessment, enhancement or alteration of the impost

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): It has got full control.

Mr. N. N. Anklesaria: No. (Interruption.) I do not give way. I am just coming to the point. This constitutional anomaly was noticed by the Joint Parliamentary Committee and they have advocated that the whole of the land revenue policy in India should be put on a statutory basis instead of being left to executive orders and action. I propose to read a

[Mr. N. N. Anklesaria.]

quotation from the Joint Select Committee's Report. This is what they say:

"The Committee are impressed by the objection raised by many witnesses against cases in which certain classes of taxation can be laid on the people of India by executive action without in some cases any statutory limitation of rates and in other cases any adequate prescription by statutes of methods of assessment. They consider that the imposition of new burdens should gradually be brought more within the purview of the legislature and in particular, without expressing any judgment on the question whether land revenue is a rent or tax, they advise that the process of revising the land revenue assessments ought to be brought under close regulation by statute as soon as possible. The Committee are of opinion that the time has come to embody in the law the main principles on which the land revenue is determined, the methods of valuation, the pitch of assessment, gradation of enhancement and the chief processes which touch the well being of the rate-payers."

Now, Sir, that has been the recommendation most definitely and most unequivocally made by the Joint Parliamentary Committee, and I regret to say that the Government of India have done very little to implement that recommendation in any Act or Statute.

As my time is up, I shall take only two minutes now. To the irresponsible and arbitrary imposition must be added the high rate of assessment. In some places, if I were to believe what my friend, Mr. Das, said the other day, land revenue has gone up to 100 per cent. How far that is true, I am not in a position to say, but one thing is certain that in many provinces the land revenue goes up to as much as 50 per cent. . . .

Mr. B. V. Jadhav: That is not true.

Mr. N. N. Anklesaria: I can cite authority. I say 50 per cent., and I think I am moderate. This is a very high and burdensome tax compared to the land revenue exacted from land owners in other countries. For relevant information I will cite the Taxation Committee's Report, page 87.

Thirdly, Sir, the imposition is not only irresponsible and heavy, but the methods of collecting land revenue are oppressive to a degree which rarely is to be found in other countries. Sir, I could dilate on the point, because I have got personal experience of the matter, but my time is up, and, therefore, I will only say this, that the small land owner is the backbone of the country and he is the surest bulwark of democratic institutions as history has shown. I say, therefore, it is the duty of all responsible legislators to protect and save him from doctrines of confiscation and expropriation, for thereby, Sir, not only you save him, but you save this country.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Cut motion moved:

"That the demand under the head 'Expenditure in England—Secretary of State for India' be reduced by Rs. 100."

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, this is perhaps the only motion which deals with questions relating to the welfare of landlords in India, and, as I am here as the elected representative of the landholders of Bengal, I have great pleasure in supporting for the first time the motion moved by my friend, Mr. Anklesaria. I am grateful to my Honourable friend for moving this cut, and I wholeheartedly endorse all

the observations he made on this matter when he spoke about the land-owners. I am afraid, Sir, that the interests of the landowning classes of this country are going to be ignored not only by the people of the country, but by the Government as well.

Now, we have to consider two aspects of this question: one is, are we prepared to do away with these land owning classes, and secondly, do you want the land owning classes to exist in the country? If you do not want the land owning classes to exist in the country, then I would rather welcome Bolshevism instead of having any other substitute. If we do not want Bolshevism to take its root in this country where 75 per cent. of the population are agriculturists, then, I think, the land owning classes ought to remain. It might be that Bolshevism might find a fertile soil industrially in advanced countries, but in a country like India every one of us should help the land owning classes to exist. In this connection I may point out that the late Mr. C. R. Das in his inaugural address at the Nagpur Congress himself admitted that the land owning classes should exist in India, and, I am sure, every one of us present here will admit that it is a perfectly democratic view, and every Member of this august Assembly will admit that the land owning classes ought to exist in India, not to squander away money on luxuries but to spend every pice they can get for the benefit of the country x x x x

Mr. B. V. Jadhav: Pious wish.

Mr. D. K. Lahiri Chaudhury: My friend says pious wish, but in that connection I may tell my friend that so far as Bengal is concerned, most of the public institutions are due to the benefactions of landlords and zemindars. When I say landlords, I do not mean to refer only to big zemindars, but I include in this class the tenure holders, who are said to be the middle classes of India, and they form the backbone of Indian nationalism. If you want to support the interests of the landlords who are really the backbone of the Indian national spirit, then you are bound to support the land owning classes in India

Mr. N. M. Joshi: Oh!

Mr. D. K. Lahiri Chaudhury: I include my friend, Mr. Joshi, also in the landlord class.

Mr. N. M. Joshi: I am not a landlord. I have not got any land.

An Honourable Member: That is your misfortune.

Mr. D. K. Lahiri Chaudhury: Though you say you have no land, still I think you share the view that you do not want Bolshevism in this country.

Mr. N. M. Joshi: It all depends.

Mr. D. K. Lahiri Chaudhury: It all depends on what?

Mr. N. M. Joshi: On how the landlords behave.

Mr. D. K. Lahiri Chaudhury: That is perfectly right. Sir, standing here as I do and with the responsibility attaching to my position as the elected representatives of landholders, I can bear testimony to the fact that the land owning classes are always working for the amelioration and improvement of the agriculturists of this country

Mr. B. V. Jadhav: What are the wages in Bengal?

Mr. D. K. Lahiri Chaudhury: They are absolutely nominal. That is my grievance. Now, with regard to the question of safeguarding the interests of the landlords in the future Constitution, deputation after deputation waited upon His Excellency Lord Irwin, and he assured us that adequate representation would be afforded to the landowning classes at the Round Table Conference, but I did not understand then that by "adequate representation" he meant no representation at all. Practically speaking, so far as Bengal is concerned, only Sir Provash Chandra Mitter was sent to the Round Table Conference, not as a representative of the landlords, but on behalf of the Government

Mr. N. M. Joshi: Is he not a landlord?

Mr. D. K. Lahiri Chaudhury: Yes.

Mr. N. M. Joshi: Is not Sir Tej Bahadur Sapru a landlord?

Mr. D. K. Lahiri Chaudhury: He might be a landlord. There are so many graduates in this House, but that does not mean that they will represent all the graduates in the country. Now, there are representatives of the Universities in the Provincial Legislatures. That does not mean that all the graduates should give place to only one graduate to fight their cause.

When His Excellency gave the assurance that adequate representation would be secured for the landlords, what do we find? We find that Sir Provash Chandra Mitter was sent to the Round Table Conference from Bengal. I do not cast any aspersion on the efficiency with which he performed his task, but I must say that he was much more busy with other affairs than those of the landlords themselves, because he went there not as a landlords' representative, but as a representative of the Government. (*An Honourable Member:* "No.") Yes, I challenge any Honourable Member to prove that it is not so.

Mr. Gaya Prasad Singh (*Muzaffarpur cum Champaran*: Non-Muhamadan): What about the Maharajahdhiraj of Durbhanga?

Mr. D. K. Lahiri Chaudhury: Of course, he is one of the biggest landlords in India, but he represented a Bihar Non-Muhammadan constituency.

Mr. Gaya Prasad Singh: Is he not the President of the All-India Landholders' Association?

Mr. D. K. Lahiri Chaudhury: He may be the President of the All-India Landholders' Association, he may be the President of many a landholders' organisation; but that does not mean that he went to the Round Table Conference as a representative of the landholders. That is my grievance. When Lord Irwin gave an assurance on the floor of this House that landholders would be adequately represented, there ought to be some definite landholders' representation.

Mr. Gaya Prasad Singh: The Rajah of Parlakimedi also was there.

Mr. D. K. Lahiri Chaudhury: He was also there. He represented the Hindu community.

An Honourable Member: There was Mr. Ghuznavi.

Mr. D. K. Lahiri Chaudhury: There is a feeling in Bengal that permanent settlement should be uprooted. There is a great danger about it, and we landlords are in a precarious condition in Bengal. It must be realised that it is very difficult for us to meet even the land revenue of the Government, and still we are strictly treated under the sunset law. If they fail, the whole property may be auctioned even for one rupee. I say that if the interests of the landlords are protected, it will not be harmful to the people in general, or to the capitalists and the Government in particular, because it is the landlords who keep the equilibrium of this country. It is the landlords who can command the faith of the people, it is the landlords who are helping the national aspirations of the people and national enterprise. (Hear, hear.) I remember one particular instance where the late lamented C. R. Das fought strongly against the cry: "Down with the landlords." I am sure that his very strong and patriotic follower, Mr. S. C. Mitra, will also bear with me that the landowning classes should exist in this country

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Yes.

Mr. D. K. Lahiri Chaudhury: and that they are the only buffer between order and anarchy. There is a movement in Bengal to amend the Cess Act. Of course, it is a provincial subject and I do not want to deal with it in detail and become irrelevant, but I only wish to point out that the proposal is that assessment should be not on the income which is derived from the land, but on the area which the tenants occupy. That is a great blow at permanent settlement. When I find that there is safeguard for every community, the Anglo-Indian community, the European community, the Indian Christian community, and every other community, why should the representation of landlords only be mixed up with the communal representation? When the Franchise Committee discussed this question, they amalgamated the whole thing together. They did not differentiate between Muslim landlords and Hindu landlords. It is the only constituency which comes from the joint electorate. Sir, I represent not only the Hindu landlords, but also the Muhammadan landlords. (Hear, hear.) I can say without fear that I have never betrayed the interests of either Hindus or the Muhammadans. And when the landlords are taken as one community, why should not the representation be separate? When Anglo-Indians and Europeans can get weightage and separate representation of their own, why should not the landowning classes? Let me illustrate it. Take the Communal Award regarding Bengal. There is a very meagre representation of the landlords in the provincial Legislature, and I do not know that there will be any representation for them in the Central Legislature. But I must say that if this thing is to be continued and if the sympathy of the landlords is diverted to other directions, Bolshevism will come into the land and there will be a grave revolution which will bring about the collapse of the Government. The representation of the landlords will help the Government and will stimulate national aspirations and foster democratic government in India, instead of leading to Bolshevism and revolution. Much nervousness is being felt by the landlords in Bengal about the permanent settlement. Last winter a deputation of landlords waited on His Excellency the Viceroy and the Viceroy replied sympathetically. But his treatment

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was rather curious. He said that so long as land revenue was a reserved subject, there was danger. But every landlord knows that in the future Constitution land revenue is not going to be a reserved subject, but a transferred one, and, if so, we can easily realise what will be our position in the future Constitution unless there is a sufficient safeguard in it, and that safeguard by statute. If other interests can be safeguarded and the Minority Pact can play such an important part in the future Constitution, I do not see why our position also should not be safeguarded. I appeal to the Government most sincerely that if they want to avoid revolution, if they want to avoid Bolshevism in this country, they must back the landlords, they must safeguard their interests. We do not want any favour. We only want that our legitimate interests should be safeguarded in the future Constitution, and Government should show their practical sympathy by supporting this motion.

Kunwar Raghubir Singh (Agra Division: Non-Muhammadan Rural): I extend my whole-hearted support to the motion moved by my Honourable friend, Mr. Anklesaria. Congratulations are also due to him, because he, being an industrialist and lawyer, has taken interest in the matter of landlords and agriculturists and brought forward this motion.

Sir, this demand deals with expenditure in England. Everybody knows that our public men are against this expenditure. This deals with the expenses of the Secretary of State and his Council. Sir Tej Bahadur Sapru has said that the Secretary of State and his Council are "the graveyard of all good causes". So it is necessary for us to curtail this expenditure, if we cannot be successful in fully throwing it out. Government are very keen on safeguards for minorities and foreign capitalists, but not so in the case of the agriculturists.

An Honourable Member: Foreign capitalists have safeguarded their position.

Kunwar Raghubir Singh: They have safeguarded. Representation of agriculture was insufficient in the Round Table Conference in spite of the fact that they are the greatest loyal community and they give immense help to Government in all causes of the public good. Government are credited with many good things and I think there is one thing which they are specially credited with. I do not think it is a good thing, and that is they are good in the art of losing friends. They forget their friends as soon as the emergency passes away. Several examples can be quoted, but I do not want to take long in this connection. The Simon Commission recommended a tax on agricultural income, but they recommended no increase in the number of representation of landlords. Government accepted the latter and so the landlords' plight will be unenviable in the coming reforms. Their influence cannot remain the same in the future constitution as it is just at present. As regards taxation proposals, landlords, or, for the matter of that, other agriculturists, are never consulted. When there are subscriptions required, landlords are the first to be invited. They are received very civilly and all that, but when the future constitution is considered and taxation proposals are mooted, they are left out. The prosperity of everybody depends upon agriculture, whether he be an industrialist or a labourer, Government or the governed, rich or poor, but it is not considered as such. The Government assume the title of *mā bāp* instead of the agriculturist who really is the giver of bread. In former times, as we see from the Mughal history and the Hindu

history, there was no tax on agriculture except land revenue or the produce of the soil which is called the *batayi* system, but now agriculturists are being ground down by all sorts of taxes, taxes on income, taxes on circumstances and property, cess and other taxes levied by local bodies. I am thankful to the Centre Party for focussing their attention on this matter which is a very important one and for this they deserve the backing of the House. In the end I will appeal to the Government to increase the seats for landlords in the new Constitution and no proposals for taxation should be brought forward without their consultation.

There was a cry at the time of the French Revolution that there should be no taxation without representation. In the same way, I will appeal to the Government to take both these points into consideration and decide it in favour of the agriculturist which is very necessary. The present condition of the agriculturists is very lamentable. As we saw last time, ~~when we discussed at Simla~~, the Resolution in connection with an inquiry into agricultural distress, there was very little support in this House. On the other hand, the Congress openly declared that they did not want landlordism in India. It is Jawahar Lal Nehru, the politician of my province, who said it, not Mr. Gandhi. So, Sir, if the Government were also to give a cold shoulder to the agriculturists, their prosperity, even what little remains of it now, will go away. Government should always think of the agriculturist first and everything else afterwards. (Applause.)

Mr. B. V. Jadhav: I do not know whether I should thank the Mover of this cut for the pains he has taken in bringing this discussion in the House. The question of the landlord and tenant is a very complex one in India, because landlordism differs from province to province and sometimes from division to division in each province. In the Presidency of Bombay this question is not so very acute, because the *ryotwari* system is prevalent there and the number of landholders is very limited. There are a few jagirdars or inamdars who own villages and as such they are landlords. Their number is very small and, therefore, the evils or the benefits, as some may call it, of landlordism are not the lot of the people of Bombay.

An Honourable Member: The wording in the motion is landholder.

Mr. B. V. Jadhav: Whatever that may be, whether landholder or zamindar, the representatives of the zamindars or land owning classes have here claimed more representation. I do not pay any attention to that question here, because the giving of the representation, that is the giving of more seats, is a question not within the purview of this House. The question here is how agriculture will be prosperous for the welfare of the country. Who is the real agriculturist? Is it the person who owns the land or the person who cultivates it? Are their interests common, or are their interests conflicting? Those who are against landlordism have come to realise that the interests of landlord and tenant are in conflict. In former times, the interests of capital and labour were in conflict and the capitalists claimed that they should be able to exploit the poverty of the labourers, that the contracts between the owner of the factory and the labourer ought to be maintained by Government as sacred, and so on. At present in India the landlords also claim the same thing. They say that they give land to the tenants on certain terms and, therefore, the terms of the contract should be

[Mr. B. V. Jadhav.]

observed and when the tenant is not in a position to observe those terms, the civil power, the Government, ought to help the landlord to get his dues. I may point out that Government ought to hold an even balance. They have to see that both ought to be profited. The man who toils from early morning till late at night in the field ought to get sufficient wages for his labour, and when the conditions imposed by the landlord are very ruinous and do not leave enough to the actual cultivator, even to keep body and soul together, then it is the duty of the Government to see that his grievances are redressed. At present the grievances of the tenants are that the profits from agriculture are not sufficient. In my part of the country, Sir, where there is the *ryotwari* system, the claim made is that the Government assessment is too high. But, at the same time, when the landlord intervenes and claims much more, sometimes twice or three or four times the land revenue claimed by Government, his conscience is satisfied. He says that his tenant ought to pay twice or thrice or four times the land revenue to him as rent, but, if, on the other hand, the Government raises the land revenue by about 25 per cent., then there is a hue and cry raised that the tax has been enormously increased and that the poor landholder is ruined. Sir, the class that is ruined is the cultivator class who toil on the land and raise the crops, and, therefore, it is the duty of Government to see that he is properly remunerated, that is, he gets a minimum wage. I have no grudge against the landlord, but I must claim, in the name of the agricultural cultivator, that he ought to get sufficient for his labour, and unless this condition is satisfied, there will be discontent. Sir, the conflict henceforward is sure to be between capital and labour in India and also between the landlord and the tenant and the cases of both stand on the same footing. The claim of the labourer as well as of the cultivator to a proper remuneration for his labour is quite reasonable. Government have been warned that, if the landlords are not properly protected, and if their claims are not supported by the Government, then the nation may turn Bolshevist and there might be a revolution. I have to say the same thing, Sir, but in other words. I say that there has been an awakening in these times. People have been made conscious of their rights and privileges. The tenants, the cultivators, the labourers and all those who were up till now looked down upon as the underdogs have now awakened; they have got their natural leaders who are pouring into their ears the tale of their grievances and of their rights and privileges and, on that account, Sir, there is a good deal of discontent. If the Government are callous and do not take into consideration the grievances of the poor ryots and if they blindly support the exactions of the landlords and the capitalists (Hear, hear), I say that they are making room for Bolshevism and for revolution. Up till now they have tried to hold the balance even, and if they will continue to look after the interests of the greatest majority, then there will be contentment and steady advance on constitutional lines and the evils of a revolution on Bolshevist lines need not be apprehended, but if Government, cowed down by the threats of the landlord classes or by the threats of the capitalists, side with them, then I shall say that they will be held responsible for the consequences. Sir, the times are moving, and if discontent increases—and the discontent of millions is the worst of all and is not to be trifled with—then Government will have to take the blame and along with the Government the responsibility will rest on my friends, the land owning classes,

and I say their difficulties too will increase. They are now asking for their pound of flesh and are very unwilling to do justice to their labourers, on whose labours they have been fattening and living in luxury and, I say, they will have to mend their ways. (Hear, hear.)

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, the subject is so vast and the time at my disposal so short that I must confine myself to only a few aspects of the question, which could be spoken on for hours together. I cannot congratulate my Honourable friend, Mr. Jadhav, upon the speech that he delivered. Generally, Sir, he is very clear-headed and he knows exactly the position he takes up. But today I am not at all sure whether in consequence of a cold or otherwise he himself has got into a confusion between one thing and another. He has mixed up the question of landlord and tenant together and delivered himself of an oration which, if I may respectfully say so, was quite irrelevant. (Laughter.) The question is the safeguarding of the interests of the landowners and of the agriculturists. Now, he said that in his part of the country there are no landholders in the sense of Zamindars or Jagirdars. They are all *ryotwari* tenure holders and I believe I know a little of them, because I am myself one. Now, the trouble that he has tried to picture of the *ryotwari* holder is a thing which it has not been possible for me to understand. What is it that happens? He is the landholder, he is the landowner and *ryotwari* holder and as the *pattadar* he is directly responsible to Government for paying the revenue, and the contract is between him and the Government. Therefore I cannot understand where the trouble comes when the revenue is raised,—i.e., the revenue that the landlord on the one hand raises and that the Government raise on the other; and I cannot understand how between these two there is going to be sprung upon us Bolshevism simply because the so-called leaders, as we have been told, of the agriculturists and the labourers pour into their ears what their rights are. The landholder is in direct relations with Government; he holds land which he is entitled to cultivate and he has got, as a consequence of holding the land, to pay revenue to Government. I can quite understand his grievances against the Government, which I too have got, because the periodical assessments are being raised. What I have not been able to understand is where the landholder comes in in *ryotwari* tracts.

The two points that I would respectfully invite the attention of this House to in connection with this cut are these. So far as land assessment is concerned, we have times out of number brought to the notice of this House that the recommendation of the Joint Parliamentary Committee has not been given effect to. It is now nearly 14 years, I believe, since that recommendation was made. I believe in some provinces legislation was initiated and I believe the Government of India did sanction legislation in one or two provinces, but Madras, of all provinces in India, could never get her legislation.

Mr. B. V. Jadhav: And Madras is, therefore, the richest province.

Raja Bahadur G. Krishnamachariar: Madras is the richest province? I wish my friend would exchange with us the riches that they have in Bombay. Sir, our pockets do not bulge out with the proceeds of the trade returns. Today what is the state of things in the Madras Presidency, which consists mostly of poor agriculturists for whom my friend was overflowing in tears? My friend apprehends the poor agriculturist is

[Raja Bahadur G. Krishnamachariar.]

going to be more Bolshevic than my friend, Mr. Lahiri Chaudhury, is going to be, because of their respective grievances. Sir, in the Madras Presidency there are 58 lakhs of *pattadars*. 12 lakhs out of them pay one rupee and less to Government. Sir, that is the sort of *ryot* that we can boast of as rich. 84 lakhs of *pattadars* pay between one rupee and Rs. 30 to Government. Now, that comes to 4,60,000 people. It is they that make up the population and I make a present of their riches to my friend, Mr. Jadhav. Now, if you pay Government Rs. 80, accord-

12 Noon. ing to the lowest calculation made by Lord Curzon, your highest income is Rs. 60. Rs. 30 go to the hands of Government, Rs. 80 go to the pockets of the cultivators. But his troubles do not end there. There is the local Cess Act. The local cess used to be nine pies in the rupee, it came to be 12 pies in the rupee, then it came up to 15 pies in the rupee and, lastly, it is now 18 pies in the rupee, I believe.

Mr. B. V. Jadhav: In Bombay it is 24 pies.

Raja Bahadur G. Krishnamachariar: I am glad that Bombay is no better than Madras. Only we are told that Madras is rich, which is the pot calling the kettle black. But we are all in the same boat. You see the trouble is that, out of these 58 lakhs of *pattadars*, there are only three lakhs and odd who pay more than Rs. 80 and it is upon the former chiefly that we say that the assessment presses very heavily. Now, the peculiarity of the position is this. The Joint Parliamentary Committee said that the principles of land revenue assessment, the pitch of assessment and the process of assessment should all be embodied in legislation. Sir, ever since I had the honour to serve in this House, I and my friend, Diwan Bahadur Rangachariar, put this question half a dozen times whether it is not a fact that the Joint Committee did recommend among other things that the pitch of assessment should be fixed by the Legislature. They said, yes. To the question as to what Government did to give effect to that no answer was given. I am glad I am not in the Government Benches to nicely turn these interpellations, the power to make which we have been given, into answers like "(a) yes, (b) No, (c) Does not arise, (d) No information", and so on. That is the sort of reply that I got, but what about my stomach which is hungry all the time? Answers like that never satisfy me. I wanted a specific answer to my question as to why they did not follow the procedure laid down by the Joint Committee of the House of Commons and leave the people to fight. That is what the Madras people wanted to do, and look at what the Madras Government did,—and even that would not be sanctioned by the Government of India. What the Madras Government did was,—and there are some very clever Civilians there, I assure you,—they drafted a Bill and some of my people also joined them in helping the drafting of that Bill, and what is it that they did? Out of these heads that I read just now, they took hold of the process of enhancement, or reassessment, that is to say, the procedure. There is a certain procedure, rules for the re-assessment of lands which have already been once settled and they took hold of those rules. Rules 1, 2, 8 were made into sections 1, 2, 8, and then the usual paraphernalia of the Preamble, etc. It is this that the Madras Government did. Even the Madras Government at first stood out against the right to give the people the power to determine the pitch

of assessment. Even that little thing was not quite pleasing to the Government of India. That is my grievance here. I know land revenue is a provincial subject and there is no use going into details. Therefore the question that I now put here is, why do not the Government of India allow the Madras Government to go ahead with their legislation and thereby fulfil the promise that the Joint Parliamentary Committee gave us?

The next thing is safeguarding the rights of landholders. There is a clause in that report of the Joint Committee which I do not know if the House paid any attention to. The thing is whether the revenue that we pay to Government is tax or rent. That, Sir, is rather a moot question and Government always fight shy of it. They did not do so in the olden days. In the Secretary of State's office there was a man of the name of Sir Lewis Mallett and he had studied this question in a way that, I respectfully submit, no one else has done, and he has proved to the hilt that land revenue in India was not rent, but a tax. If you look into old history, my friend, Mr. Jayaswal from Patna, has proved conclusively by reference to old records of all the rulers both Hindu and Muhammadan, that land revenue is a tax and that the land belongs to the *ryot*. It does not belong to Government; and the one test upon which you can come to that conclusion is that when Government want that land, they pay compensation, whereas, if the land was theirs, they were entitled to take it just as they pleased. That point they would not determine, and recently there is a movement,—I suppose that is the first step towards the Bolshevism that my friends, Mr. Jadhav and Mr. Lahiri Chaudhury, foresaw and prophesied,—that the proprietary right in the land should go from these landholders. Now, Sir, there is a verse in Manu's *Dharma Shashtra*,—a *Shashtra* with which my Honourable friend, Mr. Jadhav, has, or at least some members of his community have some little quarrel,—which says that in laying down the duties of the king, the king should take particular care of the population under his charge, and he divides that population into four classes. The first is the beggarly class, the next is the dependant class, the third is the parasite class,—and among parasites he includes officials, I am sorry to say,—and there remains 25 per cent. which is composed of the real producers. Therefore, Manu's *Dharma Shashtra* says, leave the 75 per cent. alone; even go out of your way to protect the 25 per cent. who comprise the real bulwork of your State. Now, Sir, I make a present of that to the Government of India; and, instead of citing instances of the Muhammadan Government, where they say, the pitch of assessment was very high and their own rules are very moderate they had better follow this example. The only thing of which I would remind them, when they say that they have only been following the footsteps of the Muhammadan Government, is that no Muhammadan Government was ever able to realise the full assessment which they fixed, whereas it is realised here to the pie, scientifically fixed and more scientifically realised. Sir, in the future Constitution, the reason why we want more representation is that there is an attempt made, on the one hand, to deprive the landlord of his proprietary right upon various excuses and, on the other hand, to impose what they call a tax on agricultural income. And there is my friend, Mr. Mody, who says: "We pay so much and agricultural income does not pay anything at all. Go on, tax that. You want money and there is agricultural income." That man does not speak anything at all; he is one of the dumb millions. And howsoever the shoe may pinch him, he lives there in the villages, and we do not hear that cry here, and therefore tax him.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): We don't want to tax the lean agriculturist; we want to tax the fat zamindar.

Raja Bahadur G. Krishnamachariar: I am glad to hear it. If you look to the position of the zamindars, you will find that it is worse than that of the agriculturists. That is what I do not understand, people speaking here theoretically of zamindars and agriculturists.

Mr. B. V. Jadhav: He rolls in a Rolls-Royce.

Raja Bahadur G. Krishnamachariar: I am glad of that reference to Rolls-Royce. I did not get my Rolls-Royce as an agriculturist; I could not get it in three generations even if I saved all that. This is trying to make a distinction between the landholders and the agriculturists and the setting of one community against another by persons who do not understand their relations, by persons who never own any lands in the mufassil, by persons who never cultivated land, and by persons who do not live on the land. That, Sir, is what I object to. Without the man behind the plough no zamindar can raise a single pie. No zamindar ever ploughs the field; he has got to keep up the agriculturists. I perfectly admit that at least 60 per cent. of the land-owners do not pay proper wages to the labourers and it is a shame that they do not do it. But, Sir, the position is this. You begin to cultivate with a certain amount of expectation. The produce is only 20 or 30 per cent. of the expectation. So there is a wrangle at the time of harvest between the man who owns the field and the man who cultivates, who are not both of the same class and each tries to take as much of the produce as the other. Sometimes, before the owner comes into the field, ears of corn are taken away by the cultivating ryots at dead of night.

Mr. F. E. James (Madras: European): What has all that got to do with the new Constitution?

Raja Bahadur G. Krishnamachariar: I was only talking of a remark that was made. It has nothing to do with the Constitution. Things are being said which must be replied to, Sir, only to show why we want these safeguards. Therefore, I submit that in the new Constitution, I hope we will be given some chance by which we will be able to protect ourselves when our rights are attacked.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhamadan Rural): Sir, I take the opportunity to impress the necessity of an adequate and proper representation of the landholders in the future Legislature. Sir, it is a fact that the landholders have always supported the stability of the Administration and have given their full support in the maintenance of law and order. In recognition of their meritorious services, they have been granted *Taluqs* and *Jagirs*, they have supported the Government in times of greatest need and it is the class on whom the Government have relied in the past and will rely in future. The history of the Great War proclaims the sacrifices of the landlords for the Sovereign, and other battles fought in the very soil of India for the establishment of the British suzerainty over this land in which the landlords lent their ungrudging helping hand are ample proofs of their loyalty and devotion

towards the Government. In brief the landholders as a class constitute the bedrock on which the British Government in India stand.

Sir, besides this relation with the Government, the landholders occupy the most important position in the country. They are, so to say, the custodians of the landed property of the State and act as intermediary between the rulers and the peasant masses. They enlighten the ignorant and illiterate masses who are mentally ill-equipped to grapple with the realities of the blessings of the Government rules and the laws of the land. Without their influence and assistance, it would practically be impossible for a small number of the Executive heads to control the masses scattered in the rural areas and to run smoothly the machinery of the Government.

Sir, the importance of the landholders in society is no doubt great. Their princely donations towards the education, sanitation and relief funds of the country and other philanthropic deeds are sufficient proof to show their importance in the society. Sir, it is not the bounden duty of the Government to give the greatest consideration for the proper and adequate representation of the landholders in the Local and Central Legislatures in the coming Constitutional Reforms for the preservation of the rights and privileges of the holders of the landed property and such representation should be a special factor in any Constitution, and, for this, a statutory safeguard is a thing just and necessary for the well-being of the country. Sir, both in the Minto-Morley scheme of 1908 and Montagu-Chelmsford Reforms of 1918, due attention was paid by the Government for the special representation of the land-owning class in the country's Legislature. "The Landholders", if I may be excused from quoting in the words of a great British Administrator, "are the backbone of the population of the rural areas where the real Indian nation lives". Sir, I can say without reservation that no Constitution can give lasting peace and prosperity to the country in which the voice of the landlords is ignored.

Sir, considering the merits of the landlords, their position and importance in the society, they ought to be given an increased number of seats, if not more, in proportion to increased number of members in the Central as well as Provincial Legislatures in the coming Constitutional Reforms.

Sir, before I conclude, I take the opportunity to express my surprise on this overlook which perhaps may be due on account of their loyalty as the Great Poet Tulsi Das says:

Bikr Chandārmā gar sen nā rāho,

Terh jān shankā sab kā ho.

or, Sir, it may mean that the Almighty God might have thought of some blessings to the Zamindars on this overlook according to the poem which runs as thus:

Shdyed khizdn men ho aydn sūrat bahār ki,

Kūchh maslehat isī men ho Parwardgār Ki.

Sir, I also beg to invite the attention of the Government to the great economic depression which has overtaken the country due to the fall of the prices of the agricultural products and the hopelessly low purchasing power of the agricultural masses. The purchasing power of the agriculturist is the real barometer which measures the rise and fall of the trade and industry of the country.

[Lala Brij Kishore.]

Sir, I shall be failing in my duty if I do not say anything about the agriculturists who are the backbone of the zamindars and the country. I have said something above concerning them; I shall repeat the same thing here. Never in the history of India, Sir, was the agricultural population so distressed, nor had it suffered so much as it has been suffering since the last few years and they are quite incapable of paying their rents to their landlords. There is no doubt that the Government have done a great deal to relieve them by giving them substantial remissions, but, in order to give them permanent relief, I would suggest that the importation of food grains from abroad should, as far possible, be stopped so as to give an impetus to the rise of selling prices of the agricultural products which have hopelessly gone down to the level of production. They are quite ignorant of the modern methods of agriculture, and, as a result, they are quite unable to improve their quality and quantity. Sir, besides this, better facilities in marketing, irrigation, manure, implements should be provided for them, and in order to save them from the clutches of the money-lenders, a large number of agricultural and mortgage banks on the lines of Co-operative Credit Societies should also be established, so that they may advance money to them at easy rates of interests to enable them to meet their liabilities for payment of land rents and water rents. Thus they shall become prosperous and, as a result, the financial condition of both the landholders and the Government will be better. With these words, Sir, I support the cut motion moved by my Honourable friend, Mr. Anklesaria.

Diwan Bahadur A. Ramaswami Mudaliar: Mr. Deputy President, venture to intervene in this debate because I find from the many speeches that have been made by the advocates of the landholders, or the permanently settled estate holders as I would prefer to call them, that the point of view of that class has not really been brought to the notice of the House. There have been complaints that irrelevant speeches have been made, but I am not quite sure, with all my respect to my Honourable friend, Raja Bahadur Krishnamachariar, whether it was not really a case of the pot calling the kettle black, when the whole of his speech was diverted to an explanation of the position of the agricultural classes and the inequities of the Government of India in not passing legislation about land revenue assessment

Raja Bahadur G. Krishnamachariar: That is part of the cut.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I understand this motion to mean that certain interests have to be protected in a particular manner in the coming constitution

Raja Bahadur G. Krishnamachariar: In the matter of taxation.

Diwan Bahadur A. Ramaswami Mudaliar: In the matter of representation and taxation. Let me take these two issues separately. First as to representation. According to the proposals which were made by the Indian Franchise Committee and which have been adopted by the Round Table Conference—I am not here to justify any of them, but merely to explain them—the scheme of representation of special interests was this: as far as possible, whatever the size of the new Councils, Provincial or Central, the existing representation of these interests should continue or

the same basis; whether it was landholders or commercial interests or other classes, those interests should have the same amount of representation, not proportionately, but merely that the number should be the same as they have at present. You will find that at the time

Raja Bahadur G. Krishnamachariar: They have no representation now.

Diwan Bahadur A. Ramaswami Mudaliar: Landholders are of course represented in every Provincial Legislature and they are represented from certain specific provinces in the Central Legislature. In the Simon Commission Report you would have seen that the Members of that Commission made out a strong case against the representation of landholders as such. They reviewed the position of the landholders in various Provincial Legislatures and in the Central Legislature; they pointed out that apart from the special electorates which landholders had, they were able to secure a large number of seats from the general electorate and they said that in view of this over-representation it was absolutely unnecessary to give any kind of representation to the landholders as such. The position was reviewed before the Round Table Conference and a very strong case was made by those protagonists of the landholding classes who were represented at the Round Table Conference. My friend, Sir Provash Chandra Mitter, was himself one of these protagonists, the Nawab of Chhattari was another and specific representatives of the landholders classes, the Maharaja of Darbhanga and my friend the Raja of Parlakimedi also made out a strong case for them. These representations were later considered by the Franchise Committee and opinion was very keenly divided on the Franchise Committee on this issue. There were, on the one hand, my friends, Mr. Chintamani and Mr. Tambe, who once acted as the Governor of the Central Provinces for some time, and Mr. Bakhle who represented labour—who said that under no circumstances should there be any representation for special interests as such, and particularly for the landholding interests. On the other hand, a group of gentlemen representing the Muslim community—my friends, Sir Muhammad Yakub, Sir Zulfikar Ali Khan, and my very acute friend from Bengal, Khan Bahadur Asizul Haque—protested against the representation of landholders on the ground that such representation would, to a certain extent, complicate the communal issue: that, the greater the representation for the landholders, the more difficult would be the settlement of the communal issue. After these statements were made and these objections raised, the majority of the Franchise Committee thought it fair and just that landholders should have the same amount of representation as at present, that they should not be the only class singled out for being absolutely ignored in the coming constitution and that it would give them a sense of just grievance if they were so ignored, and therefore they suggested as a matter of compromise that they should have at least that representation numerically which they were entitled to under the present constitution. The matter does not stand there. The Government of His Majesty in England reviewed the whole position with reference to the Communal Award. The unfortunate fact that communities were not in a position to settle by mutual agreement the quota of representation which should be given to various communities in this country led to the imposition of an Award by the Government, and in making that Award they had necessarily to take into consideration the representation that they would give to the various special interests, because that has a direct bearing on the extent of representation which they will have to give to the various communities. So that at the present moment,

[Diwan Bahadur A. Ramaswami Mudaliar.]

the position is that the representation of landholders, of commercial interests, of Europeans, of Anglo-Indians and others are all involved in the Communal Award which has been announced by the Government of India. You cannot upset the representation there, you cannot increase the representation given to one interest without upsetting the whole structure of the Communal Award which has been made by His Majesty's Government. I venture to put forward one warning to all my countrymen of all communities. Whatever may happen in the future, whatever negotiations may take place at the Joint Select Committee, there are two fundamentals, two bed-rock positions which it would be most dangerous and disastrous in any way to upset. The first is the basis of federation with Indian States on which the whole structure of central responsibility has so far been built by the work of three continuous years; and the second is the Communal Award which, once unbalanced, once upset, except it be by mutual agreement, will break up the whole structure and will make it impossible for any constitutional progress of any kind to be made within the first few months. Now, I leave aside . . .

Bhai Parma Nand (Ambala Division: Non-Muhammadian): Was the Communal Award part of the constitution during these three years of the Round Table Conference?

Diwan Bahadur A. Ramaswami Mudaliar: I leave aside the question of representation of the landholders at that stage, merely mentioning the facts as they stand. I now come to the two specific grievances or points of view which the landholders put before the Round Table Conference and raised in various discussions at the Round Table Conference. Now, let me perfectly frankly state that when we are talking of landholders, we are talking of those who are holders of permanently settled estates or zamindars as they are called. Let not my friend, Mr. Anklesaria, merely for the sake of getting some support from some stray inadvertent quarter, mix up with that question the question of the agriculturists. The agriculturists and their position has nothing to do with the issue on this question. They have been sufficiently safeguarded by the low franchise which has been assured to them, and it is through their representatives in the Council that they must safeguard their future interests. The other two issues that have been brought forward by the landholders are these: first of all they said that in the coming Constitution, with wide franchise and with representatives elected on a popular basis, the influence of the landholders is bound to be very small, and it may be that a popular House may so run riot with the idea of democracy that they will divest the vested interests of the zamindars and landholders. The guarantee, therefore, that they required was that in the provinces where questions relating to land revenue and zamindars would be concerned, there should be a bicameral system of legislature: that is to say, in every province there should be two Houses, a lower House on a popular franchise and an upper House on a higher and more influential franchise. That question was considered also at the Round Table Conference and the suggestion was made that, as far as possible, provinces should be given the right to choose whether they should have a single Chamber or a double Chamber system. Many provinces have made their choice already. I understand that the province of Bihar and Orissa has voted through its legislature for a second Chamber. My recollection is that the United Provinces has also voted

for a second Chamber. I express no opinion on the subject. I venture to say that my own province has turned down the idea of a second Chamber and I am perfectly satisfied with that position. Therefore the landholders have got what they want so far as their second grievance is concerned—a second Chamber where they can induce, under the present constitution and with their present influence and strength in the Legislature, such Legislatures to vote for a second Chamber. They could not ask for more.

Now, there is a third point which was put forward by the landholders which related to what my friend, Mr. Anklesaria, has been pleased to call fundamental rights. They put it forward really as a fundamental right. They said "Permanent settlement has been assured to us by various Governors General and by various governments from the days of Lord Cornwallis: it has been assured to us as an inalienable condition of our *Sanads*. Even as you say in your treatment of the Princes that you must respect treaty rights which you entered into with them, so must you have the same consideration for these *Sanads* and grants which you have granted to us and which stand in the same position as treaties with the Princes." My friend, Mr. Anklesaria, tried to throw some ridicule on the idea of fundamental rights. It has been my privilege to study this question of fundamental rights with reference to the various constitutions; and you would have noticed, Sir, with your wide knowledge of constitutional precedents, that this question came into very great prominence, especially in post-war constitutions. I know that some people have tried to throw doubts on the advisability of embodying a set of fundamental rights in the constitution. I am one of those who believe that it has a purpose to fulfil and that it is essential that there should be a set of fundamental rights incorporated in the constitution. Sir John Simon, the Foreign Secretary, made a dramatic entrance at the last Session of the Round Table Conference when this question was under discussion, and with the acumen which is usually associated with that lawyer and master-advocate, tried to throw doubts on the advisability of embodying fundamental rights in the constitution. He said, "either they are of a justiciable nature or they are not of a justiciable nature. Where they are of a justiciable nature and an infraction of that right could be adjudicated upon in a Supreme Court or in any other court of law, you will find in actual practice that those rights are of a very limited character and are very few indeed. Where they are not of a justiciable nature, it is merely hoodwinking the public to say that these fundamental rights should be incorporated". That is true to an extent, but only to a very limited extent. Now, Sir, the basis on which constitutionalists from the days of Preusse in Germany down to the days of the great President of the Czechoslovakian Republic, President Masaryk, you will find why these constitutionalists and these great statesmen have incorporated fundamental rights is this. The enunciation of fundamental rights in the constitution means the enunciation of a new philosophy for the State. It is from that point of view more than from the point of view of justiciable or non-justiciable rights that the importance of this question of the fundamental rights should be determined. That new philosophy will always be present before the Legislatures of the country and before the Governments of the day, and a Government ignoring or over-riding that fundamental right will constantly have presented to its mind the violation that it makes to the essential philosophy of the State, a philosophy of justice to all, of rights to all natural citizens, and a philosophy, therefore, that is bound to be respected.

Raja Bahadur G. Krishnamachariar: What is the sanction behind those rights?

Diwan Bahadur A. Ramaswami Mudaliar: My friend is a believer in Varnashrama Dharma. He has quoted only this morning the Code of Manu. I ask him what is the sanction behind those customs,—I say it with all respect,—which he so carefully follows. What sanction is there

Raja Bahadur G. Krishnamachariar: If the sanction is the same which lies behind the Code of Manu, then I am quite satisfied.

Diwan Bahadur A. Ramaswami Mudaliar: Now, Sir, coming back to the zamindars, the fundamental right that they wanted to be incorporated was that the permanent settlement should not be varied by any Legislature, and that it should be one of those inalienable right of the zamindars incorporated in the Constitution as a fundamental right. If it is incorporated, I do not think it will stand in the same position as a non-justiciable right and a Legislature, which tries to override that, would, to that extent, be passing laws which are *ultra vires* of its powers. That is a question on which the zamindars could still concentrate. I am neither a critic of the landholders nor am I one of those who advocate their rights, but I have tried to show that with reference to the first two of their claims they have gone as far as they can, and it is this particular right which it is still open to them to press for inclusion in the new Constitution. I do not suggest that I am, and I do not hold myself out as one, who will advocate or support them, but it will be their duty to press this claim forward on the proper occasion.

Now, I should like to say only one thing with reference to my friends, the zamindars. I think, Sir, they are not doing justice to themselves. I think they are not doing justice to the position that they hold to the community and the society, to the great and powerful influence which they wield, and they can still continue to wield, and the resources which they can command. If only they were not so much attentive to safeguards and if they were a little more attentive to their own position in the community, if they only realised a little more clearly their great influence for good, if they should move in the direction of doing good, then I venture to think that zamindars will occupy for a long time to come in this country a dominant position in the body politic and in the public life of the country. I should only like, in my own humble way to make the same appeal which His Excellency the Viceroy made to their deputation the other day, that in the coming Constitution their best safeguard will be not even the incorporation of fundamental rights, but the spirit in which they work that Constitution, the extent to which they throw themselves in the public life of the country, and the manner in which they continue to influence and to convince public opinion regarding the utility of themselves and their order. (Applause.)

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, my excuse for intervening in this debate is to explain a point of fact which has been raised by the Honourable the Mayor of this out, and also to express an opinion as an *ex-revenue* officer. The point

of fact is, that the Joint Select Committee of Parliament, which considered the Government of India Bill of 1919 made certain recommendations as regards legislation on the subject of land revenue. My Honourable friend seemed to be under the impression that no action has been taken on that recommendation

Mr. N. N. Anklesaria: I said 'little'.

Mr. G. S. Bajpai: Well, Sir, even if my friend used the word 'little' I would say it was not quite accurate. The position is, that as soon as it became evident that land revenue administration would be a reserved provincial subject, and, further, it became evident that the main source of revenue to the provinces would be land revenue, the Government of India came to the very natural conclusion that it must be left to the reformed Provincial Councils to determine what the principles and the lines of their legislation should be. In 1920 they addressed Local Governments on these lines, and the history of the last ten years is a varied history of efforts made in the different Provincial Councils to give effect to the recommendations of the Joint Parliamentary Committee. Now, Sir, there are three provinces where that recommendation has been given effect to,—the United Provinces, the Punjab and the Central Provinces. In Madras, in Bombay and in Assam which are the only other provinces excluding Burma that we need take into account

An Honourable Member: Bengal?

Mr. G. S. Bajpai: Bengal and Bihar and Orissa are for the major part permanently settled,—in those three provinces the effort has not succeeded and it has not succeeded because the Government and the Provincial Legislatures concerned could not come to an agreed solution. I submit, Sir, that in the circumstances no blame can be laid at the door of the Government of India for failure to give effect to the recommendations of the Joint Select Committee of Parliament

Raja Bahadur G. Krishnamachariar: May I interrupt my friend for a minute. Is it or is it not a fact that the Government of India declined to allow the Local Governments to fix the pitch of assessments.

Mr. G. S. Bajpai: On the contrary, if my friend will turn to the three Provincial Acts which have been passed since the Report of the Joint Select Committee, he will find that the pitch of assessment has been fixed, that is to say, the maximum pitch of assessment is 25 per cent. of the net assets in the Punjab, 40 per cent. of the net assets in the United Provinces, and 50 per cent. of the net assets in certain circumstances in the Central Provinces.

Raja Bahadur G. Krishnamachariar: What about Madras?

Mr. G. S. Bajpai: With regard to Madras, I need not detain the House with a very elaborate exposition of the history of attempted legislation in that province. I have before me a summary, and I will read out from that summary the relevant portion as regards Madras: "One of the provisions in the draft Bill which the Select Committee appointed by the Government of Madras submitted",—one of the provisions of the draft Bill, Sir, required Government to submit its settlement and re-settlement

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proposals to the Legislative Council which, the Committee proposed, should be empowered to reject, adopt or modify the proposals in such manner as it might think fit,—and now I come to the objectionable part,—“and made it obligatory on Government to accept the recommendations of the Council”. This last proposal was clearly inconsistent with the provisions of the Government of India Act regarding the Governor's powers of reservation and veto. That was the reason why that Bill could not be proceeded with. Subsequently, when a Bill was put forward by the Government of Madras before their Legislative Council, it was thrown out, because the opponents claimed that either a permanent settlement should be made or that the Council should have the right to consider and finally revise the proposals for settlement and re-settlement which would be submitted to its vote in the form of taxation Bills. That, Sir, is the position as regards Madras. I repeat that the fault, if fault it be, of any Government in this country for not proceeding with legislation is not one which can be legitimately fastened upon the Government of India.

Then, Sir, my Honourable friend from the United Provinces, I think it is from Oudh, Lala Brij Kishore who spoke last said that the position of the agriculturist was very precarious and that it needed attention. He was good enough to indicate generally that the Government of the United Provinces had been considerate to the agriculturists and I presume by that he really meant the landlords. I have a statement here before me from which I shall quote certain figures as they happen to be of interest. In 1931-32 the Government of the United Provinces remitted a sum of Rs. 114 lakhs out of a total demand of Rs. 688 lakhs, and in 1932-33 a sum of Rs. 125 or 126 lakhs, that is to say, 20 per cent. of the total revenue demand. So that it cannot be said that where the pressure of circumstances has necessitated a policy of liberal remissions that policy has not been followed. I need not pursue that point further, because he was the only one of the speakers so far who has referred to the question of the relief of agricultural distress.

I shall now come to the second point, the point of opinion which I said I would place before the House. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, with that sense of statesmanship which characterises him, laid great stress, and I think rightly, upon the right use by the landed aristocracy of the influence which they have in this country. I submit that that is the right suggestion for the representatives of the landowning community to consider. Mr. Jadhav seemed to be of the opinion that there is a conflict between the interests of the landlord and the interests of the tenant.

An Honourable Member: It is a fact.

Mr. G. S. Bajpai: Sir, I have the privilege of having been brought up in a school of revenue officers of which Sir Harcourt Butler was the most distinguished head and exponent in modern times, and the view he put forward.....(Interruption by Mr. K. Ahmed.) My Honourable friend, Mr. Kabeer-ud-Din Ahmed, is evidently not sufficiently familiar with English colloquialism to appreciate that a school does not necessarily represent a building where pupils write on slates. (Laughter.) I was urging that there is no inherent or fundamental conflict of interest between the landlord and the tenant. On the contrary, it is but natural

that there should be harmony between the landlord and the tenant, and, in so far and so long as the landlord identifies himself with the interests of the tenant, in so far and so long as he thinks that the welfare of the tenant, be it by security of tenure, be it by lightness of demand or be it by assistance to him in moments when he is suffering from economic depression or some other difficulties is his welfare—in so far, Sir, as the landlord puts himself in the patriarchal position in which he came to occupy the position of eminence that he did in the past, so far and so long will he continue to be the natural leader of the agricultural community in this country. (Hear, hear.) And I submit that considering that it is admitted on all sides that 75 per cent. of the population of this country is agricultural and it is further clear from the recommendations of the Franchise Committee that the bulk of the new electorate of the country would be agriculturists,—I say that the future of the landlords lies not in any written word,—not in the letter that killeth—in any constitution, but in the spirit in which they identify themselves with the interests of the great bulk of the peasantry and utilise the position that they have inherited, their race, their birth, their traditional influence, to advance the interests of that peasantry and treat those interests as their own. (Loud Applause.)

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): But most of them have sold their properties to Marwaris and money-lenders.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): I have listened with very great interest to the speech which my Honourable friend, Mr. Bajpai, has delivered today in the House, because it is a long time in my remembrance since I heard him speak so eloquently and take up the cause of the landlords and cultivators. It is a matter of sincere pleasure to us when we see a Member of the Government rise in his seat and take up the cause of the landlords and tenants, the most neglected in this House at least. Mr. Mody turns his face towards me and I am glad that he has done so at the very right moment. In this House we have been discussing on several occasions the interests not only of the landlords and other people, but of the capitalists and labour, and so it is that my Honourable friend woke up in his seat wondering why I should again be speaking anything on this subject.

The interests of the landlords and the tenants are no doubt correlative. One is to be backed up by the other and, if the landlord does not care for the tenant, there is none else to care for the poor tenant. The remark which His Excellency Lord Willingdon made, when the deputation of the Taluqdars waited on him, that the landlords should organise themselves and that the landlords and tenants should join together and organise themselves, was a right remark. My Honourable friend, Mr. Bajpai, has just said that the whole thing lies in the hands of the landlords themselves and I quite agree with him. But, Sir, the position today is when there are Round Table Conferences, when there are Joint Parliamentary Committees, when there are such important occasions, we do not find the interests of the landlords so much to the front, or of the tenants so well represented—whom these landlords represent. If it is said that these landlords are the real representatives of the tenants, then Government should realise that they should have greater representation in these bigger bodies and in the constitution-making. I come from the province of Oudh, and there was absolutely no representative in the Round Table Conference from my own province, a province which pays a very large amount of

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land revenue to the Government. The position which my Honourable friend, the Diwan Bahadur, has taken today is the proper position, and I find that he has given some very kind advice to both the landlords and the tenants. The landlords have absolutely no objection to go on the lines which have been laid down by the Government or by the Diwan Bahadur. But, as the motion of Mr. Anklesaria deals with "safeguarding the interests of the agriculturists and landholders in the matter of representation and taxation in the new constitution", my point is that no other interest has been taxed so much as the landlords and tenants who represent 75 per cent. of the population of this country, and I contend that all other interests, whether they be trade, or any other interest, ought to be taxed to the same extent as the landlords and tenants have been taxed. I support him.

The Honourable Sir Brojendra Mitter (Leader of the House): The motion of my Honourable friend, Mr. Anklesaria, refers to the new Constitution. He made it perfectly clear at the outset of his remarks that his motion was not intended to be a censure on the Government but rather of recommendation of what the Government of India should do to protect the particular interests, mentioned in the motion, in the new Constitution. The House will realise that none of us can anticipate what the new Constitution will be. In a few days' time we shall all have the recommendations of His Majesty's Government in the White Paper in our hands. We shall then know what His Majesty's Government is proposing. In so far as the protection of landed interests—I am using the phrase "landed interests" to include the interest of the agriculturists as well as of the landholders—under the new Constitution is concerned, I shall explain the position of the Government. We realise that in the new Constitution matters like personal liberty, matters like proprietary rights ought to be fully protected, and, without disclosing any secret, I may tell the House that we have recommended to His Majesty's Government that provision should be made in the new Constitution for the protection, amongst other things, of personal liberty and proprietary rights. (Applause.) Sir, under the category of proprietary rights fall the interests of the agriculturist and landowner as such. Beyond that the Government of India are not in a position to go at the moment. It has been complained that landed interests were inadequately represented at the Round Table Conference. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, has answered that question. I have before me the report of the Third Round Table Conference and going through the list of British Indian representatives I find no less than half a dozen members who represent landed interests. When I say 'who represent landed interests', I want to make one point perfectly clear. Indian representatives did not go there to represent any particular interest. Every Indian representative who was sent there was there to protect Indian interests and to co-ordinate different Indian interests in such a way as to secure a popular constitution for India. For instance, when my friend, Diwan Bahadur Ramaswami Mudaliar, went there, what interest was he representing? He was not representing landed interests, or commercial interests as such or any particular or sectional interest but he was representing Indian interests and he was there to see that India got a good constitution by harmonising all the various interests, by protecting the interests which needed protection and by expanding the scope of the transfer of power from bureaucracy to

democracy. Sir, going through the list of delegates I find my friend, Mr. Ghuznavi, was there. We all know that he is a landowner. If landed interests came under discussion there was Mr. Ghuznavi to take care of that. Then I find there was Sir Cowasji Jehangir, the Raja of Khallikote, Sir A. P. Patro and Sir N. N. Sircar. All these are landowners and they would be trusted to protect landed interests. Among British Indian representatives, therefore, there were people who were interested and competent to protect landed interests.

Then, we come to the recommendation of the Lothian Committee. They recommended that certain special interests should have representation in the Provincial Councils and landed interest was one of the special interests. The Round Table Conference also came to the same conclusion and as a result, we find that in the communal decision given by the Prime Minister, Madras has been given six, Bombay two, Sind two, Bengal five, United Provinces six, Punjab five, Bihar and Orrisa five, Central Provinces and Berar three, and North-West Frontier Province two seats. In the Provincial Councils 36 seats have thus been reserved for landed interests. Here by landed interests I mean the big landed interests. When you compare this representation with the representation of other special interests like industry or commerce or labour or any other special interests, you will find that this figure is by no means inadequate. Then, Sir, with regard to people who are interested in land, not in the way of big landlords, but as agriculturists. Diwan Bahadur Ramaswami Mudaliar has pointed out that the mere widening of the franchise gives them an opportunity of sending representatives to the councils. What is the recommendation of the Lothian Committee? Something like 27 per cent. of the adult population will be enfranchised. Surely, one can expect that, in a country where 80 per cent. of the population live on land, this 27 per cent. will include people who will have landed interests in their care. Sir, I shall now deal with the next point.

It has been suggested that special protection is needed in view of the entry of Bolshevist ideas into this country. Sir, if proprietary rights are adequately secured, as the Government of India have recommended, then that menace is met to a large extent. No one who is interested in land, and lives on land is likely to favour Bolshevist ideas. That being so, once we get security of proprietary rights, once we get adequate representation of landed interests in the councils, then that menace need not alarm this House very much.

The next point which was raised was that there should be a statutory basis with regard to revenue matters and these should not be left to executive action. I do not wish to take up the time of the House by dealing with that question because my friend, Mr. Bajpai, has fully dealt with it. I only want to remind the House that revenue matters are peculiarly and essentially provincial, in which the Government of India, beyond suggesting broad lines of principle, cannot directly interfere. I need not dilate further on that point. The action which the Government of India took with regard to the recommendations of the Joint Parliamentary Committee has been explained by Mr. Bajpai. Sir, in the future constitution revenue matters will in all probability go completely outside the scope of the Government of India's activities. Revenue will be, as it now is, a provincial subject, and, if there be no reserved subjects in the provinces, then, it will be within the competence of the legislature to regulate not only incidence of taxation but the method of collection and

[Sir Brojendra Mitter.]

everything else connected with revenue. Thus, in the new Constitution,

as it has so far been envisaged, if there be provincial autonomy,

1 P.M. there is no fear of executive action taking the place of legislative enactments in dealing with revenue. Sir, I do not want to be drawn into the interesting discussion whether land revenue is rent or tax. That is a topic in which I have always been interested, and on an appropriate occasion I should be glad to discuss it, but this is not the occasion. Nor do I intend to be drawn into the question of landlord *versus* tenant, which was so eloquently discussed by the Honourable Mr. Jadhav, because that, I submit, is, strictly speaking, outside the scope of the motion. Sir, I think I have dealt with all the points. I can assure my Honourable friend, Mr. Anklesaria, that the views expressed today in the debate will be communicated to His Majesty's Government. The Government of India are alive to the necessity of protecting proprietary rights. The Government of India are alive to the necessity of arresting the spread of Bolshevistic ideas in the country. (Laughter.) (Hear, hear.) What will come out in the new Constitution is not for me to say. But, as I have already said, the proposals of His Majesty's Government will be known to Honourable Members in a few days' time.

Mr. N. N. Anklesaria: Sir, I am glad to know that the Government have taken my motion in the spirit in which it was intended to be taken by them; and I thank the Honourable the Leader of the House for his sympathetic speech which, I am sure, will satisfy every interest concerned. I, therefore, Sir, beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The question is:

"That a sum not exceeding Rs. 22,09,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1934, in respect of 'Expenditure in England—Secretary of State for India'."

The motion was adopted.

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

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

DEMAND NO. 40—DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The House will now take up the consideration of Demand No. 40. The motion before the House is:

"That a sum not exceeding Rs. 4,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1934, in respect of the 'Department of Industries and Labour'."

Labour Legislation and Labour Welfare including Government Employees.

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

"That the demand under the head 'Department of Industries and Labour' be reduced by Rs. 100."

Although my motion deals with a cut of Rs. 100 from the demand asked for by the Department of Industries and Labour, my object in making this motion is to censure the whole Government of India. Sir, the Department of Industries and Labour deals with a certain kind of labour, but unfortunately that department fails to exercise supervision and control over certain other kinds of labour, namely, the Government employees.

In dealing with this subject, I shall first deal with the Government employees and choose only a few of their complaints. The first complaint with which I shall deal is the complaint that the Government of India have not given effect to their proposal to establish a provident fund for the benefit of Government employees. As long ago as 1924 the question of establishing a provident fund for Government employees was mooted by means of a Resolution moved in the Council of State. The Government of India promised to consider that subject and, in the year 1929, they issued a circular putting forward tentative schemes. Unfortunately nothing has so far been done in that connection.

The Government employees prefer a provident fund to a pension scheme and they were all anxiously waiting for the establishment of that scheme, but nothing has been done so far although about eight years have elapsed. Sir, I hope the Government of India will move a little quicker in this respect. But, Sir, whatever Government may do as regards the provident fund, they will agree with me that it is necessary to do something for those Government employees who die in harness. Government provide that those people who retire, after some years of service, shall get a pension; but as regards those people who after serving Government for 25 years or even more die suddenly before retirement, their children and other dependants get nothing. It is, therefore, necessary that the Government of India should establish some scheme by which the dependants of their servants who die in harness will get some substantial amount. I propose, Sir, that the Government of India should establish a scheme of gratuity. Government should give one month's pay for every year of service. The Government of India give gratuity even to those people who nowadays retire voluntarily, and they give 15 days' salary for every year of service; and I do not know why they should not give gratuity to the dependants of those people who die while working in Government service.

Then, Sir, I shall turn to another point, namely, the grievances of the inferior servants of the Government of India. Their main grievance is that they are treated very meanly in the matter of rules regarding their pension and their leave. As regards pension, the inferior servants get a pension which does not exceed Rs. six, whatever may be their salary. I do not know why this difference should be made as regards pension between what is called the superior servants and inferior servants. I have stated several times in this House that it is the inferior servants who are unable to make provision for their old age, and, if any class of Government employees deserves better treatment in this matter it is the inferior servants. Instead of that, the Government of India give a larger pension to the superior service people and do not give a sufficient pension to the inferior servants. I hope, Sir, this injustice will be removed. They have the same complaint as regards leave. The inferior servants do not get any

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leave unless they give a substitute. That is, they do not get leave with pay. I again do not know why this difference should be made. This question of the inferior servants has been raised here for several years, and nothing has been done. It is true the Finance Member may say that the times are bad. But I feel, Sir, that for doing justice to these inferior servants, who are very poor indeed, there are no times which are bad. Let Government find money somehow. If they can find money for restoring the out of the superior services who get Rs. 1,000 and more, they should certainly find money for giving pension to their inferior servants. In the matter of these pensions the Government of Bombay have set a better model. They have already changed their pension rules and, according to their rules, even inferior servants get pensions on the scale on which the superior servants get pension.

Sir, I shall now refer to the third complaint of the Government employees, and that complaint is that all these Government employees have recently formed a federation of their various associations, and they applied to the Government of India for recognition of this federation. I learn, Sir, that the Government of India have refused to recognise this federation on the ground that the federation includes various classes of Government servants. I can understand, Sir, that the Government of India should make a rule that, when their employees form an association, they should form one association of one trade or one class of employees. But, if there is to be a federation, it can certainly never be a federation of one class. A federation is bound to be a federation of various classes of Government employees. There is a distinct need for a federation of associations of Government servants, because there are many conditions of service which are common. You take their grievances as regards provident fund or gratuity. That grievance is common to all Government servants and why should they not, therefore, form a federation of their associations and press their representation by means of this federation? I, therefore, hope that the Government of India will reconsider their decision and recognise this federation.

Mr. Deputy President, after having dealt with the general complaints of the Government employees I shall now deal with the complaints of a particular class of Government employees. The class of Government employees with which I shall deal is the employees of the Postal Department. The complaint, with which I am dealing with, is the complaint of the sorters in the foreign mail division. These sorters belonging to the foreign mail division have to travel for their duty from Bombay to various places. After they had their duty for a certain number of hours, they get down and they are asked to stay at one place for more than one week and this the Government do in order to save railway fares from the place where they got down, namely, their headquarters. Formerly, the Government of India used to allow them to come to their headquarters, Government bearing the railway charges. Government now ask these people to stay in one place for more than seven days doing nothing, and away from their families. I hope that the Government of India will look into this complaint and remedy it. Moreover, Sir, I do not think the Government of India as a whole save money. It is the Postal Department which saves the money, but if these people travel from Jubbulpore to Bombay, the railways will get the money. So, on the whole, the money will be with the Government of India and the Railways will get a few more passengers.

But, Sir, unfortunately the Government of India divide themselves into watertight compartments and they think that by saving the railway fare they are making a saving, but actually the case is that the Railways are losing their money.

There is another grievance of the postal employees with which I shall now deal and that grievance is this. A telegraph office is open from 10 o'clock to 5 o'clock generally. If a man comes to the Telegraph Office and offers a telegram after that hour, he is charged some late fee. This late fee is given to the telegraphist who does work after his regular working hour. The Government of India charge full late fee to the public, but while paying their own employee there is a cut of ten per cent. It is rather mean to charge the public the whole late fee and to pay the telegraphist the late fee less ten per cent. They do a similar thing even to the telegraph boys or peons who carry the telegraph messages. Here also they charge the public a certain amount of money for the telegrams to be delivered at some distance, but they make a cut of ten per cent. when making the payment to their own servants. I should like to go further. A sorter has sometimes to do extra work on account of another sorter going on leave. If a sorter does some extra work, he is paid extra out of the salary of the sorter who remains absent on casual leave. The Government of India charge the sorter who is absent the full amount and make a cut of ten per cent. while paying the other sorter who does his work. Is it a fair thing for the Government of India to charge one employee a certain amount of money and make a profit in the shape of the cut of ten per cent.? I hope the Government of India will look into these grievances and will not be open to the charge of meanness hereafter.

There is another small grievance with which I want to deal and that grievance is about the Inspectors of the Railway Mail Service. These Inspectors, on account of retrenchment, have to work more than double the work of what they used to do formerly. They used to work about 24 hours in a van, but now they have to work at a stretch of 50 hours. This is due to retrenchment, but I should like to say that even for retrenchment, this sort of thing should not be allowed.

Then, I wish to speak about the postmen. Some years ago, the Government of India created a class of clerks, called lower division clerks, and threw the grade open for the postmen. As a matter of fact, that grade was created for the benefit of the postmen. The postmen also could get higher appointments belonging to their own grade. Now, what the Government of India did was that the posts belonging to the higher grades of postmen as well as to these lower division clerks which originally were meant for the promotion of postmen were also allowed to be filled by new entrants with the result that the postmen did not get sufficient posts and, therefore, sufficient promotion. I hope, Sir, that the Government of India will look into the grievances of the postmen and see that the postmen get sufficient posts for their promotion. When they started this new grade, it was started for the benefit of the postmen. It is true that the Government of India have added to the number of posts in the lower division clerks, but what the postmen claim is that they should at least get all the posts which were to be created for their benefit as well as the posts belonging to their higher grade. Then, Sir, these postmen also have another grievance about the examination. They are asked to pass a certain examination. I am not against Government expecting their postmen to prove that they should have a qualification for the higher posts, but, at the same

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time, the Government of India must take into consideration the cases of those postmen who have served 25 years or even 30 years. If you expect them to pass examination as a young man does, it is difficult for them to do. They can do the work, but, if they are asked to take down dictation from some difficult book, they cannot do it. I, therefore, suggest to the Government of India that they should mitigate the rigour of the examination and should throw open a number of posts without examination.

Then, Sir, I wish to deal with another small grievance of what are called the lower grade postal employees. These lower grade postal employees are treated as inferior servants, and, therefore, they have the common grievances of the inferior servants. But they have a special grievance. These lower grade people do some kind of work in the Post Offices. They are not postmen. They are generally promoted to the grade of postmen. Formerly they used to get about 50 per cent. of the appointments in the postmen's grade by promotion. Unfortunately the Government of India have started an examination for people who belong to the lower grade before they get to the postmen grade. Here, again, it is quite necessary that our postmen should be able to read and do their work properly. I am not suggesting that a man, who is not qualified, should be appointed, but at the same time when people have served in one grade for several years, if you expect them to pass a difficult examination, not only in reading, but even in writing, then certainly you are creating a difficulty for the promotion of these poor people. I hope that the Government of India will look into the grievances of these people also.

Then, Mr. Deputy President, with your indulgence, I wish to deal with the grievances of other kinds of labour, and I shall mainly deal with some of the recommendations of the Royal Commission on Labour to which the Government of India have not yet given effect. The first recommendation which I shall deal with is the recommendation as regards the hours of work in factories. Sir, I recognise that we are passing through a time of depression. But, if you consider what the whole world is doing, you will realise that it is at such a time this much-needed reform of the reduction of hours should be undertaken. Only recently a Conference was held in Geneva under the auspices of the International Labour Office, and the Conference has adopted a Convention for forty hours a week . . .

The Honourable Sir Frank Noyce (Member for Industries and Labour): That is not so. If I may explain to the Honourable Member, the Conference was purely a preparatory Conference and it has not adopted any Convention at all.

Mr. N. M. Joshi: I admit that the Honourable Member is technically correct but, at the same time, my Honourable friend will admit that the Conference has passed a resolution. It was a slip when I called it a Convention; but they have passed a resolution recommending that a Convention should be considered at the next Conference. Not only the European countries have now seen the necessity of reducing the hours of work as a remedy for depression, but even in America the American Federation of Labour has now begun to demand a much smaller weekly hours than even forty hours. And what are we doing? Although a Royal Commission has recommended reduction of hours of work and the recommendation has been before the public for more than a year and eight

months, the Government of India have not yet introduced legislation. I quite realise that the Government of India issued a circular letter last June, but they have now, I am sure, received replies to that circular letter and I expected that legislation on this subject would have been brought before this House at this Session, if not at the last Session. Unfortunately the Government have done nothing of the kind. The class of labour which is likely to benefit from this reform is illiterate and also unorganised. It is true that on account of these two defects they do not make much noise; but simply because these people do not make much noise,—therefore, it does not mean that they do not want the reform and they do not insist upon it. The only way by which these poor ignorant and illiterate people can show that they want reform is the method of a strike, and I would recommend to the Government of India not to wait for a strike in order to undertake a reform of this nature. Moreover, I feel that when a certain class of people are ignorant and unorganised, it is in their case that the help of a Legislature and the help of a Government is more needed. Take, for instance, conditions in England. There the hours of work are not restricted for males by legislation. There they have got an eight-hour day without any legislation. This has happened, because European labour is organised. But in India labour is not organised; labour cannot make sufficient noise nor can labour organise a big strike. I hope the Government of India will take early measures in this matter.

The second subject with which I shall deal, with your indulgence, Sir, is that the Government of India should tell me what kind of investigation they are making as regards the introduction of some scheme of health insurance. The Royal Commission recommended that they should immediately undertake investigations as regards the incidence of sickness and other matters, and I want to know what kind of investigations the Government of India is making in this matter.

Then the Royal Commission recommended that there should be legislation on the subject of maternity benefit throughout India. I have not yet seen the Government of India making any proposal on this point also. I shall finish in two minutes, Sir. There is already legislation on this subject in two provinces, in the Central Provinces and Bombay. The Royal Commission, therefore, recommended that this legislation should be undertaken throughout the country and I, therefore, suggest to the Government of India that they should not waste time, but undertake legislation immediately.

There is only one point more and that is, that since last year the Government of India do not send advisers for the International Labour Conference. Generally, the full delegation of a Labour Conference consists of delegates and advisers for the Government of India, a delegate and advisers for the employers, and a delegate and advisers for the labour. They only sent a Government delegate for this preparatory Conference which was referred to by my Honourable friend, the Member in Charge—they sent only a Government delegate and did not send a delegate for the employers or for labour. I do not know what the intention of the Government of India is this year; but I hope that the House will insist that the Government of India should send this year the full delegation representing each side with advisers. It is quite true that these are times when we should economise, but certainly it is not much money that is saved by not sending two or three people to Geneva for good work such as the work of the International Labour Conference. The other

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day when I said that our people should take more interest in these International Conferences I was told that we do take interest in the International Conferences. If we do take interest in International Conferences, then we should certainly be prepared to spend a few thousand rupees for sending men for this Conference. I do not wish to take any more of the time of the House, but I suggest that the Government of India should give me satisfactory replies to the various grievances that I have put forward. I do not expect that one Department could give replies to my various complaints. I expect that whatever may be the Department, which is concerned, it should stand up and prove to this House that there are no complaints and that, if there are any, they will be removed without delay. But if they do not do so, then I hope the House will agree with me in passing a censure on the whole of the Government of India. (Cheers.)

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Cut motion moved:

"That the demand under the head 'Department of Industries and Labour' be reduced by Rs. 100."

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I wish to make a few observations with your indulgence and with the indulgence of the House on this motion. I am aware that the portfolio of Industries and Labour is now in the hands of a very earnest and sincere man and that he is ably assisted by a Secretary who was himself a member of the Labour Commission and has studied with great care all the aspects of the labour problem in this country, and, therefore, we look forward to the time when the Government will earnestly take up all those suggestions that have been made by the Royal Commission on Labour for the amelioration of labour. Therefore, the observations that I venture to make are not in the nature of a censure excepting perhaps those that I have to make with regard to the non-intervention of the Government in the recent Madras and Southern Mahratta Railway strike which also I trust will receive the consideration it demands at the hands of the Department and be dealt with with the least delay.

Last year, Sir, I asked certain interpellations in the House with regard to the labour conditions in the Aruvankadu Cordite Factory in the Nilgiris. Mr. Young, who was then the Army Secretary, very sympathetically replied to those questions and, when I happened to lead a deputation to the Army Secretary, he was kind enough to accept many of the proposals I put forward and redress as far as possible their grievances. In the course of my conversations with the representatives of the Union, I discovered that the Aruvankadu Union was not registered, and while I was recently at Madras I was told that the Government Press Employees' Union was not also registered. The Government, in pursuance of their policy in such matters, are not permitting these Unions to be registered. The Royal Commission on Labour recommended that the Government should allow such Unions to be registered and that all facilities should be accorded for the purpose. At page 326, they say:

"So far as industrial employees are concerned, we recommend that Government should take the lead both in making recognition of Unions easy and in encouraging them to secure registration."

Sir, I think the Government ought to set an example to the Unions of other industrial concerns, and it is a matter of regret to note that, instead of doing it, they are still indifferent in this matter. They ought to give a lead to other Unions.

The Royal Commission on Labour suggests that the services of Government officers should be lent for the audit of these Unions. The Unions generally labour a great deal under financial difficulties, and it is, therefore, highly necessary that Government should encourage them by lending the services of their own officers for the audit of these Unions.

The Royal Commission on Labour suggested also that the Trade Unions Act ought to be revised and brought up to date to meet the various new conditions of labour that have sprung up after the passing of the Act. I trust the matter will be taken up as early as possible and Government will see their way to do so.

Then, again, the attachment of wages and salaries is another important matter which affects the welfare of the poor labourers. The Royal Commission on Labour at page 231,—for want of time I do not propose to read out the paragraphs,—has suggested that salaries below Rs. 300 ought not to be permitted to be attached. Now, very recently I came across a case of one Shankarnarayana Aiyar, an employee in the Madras and Southern Mahratta Railway, who, after about more than ten years' service,—he had a fairly long service, I am not quite sure about the exact period of his service,—was dismissed, solely because his salary was attached. He undertook to discharge the whole debt in the course of eight months or so, but the Railway authorities paid no heed to his request and ruthlessly dispensed with his services. It is really a very hard case, and I strongly feel that statutory assistance ought to be given to such kind of people.

Another grievance which I had occasion to ventilate in this Assembly by means of interpellations was with regard to the employment of those who are declared as unfit for any particular class of work. One Mr. Kumariah, after 16 years of service, was discharged by the Madras and Southern Mahratta Railway. He was found unfit in visual test for A class service, but was fit for B class. The Royal Commission on Labour lays particular stress on the fact that people who are found unfit in visual test or for some other similar defect should not be altogether sent away, but some kind of employment should be found for them in other departments of the Railway. The Madras and Southern Mahratta Railway persistently ignored that recommendation and the services of Mr. Kumariah were dispensed with. The Railway Board said that it was a matter entirely in the discretion of the Agent or the Traffic Manager to be dealt with as they thought best, but I consider that such glaring instances of injustice should be peremptorily stopped.

Then, the question of appeal against dismissals is also an important one. The Royal Commission on Labour made specific recommendations to the effect that a charge sheet ought to be framed and it must be served on the party concerned. They also suggested that witnesses might be examined and a representative of the Union should be allowed to render assistance to the party when the cases are heard. There ought to be an appeal also to the Agent. There are many instances where this recommendation is entirely ignored by the Railway Companies. It is really a hard thing and must be stopped.

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The revision of the Trade Disputes Act is another important matter to which I wish to invite the attention of this House. The Trade Disputes Act is primarily intended for the investigation and settlement of trade disputes. It lays down that in cases where both the employers and the labourers make applications to the Government for setting up a Board of Conciliation, Government should comply with such a request; but where one party alone applies, it is left to the Government to constitute a Court of Inquiry or not. In India in the year 1932 there were as many as 118 trade disputes involving 128,099 workers. The most serious strike of the year was that in the Madras and Southern Mahratta Railway workshops at Perambur, Arkonam and Hubli involving about 8,300 workmen and responsible for a loss of 440,000 working days during October—December, 1932. In 71 of the strikes or 60 per cent., the chief demand related to wages or bonuses. This is a higher proportion than has been recorded since 1921. The number of strikes where the workmen were successful in gaining any concessions was approximately 36 per cent. of the total number. In Madras, there were three or four Labour disputes, *viz.*, the lock out of Spencer's Ice salesmen, the strikes in the West India Match Factory and there was trouble among the dock workers as well. The Unions concerned applied to the Local Government to establish Conciliation Boards, but the Local Government refused to do anything of the sort. This is what the Royal Commission on Labour observe at page 847 in this connection:

"In concluding this Chapter, 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 out-look, 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."

Sir, in Bombay between the years 1921 to 1928 there have been several cases where Conciliation Boards have been successful in establishing cordial relations between the parties. The neglect on the part of the Government to interfere with the M. & S. M. Railway strike was really deplorable. Perhaps, the House is not aware of the genesis of this strike. It was entirely due to the refusal of the Agent to take the Union into his confidence in estimating the surplus. It was said that in January, 1932, there was no surplus. In June, 1932, also, the Railway Board re-affirmed that when the All-India Railwaymen's Federation came to meet the authorities in conference at Simla; but, by September, the Agent found there were about 160 men or so to be surplus. But the Agent did not stop there. He began to revise his opinions in the matter, and, in a couple of months, he said that the surplus came to 800 and odd, and he began short hours which was, according to the Union, beyond the actual requirements. The dispute arose in this way, Sir, and the Madras Railway Union insisted on talking over the matter at a round table conference, but the local Railway authorities refused to comply with the request. The Railwaymen applied to the Government to appoint a Conciliation Board, and the Government also did not accede to it. In this connection, not only the Railway Union, but the public of Madras also approached the Government, with no result. It was said that repeated telegrams were sent to the headquarters asking them to interfere in the matter. The result of that was about 10,000 workers employed in Arkonam, Perambur and Hubli Workshops went on strike and they and their families were put to a lot of hardships and starvation.

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Sir, you must have known that finally a Citizens' Committee was appointed under the auspices of the Sheriff of Madras to settle this matter. The feeling among the members of the Union is that sheer injustice was done to them by the Citizens' Committee. I am sorry that Mr. James, who was the Chairman, is not in his place—yes, I am glad he is in the House. The Honourable Member in charge of the Railways the other day paid encomiums on the work that was done by the Citizens' Committee, and Mr. James also, in his capacity as Chairman, glorified their exertions. But the other side of the question went by default and, as a matter of fact, as I said, the belief among the Union people is that they were cheated and that the Committee played wilfully into the hands of the Agent. It is highly deplorable that the Railway Board refused to discuss this matter with the All-India Railwaymen's Federation during the recent Conference. It was published in the papers that Sir Guthrie Russell refused to discuss the matter. Sir, I am reliably told that the thing will not end there. Their grievances are not redressed and still smoulder. I am told that the Union have consulted legal opinion and that they are taking action against Mr. James and other members of the Citizens' Committee and the M. & S. M. Railway also. (Hear, hear.) Their difficulty was, having agreed to the terms of the communiqué issued on the 23rd, that nobody would be victimised, they had called off the strike, and, according to law, it was necessary to give a fresh notice. In view of the emphatic protest and challenge made by the Union, it was up to Mr. James and the other members of the Committee to satisfy the public that they had the authority of the strikers themselves to arrive at the conclusion that they have reached. The terms of settlement published under the authority of the Agent did not stipulate that 300 Hubli strikers and 68 Arkonam workmen would not be taken back which, so far as the public are concerned, clinches the whole controversy. I am sorry, my time is up, but as there is a good deal to be said on this matter, I am confident that some other Member coming from Madras will take up this subject. The Committee has not brought about any settlement of the dispute and the grievances of the strikers remain unredressed, and unless the Government intervene, it is not too late to do so, there is likely to be a recrudescence in the immediate future. It is up to them to save the situation. If they do not do so, it will be a gross blunder and neglect of duty on their part.

U Kyaw Myint (Burma: Non-European): Sir, I have always accused this House of being a capitalist House and the evidence before me today is conclusive. The Honourable Members, who ventilated with great eloquence the grievances, or rather the imaginary grievances, of the landholders this morning, have not even troubled to be present this afternoon. As I was listening to Mr. Joshi's speech, I followed a train of profound thought and began to compare him—he might well be called a labour leader, although, owing to the deficiencies in the present Constitution, he had to be nominated by the Government—I was comparing my Honourable friend with the recognised labour leaders of the West; and then it suddenly struck me—and it was a somewhat amusing thought—that, whereas the Honourable Member in charge of the Department of Industries and Labour could well pass for "Uncle" Arthur Henderson of England, and whereas my Honourable friend, Mr. Clow, if he kept his hair a little longer, would resemble Mr. Maxton, Mr. Joshi hardly looks like a labour leader, as we visualise labour leaders in England

Mr. F. E. James: What about J. H. Thomas?

U Kyaw Myint: With a few dress shirts, Mr. Joshi might perhaps emulate Mr. J. H. Thomas. (Laughter.) Although he would feel lost without a Mr. Eamon de Valera to fight with.

Sir, the subject of labour in this country is of enormous importance principally because, as in most other countries, the vast majority of the population belongs to the proletariat. I have never pretended to be a labour leader either here or in my own province, but when a House like this takes so little notice of labour questions and the grievances of labour, I feel I must support my Honourable friend, Mr. Joshi. If my tone is conciliatory, it is because of the knowledge that the Government of India have certainly done their best to carry out all the recommendations, as far as circumstances allow, of the Royal Commission on Labour. In fact, in one direction in Burma they carried out one particular recommendation of the Labour Commission with so much promptitude that we were flabbergasted. I am referring to the abolition of the post of Assistant Protector of Immigrants.

The condition of labour in Rangoon is peculiar. It is peculiar because of this: Rangoon is the only industrial town in the whole of the province and the main industry in Burma is the rice milling industry, and we rely almost entirely on Indian labour provided, almost entirely also, by Southern India, particularly the Madras Presidency. The Assistant Protector of Immigrants was himself a South Indian and had, therefore, the great advantage of winning the confidence of the immigrants, the immigrants being largely from his own Presidency of Madras. The Labour Commission, I say with great respect, apparently formed an erroneous impression of the value of the work of the Assistant Protector. In the Commission's report a very brief paragraph is given to the Protector of Immigrants and there occurs this passage therein:

"The Assistant Protector is present at the arrival of ships bringing immigrants, but we doubt if the majority of those arriving are aware of his existence."

That remark may have been to a great extent justified, but my submission is that, if the immigrants were not aware of the existence of the Assistant Protector, it was largely the Government's own fault: they had not been "boosting" him enough, if I may use an American word. At any rate, the services rendered by this particular gentleman were invaluable and that opinion is shared by the European mercantile community. They have not been content with merely holding that opinion, but they have carried out whatever they could in the direction of filling up the deficiency created by the abolition of that gentleman's post. The British India Steam Navigation Company, who practically have the monopoly of the passenger traffic between India and Burma, have appointed the very same gentleman as a sort of unofficial Protector of Immigrants. But if the British India Steam Navigation Company had not done so, the position of immigrants arriving in Burma would have been far worse than it was before.

The Honourable Member in charge last year, Sir Joseph Bhole, was kind enough to grant me an interview on this subject, and I have the greatest faith in the assurance then given to me that the position will be reconsidered as soon as possible. But this gives us only another

instance of the consequences of recommending retrenchment, because we are always caught unawares by Government retrenching in the direction in which we least expected they would.

My Honourable friend, Mr. Thampan, referred to legislation now being considered which is intended to defend wage-earners, especially those on the lower scales, from the tender mercies of the money-lenders and other people like that. I am informed that such legislation is not merely being considered, but is being definitely planned to be brought into effect in the very near future. We in Burma, although our future, thanks to our own selves, is most uncertain at the present moment, are particularly concerned about Indian labour, because, as I was telling you a moment ago, up to this day we have relied mainly for industrial labour on India; and if I display an interest in the Indian labourer, I must confess, it is not from purely altruistic motives. The tendency in Burma has been for the Indian labourer, with a definitely lower standard of living, to arrive in Burma and naturally bring down the Burman's own standard of living. It is much easier for a standard of living to be lowered than to be raised, and, so far as one can visualise the future, I do not think that we in Burma, whether she is separated from India or not, will be able to dispense with Indian labour for many years to come; so that the question of their welfare, as well as that of Burmese labour, is of increasing interest.

Steps are being taken in the right direction by the Government of India. I do appreciate that. But the position of the labourer in the whole of India is still far from satisfactory. Take the question of housing, for example, although I speak with personal knowledge only of Rangoon. Unless the labourer is decently housed, unless the labourer has a decent chance of getting what everybody rightly expects in this world, namely, a certain amount of leisure, unless the amenities of life, which he justly deserves, are given to him, it must do the whole country a great deal of harm. If the pace of an army is the pace of its slowest soldier, then the progress of a country must be judged by the progress of its lowest class. For this reason, I particularly urge on this House the desirability of improving the conditions of labour in this country. I can contribute very little to such a debate, because I know so little, but I can assure my Honourable friend, Mr. Joshi, that, if he ever intends to form a Labour Left Wing in this House, I shall be behind him.

Mr. S. G. Jog (Berar Representative): There is something common between Burma and Berar and the fate of both these provinces up to this day appears to be hanging in the balance. I shall certainly extend my sympathies to Burma and I trust Burma will reciprocate it to Berar. I am glad Mr. Joshi has extended his field of activities today. Generally he restricts his observations to the labour movement, but today he has included also the grievances of Government employees. I shall not detain the House long, because it seems that they are impatient. (*Voices: "No, no."*) Anyway, I shall not detain the House long. I must agree with the observations of my friend, Mr. Thampan, that for the time being we have got as head of the Department an officer who is extremely sympathetic and who will pay attention to all the grievances of the employees. I had occasion to work with him on the Select Committee on the Workmen's Compensation Bill as well as the Assam Tea Plantation Labour Bill, and, on many occasions, he was able

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to accommodate us and was extremely considerate. I hope he will continue that sentiment or virtue and will utilise it so far as the grievances of these people are concerned.

Before I take up individual or departmental grievances, I would like to refer to a grievance which is common to all the Departments. I mean the granting of gratuity to the families of deceased officials. I know that a number of questions have been asked and a number of Resolutions moved both in this House and in the Upper House. I know at times promises have been given that the scheme of gratuity and provident fund will soon be put into operation. A hope was created in the minds of all Government servants, but nothing has been done so far. The plight of the families of middle class and low paid Government servants, who die in harness after 20 or 25 years service, is a very pitiable one. If they had lived for a few more years, they would have been able to get some pension and some other advantages. Now they get nothing and their families are left destitute. Government express sympathy for them, but is it not necessary that they should do something for these families, in the case of the premature death of these Government servants? I know of many instances where the families and children of these Government servants, who die in harness, are left in a destitute condition. I need not dilate on this subject. The matter has been agitated sufficiently. It is high time that the Government should take up this matter in right earnest and do something in the proper direction.

There are some grievances of foreign mail sorters. I have no mind to detail all these grievances. I would like to bring these to the notice of the Member in charge and discuss these things, and I hope they will be remedied after some discussion.

My friend, Mr. Joshi, has also referred to the emergency cut and the retrenchment campaign, but, in their love for retrenchment and economy, they have exceeded the ordinary limits and shown a tendency to grant things to people to which they are not entitled.

There are some grievances of the postal staff who have been holding acting appointments. They have been holding these acting appointments for a long time and the Government will be bringing in the new scale for the new entrants into operation very soon, and with an object probably, namely, that these acting people should not get advantages which would otherwise accrue to them upon confirmation, and they are being purposely kept in acting appointments indefinitely, because, if confirmed, they would get all the advantages incidental to confirmation. On the other hand, if they are kept on under acting arrangements, they would be put to hardships. Now I have got nothing to say as to when the new arrangements should come into operation, but Government, with that object, should not delay or postpone the confirmation of these men in these appointments if they are justly entitled to confirmation. Sir, this attitude of Government is likely to be misunderstood, and they should not lay themselves open to any such charge.

Then, the inspectors in the Railway Mail Service also have some grievances on the score of extra work. As against the prescribed 24 hours work up till now, they are now required to work for 50 years or even more. Sir, however good retrenchment may otherwise be, it should not lead to the unfair result of saddling these poor clerks and inspectors with additional

work. The life and the health of these people must be taken into account before this extra burden is thrown upon them.

There are many other grievances concerning the employees in several Departments, but it is very difficult to refer to them all within the short time at my disposal. There is one grievance involved in the invidious treatment accorded to the R. M. S. clerks at Poona. I find they are not getting the same scale as that granted to other similar people. I see no reason why these people serving at Ahmedabad and Poona should be singled out for this unfair treatment and I think they should certainly be brought into line with the other people. I have had prepared a few notes which I shall hand over to the Member in charge for favourable and sympathetic consideration, because I have not sufficient time at my disposal to refer to all the points.

Lastly, Sir, I should like to draw the attention of the Member in charge to the grievances of the Customs House Department. I am told, there is no satisfactory system of recruitment, promotion and such other things in that Department, with the result that the feeling among the Customs House Department people is that this gives a lot of room for favouritism. Of course some favouritism is bound to remain everywhere, but what I submit is that there should be a satisfactory system introduced for recruitment as well as promotion.

My friend, Mr. Joshi, also referred to a case in which the postal peons have got a grievance, and that is that, even at an advanced age, such people are put to the ordeal of an examination. Well, I should like to appeal to the Member in charge to consider that you should not call it an "examination": it sounds to me something like an ordeal that men at an advanced age should be asked to appear at examinations,—that men with a number of children and a large family to look after should be put to the necessity of doing extra hours of work in the office is very hard. Sir, these people already have other miseries, and is it possible for them to stand the strain of an examination? It is just possible that even if we are asked to appear at some examination, we may find it very difficult to pass these examinations. Sir, these are hard cases; and I do suggest that the rules for examination in their case should be relaxed considerably, at any rate in the case of those above the age of forty—these latter should certainly be exempted from having to pass examinations. They, having worked long in the Department, do certainly deserve to get promotion to the higher grades if generally considered suitable without undergoing this ordeal of an examination. Examinations are useful in their own way, but they should not be imposed on all people, and I submit that the Member in charge should give a sympathetic consideration to all these grievances which I have cited. Then, as regards promotion, there are also cases where these people have got grievances, for instance, men in the old cadres, although well qualified and possessing experience, do not get sufficient encouragement by being promoted to the higher grades. What I submit is that while the higher-grade posts should go by qualifications determined by examination, at the same time some number should be set apart for the promotion thereto by way of encouragement of people who, by due experience and age, are well qualified and deserve promotion. Some of these grievances are not confined to the Customs House Department, but extend to other Departments, like the Income-tax Department. What I submit is that by way of encouragement some quota or proportion should be left open for the lower-grade people so that they can show their

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worth, merit and intelligence and can fulfil their ambition. There are a number of other grievances, but I do not want to detain the House. Possibly you have got the interests of the employees of the several Departments more at heart than we (*A Voice*: "No, no"), but what we should like to point out is that there are several grievances which they feel and we point them out for your consideration. Your solicitude for the higher services is of course sufficiently well known, and we need not appeal to you for that (Laughter), but we have got to appeal to you now for redressing the wrongs of the lower grades. Sir, the contentment of these people, who practically do all the spade work and sit for hours and hours in the offices, should be considered as an asset of the Government, and Government should do everything to preserve and protect their health, their hygiene and secure their contentment. With these words, Sir, I support the motion.

The Honourable Sir George Schuster (Finance Member): Sir, my Honourable friend, Mr. Joshi, in his speech supporting his motion, issued commands to Members of Government in such a peremptory fashion that I was tempted to collaborate with my fellow trades unionists who sit on the Front Benches and organize a strike against him; but as the point which he raised has already been raised again by another speaker, so that two people in the debate, which covers such a number of miscellaneous subjects, have mentioned one and the same subject, I think it is right that I should rise and give the House a few explanations on the points raised by my Honourable friend.

Before going into any detail, I should like to make one general observation. I think my Honourable friend imported a good deal of prejudice and a certain amount of unfairness into the discussion when he talked in terms of the generosity or niggardliness of the Government. Sir, it is very easy to practise vicarious generosity with the tax-payer's money; and if Government think carefully before they accede to requests, it is because they have a public duty to perform and because they have public money to protect.

Now, Sir, my Honourable friend has raised two points with which I wish to deal. One is the proposal for substituting a contributory provident fund for the pension system and the other is the payment of some sort of gratuity to a pensionable official who dies in service. I think both these proposals have really been put forward on the basis of the same idea, that is, the idea, in the case an official who dies before he has earned his pension or before he has received the full benefit of his pension, of providing his dependants with something equivalent to the benefit that his pension would have been to him if he had lived. Now, Sir, Government have undoubtedly been considering this whole question for a very long time. My Honourable friend is perfectly right in that; but it has proved a subject of considerable difficulty. There are, of course, as Honourable Members know, already in existence a number of schemes which do provide for the families of certain classes of Government servants, but the main feature of all those schemes is that they do not impose, in the main at any rate, any charges upon the public funds over and above the charge that would in any case fall on the public funds by the payment of the ordinary pension. They are mostly contributory. Now, I do not think I need go through all the various schemes that have been considered, but after a very long period of study in 1929 the choice was narrowed down to three alternative schemes. I will call them scheme

A, scheme B and scheme C. Scheme A would have provided for the surrender of 1/8rd of the prospective pension in return for the guarantee of a lump sum payment equal to 12 months' pay on retirement or death in service. Scheme B would have provided for the surrender of the entire prospective pension in exchange for the guarantee of a lump sum payment on death or retirement. In both cases the lump sum payment would have been calculated so as to give the exact equivalent, so far as that can be actuarially calculated, of the pension or that proportion of the pension which would have been surrendered. And scheme C would have provided for the entire abolition of pensions and the substitution of a contributory provident fund. Now, Sir, all those schemes were worked out on the basis involving no extra cost to the public funds, and I want to put this point to the House. I think,—and it will be clear when I tell the House what has happened as regards all these schemes,—it is quite clear that all these demands that have been made on behalf of Government employees for changes in their emoluments of this kind are really applications for an increase of emoluments; and we feel that at the present moment when we have had to make compulsory cuts in the actual emoluments of Government officials who are already serving, it is quite clear that when we are reduced to an emergency of that kind, we cannot contemplate increasing the emoluments of particular classes of Government servants. My Honourable friend, of course, when he spoke of the cuts in pay and the restoration of a part of the cuts in pay, spoke as though the benefit of that was received by the superior services. I do not want to go into a lot of figures on that subject now,—I think there may be another opportunity to do so,—but I would remind the House that an enormous proportion of the extra cost involved by restoring five per cent. of the cut goes to the lower paid Government officials. In fact the actual benefit to officials on so-called "fat salaries",—and I do not know where a "fat salary" begins: let us say Rs. 1,500 per month and over,—the average benefit to them of the schemes which we are now proposing amounts to a restoration of one per cent. of their pay, or slightly over, about 1 1/87th, whereas, when you come down to Rs. 500 a month, it works out to an average benefit of well over 3 per cent. on the pay. So that my Honourable friend is again importing unfair prejudice into the discussion when he refers to that as a measure undertaken mainly for the benefit of the superior services. Well, Sir, that is my point, that all these applications are applications for increase in a particular form of the emoluments of Government servants.

Now, Sir, we were discussing the general financial future of India in the course of one of these cut motions the other day, and I was very much impressed by a speech made by my Honourable friend from Madras. Diwan Bahadur Mudaliar, in which he pointed out that there was no magic fund available from which the Provincial Governments of the future could be fed, that if they were to desire to find money for beneficial services, for greater expenditure on education and health and matters of that kind, that money could only be found if they were able to reduce the whole cost of the administrative machine, and that the Government of India in the future, when it became a national Government, would have to provide a much lower scale of remuneration throughout the services than exists at present. Well, Sir, I think my Honourable friend is quite right in that. Even at this moment another matter on which we have been very much pressed by the House is to introduce proposals for reducing the scales of pay throughout the services, and the scales that are under consideration now by Government, and as regards which there is a

[Sir George Schuster.]

considerable measure of agreement,—in fact a remarkable measure of agreement,—among all the provincial Governments and among all the departments of the Government of India who have considered the matter, those scales provide for a substantial percentage of reduction in the current rates of pay. Now, Sir, I do maintain that if conditions are such as are revealed in these facts, and if public opinion and the opinion of the House on the matter is such as I think I am entitled to conclude from what has been said in the course of the debate on this matter, then this is not the time when Government can fairly be asked to consider a change in the conditions of service which really means an increase, and a substantial increase, in the emoluments of particular classes of Government servants. If the Government servants concerned are ready to accept schemes which give them the benefit in the form which my Honourable friend desires and if they are prepared to surrender a proportionate part of their present pensionary benefit, then there is not the slightest difficulty in introducing a scheme which may meet all my Honourable friend's points. But in fact when they have been consulted, the opinion of all the service associations that have been consulted has been so adverse to any of these schemes that we have worked out that we have for the present come to the conclusion that it is no use trying to go on with any of them. After putting all these alternatives which I have explained to the House before the Local Governments, we came to the conclusion that the scheme A which meant surrendering one-third of the pension benefit in return for a certain lump sum payment was one which had the best chance of success and which, on the whole, was the best scheme. But out of 95 associations consulted which expressed views on the subject only six were in favour of scheme A, and five in favour of scheme B, and in those cases they all gave their approval, subject to the terms being liberalised. Sixty-seven expressed a preference for scheme C, that is the scheme of doing away with the pensionary benefit altogether and substituting a contributory fund; but in 47, out of those 67, assent was only given on the condition that we granted terms equivalent to those for which the State Railway Provident Fund Rules provide. The balance preferred the existing pension system. Now, Sir, if we were to extend the State Railway Provident Fund Rules to all other Government servants, it would involve an expenditure on a scale that we could not possibly afford at present. There is no way of getting away from that position. That, then, was the result of consultation in 1929, and more recently we took the matter up again with the Provincial Governments and we asked them whether, as the other scheme had proved so unpopular, they would be prepared to consider reducing the deduction of pension from one-third to one-fourth, thus liberalising the terms in that way. But all the Provincial Governments were against that scheme. They felt that even with those liberalised terms, it would not be popular with those services. They also felt, and we are all unanimous about this, that in the present financial condition of the country it would be impossible to undertake the extra liability involved. That, Sir, is the position which has been reached on this matter, and I say again that if what is wanted is the substitution of a scheme which will give the chance of a benefit to a man who dies in service, then there is not the slightest difficulty about modifying our terms in order to provide that sort of benefit, but there must be an equivalent sacrifice of the pension benefit, for we cannot really afford anything more at present.

Another point raised by my Honourable friend, which is closely allied with the point which I have just discussed, is the provision of a gratuity to a Government servant who dies in service. Well, this is a matter on which I myself felt that it would be most highly desirable if we could provide a benefit of that kind. We went into it very carefully in the Finance Department. We found that in order to provide a death benefit on the basis of one month's pay for every complete year of service to those who died in the Government service, in order to pay that for the central establishments only excluding the Railways, the cost would be immediately about 18 lakhs a year rising to about 20 lakhs and then diminishing, as the effect of the new scales of pay came to be felt, to about 15 lakhs a year. That, I would remind the House, is for the Central services alone excluding the Railways. Well, we felt that that again was a sum that we could not afford now. And my own view on the matter was that at the present rates of pay, if they are considered generally to be higher than is really necessary and to be capable of reduction for new entrants, then those who are receiving those rates of pay ought to be able to save something during their Government service, but what I did feel was that if we had to reduce rates of pay in the future then such saving would be more difficult. There are various ways of dealing with that. Of course it might be one of the provisions, when you introduce new scales, that instead of giving direct to the official the exact amount which he would get, a certain amount should be deducted and used for paying an insurance contribution so as to provide him with a death benefit, or, again, you could pay the full amount of the agreed salary and make compulsory deductions from that. We are considering these two alternative methods, either compulsory subscription to a general provident fund or some form of compulsory State insurance. We are not ready with any particular scheme, but that is a matter that is being very carefully examined by the Finance Department and the Home Department together. That, Sir, is the position. These are the bare facts of the position, and I really have nothing more to say than this that if this is a demand for increased emoluments—and it is quite clear that that is what my Honourable friend wants—then we are not in a position to afford it.

Mr. H. P. Mody: Sir, my Honourable friend, Mr. Joshi, has told the Government that they have forfeited his confidence. Now, if this was just a tactical move and the idea is merely to try and get something more out of Government than my Honourable friend has obtained so far. I say it is perfectly legitimate tactics and I would have nothing to say about it. After all we are living in an imperfect world and the voice of reason is not always listened to. Governments, in particular, not having a body to be kicked or a soul to be damned, are specially impervious in this respect, and my Honourable friend is perfectly right in continually pegging away, and trying to get more and more for the interests he represents. If, however, my Honourable friend really thinks that he has a grievance, then, all that I can say is that he does not know when he is well off. The trouble today is not that there is too little of industrial legislation, but that there is a great deal too much.

An Honourable Member: Legislation or demand for protection?

Another Honourable Member: Much the same thing.

Mr. H. P. Mody: That I shall deal with presently. I was saying that what we are suffering from is not too little legislation but a surfeit of it.

[Mr. H. P. Mody.]

Now, in so far as that arises from the awakened conscience of the world, conscience both of the Government and of employers, I wholeheartedly welcome it. In spite of all that has happened, in spite of the most unhappy relations which have prevailed for generations between capital and labour, capital is beginning to realise that the operative is not a machine, that he requires to be treated as a man, and, therefore, all proper measures for the amelioration of his lot must command the sympathy of every right-minded man. But, in so far as the demand for legislation arises from what is being done at International Conferences, where a lot of idealists meet and try to impose upon this country conditions which are wholly unsuited to it and for which this country is not ripe, then I say the time has definitely come to cry halt. What is the grievance of my Honourable friend against Government? If any body has a grievance, it is I, not my Honourable friend. The other day I was idly glancing over an index volume dealing with legislation, and I found that in the last ten years the Government of India have as many as six measures of labour legislation to their credit, and 12 amending pieces of legislation. Such a large number of enactments in the course of ten years should have satisfied even the appetite of my friend, Mr. Joshi

An Honourable Member: What about the Protection Bills?

Mr. H. P. Mody: That is why I was suggesting that my friend does not really know when he is well off. Supposing by a turn of the wheel of fortune, my Honourable friend were to take the place which Sir Frank Noyce is occupying today. I am sure, he would become a positive die-hard and you would see the phenomenon of Mr. Joshi occupying the Treasury Benches and my attacking him for not proceeding fast enough with labour amelioration measures. That might conceivably happen. As I said, all reasonable measures of labour amelioration must command our sympathy; but what I was trying to say was that legislation must be correlated in some way to the conditions of the industries to which it is applied; and if the particular industry to which it is sought to be applied cannot afford it, and the result is more and more burdens being imposed upon that industry, then it is not in the interests of labour itself that such legislation should be enacted. Look at what has happened in Lancashire and other parts of the world. Labour has stood out for very high wages; all these years of depression labour has stood out for many other things; and the result is that the industry in Lancashire has suffered grievously and employment has gone down to the extent of fully fifty per cent. Is it in the interests of labour to have that? I want to remind my Honourable friend of the fact that this country was one of the first and earliest amongst the great countries of the world to ratify the Washington Convention of 1918; and what was the result? I do not say that we should not have ratified it. It was a proper act on the part of a Government and people which are humanitarian in their outlook; but what was the result? Japan did not ratify that Convention for years and years, and she derived immense advantages from such non-ratification with the result that industries in India were penalised; and so with regard to everything. My Honourable friend says, what is the world doing? Shall I give him an answer? The answer will be most unpalatable to him. The whole world today is reducing wages, if that is what he wants; and, at a time like this, when according to my Honourable friend himself every industry

is suffering, he actually suggests that the hours of labour should be reduced. Reduced for whose benefit? It may be, and I think the time will come when the hours of labour will have to be reduced to 54. I can visualise a time in the distant future when the hours of labour may be still further reduced to 48. But the time is not yet and that is the whole difference between myself and my friend, Mr. Joshi

Mr. K. Ahmed: When will the time come?

Mr. H. P. Mody: The time will come when India has advanced beyond the stage of industrial infancy; the time will come when our industries will have been so firmly established on their legs that they will be able to undertake burdens of this character; the time will come when those in charge of our industries will find that they are dealing with labour which is led by genuine trade union leaders and not by people of the type of my friend, Mr. K. Ahmed—for the moment I will leave out Mr. Joshi, though they are always associated in my mind as the heavenly twins (Laughter)

Mr. K. Ahmed: And capital will make hay in the sunshine?

Mr. H. P. Mody: The whole position is that the record of the Government of India in the matter of labour legislation is one which reflects credit upon them and on the Legislature; it is certainly not anything to be ashamed of. As the conditions of our industries improve, that record will become brighter and brighter. But to try and censure the Government, because of some lack on their part of appreciation of the wants and needs of labour, is, I say, not only wholly ill-timed, but unfair both to the Government and to this Legislature which has stood by labour interests all along

Mr. K. Ahmed: It is the other way round.

Mr. H. P. Mody: It is very appropriate that my Honourable friend should always be talking of something which is round (Laughter), though I have not exactly followed what it is that is the other way round in this particular case.

Mr. K. Ahmed: It is with capital that is lacking appreciation of the needs of labour.

Mr. H. P. Mody: I only know this, that if I was to try and get round my Honourable friend, Mr. K. Ahmed, it would take me a good long time! To end on a less controversial note, I whole-heartedly agree with what my Honourable friend, Mr. Joshi, has said, and which has been supported by Mr. Thampan and Mr. Jog, with regard to the conditions of poorly paid Government employees. My Honourable friend, the Finance Member, it is true, has given a reply which seems convincing, partly because of the financial stringency at the moment; but I for one would suggest to Mr. Joshi to lead a strong deputation to the Government of India and to try and show what the necessities of the case are and how they can best be met. For instance, the Finance Member referred to the difficulty of giving even death benefits because of the expense involved. I would not regard the expenditure of a mere 20 lakhs of rupees as some thing which should prove a positive obstacle in the way of carrying out such a measure of justice. I for one would submit even to higher taxation for conferring a

[Mr. H. P. Mody.]

benefit like this upon a large body of deserving people, and I say that my friend, Mr. Joshi, and the other champions of the poorly paid Government employees would do well to keep pegging away at that question and to bring it on to a more practical plane by leading a deputation to the Government of India with a view to more speedy action. Mere discussion on the floor of this House is often infructuous and does not lead anywhere, and there are better ways of getting from Government the relief which you think is most needed. For the reasons that I have given, while I support all that Mr. Joshi said in the first fifteen minutes of his speech, I am afraid, I cannot follow at all his line of reasoning when he talked of the deficiency of labour legislation in this country.

Mr. S. C. Mitra: Sir, I am thankful to my friend, Mr. Joshi, for initiating this discussion.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair, which was occupied by Sir Hari Singh Gour.]

I cannot appreciate why, whenever there is a discussion about labour in this House, the representatives of capital should think that they must say something against it. Western notions are so much on our brain that we cannot think of anything except the Marxian theory of class conflict. Why should we accept it as gospel truth, that the different classes in India should be always fighting? I think it is against the true Indian ideal and here I shall have the support of my friend, Raja Bahadur Krishnamachariar, about his *Varnashram* ideal of India. Why should the different classes always consider that their interests are clashing? It has become a fashion to compare India with other European countries as regards her defence, finance, incidence of taxation, and other things; I would like to ask, not so much about labourers who get some work for their little wages, but what about those who do not get any employment as compared to the unemployed in other countries. The big question that has engrossed the attention of all the civilised world is about unemployment: and what is the reply of our Government about that question of unemployment in India? Have they any unemployment insurance scheme? Have we even collected the statistics not only of the industrial labour, but of the agricultural labour as well, throughout this vast land? I think Mr. Joshi should have raised this question. The prosperity of a country depends largely in finding sufficient occupation for its people.

Then, the other questions about old age pensions and sick insurance and all those similar questions that are engrossing the attention of real leaders of the labour and of public opinion in other countries are not even thought of in this country. If I raise this question now in this House,

4 P.M. I know the stereotyped reply will be that it is a matter for the Provincial Governments, and perhaps it may also be said that that is a transferred subject with which the Government of India have no concern. But I think even as model legislation the Government of India should some day think of initiating legislation for unemployment insurance, old age pensions, insurance against sickness and other kindred matters. I personally believe that, for the solution of the Indian trouble, one day we shall have to tackle the unemployment problem. It is a very important problem on which all our energies and attention should be

concentrated, but the Government of India are very negligent about these matters. They are busy about taxation, but they do not consider the question of initiating beneficial legislation of this character.

Now, Sir, I shall only say a word about a specific question which has been replied to by the Honourable the Finance Member about officers who unfortunately die at the end of their service, but before actually completing 30 years, and leave behind them a host of dependents uncared for or unprovided for. Sir George Schuster showed great sympathy for these unfortunate officers, but all he said was that these people should have set apart a portion of their pay as provision for rainy days. If that is the argument of Government, I think we can say with greater force that for the highly paid officers there need not be any pensionary scheme at all, because those who are paid higher salaries can easily set apart a large part of their salary as provision for old age and for their children. It is not in human nature to be ready for death always and to provide for the future and set apart a portion of one's small salary. Human mind generally thinks that man will live long enough. I remember many cases, some of them very hard cases indeed, where the main bread winner of the family died almost nearing the full term of office, that is 30 years, and the dependents were left stranded. I think, though the whole scheme may cost about 15 or 18 lakhs, Government should still consider sympathetically the cases of these unfortunate people. Sir, with these words, I support the motion of my friend, Mr. Joshi.

The Honourable Sir Frank Noyce: Sir, I find myself in an unusually difficult position this afternoon. Those of my colleagues on these benches, who have had during the last three and a half days to deal with motions for cuts, have in the main had to deal with questions of general policy. I am not only asked to do that this afternoon, but I am asked to deal with a multiplicity of details, with many of which I am not really concerned. My Honourable friend, the Finance Member, has dealt very fully with the points which concern his Department, but other Departments have been mentioned, such, for instance, as the Home Department which is concerned with the grievance of Mr. Joshi, which was that the proposed All-India Federation of Government Servants was not recognised. The reason for that, Sir, was that it did not comply with the recognition rules which lay down that an association of Government servants in order to be recognised must be homogeneous. I am very much afraid, therefore, that I cannot satisfy him on that point.

Well, Sir, the brunt of the attack on my Department as usual has come from my friend, Mr. Joshi. I greatly admire Mr. Joshi's sincerity; I greatly admire his consistency; still more do I admire and envy his persistence. If he will excuse a comparison, I cannot fail to be reminded on an occasion such as this of one of the most celebrated birds in poetry, the raven in the famous poem of that name by Edger Allan Poe. Now, Sir, the raven was a very laconic bird. It had only one word in its vocabulary and that word was "never more". Now, nobody can accuse Mr. Joshi of being laconic, but, if I may say so, it does seem to me that he suffers from the raven's fault of repetition. The burden of his annual dirge is invariably that Government are doing nothing. Now, Sir, I shall have to say a few words about that later, but before I do so, I should like to deal with the specific grievances that he and one or two other Members have

[Sir Frank Noyce.]

raised in regard to the Departments in my charge. I should have thought that the better occasion for voicing the grievances of the Postal and Telegraph employees would have been when the demand for the Posts and Telegraphs Department comes up for discussion, as it probably will tomorrow afternoon, but as the points have been raised, I will do my best to deal with them now. They are, as far as I can make out, five in number, and I must say that I feel that, if Members of this House have no stronger grievances than those voiced this afternoon against the Department, it says a great deal for the Department. Now, the first of these grievances related to the foreign mail sorters, and was that they have to spend a considerable amount of time away from their headquarters and they receive an insufficient allowance for so doing. I am glad to be in a position to inform Mr. Joshi and also Mr. Jog if he had been in his seat, that that grievance has been settled. We do agree that this is an exceptional case, quite an exceptional case, in which the stay away from the headquarters is unusually long. In the next two or three days, orders will issue increasing the halting allowance to this class of employee, though perhaps not quite to the extent that they could wish.

I now return to the question of late fee and express charges. Here I regret that I am not in a position to give such a satisfactory reply. It seems to me undoubtedly that the proportion of the amount of these charges which is retained by postal employees partakes of the nature of pay for work done, and I cannot myself see that it is any more improper to subject it to the cut than it is to subject ordinary pay to the same cut.

Then, Mr. Jog raised the question of people being kept in acting appointments for a long time. Well, Sir, that is inherent in the present position. The Posts and Telegraphs Department is a department, the volume of the work of which varies very greatly from time to time. I think it would be a very bad policy if the Department were to confirm as permanent officials persons who, if the Department's business continues to decline, may not be required, or whose retention may be rendered unnecessary by further re-organizations. When, as we all hope will happen in the near future,—one could wish that signs of its doing so are rather more apparent than they are at present,—the business of the Department again resumes its normal upward trend, then it will be possible to adopt a different policy as regards making the staff permanent. In the meantime, I think that it should be recognised that those who are employed even on an officiating basis only are luckier than the great number of people who are unable to secure work of any kind even on a temporary footing in this time of general unemployment.

Mr. Joshi and Mr. Jog further voiced the grievances of postmen and the lower grade servants in general in regard to promotion to higher grades. I have looked into that case in the course of the last day or two in connection with the motions for cut and I am glad to find that there is very little in this grievance. My Honourable friend, the Director General of Posts and Telegraphs, received a deputation on the subject quite recently and was able to take what Mr. Joshi will, I am sure, regard as satisfactory action in regard to the only grievance that he was able to find, and that is the grievance that the senior postmen are subjected to examination before they can be regarded as qualified for lower division clerkships. I entirely

sympathise with the view that it is rather hard on them to require them to pass examinations at their time of life. One of the nightmares I had for many years after getting into the Indian Civil Service was that I should be called upon to pass the examination again within a week and, that, if I did not do so, I should lose my job. In order to meet this grievance, the Director General has decided with my full concurrence that the Heads of Circles should be empowered at their discretion to exempt from test those senior members of the postmen staff whom they consider deserving of the concession and that these men may be promoted to any of the posts for which they are otherwise eligible without passing the test if the Heads of Circles are satisfied of their general suitability. Orders communicating this decision will be issued also in the course of the next few days.

As regards the general position in respect of the prospects of promotion of postmen, mail guards, and the lower grade staff generally, those have been considerably improved of late. They used to be eligible for 11 per cent. of the vacancies only; now they are eligible for at least 50 per cent.; and in fact, if they are good enough to go on to the upper division, they are eligible for as much as 75 per cent. I cannot, therefore, agree that there is any grievance under this head.

Mr. Jog mentioned that the R. M. S. Inspectors, I think he said at Poona, are over-worked. I gather that some complaints have been made. I find that the matter is under reference to the Heads of Circles and I can assure the House that there is no desire to cut staff so far as to give legitimate ground for complaint. The Heads of Circles are always ready to discuss specific cases of complaint with local branches of the Union. The Director General will look further into that and set matters right if necessary.

My Honourable friend, Mr. Thampan, raised the question of the Trade Disputes Act with special reference to the strike on the M. & S. M. Railway. Before I deal with that latter point, I can only repeat the assurance that I gave the House, I think it was in September last, that I was looking into the whole question of the revision of the Trades Disputes Act in the light of the recommendations of the Royal Commission on Labour. Consideration of this question is still in progress, but we have had so many other pre-occupations of late that it has not been possible to come to any final conclusions in regard to it. We hope to do so before long.

Now, Sir, I turn to the allegations of indifference, negligence and the rest which have been brought against the Government because of their non-interference in the matter of the Perambur Railway Strike. The whole subject has been discussed so often and at such length on the floor of this House that it is quite unnecessary for me to go into the merits of the case. I merely wish to explain the attitude of my Department in regard to the request or rather the absence of a request for the appointment of a board of conciliation. We, in this Department, received no request for a board of conciliation until towards the end of December last. My Honourable friend, Mr. Thampan, is quite aware of the rules on the subject. He knows that a board of conciliation can be appointed by Government on the application of either side, and that it must be appointed if both sides apply. I maintain that there was no necessity whatever for the Government of India. . . .

Mr. K. P. Thampan: I did not hear my Honourable friend well. Does not the Act provide, if the Government so choose, for the appointment of a conciliation board on the application of one party alone?

The Honourable Sir Frank Noyce: I have said that a board can be appointed if one party applies. That is the point to which I am coming. I thought that my Honourable friend knew quite well that it could be appointed if only one party applied. The point I wish to emphasise is that we did not get an application from either party until the end of December, and I take it that when a man in Mr. Giri's position who, I have no doubt whatever, is very well conversant with the provisions of the Act and the rules thereunder, did not apply, that means that he and his party did not want a conciliation board at that stage. There is no reason whatever why, when the two parties to a dispute know perfectly well what the rules on the subject are, the Government should interfere at an earlier stage than is necessary, and that stage presumably comes when one party to the dispute applies for the appointment of a conciliation board

Mr. K. P. Thampan: Is my Honourable friend sure that the M. & S. M. Union did not apply to the Member in charge of Railways?

The Honourable Sir Frank Noyce: I am not concerned with the application to the Railway Department. I am concerned with the application to my Department. The rules definitely lay down certain provisions. Here is the rule.

"An application for reference of a trade dispute to a Court or Board shall be made in Form A and shall be forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Industries and Labour."

That is the rule on the subject and that rule was followed towards the end of December. It was only then that we got an application for the reference of this dispute to a board of conciliation.

Mr. K. P. Thampan: May I know the date of receipt of the application?

The Honourable Sir Frank Noyce: The first formal application for a board of conciliation complying with the provisions of rule 4 of the Indian Trades Disputes Rules was made to the Government of India by the Union on the 29th December, 1982, several days after the Citizens' Committee had been functioning and when apparently it became evident to the labour side that their case was not as strong or as generally acceptable as they had thought it to be. By that time it was obviously no use whatever for the Government of India to appoint a conciliation board. They could not have appointed a better conciliation board than the one which was already in existence and which was presided over by my Honourable friend, Mr. James. He must, after the remarks which have been made by Members of this House on sundry occasions, be wondering how much truth there is in the Biblical maxim "Blessed are the peace makers".

I now pass on to another point which was raised by my Honourable friend, Mr. Thampan, in regard to the non-registration of two trade unions. I think that is a provincial matter, but I shall be glad to look into it to see

Mr. K. P. Thampan: The Aravankadu Cordite Factory is not a provincial matter.

The Honourable Sir Frank Noyce: The actual registration of the union is, I think, a provincial matter. I know that the union is a union of servants of the Army Department, but the actual registration of the union is a provincial matter.

It is unnecessary for me to say much about the point raised by the Honourable Member from Burma, especially as he is absent from the House. His grievance was that we had taken rather too drastic action on a recommendation of the Royal Commission on Labour and had abolished an appointment which he thought ought not to have been abolished. However, as the gentleman holding the appointment in question seems to have found a more useful scope of work under the British India Steam Navigation Company, whereas the Labour Commission thought he had no work at all to do, it seems a case of "All is well that ends well". I can say no more in regard to the very important point raised by my Honourable friend, Mr. Mitra, than that the question of unemployment is one of the very greatest difficulty. He knows as well as I do that it is a provincial question and that it is for the provinces to take action in the first instance on it, but any assistance that the Government of India can give them in the way of information or in any other way will be readily given.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I point out that it is the Government of India which is the largest employer of labour in railways and post offices?

The Honourable Sir Frank Noyce: They are the largest employers of labour and they have also the smallest proportion of unemployment. I do feel myself from any recollection of what the Royal Commission on Labour said on this subject that that part of their report was one of the least satisfactory. It was bound to be so owing to the inherent difficulty of the problem. There is after all no country in the world which has solved the unemployment problem. Even in England which, at any rate, has taken the best measures for alleviating the distress arising out of unemployment, they have not solved the problem of unemployment and other countries are in an even worse state. Unemployment is a condition which arises out of world conditions and the only real cure for it is economic recovery.

I now come back to the points raised by my Honourable friend, Mr. Joshi. He wants factory legislation expedited. We issued a very lengthy circular on this subject and the last reply came in only a fortnight ago. The printed opinions run to between 200 and 300 foolscap pages and it will obviously take considerable time to digest them and to get our legislation in a form in which it could be placed before this House. He also wanted to know what investigations have been made as regards health insurance. There, Sir, we put the matter before the Standing Advisory Committee of this Department and we got into touch with the Public Health Commissioner who is making efforts to secure statistical material, forms, etc., from England in order that we can get some sort of basis on which to work. This question of health insurance is going to prove an extremely difficult one and we have to try and get satisfactory information before we can get to work on it. Mr. Joshi also wanted

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to know why last year we did not appoint an adviser to the Geneva Delegation. The only reason for our failure to do so was financial stringency and that reason will, I fear, probably apply also this year. Then, Mr. Joshi also raised the question of maternity benefit. There I think I am right in saying that there has been no departure from the recommendation of the Royal Commission on Labour. What the Royal Commission recommended was not all-India legislation, but legislation throughout India, which was a different matter and which implied that steps should be taken by the provinces. I gather from the report showing the action which has been taken on the recommendations of the Commission that the provinces have the matter under consideration, but that they are held up by the general depression.

Having dealt in such detail as is possible within the limited time at my disposal with specific points, I should like to dwell just for a minute or two with what seems to be the fundamental weakness in Mr. Joshi's position. He finds it impossible to rid himself of an entirely false idea of the position of Government in regard to matters of labour or indeed of any other legislation. All that Government have to do in his view is to form a conclusion on what would be the ideal and then to enforce that ideal by legislation. Mr. Joshi must realise, if he reflects, that such a course is not merely unwise, but it is also impossible. Even in the case of the most autocratic countries, there are limits to the extent to which reform can be enforced by legislation. There are limits, as a close study of the method of that Government for which his speeches reveal that he has such a wholehearted admiration—I am referring to the Government of Soviet Russia—to the extent to which reform can be enforced by executive action. In India the day is long past, if it ever existed, when the Government of India could operate in the ideal world of Mr. Joshi's imagination. I am not thinking mainly of difficulties arising from the presence of elected Legislatures. I readily acknowledge the support given in this House to the measures we have introduced and I do not doubt that that support will be continued to all well considered proposals.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

But the power of this Legislature to legislate effectively *in vacuo* as it were is also limited. The Legislature is no more able than the executive to re-mould the world in a year or two according to their heart's desire. They cannot go very far without a solid measure of public opinion behind them and without a more effective demand for the steps they attempt. There are many views to be considered: the views of the employers, the views of the general public and the views of labour and it is of the views of labour that I am thinking at this moment. Now, my Honourable friend, Mr. Joshi, pleads that labour is ignorant and unable to voice its needs adequately. If that is so, what about the leaders of labour? What are they doing to educate labour? I am afraid, I see remarkably little evidence of efforts on their part to educate those whom they profess to represent. What we are, Sir, here asking for is active and constructive co-operation from the labour side. We in this House have been engaged for over a year in a substantial programme of labour legislation, but I think most Members would find it difficult to say what labour's attitude in these matters is. Pains are taken to see that

they get the views of various interests on subjects like Medical Councils, the import duty on cinematograph films, or sugar-candy and the like, but I wonder if a single Member opposite has been asked by a labour union to support any of our Bills.

Dr. Ziauddin Ahmad: You are having too many of them.

The Honourable Sir Frank Noyce: That is an interruption of which I hope Mr. Joshi will take due notice. All we get is a series of complaints from Mr. Joshi and, I am afraid, little else. I do not believe that labour is apathetic: it is facing particularly hard times at present. But I would suggest that those who profess to speak for it are making too little effort to keep a close touch with it. They are apt to show more interest in securing the reinstatement of 98 men who left their employment a year before or in considering who is to go to Geneva than in a labour measure which may affect the welfare of hundreds of thousands of work-people for years to come. Sir, I have spoken plainly and Mr. Joshi may think too emphatically, but I do feel very strongly that what we want is that labour should for a short space turn its critical eye from Government to itself. I want, in conclusion, to say that I cannot imagine any better evidence of Government's desire to implement the recommendations of the Whitley Commission on Labour than the fact that one of the most valuable Members of that Commission is now Joint Secretary in the Department which is concerned with the consideration of its Report. Sir, Mr. Clow's zeal that the labours of his Commission should not prove infructuous has not, I can assure the House, abated, though possibly his angle of vision occasionally slightly changes when he realizes the administrative difficulties in the way of carrying out their proposals. I think that concludes all that I have to say and I must apologize for having detained the House so long. (Loud Applause.)

Mr. N. M. Joshi: Mr. Deputy President, I am very grateful to those Honourable Members who spoke in favour of my motion. Sir, the replies of the Government of India were in parts good, but in some other parts they were bad (Laughter) and very bad as some of the Honourable Members say. I am sorry, Sir, the Honourable the Finance Member is not here, but he complained that I imported prejudice into my speech while talking about the payment of gratuity and provident fund for the poor Government employees and about the pension rules of the inferior servants. My own feeling is that I not only did not bring any prejudice to bear in my speech on this subject, but my fear is that the Honourable Member tried to misrepresent me to some extent. I am sorry he is not here. He said, Sir, that I intended to say that most of the benefit of the partial restoration of the cut goes to the superior servants. Mr. Deputy President, I am a member of sufficiently long standing in this House and I have also been sufficiently long in public life to understand that out of the amount required for the restoration of the cut a great part goes to what we may call the poorer classes of Government employees. But my point is this. The cut, Sir, would not have been restored had the superior service people not been involved in that. I want him to reply to the point as to whether the cut would have been restored if the superior services had not been involved. (Hear, hear.)

Then the Honourable Member said that the establishment of the scheme which I had proposed might involve some addition to emoluments. That may be so. But my point is that the Government of India can

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afford to spend some money on things which are absolutely necessary. I am not one of those people who are asking him to reduce the rates of income-tax. I feel that the Government of India should have some money in order to undertake some schemes which are absolutely essential and which cannot be postponed. The Honourable the Finance Member referred to the fact that there is no magic fund. Sir, I do not suggest that there is a magic fund, but there is sufficient fund and sufficient capacity of the Government of India to get funds, if there is felt to be a great need, for that purpose. Sir, the Honourable the Finance Member did not tell the House when the ideas about these schemes were first brought forward. The question of the inferior servants and their pension and leave rules has been placed by myself before this Legislature for more than ten years. The scheme for a provident fund and gratuities was first talked about and considered in the year 1924. The Government of India since then have had crores of rupees, to be spent over the Lee concessions and such-like. Why did not they postpone the Lee concessions and undertake these schemes and give effect to them? (Hear, hear.) Sir, I do not wish to go into the other questions dealt with by the Honourable the Finance Member. My friend, Mr. Mody, said that the time is not yet for labour measures and he said that the Government of India have passed as many as six labour Acts during the last ten years.

Mr. H. P. Mody: And amended twelve.

Mr. N. M. Joshi: Now, how many Acts did the Government of India pass for the protection of the industry? He did not reply to that.

Mr. K. Ahmed: And how much bounty has been paid to them?

Mr. N. M. Joshi: As regards labour legislation, the position is this. If the country is prepared for industrialisation, the country is equally prepared for labour legislation. Sir, the world has suffered on account of the fact that it has had industrialisation first and then it tried to pass labour legislations a century afterwards. Mr. Deputy President, in the case of people who lived in the eighteenth and the beginning of the nineteenth century, there may have been some reason for making the mistake of effecting industrialisation without passing labour legislation simultaneously, because they had no experience to go by. But certainly there is no reason why Mr. Mody should ask us to make another mistake. We have now before us the whole experience of the world that, if you industrialise without taking sufficient care to avoid the evils of industrialisation, the removal of those evils will cost you much more and will take a much longer time. I am not, therefore, prepared to wait any longer. I believe, Sir, that we should go on with our labour legislation as we go on with our industrialisation simultaneously.

Then, Sir, coming to the Honourable Member in charge of the Department of Industries and Labour, he said that there was no hope of the All-India Federation of the Government Employees Associations being recognised, on the ground that they were not a homogeneous class. But how can there be a Federation of Associations of different classes of Government employees which is homogenous? It is an impossible thing, if Government expect that all the Associations taken together will be homogeneous. Either they are placing before us an impossible task or

they are ignoring the fact that, in spite of differences, these organisations are homogeneous. They are homogeneous in this sense that all rules regarding pension, leave and other matters are common to them all. The Federation of all these Associations is a homogeneous body for this purpose. Therefore, there is nothing wrong in their recognising this body and the rules are not, in my judgment, violated by the recognition.

Then, Sir, the Honourable Member gave some reply as regards the condition of the postal employees which, though not quite satisfactory, certainly gave something for these postal employees and removed their complaints to some extent at least. He also said that the registration of trade unions of Government employees was a provincial subject. My recollection is that it is the Government of India that issued a circular to all provinces and even to some Registrars of Trade Unions that the Associations of Government servants should not be registered. As a matter of fact, I remember, while hearing evidence at Lahore as a member of the Royal Commission, the Director of Industries at Lahore who was the Registrar of Trade Unions stated in his evidence that he did not register the Trade Union of Government employees, because he was asked not to.

Mr. A. G. Olow: (Government of India: Nominated Official): By whom?

Mr. N. M. Joshi: If the Registrar in Bombay refuses to register, if the Registrar in Lahore refuses to register, if Registrars in other provinces refuse to register Trade Unions of Government servants, certainly there must be an order from Government, which is the Central Government.

Mr. A. G. Olow: Sir, may I say that to the best of my recollection the Central Government never issued such an order? Registration is of course a statutory right which any union can claim by application to the Registrar. I think the Government of India did issue a circular suggesting to Associations of Government servants that they need not apply for registration. That is quite a different matter, but, so far as I know, they have never issued any instructions to Registrars.

Mr. N. M. Joshi: Well, Sir, I quite realise that registration is a right given by statute and it is on account of that fact that we could insist and compel the Registrar in Bombay to register the Union of Government servants; when he was told that the matter would be taken to the High Court, he registered the Trade Union in Bombay. But, Sir, I do not wish to dwell on that point. We know that we have a right to get Unions registered. That is given to us by the statute and even Government circulars cannot take away that right.

Then, Sir, as regards the question of maternity benefit legislation, the Honourable Member said that the Royal Commission had stated that there should be legislation throughout the country, but it did not state that there should be all-India legislation. My own view, Sir, is that if there is to be legislation throughout the country, it is a much better plan that there should be legislation passed by the Central Government instead of expecting every province to pass separate legislation.

Then, Sir, coming to the general question with which the Honourable Member dealt, namely, the position of Government as regards labour legislation, he said that the power of Government to impose legislation upon the country is limited. I thought it was not limited, when we consider the kind of legislation which Government passed at the last Simla

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Session and even at the last Session at Delhi. I thought they had power to pass any legislation against the whole country, and I wonder why the Honourable Member in charge of the Department of Industries and Labour should be so modest and say that he has not got sufficient power to pass a small legislation for benefiting the working classes in this country.

Sir, the Honourable Member suggested that I should give a little more attention to find fault with ourselves and indulge in a little introspection instead of spending my time in finding fault with Government. Sir, I assure the Honourable Member that I do spend some time in considering our position. I am not one of those people who think that we have no faults. At least I see that there are many faults in me. I also realise that our position is weak and that we could improve the trade union movement, still I feel that while we improve ourselves, there is nothing wrong if we try to improve Government.

Sir, I have finished and I leave my motion in the hands of the House.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The question is:

"That the demand under the head 'Department of Industries and Labour' be reduced by Rs. 100."

The motion was negatived.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): The question is:

"That a sum not exceeding Rs. 4,69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1934, in respect of the 'Department of Industries and Labour'."

The motion was adopted.

Mr. Deputy President (Mr. R. K. Shanmukham Chetty): Tomorrow morning the House will resume consideration of the second stage with a discussion on Demand No. 18—Salt and the other demands, except those that have been disposed of in the order in which they appear on the order paper.

The Assembly then adjourned till Eleven of the Clock on Friday, the 10th March, 1933.