

3rd April 1929

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

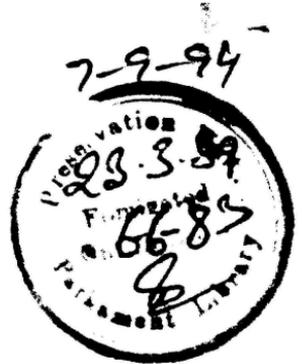
Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



DELHI
GOVERNMENT OF INDIA PRESS
1929

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LEGISLATIVE ASSEMBLY.

Wednesday, 3rd April, 1929.

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

QUESTIONS AND ANSWERS.

PROVISION OF A SCHOLARSHIP FOR POST-GRADUATE TRAINING OF BACHELORS OF COMMERCE IN FOREIGN COUNTRIES.

1438. *Mr. Siddheswar Prasad Sinha: (a) Have Government made any provision for a scholarship for the post-graduate training of Bachelors of Commerce in special subjects in foreign countries?

(b) If the answer to part (a) be in the negative, do Government propose making such provision at an early date? If not, why not?

The Honourable Sir George Rainy: (a) The Government of India have not made any such provision.

(b) No; the matter is within the competence of the Local Governments.

EXPENDITURE INCURRED ON THE NORTH-WEST FRONTIER OWING TO THE TROUBLES ACROSS THE BORDER.

1439. *Mr. Gaya Prasad Singh: (a) Will Government be pleased to state if any additional expenditure has been necessary to meet the situation on the North-West Frontier, owing to troubles across the border? If so, how much?

(b) Is it a fact that appropriations from the savings of other Departments have been made to meet the requirements of the Foreign Department in this connection; and if so, how much?

Sir Denys Bray: The information is being collected and will be supplied to the Honourable Member in due course.

PASSENGER FARES AND GOODS FREIGHTS ON STATE RAILWAYS AND COMPANY RAILWAYS IN INDIA.

1440. *Mr. Gaya Prasad Singh: Will Government be pleased to lay on the table a statement showing separately:

(i) passenger fares per mile on the State railways, and Company railways in India, for 1st, 2nd, Intermediate and 3rd classes?

(ii) goods' freight per mile on the above railways?

Mr. P. E. Rau: (i) I lay a statement on the table giving the passenger fares per mile on Class I Railways in India.

(ii) A similar statement with regard to goods rate would be too bulky, and its preparation would involve a very great amount of labour. As the Honourable Member is no doubt aware, commodities are divided into 10 different classes for purposes of freight rates, and only maxima and minima freight rates for each class have been fixed by the Railway Board, between which railway administrations are at liberty to quote such rates as they think desirable. A statement showing the maxima and minima rates for each class was placed on the table by Mr. Parsons on the 29th January, 1929, in reply to question No. 215 by Mr. Mukhtar Singh. If the Honourable Member wishes to have further details of the actual rates quoted for any particular commodity and on any particular railway, I would refer him to the General Classification of Goods published by the Indian Railway Conference Association, or to the Goods Tariff of the railway administration concerned.

Statement showing fares in force over class I Railways.

First and Second classes.		Inter class.		3rd class.		
Railways.	Distances in miles.	Pies per mile.		Railways.	Distances in miles.	Pies per mile.
		1st class.	2nd class.			
N. W.	1-300 . . .	18	9	N. W. . .	1-50 . . .	5
	301 and over . . .	12	6		51 and over . . .	4½
E. B.	1-150 . . .	24	15	E. B. . .	1-150 . . .	6
	151 and over . . .	18	10		151 and over . . .	4½
B., B. & C. I. & M. & S. M.	1-150 . . .	24	12	B., B. & C. I. C. I.	Mail—	
	151 and over . . .	18	9		1-150 . . .	6
					151 and over . . .	5
					Ordinary—	
					1-150 . . .	5
					151 and over . . .	4
					Mail—	
					1-300 . . .	4
					301 and over . . .	3
					Ordinary—	
					1-150 . . .	3½
					151-300 . . .	3
					301 and over . . .	2½

M. & S. M. and Jodhpur.	All distances .	5 | M. & S. M. Mail	4
E. I. .	1-100 .	1-100 .	4
G. I. P. & N. G. S.	101-300 .	101-300 .	3½
E. I. .	301 and over .	301 and over .	2½
E. I. .	1-100 .	Ordinary— 1-50 .	3½
G. I. P. & N. G. S.	101-300 .	51-150 .	3
E. I. .	301 and over .	151-300 .	2½
E. I. .	All distances .	301 and over .	2
E. I. .	1-300 .	1-50 .	4
G. I. P. & N. G. S.	301 and over .	51-150 .	3½
G. I. P. .	All distances .	151-300 .	3
N. G. S. & Burma.	All distances .	301 and over .	2½
N. G. S. & Burma.	All distances .	Mail— All distances .	3½
N. G. S. & Burma.	All distances .	Ordinary— All distances .	3

* Except over the Sara-Sirajganj, Cooch Behar State, Raja Bhati Khawa-Dalsingpara and Kuluha-Bagerhat Railways. The charges over these Railways are 3½ pice per mile for all distances.

First and Second classes.			Inter class.			3rd class.			
Railways.	Distances in miles.	Pies per mile.		Railways.	Distances in miles.	Pies per mile.	Railways.	Distances in miles.	Pies per mile.
		1st class.	2nd class.						
Burma	(i) Lashio Branch & Southern Shan States :— All distances .	36	18	Burma			Burma	(i) Lashio Branch and Southern Shan States— All distances .	6
	(ii) Sections other than those shown in (i)— All distances .	18	9					(ii) Sections other than those shown in (i)— 1—50 . 51—150 . 151—300 . 301 and over .	3½ 3½ 3 2½
Jodhpur	All distances .	24	12	Jodhpur			Jodhpur	All distances .	4
B. N.	1—300 .	24	12	B. N.	Mail—	7	B. N.	Mail— 1—300 .	4½
	301 and over .	18	9		301 and over .	3½		301—600 . 601 and over .	3½ 3

S. I.	Mail— 1—150 151 and over Ordinary— All distances	24 18 18	12 9 9	S. I.	Ordinary— 1—300 301 and over Mail— All distances Ordinary— No inter class.	5 3½ 7½	Ordinary— 1—300 301 and over Mail— 1—100 101—300 301 and over Ordinary— 1—50 51—300 301 and over 1—50 51 and over (i) Shaistaganj-Habiganj, the Chaparmukh-Silghat and the Kakabhal-Lal Bazar Railway branches— All distances (ii) Sections other than those shown in (i)— 1—300 301 and over	3½ 2½ 4 3½ 2½ 2 2½ 2 4½ 4 3½
B. & N. W.	1—150 151 and over	18 12	9 6	B. & N. W.	All distances	4	1—50 301 and over 1—50 51 and over	2½ 2 2½ 2
A. B.	1—300 301 and over	30 16	15 9	A. B.	1—300 301 and over	5 4	(i) Shaistaganj-Habiganj, the Chaparmukh-Silghat and the Kakabhal-Lal Bazar Railway branches— All distances (ii) Sections other than those shown in (i)— 1—300 301 and over	4½ 4 4 3½

†1441.

INQUIRY INTO THE BACKWARD STATE OF EDUCATION IN THE NORTH-WEST FRONTIER PROVINCE.

1442. *Maulvi Muhammad Yakub: (a) Will Government be pleased to state what is the percentage of literacy in the North-West Frontier Province and Baluchistan, and how does this percentage compare with the more advanced provinces of Bangalore and Coorg, and the areas of Delhi and Ajmer-Merwara? Is it a fact that, while there is a predominance of Muhammadans in the former, non-Muhammadans predominate in the latter?

(b) Will Government be pleased to state what action, if any, they are taking to bring the education of Muhammadans in the North-West Frontier Province in line with the more advanced areas under the direct control of the Government of India like Bangalore?

(c) Will Government be pleased to state the population, number of schools, primary, secondary, and colleges in:

North-West Frontier Province,
Baluchistan,
Delhi,
Ajmer-Merwara,
Bangalore and Coorg?

(d) Will Government be pleased to state which of the above provinces will be selected for inquiry, and what are the principles upon which the provinces will be selected for inquiry? Will Government be pleased to state whether the provinces at present showing the least percentage of literacy are being included in the inquiry? If not, why not?

(e) Will Government be pleased to state if the Education Secretary's announcement referred to includes inquiry into the condition of education of the backward classes, that is the Muhammadans, in the areas under the direct control of the Government of India like the North-West Frontier Province and Baluchistan, and are Government responsible for providing special facilities for their education?

Mr. G. S. Bajpai: (a) The Honourable Member is referred to the reply given by me to part (b) of Mr. Muhammad Ismail Khan's question No. 1278.

(b) As I showed in replying to Mr. Muhammad Ismail Khan's question No. 1278 on the 27th March, 1929, the greater portion of the financial provision made under the quinquennial programme of education for the directly administered areas is to be spent in the North-West Frontier Province and Baluchistan. If the Committee, which will soon be appointed, makes other recommendations for improving education in the North-West Frontier Province, its proposals will be carefully considered.

(c) A statement giving the information asked for is laid on the table.

(d) The provinces to which the inquiry will be confined are the North-West Frontier Province, Ajmer-Merwara and Delhi. It was decided, after consulting the Local Administration to exclude Baluchistan from the scope

† Question withdrawn by the Questioner.

of the proposed inquiry because of the nomadic character of its population, and the other smaller areas on account of their scattered nature and the smallness of their population.

(e) The inquiry will include the North-West Frontier Province. Government are anxious to provide educational facilities for all classes, consistently with their resources.

Statement showing the Population and the Number of recognised Primary and Secondary Schools and Colleges in Certain Administered Areas.

Area.	Population.	Primary Schools.	Secondary Schools.	Colleges.
North-West Frontier Province ..	2,251,340	617	122	4
Baluchistan	388,624	74	19	..
Delhi	488,188	181	47	7
Ajmer-Merwara	495,271	156	37	1
Bangalore	118,940	72	21	2
Coorg	163,838	108	3	..

APPOINTMENT OF MUSLIMS IN THE GENERAL POST OFFICE, DELHI, AND ITS TOWN SUB-OFFICES.

1443. *Maulvi Muhammad Yakub: (i) Will Government be pleased to state the number of clerical staff, including sub-postmasters, employed in the General Post Office, Delhi, and its town sub-offices?

(ii) What is the number of town sub-offices and number of Hindus and Muslims appointed in charge of them?

(iii) What is the number of permanent and officiating sub-postmasters among them and how many of them are seniors and how many of them juniors who have been appointed to these posts?

(iv) Is it a fact that, since the establishment of a Head Post Office in Delhi, the posts of Head Clerk and Accountant are always held by Hindus?

(v) Is it a fact that the papers regarding the transfer of Muslim employees are dealt with by the Accountant, which are more often adversely noted on by him?

(vi) Is it also a fact that, on Sundays, the postal staff in the General Post Office, Delhi, is posted on duty, turn by turn, but the Accountant, the Head Clerk and his Assistant are exempted? If so, why?

(vii) Do Government propose to take steps for appointing some Muslim Head Clerks and Accountants to safeguard the interests of the Muslim staff?

(viii) Is it a fact that there are four posts of Town Inspectors in Delhi, all of which have been held by Hindus for the last decade or two? If so, are Government prepared to consider the desirability of appointing some Muslim Inspectors also?

The Honourable Sir Bhupendra Nath Mitra: The information is being collected and a reply will be given to the Honourable Member in due course.

NUMBER OF MUHAMMADANS ENGAGED ON THE STAFF OF VARIOUS TOURING COMMITTEES IN THE LAST THREE YEARS.

1444. ***Maulvi Muhammad Yakub:** (a) Will the Government of India be pleased to state how many touring committees or commissions for inquiry into different subjects, for example, the Age of Consent Committee, Road Committee, etc., were appointed during the last three years? What has been their personnel, both clerical and higher, and how many of them have been Muhammadans and how many Hindus?

(b) Will Government be pleased to state what total amount of money was paid as salary to Hindu members and clerks, and how much to Muhammadans, and why a very small share has been paid to Muhammadans?

The Honourable Mr. J. Orerar: (a) and (b). I shall send the Honourable Member a copy of the statements of commissions and committees which were supplied to Rai Bahadur Tarit Bhusan Roy and Mr. Vidya Sagar Pandya, which will, I hope, give substantially the information he requires. I regret I cannot undertake to collect separate detailed figures for the clerical establishment.

APPOINTMENT OF HINDUS ON THE STAFF OF THE PROPOSED HAJ COMMITTEE.

1445. ***Maulvi Muhammad Yakub:** (a) Is it a fact that a Haj Committee is about to be appointed? Is it a fact that it purely affects Muslims and so its personnel, both members and clerical staff, will be recruited from amongst Muslims?

(b) Is it a fact that one, Mr. Haqiqat Rai, from the Railway Board is being appointed as Superintendent, while a very significant portion of the clerical staff is recruited from the Hindus?

(c) Will Government be pleased to state why they are ignoring the claims of Muslims for a committee which is purely a concern of Muslims. If they are not ignoring Muslims' claims, then will Government be pleased to state if they propose to keep a Muhammadan majority in the staff with a Muhammadan Superintendent?

Mr. G. S. Bajpal: (a) The appointment of the Haj Inquiry Committee and its personnel were announced on the 28th March 1929. With the exception of the Chairman, all the Members and the Secretary are Muslims. The selection of the clerical staff for the Committee is the concern of the Chairman.

(b) and (c). Mr. Haqiqat Rai was an applicant for the post of Superintendent, but a final selection has not yet been made. I have already stated that the selection of the staff is the Chairman's concern, who will

doubtless give due consideration to the claims of Muslim candidates, provided that they are adequately qualified for the duties to be performed.

Mr. Gaya Prasad Singh: May I know, Sir, what the clerical staff has got to do with the deliberations of the Committee?

Mr. G. S. Bajpai: I think the Honourable questioner will be able to answer that question better.

Mr. Gaya Prasad Singh: My question was directed to the Honourable the questioner (Maulvi Muhammad Yakub) and not to you.

Maulvi Muhammad Yakub: My answer to the question is that it is not the deliberations of the Committee for which this question is put, but we want the representation of our community on all Committees and all branches of the service. When any Committee is appointed, it is said there is no experienced Musalman. If the Musalmans are not allowed to act on some Committees, how will they acquire experience? It is for this reason that we wish to draw the attention of the Government.

Mr. K. Ahmed: May I ask your ruling, Sir, as to whether an elected Member can ask another elected Member to give an answer?

Mr. President: It has been asked and answered.

Mr. K. Ahmed: But what is the ruling, Sir, which we may have to follow later on?

(No answer.)

PROGRESS MADE IN BROADCASTING IN INDIA.

1446. ***Maulvi Abdul Matin Chaudhury:** (a) Will Government be pleased to state what progress broadcasting has made in India?

(b) Are Government aware that the Indian Broadcasting Company has, during the last eighteen months of its working, suffered heavy losses?

(c) Is it a fact that the loss is in a great measure due to the evasion of the provisions of the Telegraph Act by people who have installed wireless receivers?

(d) Are Government aware that many wireless importers evade payment of the 10 per cent. tribute due from them to the Indian Broadcasting Company, and thereby reduce the legitimate income of the Company?

(e) Have Government received any representation from the Indian Broadcasting Company on the subject, and if so, will Government be pleased to lay it on the table of the House?

(f) If the reply to part (e) is in the affirmative, will Government be pleased to state what action is proposed to be taken to ensure that the Company is not deprived of its legitimate income?

(g) Will Government be pleased to state whether they propose to support a broadcasting service in this country, and if so to what extent?

The Honourable Sir Bhupendra Nath Mitra: (a) Broadcasting has now been carried out from Bombay and Calcutta for approximately 1½ years by the Indian Broadcasting Company under agreement with the Government

of India. Considerable progress has been made, but the revenue of the Company is not at present sufficient to pay for the service.

(b) Yes.

(c) On the information available to Government this would be to exaggerate the importance of this factor, though evasion undoubtedly does occur.

(d) Government are so informed by the Indian Broadcasting Company.

(e) Government have received a number of such representations from the Indian Broadcasting Company but do not propose to lay them on the table particularly as the matter is still under consideration.

(f) With reference to evasion of the Telegraph Act, Government have appointed two investigating inspectors and the Director General of Posts and Telegraphs is now considering, in consultation with the Company, what further steps should be taken to enforce the law. With reference to the tribute, Government have indicated the legal remedies which are available and are awaiting further action by the Company.

(g) The matter is under consideration of Government.

Maulvi Abdul Matin Chaudhury: In view of the educative value of broadcasting, is Government prepared to guarantee a fixed dividend to the Company?

The Honourable Sir Bhupendra Nath Mitra: I am not in a position to make any statement on that point.

REFUSAL OF LEAVE TO THE SUPERIOR ESTABLISHMENT OF THE NORTHERN
INDIA SALT REVENUE DEPARTMENT.

1447. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if it is a fact that the superior establishment of the Northern India Salt Revenue Department is in a majority of cases refused leave, even when leave reserve hands are available?

(b) Is it a fact that, during the last three years, there have been several cases in which senior clerks were obliged to retire because they were refused the leave due to them?

(c) Will Government be pleased to state the number of such clerks and the leave due to each at the time of his retirement?

(d) Do Government propose to take measures to ensure its non-recurrence in future?

The Honourable Sir George Schuster: (a) The reply is in the negative. In no case has leave been refused when an official on the leave reserve has been available, and at times, as happens to be the case at present, leave has been granted to more clerks than the sanctioned number of the leave reserve.

(b) and (c). These parts of the Honourable Member's question can most satisfactorily be answered together. As the reply is of some length and contains a mass of details I lay the reply on the table.

(d) Leave, even though technically due, cannot be claimed as of right by any Government servant. If possible, however, it is usually granted, subject always to consideration of the public interest. I may also state that, when an officer is declared by competent medical authority to be unfit for further service, the general rule is that he should be retired forthwith, although the rule is at times relaxed.

After reviewing the cases to which the Honourable Member has drawn attention, the Government of India consider that the clerks in the Northern India Salt Revenue Department have received fair, and in cases, generous, treatment and do not propose to issue any orders in the matter.

Nine clerks have retired during the last three years. Four clerks, while on leave, were declared unfit for further service by medical boards. Three of these clerks were granted leave not due—in two cases up to six months, in the third case up to three months, while the fourth, after being invalidated, was granted six months leave out of one year four months due. Two clerks retired at their own request, on the expiry of 9 months and 10 months' leave, respectively. In the former case leave amounting to two years eleven months was due; in the latter, details are not at the moment available, but will be ascertained and communicated, with other similar information, to the Honourable Member in due course. The facts of the remaining cases are as follows:

(i) The clerk had been absent on leave for two years and 20 days when he returned to duty on September 27, 1928. In January last he asked for the balance of the leave due to him—6 months 15 days—but before orders were passed on his leave application, he asked to be relieved on a particular date either on leave or retirement. He was permitted to retire.

(ii) In this case the clerk asked for certain leave, but as a large number of clerks were already on leave, he was informed that, unless he appeared before a medical officer, he could only be granted leave up to a certain date when he would have completed a year on a certain rate of pay. The clerk, who had already intimated that he was incapable of serving Government any longer, and wished to retire in the near future, elected to retire on receiving the order mentioned. Information regarding the amount of leave due is not available at present.

(iii) The clerk was on leave on average pay for 5 months and 13 days, of which 3 months and 13 days were on medical certificate. During his leave, he asked for an extension for one year, but, as the number of clerks on leave was large and work was suffering, the clerk was informed that further leave could not be granted unless he produced a medical certificate. He elected to retire. In this case also the amount of leave due cannot be stated at the moment.

ABOLITION OF THE POST OF DEPUTY COMMISSIONER, NORTHERN INDIA SALT REVENUE DEPARTMENT.

1448. *Mr. Mukhtar Singh: (a) Is it a fact that an officer was placed on special duty in the Central Board of Revenue during 1927, to go into certain affairs concerning the Northern India Salt Revenue Department?

(b) Is it a fact that he recommended the abolition of the post of Deputy Commissioner, Northern India Salt Revenue Department?

(c) Is it a fact that the Government of India were pleased to accept his recommendation but did not propose to carry it into effect till the new Commissioner had run the Department for six months?

(d) Is it a fact that about a year has passed since the new Commissioner had taken over charge of the Department?

(e) Will Government be pleased to state why no action has yet been taken and when they contemplate abolishing the post?

(f) Do Government propose to see that this matter is hurried up?

The Honourable Sir George Schuster: (a) Yes. Mr. Strathie, I.C.S., was placed on deputation under the Central Board of Revenue, but the re-organisation of the Northern India Salt Revenue Department was only one of his numerous duties.

(b) The question of abolishing the post of Deputy Commissioner, Northern India Salt Revenue Department, had been under consideration before Mr. Strathie was placed on special duty. Mr. Strathie was asked to examine this question also in the course of his work in the Department. He recommended the abolition of the post of Deputy Commissioner and also that of Personal Assistant to the Commissioner and suggested the creation, in place of the two posts, of a single post of Secretary or Personal Assistant to the Commissioner of a rank between that of the present Deputy Commissioner and that of the present Personal Assistant.

(c) The Board were disposed to accept Mr. Strathie's opinion, but deferred making any recommendation to the Government of India until the present Commissioner had acquired complete knowledge of the Department.

(d), (e), and (f). Mr. Hoyle, the present Commissioner, assumed charge of his office at the end of May, 1928. He has been requested to communicate his opinion to the Board as soon as possible, and the Government of India hope to reach a decision at no distant date.

ACTIVITIES OF THE KERN INSTITUTE OF LEYDEN, HOLLAND, REGARDING THE STUDY OF INDIAN CIVILISATION AND ANTIQUITIES.

1449. ***Mr. K. O. Neogy:** (a) Are Government aware of the activities of the Kern Institute of Leyden in Holland regarding the study of Indian civilisation and antiquities?

(b) Have Government received any request for financial assistance on behalf of this Institute at any time? If so, for what purposes and with what effect?

(c) Has the attention of Government been drawn to the Annual Bibliography of Indian Archæology published by this Institute, and particularly to the foreword thereof, in which reference is made to the refusal of the Government of India to make a small grant-in-aid towards its publication?

(d) Are Government aware that the Government of the Dutch Netherlands in India makes an annual contribution to this Institute?

Mr. G. S. Bajpai: (a), (c) and (d). Yes.

(b). Yes. The Institute asked for and now receive an annual contribution of Rs. 600 from the Government of India towards the cost of publishing their Annual Bibliography of Indian Archæology.

GRANT OF STERLING OVERSEAS PAY TO ANGLO-INDIAN OFFICERS OF RAILWAYS.

1450. ***Mr. K. O. Neogy:** (a) Will Government be pleased to state their policy in the matter of granting sterling overseas pay to Anglo-Indian officers of the railways?

(b) How many Anglo-Indian and Indian officers, respectively, in the different railways are in receipt of sterling overseas pay? If there is any distinction in the matter of overseas pay, or special pay in lieu thereof, as between Indian and Anglo-Indian officers of the railways, will Government be pleased to explain the reasons?

(c) Is it a fact that a number of Anglo-Indian railway officers, who were originally treated on the same footing as Indian officers, in the matter of special pay in lieu of sterling overseas pay, have gradually been granted the benefit of sterling overseas pay? If so, why and what is the number of such cases in each railway?

(d) Are these Anglo-Indian officers regarded as statutory Indians?

Mr. P. R. Rau: (a) The grant of sterling overseas pay is regulated by the Superior Civil Services Rules, 1925, a copy of which is in the Library. Only those who satisfy the conditions of non-Asiatic domicile prescribed in Appendix B to Schedule IV to those Rules are granted sterling overseas pay. Anglo-Indians, in so far as they are statutory natives of India, are not eligible.

(b) As I have already explained, there are no officers of Asiatic domicile in receipt of sterling overseas pay. Except on the Bombay, Baroda and Central India Railway, there is, so far as I am aware, no distinction in the matter of special pay, in lieu of overseas pay, between Indian and Anglo-Indian Officers. The Railway Board have taken up the question with this Railway Company, who, I understand are reconsidering the matter. In this connection I would refer the Honourable Member to the reply given by Mr. Parsons to Rai Sahib Harbilas Sarda's question No. 527 on the 11th February 1920.

(c) I believe there is a certain number of officers who could not originally prove their domicile as non-Asiatic, but have since been able to do so. Information as to the number of such cases is not available, but I shall be prepared to collect it, if desired, but, as many cases are still under investigation, the information cannot be complete at present.

(d) Such officers as have proved their domicile to be non-Asiatic can obviously no longer be regarded as statutory natives of India.

Mr. K. O. Neogy: Are these officers considered to be Indians for the purpose of inclusion in the statistical information appended to the Railway Board Report under "Indian"?

Mr. P. R. Rau: No officers who have proved their domicile to be non-Asiatic can be included as Indians.

**ALLEGED RUDE TREATMENT OF INDIANS BY EUROPEAN OFFICERS UNDER
MR. PEARCE, AGENT, EASTERN BENGAL RAILWAY.**

1451. ***Mr. K. C. Neogy:** (a) How many Indian officers of the Eastern Bengal Railway have preferred appeals to the Railway Board on the ground of supersession, rude treatment by European officers, etc., since Mr. Pearce assumed charge as Agent of that Railway?

(b) How many Indian officers of the Eastern Bengal Railway applied for transfer to other railways during this period, and generally on what grounds?

Mr. P. R. Rau: (a) Three Indian officers appealed to the Railway Board during the period. One of them appealed on the ground that he had not been promoted from the Local Traffic Service to the Superior Service; another because the Agent proposed to stop his increment; and the third because he was called upon to pass a special departmental examination before being certified fit to hold charge of a senior scale post.

(b) In addition to the above officers, who also asked incidentally for a transfer to other Railways, two other Indian officers applied for transfer on grounds of ill-health.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF MUSLIMS AS APPRAISERS AT VARIOUS PORTS.

434. **Mr. A. H. Ghuknavi:** (a) Will Government be pleased to state :-

- (1) the total number of appointments of Appraisers, Assistant Appraisers, and Preventive Officers separately at each of the ports of Calcutta, Bombay, Karachi, Madras and Rangoon;
- (2) the number of Hindu, Muslim, Anglo-Indian and European officials in the services; and
- (3) the percentage of Muslims at each port separately, as compared to the percentage of other communities?

(b) In view of the small percentage of Muslims in the Appraiser and Preventive Service, do Government propose to issue instructions to the various Collectors of Customs to give preference to Muslim candidates until an adequate representation is attained?

The Honourable Sir George Schuster: (a) A statement giving the information asked for by the Honourable Member is placed on the table.

(b) The policy of the Government of India in regard to the representation of minority communities in the public services has been explained in this House more than once. This policy, which is to reserve one-third of all vacancies for the purpose of redressing communal inequalities, will be adhered to.

Statement showing the number of Hindus, Muslims, Anglo-Indians, Europeans, etc., employed on 31st December, 1928, as Appraisers, Assistant Appraisers and Preventive officers at the ports of Calcutta, Bombay, Karachi, Madras and Rangoon, and the percentage of Muslims and other communities.

Name of Custom House.	Hindus.	Muslims.	Anglo-Indians.	Europeans.	Others.	Total.	Percentage of Muslims.	Percentage of other communities.
Calcutta— Appraisers	10	3	16	3	5	37	8	92
Preventive officers	35	20	183	11	4	253*	8	92
Bombay— Appraisers	28	5	7	1	26	67	7	93
Preventive officers	4	1	62	6	14	87	1	99
Karachi— Appraisers	14	1	3	1	15	34	3	97
Preventive officers	8	5	23	4	1	41	12	88
Madras and Outports— Appraisers	5	..	5	2	..	12	..	100
Preventive officers	97	6	24	3	8	138	4	96
Rangoon and Outports— Appraisers . . . . .	..	1	9	..	2	12	8	92
Preventive officers . . . . .	..	..	85	16	3	103	..	100

The term "Appraisers" includes Assistant Appraisers employed at Calcutta, Examining Appraisers at Bombay and Madras and Examiners at Karachi. Assistant appraisers are not employed at any other ports.
The term "Preventive Officers" includes Inspectors. It also includes Sub-Inspectors employed at the minor ports in the Madras Presidency and excludes lower division officers in Madras and Burma. Wharfingers, Assistant Wharfingers and Tally clerks.
*Two posts were vacant on 31st December, 1928.

SOUTH ARABIAN ANTIQUITIES IN ADEN.

435. Mr. Muhammad Yamin Khan: (a) Are Government aware that a very valuable collection of South Arabian Antiquities in Aden is going to be exported to America?

(b) What steps are Government going to take to keep this collection, which has been considered to be unique by archaeological authorities, in the territories controlled by the Government of India?

Mr. G. S. Bajpai: (a) Government have no information.

(b) Does not arise.

DESTRUCTION OF LAWNS IN NEW DELHI BY CATTLE.

436. Mr. Muhammad Yamin Khan: (a) Are Government aware that cattle graze in the evening on the lawns laid out by Government in New Delhi and destroy the lawns?

(b) Do Government propose to protect these lawns for which Government spend large sums of money?

(c) What steps do Government propose to take to prevent such things happening?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that illicit grazing has taken place, but not of such frequency as to destroy lawns.

(b) and (c). Efforts are being made to stop such grazing by means of prosecutions and the impounding of cattle.

DESTRUCTION OF TREES IN NEW DELHI.

437. Mr. Muhammad Yamin Khan: (a) Are Government aware that people cut away branches of trees in New Delhi to use as fuel?

(b) Are Government aware that the culprits are mostly the people entrusted to guard the trees?

(c) What steps do Government propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, not for the purpose of fuel, but during the recent fodder famine, trees were stripped by surrounding villagers to feed their cattle.

(b) No.

(c) Prosecutions have been and will be instituted where sufficient evidence is obtainable.

ACCEPTANCE OF C. I. F. QUOTATIONS IN TENDERS FOR ROLLED STEEL JOISTS FOR THE NORTH WESTERN RAILWAY.

438. Haji Abdoola Haroon: (a) With reference to the reply to my question No. 223 (c) in the Legislative Assembly on 15th February, 1929, will Government be pleased to state the circumstances under which the c. i. f. quotations were accepted by the North Western Railway, in spite of clear instructions to delete the instructions to that effect from the tender?

(b) Are Government aware that c. i. f. Karachi quotations do not include Customs duty, Port Trust wharfage, clearing charges, and other expenditure for putting the material on rails, while all these are included in f. o. r. Karachi quotations? If so, will Government be pleased to state the amount per cwt. taken into account by the Railway to cover all these charges, while comparing the c. i. f. quotations with f. o. r. Karachi quotations?

(c) Will Government be pleased to lay on the table of the House the comparative statement of quotations received c. i. f. as well as f. o. r. from all the tenderers?

Mr. P. B. Rau: The information asked for is being obtained from the North Western Railway, and I shall communicate with the Honourable Member later.

NAMES OF FIRMS IN KARACHI FROM WHOM TENDERS ARE INVITED FOR THE PURCHASE OF STORES FOR THE NORTH WESTERN RAILWAY.

439. **Haji Abdoola Haroon:** With reference to the reply given to my question No. 224 (b) in the Legislative Assembly on 15th February, 1929, will Government be pleased to state the names of the Karachi firms from whom the tenders are invited?

Mr. P. B. Rau: The information is being collected.

RECRUITMENT FOR THE SUBORDINATE RAILWAY ACCOUNTS SERVICE.

440. **Mr. Mukhtar Singh:** (a) With reference to Dr. Moonje's questions dated 30th January, 1929, will Government be pleased to state whether the competitive examination for recruitment to the Subordinate Railway Accounts Service will, as usual, be held in May 1929?

(b) If the answer to part (a) is in the negative, will Government state why this examination will not be held this year?

(c) Will Government please state the reasons for holding a competitive examination for the Office of the Controller of Railway Accounts when 44 graduates who passed the Subordinate Railway Accounts Service Competitive Examination (Part I) held in May 1928 are still unprovided for?

(d) Is it a fact that the underlying idea of holding the examination for the Office of the Controller of Railway Accounts is to afford facilities to Anglo-Indians, who could not succeed in the last Subordinate Railway Accounts Service Examination on account of the fact that they had to face competition with graduates of Indian Universities?

(e) If the answer to part (d) is in the negative, are Government prepared to consider the advisability of providing the 44 graduates that have already qualified at the last Subordinate Railway Accounts Examination, before holding any other competitive examination for the Railway Accounts Service?

Mr. P. B. Rau: I would refer the Honourable Member to the reply given by me to Mr. Siddheswar Prasad Sinha's starred questions Nos. 1819 and 1820 on the 26th March.

NUMBER OF BACHELORS OF COMMERCE RECRUITED BY THE IMPERIAL BANK OF INDIA AND CO-OPERATIVE CREDIT SOCIETIES.

441. Mr. Mukhtar Singh: (a) Will Government be pleased to state how many Bachelors of Commerce have so far been recruited by the Imperial Bank of India and the Co-operative Credit Societies?

(b) Is it a fact that, in the Indian Institute of Bankers recently opened at Bombay, several Bachelors of Commerce of Indian Universities were refused admission?

(c) If so, do Government propose to remedy this state of affairs?

The Honourable Sir George Schuster: The Honourable Member is referred to the answers given to similar questions asked by Mr. Siddheswar Prasad Sinha on the 28th March 1929.

APPOINTMENT OF BACHELORS OF COMMERCE AS INCOME-TAX OFFICERS.

442. Mr. Mukhtar Singh: (a) Will Government be pleased to state why Bachelors of Commerce who have received a specialised academical training in income-tax law and accounts, are not recruited to the post of income-tax officers?

(b) Are Government aware that the Income-tax Commissioner in the United Provinces did not take a single Bachelor of Commerce for the post of income-tax officers?

(c) Is it a fact that a 1st Division Bachelor of Commerce is rejected and preference given to a 1st Divisioner B. A. or B. Sc. for the post of income-tax officers?

(d) Are Government aware that, since the percentage of the aggregate number of marks required for a 2nd Division for the Bachelor of Commerce degree is normally equal to the percentage of marks required for a 1st Division for a B. A. or B. Sc., there are less than half a dozen 1st Division Bachelors of Commerce produced till now by the five Indian Universities?

(e) Are Government prepared to consider the advisability of giving preference to a 2nd Division Bachelor of Commerce over a 1st Division B. A. or B. Sc. at the time of recruitment for posts of income-tax officers?

The Honourable Sir George Schuster: Parts (a), (b) and (c) are almost identical with similar questions put by Mr. Siddheswar Prasad on the 28th ultimo, and part (e) is of the same purport. In replying to the present questions, I repeat the answers which I then gave:

(a) Bachelors of Commerce have been recruited for the post of Income-tax officer in several provinces.

(b) Yes.

(c) No.

(d) The Government are not in possession of the information.

(e) The possession of the degree of Bachelor of Commerce is taken into consideration in the selection of candidates, but the Government are not prepared to direct that preference be given to persons holding that degree. Candidates with the best all round qualifications will be selected, the object being to get a highly educated man who has proved his worth during the whole of his educational career.

**NUMBER OF BACHELORS OF COMMERCE EMPLOYED IN THE LOWER
DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT.**

443. Mr. Mukhtar Singh: (a) Will Government be pleased to state the number of Bachelors of Commerce employed in the lower division in the Government of India Secretariat and attached offices?

(b) Are Government aware that certain Bachelors of Commerce employed in the Offices of the Quartermaster General and the Director of Contracts were superseded by their matriculate confreres simply because the authorities concerned were not certain whether the Bachelor of Commerce degree is a degree like B. A. or B. Sc.?

(c) Will Government be pleased to state what qualifications are required for indexers for employment in the office of the Director of Public Information?

(d) Are Government prepared to consider the advisability of employing Bachelors of Commerce in the Office of the Director of Public Information?

The Honourable Mr. J. Oreraj: (a) The information is being collected, and will be supplied to the Honourable Member in due course.

(b) and (c). I would refer the Honourable Member to the replies given on the 28th March to Mr. S. P. Sinha's questions Nos. 1824 and 1825.

(d) Selection will continue to be made from names recommended by the Public Service Commission.

**APPOINTMENT OF MR. C. C. RYAN, ON RETIREMENT FROM THE NORTH
WESTERN RAILWAY, AS SUPERINTENDENT OF THE RAILWAY AREA
SCHOOL, LYALLPUR.**

444. Mr. Abdul Hays: (a) Is it a fact that Mr. C. C. Ryan, on retirement from the North Western Railway, was appointed Superintendent of the Railway Area School, Lyallpur, on a higher salary than he was drawing before retirement?

(b) What special qualifications does he possess, and why has he been given more pay after retirement than before?

(c) Could not any other officer from the permanent cadre be appointed to fill up the post in preference to Mr. Ryan?

Mr. P. R. Rau: (a) Yes.

(b) Mr. Ryan has had a long experience of transportation work, and more particularly has intimate knowledge of train control, as established on the North Western Railway, where he brought the work of traffic control of the Lahore Division to a very high state of efficiency by his organising ability.

The pay of the post was fixed with reference to its duties and responsibilities.

(c) Mr. Ryan was appointed on account of his special qualifications.

**APPOINTMENT OF A MUSLIM IN THE HEADQUARTERS OFFICE OF THE NORTH
WESTERN RAILWAY.**

445. Mr. Abdul Hays: (a) Is it a fact that there is not a single Muslim Superintendent in the Headquarters, Divisional and others, of the North Western Railway? If so, are Government prepared to consider the claims of suitable Muslims whenever a vacancy occurs?

(b) Is it a fact that, in October last, the post of Office Superintendent, Delhi Divisional Office, was given to an Anglo-Indian guard with no special qualifications, educational or otherwise?

(c) Will Government be pleased to state how many Muslim and non-Muslim candidates came forward for this post and what were their qualifications?

(d) Is it a fact that the gentleman concerned was getting Rs. 80 per mensem as salary when he was appointed as Superintendent on Rs. 400 per mensem?

Mr. P. R. Rau: (a) Government have no information, but have no reason to believe that the North Western Railway Administration is not carrying out the policy of the Government of India regarding the representation of minority communities.

(b), (c) and (d). Government have no information. The matter referred to is within the competence of the Railway Administration, and Government have no doubt that the claims of all suitable candidates were considered before the selection was made.

**APPOINTMENT OF AN EXTRA SUPERINTENDENT FOR THE DESTRUCTION OF
RECORDS AT THE HEADQUARTERS OFFICE OF THE NORTH WESTERN
RAILWAY.**

446. Mr. Abdul Hays: Is it a fact that a special extra Superintendent has been appointed for destruction of old records in the Central Registry of the Headquarters Office, while previously this duty was performed by a Superintendent of Central Registry? Will Government state the reasons for creating this new post?

Mr. P. R. Rau: The appointment which the Honourable Member mentions is one which the Agent is competent to create, and the Government do not propose to interfere with his discretion.

**MISUSE OF A PASS BY THE SUPERINTENDENT, C. M. O.'S OFFICE, NORTH
WESTERN RAILWAY.**

447. Mr. Abdul Hays: Has the attention of Government been drawn to the note in the *Muslim Outlook* dated 11th November 1928, regarding the misuse of a pass by the Superintendent, C. M. O.'s Office, North Western Railway and if so, what action has been taken?

Mr. P. R. Rau: I have been unable to trace the note referred to. If the Honourable Member will send me a copy of it, I shall consider whether any action is necessary.

NUMBER OF MUSLIM AND NON-MUSLIM CLERKS RECRUITED TO DIFFERENT DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

448. Mr. Abdul Hays: Will Government be pleased to state the exact number of Muslim and non-Muslim clerks recruited in different departments of the North Western Railway, especially in Headquarters' Office, North Western Railway and Divisional Superintendents' Offices after the issue of Government of India's Circular letter No. F.-176, dated 5th February, 1926, and what steps have been taken by the North Western Railway administration in giving effect to the recommendations of the Government of India regarding the representation of minority communities in the Railway Service?

Mr. P. E. Rau: Government have no information. They have no reason to believe that the North Western Railway Administration is not giving effect to the orders of the Government of India.

NUMBER OF MUSLIMS APPOINTED AS PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

449. Mr. Abdul Hays: Will Government be pleased to state the number of Apprentice Permanent Way Inspectors recruited in the North Western Railway since February 1926, and also state how many of them are Muslims?

Mr. P. E. Rau: I am calling for the information asked for in the first part of the question and will communicate with the Honourable Member on receipt of the reply.

PROFESSIONAL QUALIFICATIONS OF MESSRS. CAIRNS AND CLAYTON, CHIEF MEDICAL OFFICER, AND DEPUTY CHIEF MEDICAL OFFICER, NORTH-WESTERN RAILWAY.

450. Mr. Abdul Hays: (a) Will Government be pleased to state the professional qualifications of Messrs. Cairns and Clayton, the Chief Medical Officer and the Deputy Chief Medical Officer, North Western Railway, respectively, and their emoluments?

(b) Will Government be pleased to state if the services of Indian doctors with much better qualifications cannot be obtained on the same salary and if so, what delays the Indianisation of the Medical Department of the North Western Railway?

(c) Is it not a fact that the Chief Medical Officer and the Deputy Chief Medical Officer on the Eastern Bengal Railway are both Indians?

Mr. P. E. Rau: (a) The professional qualifications of these officers are as follows:

Dr. Cairns, M.B., Ch.B., D.P.H.

Dr. Clayton, M.B.B.S. (Durh.), D.P.H.,

R.C.P. and S. D.M.R.E. (Camb.).

(b) These two officers were specially selected for the North Western Railway as most suitable for the particular posts, in view of their previous experience of railway medical organisation. Of the remaining posts in the medical organisation of the North Western Railway, one has already been filled and another will be filled shortly, both by Indians.

(c) There is no post of Deputy Chief Medical Officer on the Eastern Bengal Railway. The officer who is at present officiating as Chief Medical Officer is an Indian.

APPOINTMENT OF A HINDU AS A VENDING CONTRACTOR FOR MUSLIM SWEETS.

451. **Mr. Abdul Hays:** (a) Is it a fact that Bishen Dass Mehta has the contract for the vending of Muslim sweets and bread at Amritsar, and if so, has the attention of the Government been drawn to the severe resentment of the Muslim public to this policy? If the reply is in the affirmative, will Government please state why this state of affairs is being allowed to continue and is there any precedent on the North Western Railway of a Muslim being a vending contractor for Hindus?

(b) Is it a fact that this Hindu contractor, who has also the travelling vending contract in the Colaba-Peshawar Express, was detected carrying an unbooked printing machine in a railway train?

(c) Is it a fact that, instead of being punished, this contractor has been given an additional refreshment room and dining car contract at Lahore, which was taken away from another contractor?

(d) Is it a fact that Bishen Dass Mehta is a brother of a member of the Railway Local Advisory Committee, and through his influence succeeds in obtaining different contracts at several stations on the North Western Railway?

Mr. P. R. Rau: Government have no information, but are making inquiries into the matter.

APPOINTMENT OF CANDIDATES WHO HAVE PASSED THE RAILWAY SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

452. **Mr. Abdul Hays:** (a) Will Government be pleased to state whether it is a fact that a large number of candidates who have qualified themselves in the Railway Subordinate Accounts Service Examination held in November last have not yet been given the chance to officiate as Accountants?

(b) Is this large number due to the recruitment of the Training Reserve clerks and probationers?

(c) If so, what was the special need of recruiting them when there is already a surplus of qualified men?

(d) Is there any chance of their being taken in as Accountants on the separation of Accounts from Audit in April next, and has the Financial Commissioner for Railways or the Auditor General agreed to provide them? If not, do Government propose to see that they are given preference to those who are outsiders or who are not qualified or who qualify themselves later on?

Mr. P. R. Rau: (a) Yes.

(b) and (c). I am not sure to what the Honourable Member refers but if it is to the training school for accountants that was started at Calcutta, about November last, the answer is that it was anticipated that a large number of qualified and trained accountants would be required when the separation of accounts from audit was introduced on State-managed railways.

(d) The claims of these candidates will be fully considered along with those of others when the vacancies are to be filled.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

453. **Mr. S. C. Mitra:** (a) Is it a fact that there is no difference in work of a high paid reader and a reader of comparatively low pay in the Government of India Press at Delhi?

(b) Is it also a fact that the nature of work performed by all readers is the same? If so, what are the reasons for sanctioning different grades of pay for the readers, namely ranging from Rs. 60 to Rs. 350?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state why no acting allowance is allowed to a junior reader who is to perform a senior reader's work when the latter goes on leave?

The Honourable Sir Bhupendra Nath Mitra: (a) The attention of the Honourable Member is invited to the reply given by me to his starred question No. 274 on the 30th January, 1929.

(b) No. The second part of the question does not arise.

(c) No acting allowance can be granted as the conditions laid down in Fundamental Rule 30 are not fulfilled when a junior reader performs the work of a senior reader.

GRANT OF LOCAL HOLIDAYS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, DELHI.

454. **Mr. S. C. Mitra:** (a) Is it a fact that the portion of the Central Printing Office permanently stationed in Delhi observe the Government of India holidays over and above all the local holidays sanctioned by the Chief Commissioner in Delhi?

(b) Is it a fact that the other Government of India offices, which are permanently located in Delhi, enjoy all the local holidays as well as Government of India holidays?

(c) If the reply to the above be in the affirmative, will Government be pleased to state the reasons, why the employees of the Government of India Press, Delhi, are not allowed the local holidays?

The Honourable Sir Bhupendra Nath Mitra: Parts (a) and (b). Owing to intervention of holidays, it has not been possible to collect precise information regarding the holidays enjoyed by the Government of India offices permanently located in Delhi.

Part (c). The employees of the Government of India Press, Delhi, are allowed ten "closed" holidays in a year in addition to six communal holidays, on the analogy of the practice in the Government of India Secretariat offices. Local holidays may be enjoyed by the men subject to this limit. The Government of India consider that this is adequate for an industrial establishment like the Press, and they do not therefore propose to sanction any further increase in the number of holidays.

GRANT OF MORE HOLIDAYS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS.

455. Mr. S. C. Mitra: (a) Is it a fact that the staff of both the Calcutta and the Aligarh Presses enjoy comparatively more holidays than those of the Delhi Press?

(b) Do Government propose to allow more local holidays to the Delhi Press? If not, why not?

(c) Is it a fact that the Government of India Press, Delhi, is allowed only ten closed holidays and six communal holidays in addition, in the course of a year?

(d) Is it a fact that the employees of the Press are required to attend office on closed as well as communal holidays? If so, what compensation leave is allowed to them in lieu thereof? If none, why? Do Government propose to allow compensatory leave?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) and (c). The attention of the Honourable Member is invited to the reply given to his unstarred question No. 454.

(d) Employees of the Press are required to attend on holidays, when necessary, in the interest of the public service. The industrial staff of the Press is not granted any compensation leave, but is paid twenty-five per cent. over the ordinary rates for attendance on closed holidays. Government do not propose to allow compensatory leave.

FILLING UP OF TWO POSTS OF READERS IN THE GOVERNMENT OF INDIA PRESS.

456. Mr. S. C. Mitra: (a) Is it a fact that the Reading Branch of the Government of India Press, Delhi, have been working short-handed for a considerable time?

(b) If the reply is in the affirmative, why then have the two posts of readers in the Rs. 60—100 grade not been filled up?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

APPOINTMENT OF ADDITIONAL STAFF TO THE READING BRANCH OF THE GOVERNMENT OF INDIA PRESS.

457. Mr. S. C. Mitra: (a) Is it a fact that, due to abnormal pressure of work, additional staff has been entertained in almost all the branches of the Government of India Press, Delhi, including the clerical branch?

(b) Will Government be pleased to state why no additional staff had been taken in the Reading Branch, which had been working so short-handed?

The Honourable Sir Bhupendra Nath Mitra: (a) Additional temporary staff has been engaged when and where required.

(b) The regular staff of the Reading Branch was considered adequate to cope with the work.

APPOINTMENT OF MR. ADAMS AS A COPYHOLDER IN THE GOVERNMENT OF INDIA PRESS, DELHI.

458. **Mr. S. C. Mitra:** (a) Is it a fact that Mr. Adams worked as a copy-holder for a considerable time on two or three occasions in the past, and that each time he fell under reduction?

(b) Is it a fact that the said Mr. Adams has at present been employed as a roller caster (a coolie's job)? Is it a fact that Mr. Adams approached the Manager for being employed as a copy-holder again?

(c) Is it a fact that men from outside were taken in as copy-holders? If so why has the experienced copy-holder, Mr. Adams, not been re-employed?

(d) Do Government propose to inquire about it and remedy the grievance of the employee?

(e) Is it a fact that there is a rule which requires the authorities to entertain the services of men who came under reduction, giving them a preference to outsiders? If so, why was that rule or convention not observed in the case of Mr. Adams?

The Honourable Sir Bhupendra Nath Mitra: (a) Mr. Adams worked as a temporary copy-holder for a total period of about one year and eight months and was brought under reduction on two occasions.

(b) Mr. Adams is at present employed as a Roller Moulder whose work is not the same as that of a labourer in the Press. The answer to the second part is in the affirmative.

(c) No outsider has been appointed on the regular staff of copy-holders since the reorganisation of the Government of India Press, Delhi, in April 1927. Two retrenched copy-holders of the Press were re-employed.

(d) The answer is in the negative.

(e) There is no such rule relating to the re-employment of temporary men discharged from service.

CONSULTATION OF THE EMPLOYEES OF THE PRESS IN REGARD TO THE SITE OF THE NEW PRESS QUARTERS AT NEW DELHI.

459. **Mr. S. C. Mitra:** (a) Is it a fact that the sites and plans for the new Press quarters at New Delhi have been settled?

(b) Will Government please state if the employees of the Press were ever consulted as regards the suitability or otherwise of the proposed quarters? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but on a representation which was received from the employees, the Government of India have recently decided to select a more convenient site for the Press and quarters.

(b) No. Government did not consider it necessary to do so.

WITHHOLDING OF MEMORIALS BY MR. COOMBS, CONTROLLER OF PRINTING AND STATIONERY.

460. **Mr. S. C. Mitra:** (a) Will Government be pleased to refer to question No. 565, reported in Vol. III—No. 16 of September 1928, and No. 281 (d) reported in Vol. I—No. 8 of 1929, and lay on the table any

other rules under which the Controller may withhold any memorial to Government, other than those published in the Home Department notification No. E.-472-II-2/28, which appeared in the *Gazette of India*, June 21, 1924?

(b) How many memorials has Mr. Coombs withheld or ignored during his incumbency?

The Honourable Sir Bhupendra Nath Mitra: (a) The rules published with the Home Department notification No. F.-472-II-2/28, dated the 21st June, 1924, apply to Governors' provinces. The memorial rules which apply to the staff employed under the Central Government were published with Home Department Notification No. 534, dated the 30th June 1916, a copy of which is being forwarded to the Honourable Member for his information.

(b) No memorial has been ignored by the present Controller. Nineteen memorials have been withheld by him up to the 24th September 1928.

QUALIFICATIONS OF MR. COOMBS, CONTROLLER OF PRINTING AND STATIONERY.

461. **Mr. S. C. Mitra:** Will Government be pleased to state if Mr. Coombs was a reader in the Bombay Government Press during most of his service there? If so, when and how did he acquire all the qualifications, specially administrative experience of a large establishment, as referred to in the answer to question No. 225 of this session?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative. The second part does not arise.

SCALES OF PAY OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, DELHI.

462. **Mr. S. C. Mitra:** (a) Will Government be pleased to state if they are prepared to reconsider the scales of pay allowed to the men employed at Calcutta under the Government of India so that they may not be less than those allowed to the men employed at Delhi?

(b) Is it a fact that offices under the same Department doing almost similar work have different scales of pay, namely, the Office of the Deputy Controller of Printing, and the office of the Controller of Printing and Stationery at Delhi and Calcutta? Is it a fact that living is cheaper and Government quarters are allowed at a lower percentage of rent at Delhi, as compared to those employed in Calcutta? Do Government propose to consider these points in dealing with the memorial of the men in the Stationery and Printing Department at Calcutta, submitted in February, 1927?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative. The scales of pay of employees of the Government of India at these two places are fixed with reference to the nature of work and local conditions.

(b) No. There is no office of the Controller of Printing in Calcutta. Government quarters are not provided for the employees of the Stationery and Printing Department in Calcutta. The memorial referred to by the Honourable Member will receive due consideration.

†468-477.

QUALIFICATIONS OF CERTAIN MEN APPOINTED TO THE ARMY DEPARTMENT AND ARMY HEADQUARTERS.

478. **Mr. S. C. Mitra:** Will Government be pleased to furnish an up-to-date list of unqualified men entertained and confirmed in permanent vacancies in the Army Department and Army Headquarters since the formation of the late Staff Selection Board, giving in each case the educational or other qualification of each?

Mr. G. M. Young: The collection of the information required by the Honourable Member, which relates to a period of 9 years, would entail an excessive amount of labour and would, in the opinion of the Government of India, serve no useful purpose. The Government do not think it desirable, moreover, to disclose, in this House, particulars of individual clerks who are still in their service.

CHARGES FOR ELECTRIC FANS PAID BY OFFICERS AND CLERKS IN NEW DELHI.

479. **Mr. S. C. Mitra:** (a) Is it a fact that in New Delhi officers are not required to pay any rent for fans? If so, why are poor clerks charged Rs. 2 per month per fan?

(b) Why has meter rent been levied this year? Why was it not charged before?

(c) Is it a fact that a portion of furniture has this year been removed from unorthodox "C" class quarters? If so, has the rent for furniture been proportionately reduced? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) No. Officers and clerks are charged at the same rate.

(b) Meter rent has been levied in accordance with the revised Fundamental Rules. Previously the rules contained no provision for such charge.

(c) One set of toilet furniture was removed from the 'C' class unorthodox quarters. The rent was not reduced, as certain other articles were simultaneously improved.

†480.

APPOINTMENT OF RETRENCHED MEN OF THE MEDAL SECTION TO CERTAIN VACANCIES IN THE RAILWAY DEPARTMENT.

481. **Mr. S. C. Mitra:** (a) Is it a fact that the Railway Department is not within the scope of the Public Service Commission?

(b) Is it a fact that about 100 men will be recruited shortly by the Controller of Railway Accounts, after a competitive examination?

(c) Is it a fact that a certain percentage of the men (typists, etc.) will be recruited without examination?

† Questions withdrawn by the Questioner.

(d) Is it a fact that a good many clerks will shortly be recruited in the Railway Board (Labour Branch) by Mr. Hayman, without any examination?

(e) If the reply to (c) and (d) be in the affirmative, are Government prepared to give first preference to the retrenched men of the Medical Section, Army Department and other Government offices, in the Railway Department? If not, why not?

Mr. P. R. Rau: (a) No.

(b) Yes.

(c) No; obviously typists can not be selected from the results of the general entrance examination for clerks, but they will be subjected to appropriate tests before being appointed.

(d) and (e). Five clerical posts have shortly to be filled up. The appointments will be made in the usual way from railway and other suitable sources. In this connection I would refer the Honourable Member to the reply given by Mr. Parsons to Mr. B. Das's question No. 816 of the 21st September last.

†482.

DIFFERENCE IN PAY OF EUROPEANS AND INDIANS APPOINTED TO THE ACCOUNTS DEPARTMENT.

483. **Mr. S. C. Mitra:** Is it a fact that, in the Accounts Department, Indian clerks are entertained on Rs. 50 per mensem, whereas European or Anglo-Indian and lady clerks are entertained on Rs. 80 and Rs. 100, respectively? If so, why?

The Honourable Sir George Schuster: An inquiry is being made and a reply will be sent to the Honourable Member in due course.

CONSTRUCTION OF "E" CLASS ORTHODOX QUARTERS FOR JUNIOR CLERKS.

484. **Mr. S. C. Mitra:** (a) Is it a fact that Government contemplate constructing "E" class orthodox clerks' quarters for those who get below Rs. 100 per mensem? If so, do Government contemplate a corresponding class of unorthodox clerks' quarters for those getting below Rs. 100? If not, why not?

(b) Is it for the orthodox Indian clerks only that the Government is anxious to do it?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes. A proposal is under consideration for the construction of a number of unorthodox clerks quarters for which all clerks drawing less than Rs. 225 a month will be eligible.

†485.

EVIDENCE TAKEN BY THE RANGACHARIYA COMMITTEE REGARDING POSTAL RECRUITED TELEGRAPHISTS.

486. **Mr. Amar Nath Dutt:** (a) With reference to the replies given to unstarred questions Nos. 170 and 172, by Mr. N. M. Joshi in the Assembly on the 4th February, 1929, will Government be pleased to state whether the Rangachariya Committee had taken evidence from the postal recruited telegraphists with regard to their grievance? If so, will Government be pleased to furnish the names of persons from whom evidence was taken and also furnish the full particulars of the evidence?

(b) If the answer to part (a) be in the negative, will Government be pleased to state the reasons for referring the above Committee's decision to the postal recruited telegraphists with regard to their claims?

The Honourable Sir Bhupendra Nath Mitra: (a) If the Honourable Member will refer to pages 11, 12 and 13 of the Report of the Telegraph Committee, 1921, a copy of which is in the Library, he will find an account of the method of inquiry adopted by that Committee.

(b) Because the claims of postal recruited telegraphists were among the items of Memorandum submitted by the Indian Telegraph Association, and were specifically considered by the Committee.

GRIEVANCES OF POSTAL RECRUITED TELEGRAPHISTS.

487. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether the statement of the General Secretary of the Indian Telegraph Association on page 284 of the *Recorder* of May, 1927, stating that "the Rangachariya Committee ruled it out on the ground that it came under the head of re-revision of pay and was outside the terms of reference" is correct?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for referring to the Committee's decision every time the grievances of the postal recruited telegraphists had been represented?

The Honourable Sir Bhupendra Nath Mitra: (a) The statement is incorrect.

(b) Does not arise.

EXPENDITURE INCURRED IN GRANTING INCREMENTS TO POSTAL RECRUITED TELEGRAPHISTS.

488. **Mr. Amar Nath Dutt:** (a) With reference to the reply given on the 4th February, 1929, in the Assembly to question No. 170, put by Mr. N. M. Joshi, will Government be pleased to state the grounds under which they had called for statements as to the extra cost that might be incurred if increments were granted?

(b) Will Government be pleased to furnish the total cost that had been incurred in granting increments for the postal recruited telegraphists?

(c) Will Government be pleased to state whether it is a fact that the claims of the postal recruited telegraphists have been rejected on the ground that the Government required an enormous amount of money?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are not prepared to disclose the nature of their departmental discussions.

(b) If, as is presumed, the Honourable Member refers to increments in the telegraph time-scale of pay granted to postal recruited telegraphists on account of the service previously rendered by them in the postal branch, the answer is "nil".

(c) No.

INCREASE OF YEARLY INCREMENT OF TELEGRAPHISTS.

489. **Mr. Amar Nath Dutt:** (a) With reference to the reply to question No. 180 (b) put by Mr. N. M. Joshi on the 4th February, 1929, will Government be pleased to state whether munshis and telegraphists have the same status?

(b) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to increase the yearly increment proportionately in view of their qualifications and work?

Mr. P. G. Rogers: (a) Munshis and telegraphists are not of the same status, the work performed by these two classes of officials being quite different.

(b) No.

RATE OF INCREMENTS OF TELEGRAPHISTS.

490. **Mr. Amar Nath Dutt:** Will Government be pleased to state the reason for fixing the increment at Rs. 5 for the first four years and Rs. 10 for the rest of the years in the telegraphists grade for the General Service?

Mr. P. G. Rogers: If the Honourable Member will refer to paragraph 5 of the Report of the Telegraph Committee of 1920, a copy of which is in the Library, he will find the information which he requires.

PAY OF STATION SERVICE TELEGRAPHISTS IN THE CITY OF MADRAS.

491. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether they are aware of the fact that the maximum pay of the local Civil Account Office at Madras is fixed at Rs. 175?

(b) Will Government be pleased to state whether they are aware of the fact that the Station Service telegraphists in the City of Madras only claim that the maximum pay should be increased to Rs. 170? If so, will Government be pleased to state the reason in refusing to raise the maximum pay to Rs. 170?

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

(b) As regards the first part of the question, the Honourable Member's statement is not quite correct. The Station Service telegraphists not only asked that the maximum of the scale should be increased to Rs. 170, but also that the minimum should be increased to Rs. 80.

As regards the second part of the question, Government consider the existing scale of pay adequate.

**EXPENDITURE INCURRED IN CONNECTION WITH TRANSFERS IN THE PUNJAB
POSTAL CIRCLE IN THE LAST TWO YEARS.**

492. **Mr. Amar Nath Dutt:** Will Government be pleased to state the expenditure incurred with regard to the transfers in the Punjab Circle for the last two years?

Mr. P. G. Rogers: The information is being collected and will be furnished to the Honourable Member as soon as it is ready.

**INCREASE OF WORK OF THE ELECTRICAL BRANCH OF THE TELEGRAPH
OFFICE.**

493. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether they are aware of the fact that the work of the Electrical Branch has considerably increased during the last ten years owing to the development of the high speed multiple working?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to increase the staff in the Electrical Branch proportionately?

Mr. P. G. Rogers: (a) Yes.

(b) The present strength of the electrical supervisory staff was fixed in 1924 and was based on the individual requirements of each office. Its revision will be considered if any increase in any office is justified.

THE TRADE DISPUTES BILL—contd.

Mr. President: The House will now resume further consideration of the motion that the Trade Disputes Bill be taken into consideration, and the amendment that the Bill be re-circulated for the purpose of eliciting opinions thereon. **Mr. Jamnadas Mehta.**

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Sir, yesterday the House rose when I was pointing out the undesirability of interfering in the internal administration of a properly registered trade union by means of legislative provision, and I am sure, Sir, that my point of view will readily commend itself to those who are anxious for a rapid and healthy development of trade unions in this country. After all, Sir, what is the gain by forcing one man on a trade union when the majority of the members of that union do not want that individual, even supposing the law is passed, as the Select Committee has recommended? What is the good? That individual will be an eyesore to the rest of the men. His presence will be looked upon with suspicion. He will be treated as if he were an outcast, forced upon the body by outside force. What good can such a provision do to that individual? He really becomes a suspect among his own fellow-men, and in his own interests, I think this provision should go.

The last point, Sir, on this particular point is that, in case of a strike under clause 16, it is made illegal to spend any money in support of that strike, or in continuation of that strike. Now, Sir, I quite agree, if you once make this a penal clause, the prohibition of the use of money for

the purpose of carrying on that strike is a consequential thing. I quite grant that, but being fundamentally opposed to clause 16, I think I am bound to oppose the provision for making the use of money for propagation of that strike illegal.

The most important point in this connection is that, because a workman has agreed to work for wages on a monthly contract in a certain business, which, under clause 16, need not necessarily be even a public utility service, because a man undertakes to work on a monthly basis, this clause 16 deprives him of his rights of citizenship.

Honourable Members should realise the revolutionary character of clause 16 when I put it in this way. Because a man is a wage earner in a particular business, all his rights of citizenship, association in furtherance of the movement for freedom, or any social or even religious object are taken away. It does not matter why he strikes, whether the purpose for which the strike is carried on is very admirable, the mere fact of his having struck is enough to make it criminal, provided it satisfies the conditions of clause 16 (b), and thereby, by a single stroke of the pen, the rights of the subject are taken away, irrespective of the reasons of his association with the strike. That is the fundamental objection to clause 16, that the rights of citizenship are taken away by legislation in the name of settlement of trade disputes.

Now I want that the House should rivet its attention on this part of clause 16, namely its inimical effect in restricting, circumscribing and also eliminating the citizen's right as long as that citizen happens to be a workman. I am sure public opinion has never asserted itself in favour of such a provision. The Government are endeavouring to make a bid for revolutionary power in their own hands in the name of settlement of trade disputes, and I am sure that, if this measure was brought as a separate proposition and clause 16 was not mixed up with what is ostensibly a trade disputes measure, the evils of clause 16 would be realised in all their enormity by every section of the House, because they cut at the root of the rights of every citizen, and I think the citizen should not, by the mere fact of being a workman, be made to forfeit all his rights of citizenship. That is the main objection to clause 16, and what is more it is against all signs of the times, against all democratic notions and against all ideas of liberty. Is it because I am your workman, I should thereby be deprived of all rights which I enjoy as a citizen? That is the most fatal objection to clause 16 which I wish to bring before this House.

Then, Sir, reverting for a moment to clause 15. Sudden strikes and look-outs in public utility services are made illegal unless 15 days' notice is given. Whatever the grievances may be, you are supposed to conform to this clause 15 and give notice, although by staying a day longer, you might be exposing yourself to misery, degradation and suffering. The workman is to be tied down to that service and minister to your comforts and pleasures although these pleasures are to be purchased by his own degradation, misery and suffering. Why should society make itself responsible for a measure of this kind, where our own fellow beings, where the majority of our country-men will be yoked to a situation where they must witness their own degradation, suffering and misery, and yet not be

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in a position to revolt against it without giving 15 days' notice. In the interests of what, or in whose benefit, is this wrong perpetrated? If it is for society's benefit, then I say the workmen themselves form the majority of society and therefore, particularly in the case of the so-called public utility services, they should not be made to serve as a party to their own degradation, suffering and misery. Therefore this period of 15 days' notice before a strike is quite inhuman, and in the name of settlement of trade disputes or cessation of trade disputes, it is imposing a condition on industrial workers which is not justified either by the condition of the industry itself or for the peaceful relations between employers and the employed. Therefore both clauses 15 and 16 are highly objectionable on account of the tendency to reduce the workmen to wage slaves, or reduce them to serfs, and deprive them of the status of citizenship and take away their rights as citizens for joining trade union movements outside their own particular industry or trade. How would Honourable gentlemen, who are behind clauses 15 and 16, feel if their liberties were similarly restricted? Even an extension of a debate for a little more than two hours on a particular evening in this House made the throats of certain gentlemen in this House parched. They became so impatient that they repeatedly howled against the proceedings of this House being continued any longer. Fancy, Sir, the revolt which the inside man is compelled to register when his liberty is interfered with. Therefore, Sir, clauses 15 and 16 are entirely reactionary and retrograde. They are not really connected with the settlement of trade disputes. They are superimposed upon this Bill for the purposes which are extraneous to the settlement of trade disputes, and above all, they have a tendency, a direct tendency, to smother political agitation and to suppress all legitimate movements not pleasant to the bureaucracy. For these reasons, clauses 15 and 16 should not be touched at all, they should be eliminated and should have nothing to do in a Bill of this kind.

Lastly, I wish to say that, if the House is so ill-advised as to pass this measure as it stands, particularly with clause 15 and onwards, the House will be guilty of sanctioning an unholy alliance between the employer and the bureaucracy in this country. They both combine to crush the liberty of the worker, and in the name of settlement of trade disputes, this Bill will be an employer's charter for the purpose of tyrannising over workmen; it will be a charter of the bureaucrat for suppressing the freedom of his own workers. This Bill will thereby condemn to practical slavery, not merely a few hundreds or a few thousands, but hundreds of thousands of workers in this country. My information is that the number of factory workers in this country is about 27 lakhs. I am not sure whether the 7 lakhs of workmen in the railway services are included in this number. Probably they are. So, I take it that about 27 lakhs of workmen today are affected by this Bill, and, by sanctioning clauses 15 and 16 and others related to them, this House is called upon to smother the liberty of 3 millions of people for the interest of only a few pleasure seekers and a few employers. This fact alone ought to convince every man who stands for the liberty of the subject that this Bill should be emphatically opposed and systematically denounced. If you pass this measure with clauses 15 and 16, what is the result? We are all aware of the evils of forced

labour. We are all aware of the tyranny which the system of *begar* or the system of *Veth*, as it is called in my part of the country, gives rise to. The system of forced labour is very nearly the system of semi-slavery, and we are told by Sir John Simon and others that it is the great glory of England that she has fought for and abolished slavery in work. I do not know how far that claim can be maintained; it is certain that England made 48 crores of Chinese slaves to opium by forcing opium on them at the point of the bayonet during what were called the Opium Wars. That is the record of England in the matter of the abolition of slavery. Here again, we are called upon to have another system of slavery in the name of settlement of trade disputes, by having legislative provisions which will compel a workman to stick to certain trades and industries at the peril of his personal liberty. Therefore I ask the House not to have anything to do with this system of forced labour, which, under the guise of a legislative measure for settlement of trade disputes, is calculated to make slaves of 27 lakhs of workmen in this country. If Government are genuine in their desire to advance and to expand our economic welfare, then they should not proceed with the Bill. If trade and industry in this country were to grow, and industry were to flourish, as is desired by the people, then the number of workmen who would come within the mischief of this legislation would not be 27 lakhs of people, but 2 crores and 70 lakhs in no distant time. If this measure is intended to be part of the repressive armoury of the bureaucracy and the employers, then the misfortune of the workers can be better imagined than described.

Sir, I oppose the consideration of the Bill on the ground that it is reactionary and inhuman; it is a Bill entirely against the spirit of the times; it is a Bill calculated to inaugurate a system of forced labour and to give to the employers a charter to tyrannise over their workmen and to take away the personal liberty of a subject under the guise of settlement of trade disputes. Sir, I oppose.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Government want to put a stop to strikes caused by payment of money from the Swaraj fund. You support the strikes and maintain the strikers for the time being.

Sir Hugh Cocks (Bombay: European): Sir, Mr. Jamnadas Mehta for an hour or more yesterday, and again today, made one of those rather wild speeches for which he is now famous in this House.

Mr. K. Ahmed: Notorious.

Sir Hugh Cocks: He made a heavy attack yesterday on those who believed that it is the right thing to prohibit by legislation lightning strikes in public utility services, and he described those who thought like this as people of warped judgment. It seems to me, Sir, that the remarks of the Honourable Member indicated a judgment which was warped even to the point of cracking. He started his speech by maintaining that a tramway was not a public utility service, but a luxury service for the rich and so on. The Honourable Member for Industries and Labour pointed out that tramways did not come within the purview of public utility services as defined in this Bill. I should be quite prepared to argue, Sir, that tramway companies should be included in this Bill. In fact, only yesterday I got a telegram from the Bombay Chamber of Commerce asking

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me to endeavour to get tramways brought within the Bill. But I do not wish to argue that point now, beyond saying that there is no doubt that a tramway, perhaps to a lesser degree than a railway company, but anyhow a tramway service does take many lakhs of men to their daily work, and a tramway strike prevents men getting to their work: they either cannot go, and lose their wage, or they have to go to work by a more expensive route. I therefore think there are very strong reasons for bringing tramway companies also within this Bill. But just as Mr. Jamnadas Mehta was speaking about tramways, the Honourable the Member for Labour pointed out that tramways were not public utility services under the Bill and the Honourable Member then left his tram car hurriedly and took shelter in the Frontier Mail. He spoke for some minutes, as if the Bombay, Baroda and Central India Railway run nothing but luxury trains, such as Frontier Mails, up and down their line. He seemed to think that the Railway was maintained for the Government Members of the Front Bench, for American globe-trotters, and occasionally for the Member himself to come up here from Bombay; but I who live on the Bombay, Baroda and Central India Railway know that it really caters for many thousands of people who take their vegetables, their fish, their milk—incidentally, the Member admitted that the supply of milk amounted to a public utility service—and rice also from one centre to another centre, where they have a good market. If you are going to allow a lightning strike on a railway, you are going to cause a vast amount of hardship to these people. It seems to me, that the Honourable Member, while making a strong plea for the benefit of the comparatively few who are employed on railways, entirely forgot the vast number of people who have the benefit of the use of the railway, and who are entitled to its service as a public utility service. Why should the few who are employed on the railway be permitted to strike, at short notice, to the greatest discomfort of the masses? I cannot see that there is any reason there. I was in London in May 1926, when the general strike occurred, and I saw the effects there. The machinery devised to fight it was very effective, and the whole community stood by and assisted to break the strike; but it does not follow that that would happen in the same way in India. You might get here a general strike running for weeks and weeks, resulting in starvation to many of the people. It seems to me that we have got to take a much broader view of this question than the Honourable Member was prepared to take. I thought, on listening to his speech, that his whole constituency must consist of the particular labourers whom he was out to defend, the labourers who were to be permitted to go out on lightning strikes. Surely his constituency consists of many more of the others, who would be very severely inconvenienced and handicapped in the event of a strike on a railway or any other service. You have got to consider the community as a whole, not one small portion of it.

Diwan Chaman Lall (West Punjab: Non-Muhammadian): May I ask the Honourable Member how he intends to prevent a strike in a particular public utility service? All that is intended here is to prevent a strike without notice of one month.

Sir Hugh Cocke: I am perfectly aware of that; and I say that Government have got the right and the duty to bring in legislation to prevent lightning strikes. I do not say for a moment that a worker on a railway,

or in the conservancy department of a municipality, or in any other similar service should never be permitted to strike at all, but I do think that the public are entitled to protection. On these grounds, I think that clause 15 of the Bill is necessary, and I ask Honourable Members to take a somewhat broader view and think of their constituencies as a whole, and not a small portion of them, who may be adversely affected by any particular strike.

The Bill, Sir, is one which is overdue, in my opinion; and I trust that nothing will be done by this House to delay the measure any further.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Sir, I would oppose the consideration of this Bill and would support Diwan Chaman Lall's motion for re-circulation. I shall state, as briefly as I can, the reasons which have induced me to come to this conclusion. I submit, Sir, this Bill appears to me to be a measure of far-reaching importance and a pioneer sort of legislation in matters of this description. It requires, therefore, far more consideration than we have been able to bestow upon it here, or the people outside have been able to give to it. I think also that the Government have timed from their point of view, this legislation so as to suit their convenience. That before the general elections in England, and when we do not know whether the Labour Party would come into power or not, they should rush a Bill of this description through this Legislature at a time when the welfare of the working classes is considered a matter of international importance, is a subject which gives me very considerable anxiety as to the *bona fides* of the Government. It is not right to consider this Bill just at the end of the session and of the Assembly's term. It appears to me that this is a first class election issue. A Bill of this vital description should be placed before the electorates of this country and their verdict should be ascertained before any action is taken by the Government if they are a wise Government. But if the Government are an unwise Government, of course they can proceed with it as they choose.

Lastly, Sir, there is a great deal of force in Diwan Chaman Lall's objection that there is no real or adequate representation of the working classes in this Assembly. As the franchise is at present constituted, the working classes have no chance of getting their representation in this Legislature, and the one man—apart from my other friends, and with all respect to them—who is fighting for them and who would have contributed the greatest amount of enlightenment to this debate, is unfortunately not here—I refer to Mr. Joshi. I consider, Sir, that this is really a most untimely measure from all points of view. I do not take the views of some of my friends in regard to the earlier clauses of this Bill. The first part as it has been called, I think, the pith and kernel of this Bill is contained in the subsequent clauses, 15 to 18, of this Bill; the other portions are simply preliminary, introductory portions, the vehicular arrangement, put in there more for the purpose of making something which is very bitter and very inconvenient swallowable by the Members of this Assembly. I do not think there is any business in the first part of this Bill; I think the only business from the point of view of the Government, is to be found in the later clauses of the Bill, and all the rest is simply a camouflaging of the repressive character of these provisions. I wish, in this matter, as far as possible, to take no sides except the very strong bias which I possess in favour of the freedom of the working class movement and of other freedoms and of allowing things to go as they should be

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allowed to go. I am not as conversant as I should be with the conditions of the working classes. My views are not yet as advanced as undoubtedly they should be in regard to these matters; but nevertheless, I feel bound to take a very strong view as regards this Bill.

Sir, this Bill purports to show that those portions to which serious objection has been taken on this side have been taken from the English Act, as the Select Committee has pointed out. Now, Sir, conditions in England of the working classes are altogether different from the conditions of the working classes in India. In the first place, the Labour Party is an organised and powerful party in England, not only in Parliament but outside it in the country. The working classes of Great Britain are a very powerfully organised body of people. They can make themselves felt, and the self-government that prevails in England enables them, with their practically adult franchise, to enforce their demands at each election and to make their will felt in Parliament. Also, Sir, there has been an increase in the level of wages in England, and I have seen with my own eyes the very improved conditions which the working classes in England enjoy; and though they are dissatisfied with those conditions and those wages, still they are far more than the wages, relatively speaking, which the working classes here get, and the conditions there are far more favourable than the conditions which exist here. They have comforts and standards of existence which are wholly denied to our working classes here under the present form of government. In that state of things, when a sufficiently high wage level has not been reached in India, when standards of comfort of a sufficiently advanced character, suitable to the working classes have not been obtained in India and when the working classes have not been properly and systematically organised throughout the length and breadth of this country, and when they have no such things as a political labour party, and no representatives to voice their grievances, it becomes all the more the duty of those who, under the present constitution, have to represent their grievances here, to watch and protect their rights. It is no use merely giving lip sympathy, sentimental sympathy, to the working classes. I think our conscience must be conscientiously roused and it will not do for us to take valetudinarian views on this question. We must take very robust and very just views on such a matter of fundamental importance to this country. Sir, the working classes form the bulk of the population of this country and their welfare must be the real welfare of the country; and any legislation of this description has to be closely scrutinised before it can be allowed to pass before our consciences as a measure which the combined justice and wisdom of Members of the Government on the other side and Members of the non-official parties on this side is prepared to allow the Government to push through.

Therefore, Sir, I would appeal to every Member of this House, whether he has sat upon the Select Committee or not, whatever his prepossessions in favour of one view or the other may be, whatever his views may be as to whether strikes have been too frequently in evidence in this country and as to whether labour to any extent has been exploited for this or that purpose—I say it is the duty of every one to look at a measure of this description and not be betrayed into hasty judgment by the accident of a particular labour union or a particular strike having caused him any inconvenience, or by the reason that this is a public utility service, or that is a public utility service. As I say, we must first of all awaken

our conscience and we must look at this in an aspect altogether different from the aspect in which we are ordinarily accustomed to look at legislative business. Now, Sir, as I said, the conditions in England are altogether different. In England the working classes are not only powerfully organised but they use their power; sometimes they may have misused—I do not know—that power against the general well-being of the community, and fresh legislation of this exceptional character might have been agreed to in the British Parliament. But that is no reason whatever, Sir, why, when the working classes here are in a pathetically helpless condition and when such leadership as there is available to the working classes is almost at a discount—the Government and other persons in alliance with it should encourage legislation of this description. It passes my comprehension that support should be given to it by Indians. I submit that we must also realise that the working classes in this country do require our constant support. When a proper wage level has been reached in this country and when the conditions of the working classes have become sufficiently advanced and we feel in our conscience that they are in a fairly comfortable position and therefore they are making trouble merely for the purpose of getting far more than they are entitled to or merely out of cussedness, then it may be a different question altogether. But, Sir, that time is not yet. We are far away from that time. When that time comes, I would be one of the first persons to go into this question as to whether it is a public utility service or whether it is a social security service, and whether sympathetic strikes should be allowed and whether general strikes should be allowed. Those are questions which should be gone into when we feel satisfied that the working classes have been thoroughly organised and they are able to exert their power, that their wage level is fairly high and that their standards of comfort and conditions of employment are fairly satisfactory. Today, Sir, I repeat, that is not the position. Therefore we must see whether we should not allow them to continue to enjoy the freedom which they now possess—at least theoretically. Having regard to the dominant position occupied by the capitalist classes and by the employers of labour—particularly the Government, which is one of the largest employers of labour in this country—we must see whether they are not in such a helpless position as to incapacitate them from exerting even such little pressure as they may. What is it, Sir, that the working man can do? The only freedom he can have the only pressure which he can exercise is the little inconvenience which he can cause to the employer by striking, by ceasing to work. That is the only thing he has got and we know that that right to strike is a double-edged sword. We know that, if he ceases to work long enough, or if he ceases work before he is fit to strike, it will really bring about disaster to himself and to his own fellow-workers. Therefore, Sir, I say that, with this natural limitation, the political right to strike and—I would say the legal right to strike, because it has not yet been prohibited by a criminal law as it is proposed now to prohibit it by the proposed enactment—the legal right to strike must continue to exist, subject to this limitation only, that the working class man, more than even the ordinary politician, realises the gravity of a strike. I have come in contact occasionally with the labouring classes and have occasionally spoken to working class men and some of their secretaries and presidents of unions; and they have all told me how difficult it is for them to strike and how unwilling they are to strike unless they are forced, for the purpose of their own self-improvement, to strike. They think, not once, not

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twice, but twenty and thirty times before they embark upon a strike. When that is the wisdom of the working classes in this country, it appears to me to be wholly unnecessary and really to give a premium into the hands of the employers and of those reactionary forces which will make the conditions of the working classes even more desperate than they are at present, to pass a Bill of this description.

Another point, Sir, is this. Why should not a breach of contract, attracting as it does a liability to damages, be held to be sufficient for the purpose of preventing these strikes? That is an additional safeguard, and I do not see why it is necessary that penal provisions of this character should be sought to be enacted in order to prevent them from doing this.

(Mr. K. Ahmed made a remark which was inaudible at the Reporter's table.)

My Honourable friend says something which I am not able to catch; but certainly if a lawyer is obliged to work without getting a proper fee, I think he will certainly demur and somehow these lawyers seem to escape more than they should. (Laughter.) But, Sir, I am now concerned with the working classes, and when I find that that is the only thing—an elementary right—the only way in which they can bring any sort of pressure to bear upon their employers and when they are sought to be deprived of it in the name of public utility service what public utility is there greater than the utility, greater than the prosperity of the majority of the inhabitants of this country? What greater utility can there be than the utility of the masses of this country? Sir, I am a man who likes to have a clean house and to have my comforts; but I would not prohibit even a scavenger from exercising his right to strike—his elementary right to strike, if I cannot persuade him to agree with me to work for me.

Mr. K. Ahmed: What did you do last year in Calcutta, when there was a strike of scavengers?

Mr. S. Srinivasa Iyengar: I am not going to be interrupted and I am not going to allow myself . . .

(Mr. K. Ahmed made a remark which was inaudible at the Reporter's table.)

Mr. President: Order, order.

Mr. S. Srinivasa Iyengar: Mr. President, I do not in the least feel disturbed by my Honourable friend's interruptions. He has got an artful way of interrupting speakers so as to divert, as far as possible, the stream of their thoughts. If that is the way of helping the Government, he is at liberty to do so, but I am not going to yield to this kind of diversion.

Mr. K. Ahmed: If you are justified, I shall use my art to interrupt Government and thereby help you also.

Mr. S. Srinivasa Iyengar: Mr. President, I do think that the time will soon come when the number of interruptions made by an Honourable Member will have to be counted and the point will have to be considered whether one will be in order in making continuous interruptions of this sort, because this is a serious subject. This is not a comic opera, and I do resent, and resent most strongly, interruptions of this sort even from my Honourable friend Mr. Kabeer-ud-Din Ahmed, who has added to my enjoyment, as well as to that of others, and which I shall be the last to deny,—I say even from my friend, Mr. K. Ahmed, interrup-

tions of this description I must most emphatically resent. I say, Sir, this is a subject to which every one must give his serious thought and attention. This really tests us on the elementary basis of humanity. The poor working men of this country have no other right but this right to strike. We cannot take away or curtail that right to strike under whatever formula. It is not yet proved that the conditions of the working classes in this country are such that the right to strike will be a luxury, and that it is unnecessary for them. Of course, in that case, you may take steps to prevent such right being abused.

I do not propose to go into the literature on this subject, but I do think that anybody ought to be at liberty to strike, whether it is for the improvement of the conditions in his own trade or industry or for the improvement of the conditions in another trade or industry, or for political purposes.

Colonel J. D. Crawford (Bengal: European): Will the Honourable Member explain to me where this Bill prevents labour from striking?

Mr. S. Srinivasa Iyengar: A strike or a lock-out shall be illegal which has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take, or abstain from taking, any particular course of action. How a Court is to find out whether a strike is calculated to inflict severe, general and prolonged hardship is a matter which I cannot understand. I daresay it will vary with each Judge, and I do not propose to indulge in any anticipations. But it is quite obvious that the only strike which is allowed is the strike which is in furtherance of a trade dispute within the trade or industry itself, and for that purpose there is already a provision in the latter part of this clause which says that, "for the purposes of this clause, a trade dispute shall not be deemed to be within a trade or industry, unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry", and so forth. It is obvious that the working class organisation in this country, which is still in its infancy, can never be a very good and efficient organisation unless industries link themselves together so as to make themselves a strong and efficient political organisation, for without the exercise of political pressure, not only upon the Government, not only upon the capitalist classes, but upon the middle classes, upon the Members of the Assembly, upon the Members of the various Legislatures, they will not be able to get their point. Therefore, Sir, I consider that the working class organisation in this country being in a very defective state, must have this right to have strikes in other industries than the industry in which the trade dispute arises and for purposes, political or social also. For instance, Sir, why should my Mussalman friends support their Hindu friends for the purpose of Swaraj? Why should my Hindu friends support their Mussalman friends for the purpose of Swaraj? Why should the Mussalmans and Hindus, the depressed classes and the higher classes, the Brahmins and the Non-Brahmings, the Bengalis and Punjabis and Madrassis, the Gujrathis and Mahrattas, want Indianisation of the services? It is a sympathetic demand, a general demand, I suppose, for the Indianisation of the services. I do not believe that we will be

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justified in dividing up the working classes into those who are engaged in this or in that particular industry. I think all working classes must be enabled to combine themselves into a huge working class organisation. It is only in that way, I think, with the Government as it is, with our indifference and apathy, and with conscience not sufficiently roused in any one of us including myself, I say with things as they are, that is the only pressure that they can exercise and they should be allowed to exercise that pressure continuously. In what other way can the working classes bring pressure to bear on the Government as well as on their employers? Well, if I am a mill-owner, I will naturally look more and more to my own profit, I will look to my son's prosperity, I will look to my family benefit, and I would like to make as much profit as possible. Which man will ever be able to know the difficulties of others, unless he realises the inconvenience to himself. It is because we, on this side, have not put Government to sufficient inconvenience that we have not been able to achieve Swaraj yet. And is that the same lesson that we should teach to the working classes? I submit, Sir, it is an impossible position. I am therefore taking a very moderate view in suggesting that the right to strike should be retained without any restriction by our working classes till the level of the wages becomes satisfactory, till the improvement in the working class conditions becomes far more satisfactory than at present. Till then I say the time is not ripe for a Bill of this description, and we shall not be able to copy the English model here. The English working classes, according to the Parliament of England, may have abused their power wrongly. There, Sir, they have got a democracy, and all the working classes have got a right of vote. If, for instance, an Act was passed in England like the present Act, it would be open to the working classes there to turn out the Government which had passed such a measure, and that is, as I understand from Mr. Kelkar, what the Labour Party has promised to do. Therefore, they have got a right to turn out the Government, but what right have our working classes got here? If this Bill is passed, what is it that happens? We shall never be able to turn out this Government; the working classes of this country will never be able to turn out this Government. I say, Sir, heavy is the responsibility upon the Members who differ from me on this question. The Labour Party may come into power, and if Honourable Members vote for the motion that the Bill be taken into consideration, they will be telling the British Parliament that they are quite satisfied that a Bill of this description is necessary for Indian conditions. I submit, Sir, we should not import any extraneous topic into this controversy. I would put my reason strongly on the fact that this is simply one of those copyings from the British models, while the genius of our people is altogether different. We do not want in this country a measure of this character. Whether we are aristocrats or middle classes, whether we are traders or industrialists, we do not require a measure like this. I am very glad to find that one of the Members of the Select Committee, Mr. Birla, himself a very eminent capitalist says this in his dissenting minute:

"I do not find myself in a position to support clauses 16, 17 and 18. There is no doubt that the present clauses relating to illegal strikes are an improvement on those in the draft Bill, but my objection on principle remains, and I cannot give such provision my support."

Now, my Mussalman and Hindu friends are really on their trial on this Bill. This is no party question. This is not a communal question. This is not a serious political question of the usual sort; this is a purely economic and social question of first rate importance, and we should strive to put aside all our prejudices and all our previous judgments and commitments and look at the whole question simply with a view to the betterment of the working classes. Have they got any other right? Can they trust this Government? Can they trust us? I can not be trusted by them. The only way in which they can do so is by trusting themselves, by being self-reliant. Therefore, do not deprive them of the only remedy they have got, namely the right to strike. Do not deprive them of their right either in a qualified fashion, by imposing an arbitrary time notice, as is contained in clause 15, or in the other way by absolutely prohibiting them from carrying out general or sympathetic strikes.

12 Noon. as is contained in clause 16. I say that this is an arbitrary time notice. Lightning strikes were referred to. I say sometimes lightning strikes cause more inconvenience, and it is only when we are inconvenienced severely that our intelligence wakens up, our heart wakens up. So long as we are accustomed to go about with smug complacency and to imagine that we are living in the best of all possible worlds, we really do not keep ourselves alive, throbbingly and vibrantly alive, as much as we should be, to the misery, the squalor, the poverty, destitution and hunger of the millions in this country. Therefore, I feel the greatest possible pleasure in opposing this motion for consideration, and in supporting Diwan Chaman Lall's motion for re-circulation.

Only one word I have forgotten to mention. This is a matter which is of all-India importance. This matter has not been discussed in the various Legislative Councils of the several provinces. There must be a method by which the opinions of the Legislative Councils in the provinces should be ascertained. I believe once or twice it has been so ascertained. It is not very difficult to find out ways and means of ascertaining the opinions of the Legislatures in the provinces. When we find that there is no representation of the working classes here, and when there is some sort of representation, it may be by nomination, of an appreciable number in the provincial Councils, and the provincial Councils are more competent to go into this question, their opinion is necessary to enable us to pass this measure. For that reason also I am for this motion that the Bill be re-circulated.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadian): Sir, I rise to support the motion of my Honourable friend, Diwan Chaman Lall, and to oppose the consideration of this Bill.

Yesterday we were told by the Honourable Mr. Kelkar that the Report of the Bombay Strike Inquiry Committee was just issued, and unless Members had an opportunity to go through the Report and the *pros* and *cons* of the questions at issue, it would be idle to pass this legislation. Now, Sir, I wish to refer to an incident which happened in this House when the Child Marriage Bill of my Honourable friend, Mr. Sarda, came up. An amendment was moved in this House, which the Government were pleased to accept, on the ground that there was a Committee sitting and its Report, which was worth considering, was not out.

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I quite see that that was a Committee on which the House was represented and the Report was not yet out. But so far as the analogy goes, there is nothing to choose between the two. This Report of the Bombay Strike Inquiry Committee has dealt with questions which are analogous to those which have to be considered while passing this measure. If there was any hurry, I could understand that the Government were justified in rushing through a measure of this kind. But when we know from the speech of the Honourable Member in charge of this Bill, that the Bill has been before the Government for the last five years, I fail to see what special circumstances have arisen which necessitate that this Bill should be passed as soon as possible. Moreover, the only justification which the Honourable Member has been able to place before this House in respect of certain provisions relating to general strikes is that, in his opinion, the country was being prepared for a general strike. Now, Sir, I join issue with him in that matter, and I am convinced that his statement is not correct. Supposing there was any possibility of a general strike at the time when he made that statement, still now, when all those persons who are alleged to have been engaged in activities calculated to prepare this country for a general strike have been arrested and are on their trial, it stands to reason that all that apprehended preparation vanishes and there is absolutely no hurry to rush through this measure. Again, as has just been pointed out, this Bill has emerged from the Select Committee in a rather changed form. Some alterations have been made, and it is but right that those who are affected by this Bill should have a right and opportunity to criticise the Bill after it has emerged from the Select Committee. I know that an argument was advanced before this House by the Deputy President of the Assembly that it would be unfair to the Select Committee if the motion for re-circulation were accepted, and further that the Select Committee themselves have recommended that the Bill should not be re-circulated. I maintain that, if those recommendations of the Select Committee were the last word to be said on the subject, then a motion for re-circulation would not be in order, and the law would not provide for such a contingency. The House has to consider independently of the recommendations of the Select Committee if this particular measure is one which requires re-circulation, and I submit, considering the importance of the measure, and also the fact that it shall have far-reaching effects on the working classes of this country, that this measure is one which should be re-circulated. It is true that, even after re-circulation, many of us will not be found disposed to agree to certain portions of this Bill

Colonel J. D. Crawford: Even if public opinion was in favour of it?

Pandit Thakur Das Bhargava: Public opinion was never in favour of this Bill.

An Honourable Member: He represents us much better!

Pandit Thakur Das Bhargava: Public opinion was never in favour of this Bill, and from the extracts read out to the House by my Honourable friend, Diwan Chaman Lall, and the opinions of so many societies and trade unions, it is absolutely clear that those who will be affected are absolutely opposed to this measure.

Colonel J. D. Crawford: Then why re-circulate?

Pandit Thakur Das Bhargava: The question is, why should it be re-circulated? The reply to this question is. . . .

Colonel J. D. Crawford: In the negative.

Pandit Thakur Das Bhargava: Not in the negative in that way, but the reply to the question is involved in the reply to the question why was it circulated at all? If the provisions have been changed, then they should be re-circulated. Moreover, I submit that the opinions received so far cannot be said to have been expressed by those who are affected by this measure. The provisions of this Bill are so important that I submit they ought to be considered by the various Legislative Councils, municipal bodies, district boards and other bodies and such bodies also should be able to say whether they want the provisions of this changed Bill to be enacted.

Now, Sir, as regards the consideration of this Bill, as I have already said, there are certain provisions which will never find acceptance so far as this part of the House is concerned. So far as the question of general strikes is concerned, this Bill is foisted on India by saying that, because England has passed this measure, therefore India should pass it; no other reason is given. Last Autumn session a Bill was brought in by Mr. Joshi to assimilate the law of this country to that of England in respect of illegal conspiracies in regard to workmen. And then this very argument was advanced by the Honourable Mr. Joshi—that as workmen enjoyed certain privileges in England, the workmen in India should be allowed similar privileges in India, and the Government opposed it on the plea that the conditions in India and in England were not the same. May I repeat the same argument and say that, if the conditions in respect of illegal conspiracies are not the same in the two countries, they are not the same or similar as regards the possibility and effect of general strikes. Now, Sir, it happens that the Public Safety Bill and this Bill are so connected and dovetailed together that they even come on the same day in the Assembly. Now, the Public Safety Bill is sought to be passed because conditions in England and India are different. There are no provisions in England similar to those contained in the Public Safety Bill. In England, even the members of the Communist Party can be Members of Parliament, but then it is said that the conditions are different when it comes to the question of general strikes. The logic of this is quite apparent. Now, it has been pointed out that India is a country in which the poor people are so placed that they cannot look after themselves. If a poor man living in the mofussil were to come to the Assembly and watch the proceedings, I doubt very much if he would have any love for this Government. Looked at from the standpoint of the poor man, there is as much public safety in the Public Safety Bill as there is public utility in the Trade Disputes Bill. If you are really sincere and want to help the poor man then the best way is not to restrict his freedom of action or right, but to make for conditions which will really benefit him. If Government brought in any measure for the fixing of minimum wages, I would certainly consider that the interests of the poor man were sought to be safeguarded. When the conditions of labour in certain public utility services, as defined in this Bill, are such that they do not provide a reasonable standard of comfort for the wage earner, it is cruel to enact provisions which take away from him the right

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to strike. It is said that, with a view to meet the objection that it was a capitalistic measure, provision has been made whereby a lock-out has also been made penal, but may I ask, Sir, whether the working classes and the employers in this country stand on an equal footing? I remember a story, Sir, which is quite apposite. A man who wanted to ford a river dived into various parts of the river and from his experiences found out that the average depth was so much. He had to ford the river with his wife and children and one by one, when they reached the middle of the river, they were all drowned. Ultimately when the man was left alone, he again dived into various parts of the river and found that his calculations were correct and he was at a loss to understand why the whole family was drowned. What is the use of having a provision by which a lock-out is made penal, when the resources, stature and height of the employer and the working classes are not the same and when this capitalistic Government has monopolised the power of sanctioning prosecutions. What would be the actual injury to the employers and the working classes in the case of strikes and lock-outs? Will it affect them equally? This is the question which has got to be answered before we can say that we have really made a corresponding provision in section 15 of this Bill.

Now, Sir, it is said that a public utility service by itself is a service in which the interests of the community are regarded as superior to the interests of those who work in the services. As an abstract proposition, I would agree, but may I know if this argument will hold good in the case of the majority of workmen in this country? Do the majority of workmen in this country enjoy all these services? My reply is, no. When you come to the railway service, do you make such reductions in the railway fares that the poor people can take advantage of it? When you come to the postal rates, do you reduce them when the interests of the poor people demand it? You don't and the only conclusion that one can reach is that these provisions in the Bill are designed for some ulterior purpose. Either they are in the interests of the richer classes or in the interests of Government. Government are the biggest employers in this land. Barring certain companies, so far as the postal and railway and other services are concerned, they are the sole employers, and it is in their own interests that these provisions are sought to be enacted. Now, Sir, the rest of the provisions regarding the Conciliation Board and the Board of Inquiry are such that they have no binding effect on the parties to the dispute. After all they are in the nature of mere recommendations, and they may not be accepted by those who are parties to this dispute. What is there to bind the parties to the dispute to accept the recommendations? We have therefore to fall back upon the good sense of those who refer a trade dispute to the arbitration of a Conciliation Board or a Board of Inquiry. Now, I can understand that, by themselves, these recommendations may generally prove to be effective and the parties to the dispute may, according to their self-interest, accept those recommendations, but the binding effect of those recommendations, is nil. As regards the second part of the Bill. Clauses 15 and 16, they are clearly such that they are not acceptable to those who feel for the working classes of this country. The Honourable Member in charge of the Bill took pride in the fact that he got through this Bill in the Select Committee and said that his anticipations were proved to be true, but when I look at the minutes of dissent by nine members,

most of whom are members of the popular parties in this Assembly, I am sorry I have to say that the anticipations have not proved correct. It is all very well to pass a measure through the Select Committee or through the Assembly, but the question of questions is whether you are able to reconcile those who are opposed in principle to you, and judged from this standpoint, I am sure that, even if the Honourable Member succeeds in passing this measure through the Assembly, the country outside will never be reconciled to this measure. Now, Sir, a repressive and a penal measure can only be justified by the exigencies of the situation. No person who knows anything about the principles of criminal jurisprudence will ever agree that penal laws should be enacted for purposes of meeting extremely remote contingencies. Unless and until a particular situation justifies a penal measure, it ought never to come on the Statute-book. Now, I very humbly ask a question as to whether, within a definite time, there is any possibility of any sort of a general strike in this country? If the reply is in the negative, I will humbly submit that these provisions are not justified. Further, Sir, when you look at the words of section 16, I wonder if any Court of Law would be able to unravel the tangle of these words. The words are:

"is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Now, Sir, terms like these were very bitterly criticised when a similar measure was before the Parliament in England. But I can challenge any lawyer in this House who can give a sample of a more vague, more indefinite, language than this. How will any Court construe the word "severe"? What is a "severe hardship" and what is a "mild hardship"? Again, Sir, what is a "general hardship"? Suppose there is a hardship which is a hardship to, say, only a lakh of people, and the rest of the country is not affected by it, will it be called a general hardship? And then the beautiful word "prolonged" comes. What is a "prolonged hardship"? Is not a hardship continued for a week a prolonged one, or should it continue for a year or so? Now, Sir, it means this, that according to the length of the foot of the judge the interpretation will be placed upon the words which occur in clause 16. Then, Sir, the Members of the Select Committee themselves were rather doubtful as to what they meant by the word "compulsion". Therefore they added sub-clause (4) to clause 16 which runs as follows:

"A strike or a lock-out shall not be deemed to be calculated to compel the Government unless such compulsion might reasonably be expected as a consequence thereof."

This by itself shows that the Select Committee were not sure of the ground, and they also anticipated that the Government might regard anything as compelling or nothing as compelling. Then we have the words, "from taking any particular course of action". Now, what is that particular course of action? This is not defined in the Bill. In fact, the whole subject is so difficult that it is almost impossible to frame any such provision as will be satisfactory from a legal point of view. As a matter of fact, this illegal or legal provision takes away from an ordinary man his invaluable and inalienable right, and it is most difficult to disguise this attempt by plausible and satisfactory language.

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Now, Sir, the Honourable Member in charge of this Bill said, while referring this Bill to the Select Committee, that such strikes "concern the community as a whole and involve an obligation on the Government". There is no doubt that an obligation is there on the Government, but if it is true that the strikes concern the community as a whole, I humbly beg to ask whether, in the community as a whole, the workmen who are working in different trades or industries are included or not. If those persons are also included, then on what principle is the sympathetic strike made illegal? These workmen have as much right to see that justice is done to their fellowmen as the other people have.

Then, the Honourable Member in charge said that this Bill is essentially a democratic measure. For the life of me, I have not been able to find in this Bill anything which can be called democratic. If we understand by "democratic" that the individual rights shall be regarded as unassailable, then the provisions contained in clauses 15 and 16 are, to say the least, most undemocratic.

An Honourable Member: They are hypocritical.

Pandit Thakur Das Bhargava: If that word pleases you, I am prepared to agree with you.

Then, Sir, some other observations were made by the Honourable Member in charge, which were really calculated to cloud the issue. However, I need not pursue those observations in further detail. I understand that all parties in this House will agree to pass some of the wholesome provisions of the Bill, but then the Government wanted to sugar-coat the other bitter provisions and incorporate them in this Bill, which is not even a copy of the Act which was passed by the Parliament. The Parliament did not pass a measure of this kind, consolidating all the evil and good things in one. In England they had separate measures, and those measures were considered on their respective merits. Now, this fact that the House will not accept these two provisions of the Bill contained in clauses 15 to 19, was submitted to the Honourable Member in charge of this Bill at an early stage, and if he was anxious that the provisions contained in clauses 1 to 14 should be passed, he should have taken the hint from those debates. But, as a matter of fact, his whole idea seems to be that he must smuggle in those measures which are obnoxious with the aid of those which are regarded as wholesome, and ultimately, if this Bill is not passed, he may be able to lay the fault at the door of the Members of this side of the House. But by doing so I do not think he will deceive anybody.

It was claimed that this Bill is designed to foster the movement of trades unions and as such it was entitled to be considered by this House. Now, Sir, I have gone into these provisions very carefully and I would respectfully ask the Honourable Member in charge to enlighten the House on this point. Clause 18, if it means anything, means that it shall drive a wedge between the relations of the members of the trades union. It will make for bitterness, disunion and disharmony, and I for one have not been able to find out any provision in clauses 15 to 19 which would tend to encourage the existence or the promotion of the trade unions in this country.

Lastly, Sir, as has already been pointed out by the previous speakers, this Bill is not purely a trade disputes Bill but as a matter of fact, it is

a political Bill, and as such it should not have been mixed up with the trade disputes Bill and should not have been smuggled in like this. I therefore oppose it.

***Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the previous speaker said that this Bill is not a trade disputes Bill but it is a political Bill. I consider this Bill to be a trade disputes Bill in the sense that it means to create trade disputes instead of settling them. Therefore, I cannot, holding the opinions I do, agree to the Government motion that the Bill be taken into consideration in the form in which it has emerged from the Select Committee. Sir, I submit that the little consideration that we have already given to this Bill is much more than the Bill really deserves. There is nothing in this Bill worthy of consideration, and it should be conveyed, in your historic phrase, to the waste-paper basket. That is my position so far as the Government motion is concerned, for, as Mr. Jamnadas Mehta (and his colleagues) in his beautiful minute of dissent has truly said:

"The fundamental objections to the Bill as it emerges from the Select Committee remain unaffected."

Therefore the position of this House ought to remain unaffected, so far as the objections to the Bill are concerned.

If I had been in my seat—it was my fault that I was not—when the question of reference of the Bill to Select Committee was taken up, I at any rate would have strongly opposed reference to Select Committee, for Mr. Jamnadas Mehta is not right when he says that there are certain good things in the Bill, and that, so far as that portion of the Bill is concerned up to clause 14, "It emerges from the Select Committee considerably improved and strengthened". And they are prepared to support that part of the Bill themselves.

If the object of the Bill is to develop and foster a genuine trade union movement in the country, clauses 15 and onwards will surely defeat that object, but so far as the Government are concerned, it is perfectly plain that they will not give up those preceding clauses unless you are prepared to accept the succeeding clauses. I do not want Government's benevolence for the protection of trade unions. Trade unions and things associated with them in this country are in their infancy, and therefore the difficulties, which Government do not like, are even more not liked by the millowners and the workers. I think they dislike the present delicate position more than the Government themselves, but in the infancy stage of trade unions and industries in this country, all these troubles are bound to disappear and I would not be a party to the introduction of a Bill of this kind, especially as this Bill is calculated to destroy the growth of trade unionism in this country.

I was present in the House of Commons when the House was considering the British Trade Disputes Bill, to which the previous speaker made a reference. He referred, I believe, also to the British general strike. I had not the privilege of being in England during the British general strike, but I read a newspaper report of what it was like, and I would like a similar general strike in this country before I can consider the necessity of a Bill of this kind. There is not the ghost of a chance

*Speech not corrected by the Honourable Member.

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of such a strike coming to this country for several years, a strike which threatened the very foundations of the British Empire in Great Britain. Therefore I do not really see why Government should think that a few bubbles in the trade waters are real oceans. Why are Government frightened because there are a few strikes? If they are so inclined, they can help labour. Much as I am opposed to the exploitation of labour for political motives, even the exploitation of students for political purposes, I must say that the line of demarcation becomes very thin between labour and politics, for even greater than politics in this country is life. It is a problem of bread and butter, and therefore I think this trade disputes Bill is attacking the bread and butter problem. Notwithstanding my personal regard for the Honourable Member in charge of this Bill, I am sorry that he is concluding his career by leaving on the Statute-book a Bill of this kind, which will attack the very foundations of labour. It is not the politicians, not the National Congress, nor the Liberal League nor the Muslim League, but it is labour that commands India's greatness. It is labour that is involved in this question; it is labour which is going to command this country's politics itself; and Government know it and are naturally afraid. Now it is like a small cloud, but it threatens to spread over the whole land, and therefore Government naturally bring forward this measure to put a stop to the organisations of the trade union movement in a strong and irresistible manner.

Opposing as I do the Bill, I regret I cannot support clause 18, although I can concede that it is full of enthusiasm for the non-striker.

This Bill does not deserve circulation at all. I would circulate a Bill that is worthy of being circulated. This is unworthy of being circulated. I would circulate a Bill on which I am not capable of forming such an opinion.

Reading through Mr. Jamnadas Mehta's minute of dissent, though I do not agree with him where he endeavours to concede that there are some good points in the Bill, yet that minute of dissent shows that a considerable amount of opinion has been formed by him and his colleagues. The opinion which has been expressed in the newspapers, one of which is in Bombay, is strongly opposed even to the reference of this Bill to Select Committee. The paper I refer to is issued by Mr. Horniman, and in which Mr. Jamnadas Mehta takes a real delight. That paper took the right attitude when it opposed reference of the Bill to Select Committee, and even went so far as to say that this Bill should not be circulated for opinion but should be buried on the floor of this House, buried without mercy and without the usual ceremonies attending burials.

With these few words I oppose the motion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, greatly as I admired the philippics of the last speaker, I am afraid I cannot accept all his arguments. I certainly agree with him in the great prediction which he holds forth in regard to the future of Indian labour. It is not a particularly special prediction in regard to India, for I believe everywhere under the sun labour in the true sense of the term is bound to dominate over anything else in a country. As the *Gita* puts it.—*Lokoyam Karma Bandhanah*, which means, "The whole universe is a working organisation".

That, therefore, labour in India and elsewhere should become more and more conscious of its dynamic power; that the leaders of labour, as distinct from other interests, should become more and more conscious of their power for good or unfortunately as it sometimes happens of their power for evil also; that they should become conscious of the power for good that they can exert in the body politic, all this should be essentially welcomed. I, in my own very humble way, have desired, and do desire that in India also labour organisations should thrive as fast as possible, and that labour should come into its due share of power, socially, economically, politically and spiritually as well. That is by the way.

Now, Sir, with regard to the motion before the House, I find that some of the general arguments, though they have been somewhat mixed up so far as I can take note of them, have been to the effect that the measure before the House is in some respects premature, that it can be delayed with advantage for some time longer, that it is an attempt to copy what may be called the example of England for Indian conditions, and that some of the clauses, especially the last few clauses of the Bill, are calculated to injure trade union interests deliberately, and not to help the growth of trade unionism. I certainly am glad, Sir, that, on this occasion at least, some of my Honourable friends, who generally are anxious to follow the example of Western countries, some of my friends like Pandit Thakur Das Bhargava would not follow blindly the West. I, for one, have always been against India following the lead of the West. My motto has always been that India should show the light to the rest of the world. I am therefore glad that they are now coming to realise, and I wish that in other measures as well they will try to understand, that it is injurious for India to follow the pernicious social, religious and economic customs of other countries. India will have to grow and thrive upon her own natural organic life system. Therefore, Sir, if I at all say anything in favour of any portion of the Bill, it is certainly not because I have cared or that I desire to have English conditions introduced into India or that I even care to study English conditions very carefully. If I therefore support any motion of the Bill it is only because I have come to the conclusion that those portions are in the best interests of India's workmen, as well as employers. I am glad, that, leaving some of the few irreconcilables apart, the great bulk of those who have been seriously considering the provisions of this Bill have been generally in favour of what may be called the first part of the Bill, namely, clauses 1 to 14. My Honourable friend, Mr. Jannadas Mehta, as has already been pointed out, said that if probably the Bill ended there, he would not take any serious objection to it. The difficulty, of course, comes with regard to clauses 15 and thereafter. Before proceeding to make any observations upon those clauses, I may state at once that I am not myself very much in favour of them. But before making any further observations, I should like for a moment to remind this House that the question whether the Bill as a whole is to be recirculated for opinion can only be properly answered, so far as I can see it, if the Bill has been so changed in the Select Committee as to involve any radical alteration. If the Bill has been materially and radically changed in the Select Committee, particularly if the Bill has been so changed as to affect more prejudicially the interests of those whom this House would like to safeguard, then certainly I will be the very first to join those who are for re-circulating this Bill and eliciting public opinion. Although I have been carefully listening to the arguments of those who have been trying to pose themselves as

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the champions of workmen, I have not heard from them any convincing arguments to show that the Bill has been so changed in the Select Committee as to make matters worse for the interests which they want to safeguard. On the other hand, Sir, it is admitted, even by those who are against clauses 15 to 18, that in the Select Committee an attempt has been made, to a certain extent at least, to make the Bill less objectionable than it was when it was first introduced. Clause 15 particularly was very greatly amended; and in this connection I wish to bear testimony to the fact that, so far as I was able to gather, the Honourable Member in charge of the Bill seemed throughout to have been anxious to go as far as he could to meet the objections of those who, in the Select Committee were trying to put forward objections on behalf of the workmen in the country. If one would look into it, he would find that practically the whole clause, or the greater portion of it, is in italics. Clause 15 was practically redrafted, almost the whole of it was redrafted, and there are certainly very few words in the clause which are not in italics; and this means that only a very few words of the old clause remain. Almost the whole of clause 15 was redrafted, and the one objection that was taken to it and to which Mr. Chaman Lall yesterday referred was that the original clause was one-sided. It tried to prevent only the workmen from going on strikes. In the Bill, as now placed before the House by the Select Committee, that defect has been removed; and the clause now applies both to the employers and the employees. Therefore it cannot now be said that workmen alone are penalised by the clause and not employers. Workmen cannot now declare sudden strikes without giving 15 days' notice. Here again the clause has been greatly improved. The old clause said a month's notice was required. The present clause says only 15 days' notice is required. Therefore only if workmen declare a strike without 15 days' notice, they come under the penalty of this clause. On the other hand, if employers declare a lock-out suddenly, the employers in their turn come under the penalty of the Bill. Therefore there has been a very good improvement with regard to clause 15. Whether, even with that improvement, there should be a clause of that kind is of course a different question. I suppose when that particular clause comes up, if the Bill is taken into consideration, its merit or demerits will be thrashed out in due course. But on the whole I consider that the Bill, as it has emerged from the Select Committee is certainly much better than what the Bill was before it went to the Select Committee. It has not been made in any way worse than before. Therefore the argument that it should be re-circulated for public opinion does not carry weight. The need for re-circulation does not appear to me so far as clause 15 is concerned. If the clause is so bad that you cannot possibly have it, even in its altered form, it will be the duty of the House to throw out that clause. Similarly with regard to clauses 16 to 18 if the clauses are so bad that they cannot be accepted, I should commend, for the consideration of my Honourable colleagues, whether it is not their duty to throw out the clauses. It will be open for the House, by a majority, to declare itself against clauses 15 to 18. It will then be open to the Honourable Member for Industries and Labour either to have this Bill only with clauses 1 to 14, and to leave the rest of the clauses out, or to drop the whole Bill. With regard to those who think that the Honourable Member for Industries and Labour has got this sinister purpose of forcing clauses 15 to 18 on the

House in consideration, so to speak, of the milder portions, namely, clauses 1 to 14, I would ask why they do not put the Honourable Member to the test. Pass clauses 1 to 14, and when clauses 15 to 18 are taken up, try to reject them and see whether the Honourable Member will move the third reading of the Bill which will contain only clauses 1 to 14, or whether he will give up the third reading altogether. If the Honourable Member gives up the third reading of the Bill, in case any of his supposed favourite clauses of the Bill are omitted, then I would consider that the charge was fair, that he really wanted clauses 15—19 only, and that clauses 1 to 14 were merely more or less a bait. However, I do not find that that test has been applied. I do not know, when the test is applied, whether the Honourable Member will stand it or not, and so I cannot foretell what the House will say about it. In any case, I think it is prejudging the motives of the Honourable Member in charge of the Bill to say that he wants only clauses 15 to 19, and that clauses 1 to 14 have been added on by way of a sop to the feelings of those who are against the Bill. I for one would decline to go behind the motion and try to read the hidden motives and purposes inside the mind of the Honourable Member.

Now, on all hands, it being accepted that clauses 1 to 14 are desirable, and would really go far to prevent trade disputes from taking any very undesirable turn, I think that, so far as those clauses are concerned, it is our duty to pass them as quickly as we can. I am one of those who have long desired that a great stimulus should be given to the development of trade unionism in this country; I am one of those who really desire that, as far as we can, we should try to create what may be called a trade union law in this country. And no trade union law can possibly be brought into being in this country without sound measures for bringing together the employers and the employed, or bringing both of them before certain impartial tribunals, such as are provided for in the first part of this Bill. The settlement of trade disputes is a very very healthful measure, a very desirable measure, and a very necessary measure; and when the Honourable Member tries to bring in a very necessary and a very healthy measure, so far as it is healthy and necessary, I think it is our duty to support him in the interests of the country at large.

So far as the general remark is concerned, Sir, that this may have a larger bearing on the larger questions of politics—well, I am quite ready to agree with those who say that labour and politics are very closely inter-mixed. For that matter, my philosophy is that all life is one complex whole. There are no compartments in life individual or collective. Social, economic and political conditions are all aspects of one life; and labour and economic conditions must have a great effect, and I wish that they should have a great effect upon the political conditions of the country. Therefore, it is necessary, it is inevitable, that a labour law must affect the general political condition of the country to a certain extent. Every measure, so to speak, affecting any large interests of the country, must have its own bearings upon other interests. That is what philosophers call the Law of Relativity; and none of us can get out of that Law of Relativity as long as we are in this world. Therefore, in this law, or in the Trade Union Act or in any other Act or any other law, there must be what may be called a political significance; yes, there it must be, and it will always be there in any law; and we cannot get

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rid of it. But the question is whether there is a direct political significance, or a direct political purpose, involved in the Bill now before us. If the direct effect of this Bill is to retard the political progress either in labour or in the other larger circles in the country, then, I for one, Sir, will not desire that the Bill should be passed into an Act unless it is properly worded; or even if it is properly worded, I will not support the Bill if the consequence would be the direct prevention of the growth of trade unionism, or the putting of obstacles in the way of the political progress of trade unions. True, the trade disputes law may be abused; but every Act has been abused, every law under the Sun has been abused. Every law that has been made by man, nay, by inspired men and inspired seers in this world, has, in course of time, come to be abused; and so it is very likely this law also may be abused. It may have evil consequences, if not now at least some time later. But because, any proposed law may have some evil consequences at some time near or far off, that can be no reason why it should not be taken into consideration at any time and passed.

Therefore, Sir, it appears to me that many of the arguments which have been advanced and put forth for the re-circulation of this Bill are not quite relevant. I can understand those who, like my Honourable friend Mr. Ranga Iyer, say that the Bill does not deserve even to be touched with a pair of tongs, that it is not even worthy of being looked into the waste paper basket. I can understand that mentality. I can understand also those who say that there are some portions of this Bill which are very good and we must go on with them; but say at the same time that there are one or two clauses which are very bad, and that we should try to sift the whole thing and try to separate the good from the bad, and pass the better clauses alone. That position I can understand; but I cannot understand the position of those who fear that there is some thing hidden behind the Bill, and that it is therefore better that we have nothing to do with this Bill, and consequently want to bring in a dilatory motion to the effect that the Bill should be re-circulated, and that some more time should be taken to consider it. I believe, Sir, if a Bill like this had been in existence last year, probably the South Indian Railway strike would have been prevented, and probably the strikes in Bombay also could have been averted. If there had been some legal machinery by which the employers and the employed could be brought together, and under which the Government could force the employers and the employees to come together, and settle their disputes in time, possibly the evil consequences that have been witnessed in South India and in Bombay might have been prevented. I think it is our duty to take steps to prevent such happenings in the future at least. I do agree with those who say that general strikes in this country such as those in England are things to come in times far off. That is an argument which will cut both ways. If a general strike will be coming at some time very far off, why do you fear clauses 15 to 19, or think they will be terribly misused? I wish, for that matter, that we should have no big strikes in this country at all. To me a strike is something like a very dreadful weapon; it is a terrible weapon. A huge strike is not a thing to be desired every day. There are of course some people who have been saying that a strike is an inalienable right of every worker in this country. It is something like saying that every man has a right to shoot himself dead. I do not know if

every man has a lesser right to murder himself than any trade or industry has a right to strangle itself.

I maintain, Sir, that a strike is one of those very unfortunate necessities in the world which we have to submit to now and again, as at best an evil which we cannot get rid of. A strike is certainly a very hard thing, and a very undesirable thing, and if we in India are able to get on without strikes, so much the better for us. I do not think that the so-called right to strike is a right, a precious right, and a valuable right, just like the right to freedom of speech or freedom of worship, or the right to take steps to advance ourselves politically. It is one of those unfortunate evils, which we sometimes call necessary evils in the world. It is just like a war, very undesirable in the larger interests of the country. I do not like any general strikes, and I do not expect there will be any very large general strike in a huge country like India. I agree with those who think that trade unions are not well-developed here. That again is an argument which will cut both ways. If there are good organisations of workers, if their Unions are well-organised and conducted properly and efficiently without fear of havoc to the community at large, then perhaps, we may get rid of these penal clauses; but the very fact that the trade unions here are not well organised is an argument for encouraging them to become more and more strong and for making them more and more efficient in this country. The very fact that labour is in an infant stage in India is a strong argument, I say, against the views of those who hold that the working classes should have the right to strike, although it might lead to very undesirable consequences; and that such right is an inherent right in the case of all these employees. The argument about the infant trade unionism of India seems to me to be an argument which cuts both ways; it is an argument for those who are in favour of the Bill as a measure for strengthening the labour movement itself, as one which would bring, in course of time, great good to the community at large, and would therefore be of great and lasting value to workmen themselves.

For these reasons, Sir, it appears to me that the proper course for us—

1 P.M. I am speaking with perfectly honest intentions—would be to take the Bill into consideration and to accept those clauses of the Bill which are really acceptable and which are really satisfactory—in fact which are very necessary and desirable; and when we come to the clauses which we think are objectionable—I am not quite sure whether I shall give my support to clauses 16 and 17 as they stand at present, but I think I am in favour of clause 15 if I can say so now. But when we come to these clauses, the House can make up its mind whether it wants them or not; and we shall have every right to reject those clauses. But, Sir, it seems to me that the motion to re-circulate the Bill for the purpose of getting opinions over again is absolutely meaningless. Public opinion cannot make us any wiser three months hence than we are today, so far as these provisions are concerned, for this reason. My Honourable friend, Mr. Chaman Lal will go out to the country and say that every trade union should blindly and unquestioningly say that clauses 16 and 17 would sound the death-knell of all trade unions. I know how trade unions in India are run and I do not believe there is any trade union in India which has got twenty members who can take a reasonable and sane view of a Bill like this. Sir, what I say is this: Whether I have a right

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to say that no deluge will follow, or whether my Honourable friend, Diwan Chaman Lall, says the deluge will follow, it will be myself and my Honourable friend who will be saying it; it will not be the real voice of labour, and that is my point. What I would like is, that neither I nor Diwan Chaman Lall, should have anything like a predominating voice in these matters.

Diwan Chaman Lall: I am prepared, if the Honourable Member is prepared, to keep my mouth shut if the motion for re-circulation is carried, and not say one word in the Press or public about the Bill.

Mr. M. K. Acharya: I am very sorry, Sir, to have to say that Diwan Chaman Lall's offer cannot bind me any more than it can other people, for the simple reason that, though my Honourable friend, Diwan Chaman Lall, will certainly be honest and will not go about breaking his word, there will still be other Chaman Lalls in this country who would not care a hang for what he has said.

Diwan Chaman Lall: The other Chaman Lalls will be public opinion. Get public opinion; that is all I want.

Mr. M. K. Acharya: The point is not what I shall do, or what he will do; it is what is generally being done in the name of the trade unions in this country; and indeed I do not believe that there is anything special with regard to India. It is probably what is done in that wonderful country also which they often quote—in England—and in America or any other country for that matter. It is the few intelligent people who manufacture public opinion—it may be in various lands in varying forms—but it is everywhere being done; it is part of human nature in fact. The more ignorant must be led by the less ignorant; of course all people are, to a greater or less extent, ignorant and the number of wise men who are absolutely wise and not ignorant at all is very few indeed all over the world; and as I say, public opinion must be guided by the less ignorant and it is the same human nature everywhere. That, Sir, is my humble opinion—not even in what they call the most well-organised trade unionist country in the world today, namely, Russia, in no country is there anything like a truly rational and natural public opinion, apart from what may be called mass opinion manufactured to a great or less extent. That is my philosophy of the world as a whole in its present conditions. It does not concern India alone; it concerns every country. Therefore, Sir, on the whole I say as Indian conditions exist today—I am certainly not against our doing anything for the betterment of things—but I repeat that three months hence or four months hence we shall not be in a better position to decide upon the merits of the Bill before us than we are today; we shall be in exactly the same position. Some will be in favour of certain clauses, others will take strong objection to certain clauses; and public opinion will not help us to any very considerable extent to go either one way or the other. That is always the case in the world, and perhaps that is the principal advantage of circulation—that there would be various kinds of opinions expressed and we would have the benefit of those opinions.

Therefore I say that, if it is argued that three or four months hence we shall be in a better position to judge of this Bill, I say, we shall not be in a better position. We had got plenty of these opinions already when

the Bill was circulated some months ago. That we shall get opinions is therefore not an argument. I was better impressed with the argument advanced by my Honourable friend, Mr. Kelkar, that, as the Labour Commission is coming to inquire into labour conditions in India, it would perhaps be better to wait and see what recommendations they may make. That appeared to me to be a fairly strong argument. But that can be met this way. We would like the Labour Commission to give its opinion on this Bill. We shall place before them how far we have worked with our own intelligence and how far we have been able to solve Indian labour problems. And this Bill or Act also, the Commission could look into it, along with the labour conditions existing in the country; and they could then pronounce their opinion on both; and if the Labour Commission suggests any really important alterations in this proposed Act, I presume that the Honourable Member in charge will be ready to bring forward an amending Bill to carry out those recommendations; and if he does not do so, I am sure my Honourable friend, Diwan Chaman Lall, will bring in an amending Bill to carry out the recommendations of the Labour Commission, and I would then like to see which Government Member would dare to defy Mr. Chaman Lall as perhaps he might today. In that way, Sir, that argument can be met easily. For my part, Sir, I would like that this Bill, that is today before this House, may be passed by the House, and that the Labour Commission may have the benefit of having this before them.

For all these reasons, Sir, while I do not pledge myself to support every word that has been put in this Bill, I do believe that no really good case has been made out for the circulation of this Bill. On the other hand, I very much want clauses 1 to 14 to be passed as quickly as possible in order to deal with possible trade disputes that might arise in the near future. I urge strongly, therefore, that the House must take the Bill into their consideration, pass the clauses that are really unobjectionable, and consider, on their merits, the clauses to which any objection may be raised.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I am sure the House will feel grateful to the last speaker for his philosophic survey of life as a whole, and not in its water-tight compartments; I was attentively following what my learned friend was saying and really there was much for us to think over and appreciate in what he said. I am at one with him when he says that there is no need for re-circulation. But my reasons are, I regret to say, not the same as my Honourable friend's. My reasons are those of another friend of ours like Mr. Acharya—I mean my Honourable friend, Mr. Ranga Iyer, who is not here, and who advised us to throw this Bill into the waste paper basket. I really appreciate all the reasonings that have been put forward in support of the consideration of the Bill by my Honourable friend, Mr. Acharya, and I wish that he had changed his place with that of the Honourable Member in charge of the Bill. In fact, I believe that he has helped him a good deal, at least in the philosophic aspect of the Bill with which my Honourable friend, the Labour Member, was not qualified to deal, being a science student. But, Sir, I think if my Honourable friend Mr. Acharya had stopped there we could have understood him, but when he comes forward and talks of things of the earthy, and deals with labour questions and attempts to offer solutions and to help the Honourable Member who has been in charge of this

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Department for several years and who, I believe, has ably held his own against any argument, if not by force of reason, but by the power of the constitution framed by the British Parliament for this unfortunate country. Sir, as it is not possible to have this Bill thrown into the waste paper basket for reasons which my Honourable friends Mr. Acharya and Mr. Ranga Iyer will appreciate

Mr. M. K. Acharya: Why not?

Mr. Amar Nath Dutt: Let us not be more explicit than that. (Laughter.) As it is not possible for us to have this Bill thrown into the waste paper basket, all that we can do is to ask for a re-circulation, which, at least, I hope, will appeal both to the philosophic mind of my friend, Mr. Acharya, as well as to the patriotic mind of my friend Mr. Ranga Iyer.

Sir, when I say that this Bill deserves to be thrown into the waste paper basket, as stated by my friend Mr. Ranga Iyer, I do so, not as an irresponsible agitator or a labour leader. I do so as a student of history, who has followed both the history of Europe and Asia, and has tried to understand the underlying problems of human life. Sir, I thought that we were progressing, day by day, in our ideas of freedom and liberty. Penalisation of human activities, which do not injure the equal freedom of another human being, is not allowed by any civilised legislature. Sir, it is nearly a century since slavery was abolished by England. Following in that wake, in order to keep an appearance of civilized administration in this country, the then Government, which was certainly not so well organised and did not pretend to be such a civilized Government as the present one, enacted an Act called Act V of 1843, and I would draw the attention of Honourable Members on the Treasury Benches opposite to that Act. It is an Act for declaring and amending the law regarding the condition of slavery within the territories of the East India Company, and section 2 runs thus:

"No right arising out of an alleged property in the person and service of another shall be enforced by any civil or criminal court or Magistrate within the territories of the East India Company."

While section 4 is as follows:

"Any act which would be a penal offence, if done to a free man, shall be equally an offence if done to any other person on the pretext of being in a condition of slavery."

Probably the attention of my friends opposite was not drawn to this Act, and I think they will do well to repeal this Act before they introduce any Act like the present, which is before the House. It is not only contradictory to the provisions of Act V of 1843, but it is in violation of the solemn pledges that have been given from time to time by the British rulers of this country; it is in violation of all the civilized principles of liberty and freedom; it is in violation of all canons of political and economic laws of a civilized country. So, far as human liberty need be restricted, in the interest of human society, it has been restricted by the framers of the Indian Penal Code. The framers of the Code did not think it necessary to add anything more than what is contained in Chapter XIX of the Indian Penal Code, and that is considered a sufficient protection

for the bourgeoisie, I should say, at the present time, because they will not do anything for themselves, but will try to have everything done by others for them, and will not wait even a minute's delay when the service is due to them from the proletariat. Sections 490 to 492 are those sections, and I would respectfully invite the attention of my Honourable friend to them. But if his attention has not been drawn to them, I think perhaps he will not care to have his attention drawn to them by a humble individual like myself. Sir, I can claim to have some knowledge of the general principles which ought to underlie all legislation by any legislature, and I think these sections of the Indian Penal Code, to a great extent, curtail human freedom. To ask us to go further than that, is to ask us to do a thing which we ought not to do. Here of course the Code of ethics won't apply and won't be cared for. It is only for pounds, shillings and pence or for the protection and in the interest of that class who are interested in upholding the foreign bureaucracy that this Bill has been drafted. It has been said, Sir, that this Bill has been drafted in the interests of labour as well as in that of the employers. No doubt, there are certain sections, to which reference has been made by several Honourable Members who have preceded me, which show that they are in the interest of the labourers as well as the employers, but the cloven foot comes out when we come to sections 15 to 19, and I would draw the attention of the House to the heading that has been given to the Bill which says it is "to make provision for the investigation and settlement of trade disputes". It is no doubt a very noble and high ideal, but then the heading goes on, "and for certain other purposes". It is said that the sting of a certain animal lies in its tail. It is in the tail of this heading that you will find the sting,—not that the Honourable the Framers of this Bill was in want of words to state definitely what his intention was, or what he wanted to be legislated in these 19 sections, but he wanted to catch the imagination of the unwary as well as my philosophic friends here by such catch phrases as "to make provision for the investigation and settlement of trade disputes". It would have been in the fitness of things if certain other words, such as, "for the welfare, be it of the employer or the employee" had been inserted. But probably the bureaucracy did not want to go to that length and therefore they left it like this, "and for certain other purposes". This phrase can be made to cover a thousand and one things in this world for all I know . . .

Mr. K. Ahmed: To put a stop to supply of funds in furtherance of a strike.

Mr. Amar Nath Dutt: Sir, in clause 16 (1) (b) you find the words, "designed or calculated to inflict severe, general and prolonged hardship". If that were a fact, they would have first taken measures to supply drinking water in areas where drinking water is not available; they would have tried to eradicate malaria before they began to construct railroads and obstruct the natural waterways of this country.

Mr. K. Ahmed: This is a different department altogether.

Mr. Amar Nath Dutt: "Severe, general and prolonged hardship"—a nice phrase; probably it is severe, general and prolonged hardship to the Government and to the Government members, and certainly not to the people. Then come the words "upon the community", as if they

[Mr. Amar Nath Dutt.]

ever care to think about the community except that community of course who support them. "And thereby compel the Government"—everything comes out here explicitly—"to take or abstain from taking any particular course of action." They say, "to compel Government", as if there is any force on earth which can compel this Government to do a thing! Here we are the representatives of the people, here we are who have come with a distinct mandate from our constituencies, and we cry ourselves hoarse over reactionary measures, over reactionary legislation, over tyrannical acts of the Government, but have we ever found the Government mending the wrong that it has perpetrated? No. Still they speak as if there is some power in the hands of any individual or any organisation in this unfortunate country to compel them. I wish it were so, and if we had such powers, I think Honourable Members over there would not have been there.

Mr. K. Ahmed: It is only in respect of the ignorant masses, such as scavengers, tramway conductors, etc.

Mr. Amar Nath Dutt: Sir, I am reminded of ignorant masses and scavengers, whose services are probably necessary for a certain type of animals and humanity for their purification. But, however necessary their services may be in this unfortunate world of ours, I would not ask a foreign bureaucracy to come to our rescue and compel the scavengers to cleanse the dirt or attempt to whiten charcoal blocks, however necessary.

Mr. K. Ahmed: And thereby you bring plague and disorder in the country!

Mr. Amar Nath Dutt: In sub-clause (2), it is defined what will be illegal according to the Government—a nice drafting in accordance with fundamental principles of legislation. It says:

"It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out."

By a mere ukase they would declare that these are illegal strikes and illegal lock-outs and then penalise any one under this sub-clause.

Mr. K. Ahmed: Government is quite right there.

Mr. Amar Nath Dutt: Then I will draw your attention to certain other provisions of this Bill, which may have escaped the notice of some of us. Clause 19 says:

"The Governor General in Council in respect of industries, businesses and undertakings carried on by him or under his authority, or by a railway company, and the Local Governments"

—mark the words here—

"and the Local Governments in respect of other businesses, industries, or undertakings. . . ."

Here it is important to note that a power which the Governor General in Council will not exercise and will not have, the Local Governments will have, and what is that?

"The Local Governments in respect of other businesses, industries, or undertakings within their respective provinces, may make rules for the purpose of giving effect to the provisions of this Act."

“For the purpose of giving effect to the provisions of this Act”—these words are wide enough to empower a Local Government to act in any way they please, arbitrarily and in a high-handed manner. Not only that, but the wording is such that it would empower the Local Governments to declare, in respect of what “other businesses, industries or undertakings”, they will apply the law. Here I draw the attention of the House to the words “other businesses”. Suppose there is a *hāt* or a market place in a village and there are some people who go and do some work there on daily wage. If the proprietor of the *hāt* is in the good books of the Government, he will try to force foreign cloths upon the labourers to please the bureaucracy, and for this purpose the Local Government will come to his help. For the Local Governments are empowered to make rules in any way they like under the rule-making powers of this clause and thereby tyrannise over the poor men. So, I am not in love with any of the provisions of this Bill, and I would like this Bill to be thrown out and I would oppose the Bill. But if that be not possible, I would like the Government at least to have it re-circulated for eliciting opinions thereon.

Sir, my friend Mr. Acharya has not been able to grasp the distinction between re-circulation for eliciting opinion and recommittal to a Select Committee. He says, “The Bill has been carefully considered and it has come before the House. It is your duty either to pass it or to reject it”. What Diwan Chaman Lall wants is not a recommittal to a Select Committee, but that the Bill be re-circulated for the purpose of eliciting opinions thereon. I do not see what harm there is, if the Bill is re-circulated and brought before the Simla session or in the next Assembly when the Government may have better men to support them. I submit there was some confusion of ideas in the mind of my friend, Mr. Acharya, when he said that the Bill need not be re-circulated, and I think, if he had grasped the real meaning of the amendment before the House, he would have supported us.

Sir, it is a reactionary measure, intended to stifle the growth of labour organisations which the Government think are a menace to their safety, and we have ample proof of that in the recent prosecution of labour leaders in this country. In view of the ruling of the Chair on this point, I will not refer to the case, but I will point out that the action of the Government shows that their aim is to penalise every labour organisation, so that they may not be guided by those people whose brains and intellect the workers require for guiding them in matters like this. Considering all the circumstances, I would say that a Bill like this is not at all needed in this country. If it is needed, Government should try at least to minimise all the suspicion that hangs round their conduct in the introduction of this Bill, as evidenced by their conduct in the recent prosecution. I will not trouble myself or the House by explaining how this Bill can be improved because I believe that it is incapable of any improvement whatsoever—not that the Government have not at their service clever draftsmen, but they have intentionally tried to cloud the real issue before us, to flout public opinion, and to have the Bill passed in the belief that they have an assured majority behind them now. With these words I oppose the consideration of this Bill.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR EMIGRATION.

Mr. President: I have to inform the Assembly that up to 12 Noon today which was the time fixed for receiving nominations for the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, only seven nominations have been received. As the panel will consist of sixteen Members, and only seven have been nominated, I appoint a further period up to 12 Noon on Thursday, the 4th April, 1929, within which nominations will be received. The election, if necessary, will take place in this Chamber on Friday, the 5th April, 1929.

THE TRADE DISPUTES BILL—*contd.*

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muham-madan Rural): Sir, the motion before the House is that the Report of the Select Committee be re-circulated for eliciting public opinion thereon. As I understand it, Sir, it is only when the Bill has been so radically altered in the Select Committee that it requires re-circulation that the House agrees to that motion. In this particular case, the Bill was circulated at the instance of this House when we met in Simla. Opinions have been received and these opinions were placed before the Select Committee when they considered the Bill. Those Members who have studied the Report of the Select Committee will bear me out when I say that the Bill has undergone a great deal of modification at the hands of the members of the Select Committee. The changes have not been very radical and they have not upset the principles of the Bill. When the debate took place, you pointed out, Sir, to the House that, when the House accepts the motion for referring the Bill to a Select Committee, it accepts the principles underlying the Bill. Therefore, I do not think any case has been made out by the Mover or by those who have supported the motion for re-circulation. My friend, Diwan Chaman Lall has expressed his views on the subject. As I understand the position, it is only when the House is not in a mood or it is not possible for it to make up its mind on any particular motion, that the Bill is referred for eliciting public opinion thereon. In the present case we have had opinions of various organisations and also of the commercial communities in India. I am not talking for the moment of the merits or demerits of the question or of the opinions for and against it, but I want emphatically to maintain that, up till now, no case has been made out for referring the Bill for public opinion. On the other hand, I think the case has been made out for passing the Bill immediately. In this connection, I would like to refer to the speech of my friend, Mr. Kelkar. He said, perhaps unconsciously, that Sir Purshotamdas Thakurdas has displayed such an indifferent attitude at the present juncture, that he is not present in the House. Sir, he is the Deputy Leader of my Party and I think I must repudiate that statement

on the floor of this House, and I cannot do so better than by quoting from his speech which he delivered in the last Simla session. This is what he said :

"It is quite true that the Indian Merchants' Chamber, Bombay, coupled with the Bombay Chamber of Commerce, did send a wire to the Government of India hoping that this Bill would be published immediately and that it might be possible for Government to see the Bill through this session."

That is to say, the Simla session, and this was the opinion of the Indian Merchants' Chamber as well that this Bill should be enacted immediately.

Several Swarajist Members: What is his opinion?

Mr. Fazal Ibrahim Rahimtulla: His opinion is that he has signed the Report of the Select Committee.

Several Swarajist Members: And his conduct is that he is not present in the House.

Mr. Fazal Ibrahim Rahimtulla: If the Swarajists are determined to obstruct, you cannot expect Sir Purshotamdas Thakurdas to come here and sit in the House from day to day, as he is a busy man.

A Swarajist Member: What did he say in Simla?

Mr. Fazal Ibrahim Rahimtulla: In Simla he said that, in view of the opinions received, clauses 15 and 16 should be amended, and they have been amended, and he is a signatory to the Report of the Select Committee.

My friend, Mr. Jamnadas Mehta, made a long speech in this House: I am sorry he is not present. But I find from his speech that he was groping in darkness. He was, at one time, speaking against the motion for consideration, and in the same breath was speaking for the consideration of this motion. What did he do? At first he said he did not like the Bill. Then he said that he only wanted the amendment of clauses 15 and 16. Now, Sir, the motion before the House is that the Report of the Select Committee be taken into consideration. It is open to this House or any Member of this House to move an amendment when the Bill is taken into consideration, clause by clause, and press it to a division and then oppose the third reading if that amendment is not carried. But Members who criticise or go into the merits or demerits of the Bill are not justified in voting against the consideration of the Bill. Sir, if we go on at this rate of obstruction, we do not know where we will land.

A Swarajist Member: Where is the obstruction?

Mr. Fazal Ibrahim Rahimtulla: It is obstruction. Why did you take part in the meetings of the Select Committee and then come here and vote against the consideration of the Bill?

Mr. M. S. Aney (Berar Representative): But the names of the Members of the Select Committee were not selected with the full knowledge of the facts of the case.

Mr. Fazal Ibrahim Rahimtulla: The President has ruled on that point. If you will see the debate on the subject, you will find his ruling that, when the House accepts the motion to refer the Bill to a Select Committee, it accepts the principles underlying that Bill. Therefore, the Select

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Committee can go only into the merits or demerits of the clauses and cannot deal with the principles of the Bill.

My friend Mr. Jamnadas Mehta has made a great point about the Frontier Mail, in spite of the fact that special facilities were afforded him to get down at the New Delhi station to come to the House in time to take part in this debate. The House knows that ordinarily the Frontier Mail does not stop at the New Delhi station, and for the special consideration shown by the railway authorities to Mr. Jamnadas Mehta they have been criticised by him.

Diwan Chaman Lall: What has that got to do with the Bill?

Mr. Fazal Ibrahim Rahimtulla: That shows the ridiculous position of those who oppose the Bill. There are many such things.

Diwan Chaman Lall: Let us hear some of them.

Mr. Fazal Ibrahim Rahimtulla: I think, Sir, that those who are making out a case that there is no hurry for the Bill and say it can easily wait, are unjustified in that statement. No valid argument has been advanced in support of that statement.

Diwan Chaman Lall: What is the hurry?

Mr. Fazal Ibrahim Rahimtulla: My friend, Diwan Chaman Lall, asks "What is the hurry?" We want to stop the Congress Benches from exploiting labour for political purposes. That is the hurry.

Diwan Chaman Lall: When have they done it?

Mr. Fazal Ibrahim Rahimtulla: My friend, Mr. Jamnadas Mehta, says this Bill is nothing but slavery for labour. My friend, Diwan Chaman Lall, has answered that question by saying, "What does this Bill provide after all?" It provides that there shall be strikes, that you cannot prevent strikes, but that a labourer must give you a fortnight's notice. How can that be slavery or depriving anybody of his freedom?

An Honourable Member: I shall show you.

Mr. Fazal Ibrahim Rahimtulla: What is the use of your saying "I shall show you." You want the Bill to go for circulation.

With regard to the other point, which Mr. Jamnadas Mehta took up, he pointed out that public utility services like the post office, the telegraph office and the telephone are luxuries and not conveniences. I am sorry he is not here, so I will not take up the time of the House in unnecessarily replying to him, because those arguments will not stand water. Coming from Bombay, and knowing everything about Bombay City and Bombay Presidency, he should not make irresponsible statements in this House, and lower the dignity of this House. We are here to conduct business in a manner worthy of its traditions. We want to show Government that we will assist them and co-operate with them on terms which will be for the betterment of the country and the people of India, and any measure which comes forward before this House should be looked at from this point of view.

I want to bring to the notice of this House that this is not the measure which was brought forward by Government on its own initiative. It was

brought forward, as I have pointed out from the speech of Sir Purshotamdas Thakurdas, at the instance of the commercial community of Bombay, and the commercial community requested Government that they should bring in a Bill of this character. It was open to this House to have said that we cannot accept the principle of the Bill. It was open to this House in the Select Committee to amend the clauses according to one's opinion. It is still open to this House to amend the Bill as it thinks best in the interests of India. But I cannot understand any person in this House who considers his responsible position, coming forward and saying that the Bill be referred for re-circulation after knowing the fact that it was once circulated.

Sir, in Bombay we have heard a good deal about trade disputes; and what do clauses 15 and 16 say, on which so much stress has been laid in this House, and about which so much opposition has been shown? In clause 15 the question is nothing but giving a fortnight's notice to the person, so that you may not ruin your industries. You will give the employer a chance so that he may be able to engage new hands if those in service do not desire to work. (*Diwan Chaman Lall*: "Hear, hear."). There is no "Hear, hear" about it. No nation can politically advance unless it is prosperous. And what does clause 16 say? It makes strikes illegal, which have nothing to do with trade. You consider this clause to be political in purpose. It is not for a political purpose, but for a purpose which would prevent politics coming into trade and industries. No person in this House should be a party to having a strike or lock-out in order to manifest his political views or political propaganda. If a person wishes to have his political platform, that platform should be quite separate from trade and industries in this country. Leave trade and industries, and you will be able to carry on your political propaganda successfully.

An Honourable Member: A bait held out.

Mr. Fazal Ibrahim Rahimtulla: My friend, *Diwan Chaman Lall*, made out a case that he will agree with the first part of this Bill with the necessary amendments which have been proposed by him if Government are prepared to drop the second and third part. This Bill is not Government property. The Bill is before the House, and all the principles have been accepted by the House. Now, it is open to this House either to reject one clause or another, or accept the clauses as they are, or accept the clauses with the necessary amendments, which will be voted in this House. But to say that this House should agree to a dilatory motion without rhyme or reason, without justification, simply in order to avoid taking votes on this question, and thus having recourse to what is known as Parliamentary obstruction, I say, this House is not justified in agreeing to or voting for that motion.

Sir, I have also written a minute of dissent and suggested one or two points. I shall deal with them when my amendments come before this House. I think this House, which has accepted the principles, will do well to accept the motion for consideration, and if they want to change any clause, it will be open for this House, when the amendments come for voting, to decide according to the merits of that particular amendment.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Sir, like my friend, *Mr. Fazal Ibrahim Rahimtulla*, I had the honour of sitting on the Select Committee, and am one of the signatories to its Report. Throughout the sittings of the Select Committee, we were actuated by three principal

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considerations, namely, the betterment of labour, the betterment of the industrialists, and the betterment of society as a whole, and in their Report I think the Select Committee have succeeded in their objectives. The point which my Honourable friend, Diwan Chaman Lall, has raised was debated in Select Committee at some length, and in the concluding part of the Select Committee's Report there appears the following remark:

"We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended."

The Select Committee's Report has been supplemented by a number of minutes, signed by Members belonging to the Congress and Nationalist and other groups, but in those Minutes of Dissent there is no suggestion made for re-circulation. My friend, Diwan Chaman Lall, is not only a lawyer and a labour leader, but a very distinguished journalist. The Select Committee's Report was signed on the 16th March. It has been before the country for over a fortnight. What is the reception which it has received? We have not read any suggestions in any newspapers or from any public bodies—labour or otherwise—demanding that the Bill should be re-circulated. Possibly he may have received messages from some labour organisation. If so, perhaps he will be good enough to place them on the table of the House.

The next point I would like to make out is, as Pandit Bhargava pointed out, the proposals in this Bill have been before the country for the last five years. What would a further circulation achieve? Nothing. My friend, Diwan Chaman Lall's motion is therefore a dilatory motion. As Sir Darcy Lindsay pointed out, we have spent day after day in improving the Bill, and it is now suggested that the Bill should go on a pilgrimage for the second time all over India. This will be a poor reward for the Select Committee. Mr. Kelkar made a very strong point, which is entitled to a reply. He said, "Why not wait till the Whitley Commission reports?" How long will the Whitley Commission take to make their recommendations? The Honourable Member in charge of the Bill yielding to pressure from us made a very important concession in limiting the duration of the Bill to five years. I think the Whitley Commission will take four years before it reports, because it will not begin its work for another year. They are coming out in October. Thus the Whitley Commission will be enabled to report on the working of this Bill and to make this Bill the foundation of a proper Trade Disputes Bill which this country will need.

Now, Sir, I come to the details of the Bill. Not being a lawyer, I was instrumental in securing the admission of a lawyer into the Court of Inquiries. It was my proposal, which was accepted in the Select Committee. I will confine my remarks to a few observations on the important clauses of the Bill. As regards the first part of the Bill, there was complete unanimity and there was no more or no bigger enthusiast than my Honourable friend, Diwan Chaman Lall himself who now comes round to send the Bill for re-circulation for eliciting public opinion. As regards the most contentious clauses of the Bill, that is regarding public utility services, I must say that I am one of those who has great dealing with the public utility services, such as posts and telegraphs and telephones. I am one of those who are anxious that there should be a clause protecting the maintenance of public utility services against lightning strikes. This is an essential part of this measure, and

this is a measure which is found not only in English-speaking countries, but in all countries. Much has been said by Mr. Kelkar and Diwan Chaman Lall to the effect that the Bill has been bodily borrowed from the English Bill. This, I deny. During the progress of the Bill in the Select Committee, a good deal was heard of the Canadian and other dominion legislations on the same subject.

As regards illegal strikes and lock-outs, a good deal has been said already by Members on both sides of the House, who are more competent to speak on this subject. But I feel that a Bill of this character would be absolutely incomplete, unless you have the public utility services and illegal strikes and lock-outs included in such a measure. But, Sir, it must be admitted that most conservative commercial bodies in Calcutta and elsewhere, such as the Bengal National Chamber of Commerce, have taken great exception to these clauses. My Honourable friend, Mr. Birla, has also taken exception to them, and surely other bodies, excepting the European Chamber of Commerce have taken exception to these clauses in the Bill. But, Sir, these are points which should be considered at the stage of moving amendments. I see there are plenty of amendments on the agenda. To me, as a layman, the Bill appears to be a beneficial measure, a measure worthy of my Honourable friend, Sir Bhupendra Nath Mitra. I know perfectly well, that if my Honourable friend, Sir Bhupendra Nath Mitra, had even the least doubt about the usefulness of this measure, or that it would hit labour in any way, he would not have been author of the Bill. (Applause.) I am sure that this is a useful measure and, therefore, I commend the Bill to the consideration of this House and ask it to reject the motion of my Honourable friend, Diwan Chaman Lall.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, I desire to say only a few words against the amendment proposed by my Honourable friend, Diwan Chaman Lall, that the Bill be re-circulated for the purpose of eliciting public opinion thereon. My Honourable friend, Mr. K. C. Roy, has just pointed out that Diwan Chaman Lall signed the Report of the Select Committee on the 16th March.

Diwan Chaman Lall: On a point of personal explanation, Sir. I never signed the Report of the Select Committee.

Mr. W. A. Cosgrave: I will put it the other way. The Report was signed on the 16th March, and the members of the Select Committee said they saw no reason for republishing the Bill. I say that, if my Honourable friend, Diwan Chaman Lall, thought that republication was necessary, he, in view of his undoubted position as a labour leader in this House, ought to have taken the trouble of writing a minute of dissent. My Honourable friend, instead of writing a minute of dissent, springs this motion on the House that the Bill be re-circulated for the purpose of eliciting public opinion thereon. Now we have heard from Honourable Members on the other side of the House, even from those who spoke in favour of the amendment, that nothing would be really gained by this action. I quote the opinion of my Honourable friend, Pandit Thakur Das Bhargava, who, I see, is laughing now. He admitted that, even if the Bill was re-circulated public opinion, as represented by the popular party, would be as much against it in future as it is against it today. Now, Sir, I think I can say that that statement is proof that this motion of my Honourable friend,

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Diwan Chaman Lall, is a purely dilatory motion. I would go further and say that my Honourable friend, Diwan Chaman Lall, has read the opinions of many a labour union, who, of course, are all against the Bill, and I have no doubt that the opinions of the labour unions will be as much against it in future, after six months, because we all know what the labour unions are and we all know under whose control the labour unions are. We know that the labour unions in this country are rather different from the trade unions in England.

An Honourable Member: What is the difference?

Mr. W. A. Cosgrave: The difference is that in England great trade unions, especially like the Railwaymen's union, are dominated or run by men like Mr. J. H. Thomas, for whom we all have the highest respect, by men who started their work, if I might say so, as *chokras* of 12 years old and who have worked their way up to high administrative positions in the unions. Here in India we have our labour unions, or most of them at any rate, which are run on quite different lines. I do not say this of Mr. Joshi's union, because I regard Mr. Joshi as a genuine and real labour leader, and I regard his union as a real union, and I am sorry Mr. Joshi is not here today, and I think we all regret the cause of his absence, but I talk of other unions. I know that in the Railwaymen's union in Southern India, you have Mr. Jogiah's son, Mr. Giri, a very eloquent Barrister, as the leader; we have Diwan Chaman Lall, a very eloquent Barrister, as the leader of another union, and I believe, up till a few years ago, we had Mr. Kabeer-ud-Din Ahmed, as the President of the Seamen's Union, Calcutta. (Laughter.)

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Another eloquent Barrister.

Mr. W. A. Cosgrave: I do not wish to say anything personal. Perhaps he was discarded as too conservative. I do not want to praise him too much. I personally agree with what my Honourable friend Sir Bhupendra Nath Mitra said that the trade unions in India are not quite representative of the people whom they are supposed to represent. This is a thing, of course, which is bound to improve with education, but I see no use in circulating the Bill and having the same opinions dictated by Honourable Members on the other side of the House. For instance we will get the same opinion from the Karachi Sweepers' Union, of which I understand a well-known pleader is the Chairman.

Diwan Chaman Lall: But the Government have consulted them

Mr. W. A. Cosgrave: Quite so, but what is the use of consulting them again?

Diwan Chaman Lall: Then why laugh at them?

Mr. W. A. Cosgrave: Now, I do not want to say much about this very vexed question, about this very contentious clause 16. But I do think that Honourable Members like myself, sitting on this side of the House, after hearing the speech of my Honourable friend, Mr. Jarnadas Mehta, can only believe that a clause like this is necessary to save the working classes in India from being exploited by professional politicians. (Hear, hear.) My Honourable friend Mr. Mehta practically said, "If you do not repeal Regulation III of 1818, we will organise a general strike to make you do so." Well, Sir, are the poor women and children of Bombay to suffer?

Mr. Jamnadas M. Mehta: Are they not interested in Regulation III of 1818 being repealed?

Mr. W. A. Cosgrave: The leaders may be.

Mr. Jamnadas M. Mehta: No, the women themselves are interested.

Mr. W. A. Cosgrave: Are the women and children of Bombay to go on half rations or to go on starving? We know what Mr. Mehta talks about the conditions of life of the working classes in Bombay.

Mr. Jamnadas M. Mehta: Every man and woman is interested in this.

Mr. W. A. Cosgrave: Are these poor people of the working classes to go on starving because they have politicians as leaders who force them to go on strike?

Mr. M. S. Aney: What about saving them from starvation?

Mr. W. A. Cosgrave: Honourable Members on the other side say often that India is a huge country, and that there is no chance of a general strike. They say that it is quite impossible to have the conditions that you have in England; it is quite impossible to have a general strike in India.

Well, Sir, this is not my first session in this Assembly. I was in the Legislative Assembly in 1925. I was at that time very innocent and I knew very little about politics. I got a great shock, I remember, when I heard Sir Charles Innes speaking on the railway budget, and my Honourable friend, Diwan Chaman Lal, got up and made a most threatening speech. We were at that time discussing, as far as I remember, the grievances of the subordinate railway employees, and my Honourable friend, Diwan Chaman Lal—he will find it in the reports of the Assembly for 5th February, 1925—said to Sir Charles Innes: "If you do not take this matter in hand at an early date, we are going to take it upon ourselves to organise an all-India strike in order to ventilate the grievances." (An Honourable Member: "Why not?") Well, there you are. Well, I am quoting this to show that a time may by chance come when, under the leadership of responsible or irresponsible leaders, there may be an all-India strike, and there is every chance also of the labourers of India being exploited in the interests of politics.

Diwan Chaman Lal: That is not politics; that is a labour grievance.

An Honourable Member: That is a movement for freedom.

Mr. W. A. Cosgrave: Yes, it will be exactly the same as the great English strike of 1926. It may be that there is a grievance in regard to one railway or two railways. True, we may have grievances in railways, but why call in the coal miners? Well, four years have passed since 1925. I only quote that remark to show that it is quite impossible for Honourable gentlemen on the other side to stand up and tell this House seriously that there is no possible chance of a general strike in India.

Well, Sir, as regards the present motion for re-circulation, I think that this Bill has been most thoroughly gone into by the Select Committee, and anybody who likes to study its very interesting Report will see that a large number of improvements have been effected in the Bill. I am very glad to learn that it was my Honourable friend, Mr. K. C. Roy, to

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whom credit is due for the amendment that the people should be represented by legal practitioners in the course of inquiries before Courts and Boards. My Honourable friends opposite may think that, for one reason or another, I do not very much like lawyers. I am not at all against them—in fact I would like to be a Barrister myself. (Hear, hear.) I would say that the question of representation by lawyers was one of the grievances raised in most of the representations received in connection with this Bill and that is one of the genuine improvements that have been made in the Bill.

Now, as regards other improvements, my Honourable friend, Mr. K. C. Roy, has also pointed out that the present Bill is a temporary one; it is only to be in force for five years; and if the Bill is not found to be at all a success, it may or may not be continued after five years. I do not think it can at all be said by my Honourable friends opposite, that it is a permanent blot on the Statute-book of India. Improvements have also been made as regards the questions of lock-outs, illegal strikes and the penalty to be imposed on the employers for illegal lock-outs. There are also other improvements made, regarding the conditions under which people who are employed in public utility services are not to be dealt with. Sir, for all these reasons, I think that the Bill, as it has emerged from the Select Committee, has been greatly improved, and if, as I understand, a large number of Members do not like the penalties or the principles involved in clauses 16 and 17, well, I think those are questions that can be dealt with when those clauses come to be discussed before the House at a later stage.

I have nothing more to add, Sir, except that I support the motion that the Bill be taken into consideration.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had no mind to take part in this debate. This is indeed a similar Bill, a twin brother, I may say, to the other Bill the fate of which is yet hanging in the balance—I mean the Public Safety Bill. Following all the debates on this Bill, there is something like a *suppressio veri* or whatever it may be called, something like that, and Members who spoke have not been speaking out, as it were, their whole minds. Some such impression was always perceptible throughout the debate, and the cat has at last come out of the bag. It is now clear, at least from the last two or three speeches, that the real object of the Bill is to suppress all political movements in this country, by, if possible, making labour always remain tangled to capital, as its sweet submissive hand-maid, as if labour has nothing else to do in this unfortunate land, as if it has nothing to do with politics, and as if labour does not want Swaraj, and as though labour wants a regulation such as Regulation III of 1818. The Government seem to think that, because the labourers do not get enough to eat, their, I mean Government's, duty will be always to keep them half-starved and to minister to their wants in such a way as to make them, *i.e.*, the labourers, always look to their own bellies and never look beyond that limit. I say on the other hand, that the masses of the population have decidedly a greater concern in the question of Swaraj than perhaps some commercial men or others who have allied or vested interests in this land.

Mr. K. Ahmed: What vested interest have you—to mislead them, or to make them dabble in politics?

Pandit Nilakantha Das: Sir, today I am not in a mood

Mr. K. Ahmed: Why not?

Pandit Nilakantha Das: to reply to my friend Mr. Kabeer-ud-Din Ahmed. For this is, as my Deputy Leader said, a very grave situation we have got to face today. We have no time to be frivolous. This is no occasion for it. My friend, Mr. Ibrahim Rahimtulla, who was just speaking

Mr. K. Ahmed: He is Mr. Fazal Rahimtulla. You are not in good mood and even forget his name. So better not speak at all.

Pandit Nilakantha Das: He said that labour organisations are used for political purposes which he would not allow. I say, you look at the question with an outlook it deserves, and see if it is so used only in this land. Peculiarly circumstanced as we are, the question moreover has a special significance here in India. Let us not mince matters. (Hear, hear.) I do not know, as a matter of fact, what is not politics in this land. (Hear, hear.) The basic principle of living in this land is the struggle to get free. It is as much necessary to me in this House as it is necessary to the poor man who is engaged in those city slums of Bombay. It is again with a view to relieve him and to give him better conditions of life that we want better Government in this country, that we want our own Government. To that extent at least, all labour organisations and all labour movements are intimately connected with the political movements in the land. Politics divorced from labour is as much sham, as labour divorced from politics is abject slavery—and that specially in a land like India. When one ought to seek the solution of our national problem in a proper study and practical application of this aspect of the question, people from those Benches want to keep politics apart from labour.

Labour, it is said, should not be exploited by politics, or politicians. To men of this way of thinking, labour has never been anything but an object of exploitation. They think of labour in no other terms. Well, it is a question of exploitation in any case. The thing is that the commercial men, and those that have interests allied with them, object to labour being exploited for political purposes. Sir, that exploitation for political purposes, if it is exploitation at all, is quite legitimate. But it is not exploitation. It is education of labour in understanding its own interests. In all such attempts of the politician it is only labour's own interests which are concerned. But, Sir, what about the exploitation of the other side? The other exploitation is the exploitation of labour by capital for commercial and profiteering purposes, for putting money into the pockets of the capitalists at the dire expense of labour. It is for that exploitation that the entire punitive portion of the Bill has been framed, and it is that exploitation which we must counteract—which it is our duty here to combat at any cost.

It has been said, Sir, that there is no necessity and no case has been made out for re-circulation of the Bill. Mr. Fazal Rahimtulla said this. He is not here unfortunately, but in the same breath he says, in his minute of dissent that the Bill cannot be acceptable unless some clause about picketting gets in there. It was not there, as far as I know, in the original

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Bill; it is not there in the Bill as it has emerged from the Select Committee; but my Honourable friend, Mr. Fazal Rahimtulla, is going to move an amendment to that effect. Is it not proper, Sir, on that issue alone that opinions should be elicited? He speaks against himself, he says all the opinions are there and no more opinions are necessary. But, Sir, he proposes an entirely new amendment himself. This is his amendment:

"After clause 18 the following new clause 19 be added, and the subsequent clause be re-numbered accordingly :

"19. Where any trade dispute is under inquiry or investigation by a Court or Board, any person who, with a view to compel any workman employed by an employer who is a party to the dispute to abstain from doing or to do any act which such workman has a legal right to do or abstain from doing, wrongfully and without legal authority

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): On a point of order, Sir. Is a discussion of this amendment relevant to the present debate? That is an amendment which will be moved later.

Mr. President: The Honourable Member is giving a reply, as I understand, to Mr. Fazal Rahimtulla. Mr. Fazal Rahimtulla said that there was no necessity for circulation and the Honourable Member is pointing out that, if not for anything else, it was for his own amendment that circulation was necessary.

Pandit Nilakantha Das: I am not moving this amendment myself nor am I criticising it with that object. It is his own personal view; and if for nothing else, I say it is for his own amendment which wants to be inserted in the Bill that opinions are necessary. The amendment proceeds:

"(a) persistently follows such workman about from place to place; or

(b) watches or besets the house or other place where such workman resides, or works or carries on business, or happens to be, or the approach to such house or place, shall be punishable with simple imprisonment, which may extend to three months, or with fine which may extend to two hundred rupees, or with both."

I am sorry to have to say, Sir, that this is more formidable than any of the existing provisions, and on this particular amendment alone opinions are necessary. But I am simply saying that the gentleman who proposes this comes forward in this House and says that no case has been made out for recommitting the Bill for eliciting opinions.

My Honourable friend, Mr. K. C. Roy, suggested that he was a journalist himself and that he always depended upon the opinions of the Press in this matter. If, Sir, the Press has already given their opinions and do not give any fresh opinions at this stage, it is perhaps because they do not think it worth their while to give any more opinions. Perhaps they simply entrusted the entire question to the good sense of the Members of this House.

It is therefore clear that what you want is that, in no way should the very smell of politics ever enter into these city slums. I would first of all ask those who hold this view to explain to the House and to the country

what exactly they mean by politics. If we want to give some more wages to the labourers and make that an issue for a general strike, I think we are legitimately entitled to go out into the country and approach the labourers from door to door to go on strike on that issue. If we, the politicians, who look to the better government of the country, who know what the country wants, if we feel that a certain state of things should not continue among our labour population, I maintain, it is our duty, at the risk of being imprisoned even in that Meerut jail or anywhere else, even at the risk of being charged with the most unrelishable intension of exploiting labour for politics, to go from door to door in the slums of cities and ask them to come out on a general strike. But, Sir, if you are going to prevent things like these, you are simply cutting us away from the mass of our people who are the real elements in any fight for Swaraj. You simply do not like that the labouring population of our country should come in contact with us or that we should come in contact with them. Your object is to shut out labourers from all light as well as right of citizenship, to make them convenient victims to your own greed of profit and power. What a horrible idea is this?

The framers of this Bill, Sir, come here and tell us that this is a Trade Disputes Bill, that there was some requisition from certain trade union organisations to have arbitration boards or things like that in order to settle trade disputes. And, Sir, the occasion was taken, when the Government thought the opportunity was ripe, to put in some venom like this. They saw this opportunity and took advantage of this requisition of those trade union organisations in this country to further their own purpose. As the Bill stands, clauses 15 to 20 form a separate portion altogether and have nothing whatever to do with trade disputes as such. If you want to separate trade and industry from the politics of the land, if you want to estrange these two things from one another, you not only destroy our national wealth, but kill our legitimate national aspirations. I must point out, Sir, that politics is comprehensive and is the very life of our nation. To any nation, it is a thing which pervades the entire life of that nation; and to a subject nation I say there is nothing else but politics, pure and simple, in every department of life. I cannot think of a state of affairs in India where even some of my Honourable friends on the opposite Benches can divorce themselves from politics. Every moment in this land the struggle is going on in labour, in industry, in Congress, in fact in every department of human activity, and that struggle is political and political alone out and out. If you will divorce politics from your trades and industries, we will be nowhere; we will not be able to live in this land. This is our position.

Now, as to eliciting opinions, after the full analysis by my friend, Diwan Chaman Lall, of the opinions that you have elicited, how can any one stand up here and say that there is no necessity for re-circulating this Bill. Whether you accept the principle of the Bill or not, it does not matter to me, and I do not want to enter into that technical question. Suppose you did accept the principle of the Bill, you are entitled to change your opinion even now. Even just before the Bill is passed, you are entitled to change your opinion. Now, look at the array of the minutes of dissent. People who have signed the Report, subject to their minutes of dissent, stand up one after another and say that the Bill should be sent out to the country for eliciting further opinions thereon. Then again, rightly or wrongly, even people, who are expected to be interested in this matter, are not in the House today; they do not seem to take as much interest

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as they ought to have taken in this matter. They are callous about it. After all this, to hear it said that no case has been made out to justify a re-circulation of the Bill is simply astounding to me. Again it has almost become customary to say, at the end of the Reports of Select Committees, that no such change has been made in the Bill as to require its further publication. These two or three lines at the end of the main Report of the Select Committee here are being made much of in favour of immediate consideration of this Bill. I have seen it stated so many times in other Reports similar to this. I am a common man; I am not a lawyer; still sometimes I have seen that Bills have emerged from the Select Committee out of all recognition. I am a common man, and even as such I have not been able to recognise some of the Bills after they come out from the Select Committee. You must take me as the test, because lawyers who have to deal with legal matters day after day can find out the intricate points, but I am a common man, and even then, as I have said, I could not recognise some of the Bills after they had come out of the Select Committee. I don't know if I recognise even this particular Bill. But this common formula is here. Sometimes I have myself signed Reports, typewritten without this common formula, which is afterwards put in after the signatures are taken, as if that were a formal matter. I have very often seen such things, and I have myself signed many such Reports, though I did not attach any importance to those three or four lines at the end. The present is a somewhat similar case. Members, again, whose dissent is the very negation of the main Report, are asked to sign the main Report. I myself have got the experience. What importance can they attach to such a signature, and why should they care for the last three lines which is, so to say, a common conclusion to almost all main Reports? Now, to base arguments on those three lines seems absurd.

Well, what a pity, I don't understand the whole situation. We are asked not to use labour for political purposes. Certain clauses of this Bill have been surely used for political purposes, to kill all our political movements, to kill Indian nationalism, as if to promote nationalism is politics, and not to kill it. I cannot enter into the details of those clauses now lest the Chair should call me to order. One way to stifle all legitimate discussion on the Bill is to gag people, by telling them that it is bad that politics should be allowed to be introduced into labour problems. Another way of gagging is to come from the Chair, and it is from the Chair, I know, for it was protection against this gagging that I intended in the point of order I wanted to raise yesterday. For every sentence that I or any one else on this side of the House will utter about these clauses will have intimate reference to facts and circumstances, such as,—how the strikes have been conducted, who are the leaders, whether they are Communists, whether they are influenced by any other labour movement in some other part of the world. Things like these are bound to be discussed, and I do not know whether the Chair will allow it. The Chair will not allow it, but without making such a reference to these things I do not know how the discussion can at all go on. Then, where is the consideration of the Bill? Gagged on both sides the House would feel helpless. There is no scope for discussion. Still people are here who stand as if they were hypnotised and take this moral and material gagging as the best argument on the Government side.

Material gagging is there from the Chair. It requires no explanation. To say that politics—national politics—is taboo so far as labour is concerned, is a real hypnotic influence. Politics and labour are poles apart. They are two distinct things and Indian politicians should shun the criminal habit of mixing them up. This is politics—that is labour. I really don't understand this watertight division—this attempt at creating psychological compartments, as it were, to divert our attention from the real issue.

Therefore, Sir, I say that a good case has been made out by my friend, Diwan Chaman Lall, and the Bill must be re-circulated for eliciting opinion, and whether the Whitley Commission comes or not in the meantime, or it comes and goes, it does not matter. I do not attach much value to its being limited for five years. Other Acts were so limited in 1919. Such limitation may again be the thin end of the wedge. I need not predict what is in store for this Bill as an Act, or in effect what may fall to our labour population or to the politicians of India. But my present position clearly is that the Government should not gag people morally and materially, and in various other ways in their attempt at passing the Bill, and the Bill must be re-circulated for eliciting public opinion. There is no other way.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to a number of speeches from my Honourable friends opposite, and I say, with much regret, that I have failed to see any substance in most of those speeches. With regard to the last speaker, Pandit Nilakantha Das, it is possible that he was trying to give vent in this House to his difficulties with Mr. Homi at Jamshedpur, who strenuously resisted the attempts of my friend and other political leaders to wrest the leadership of a particular trade union from Mr. Homi. I shall deal, in the first place, with the arguments that were advanced by Diwan Chaman Lall

Pandit Nilakantha Das: It is no credit to Mr. Homi.

The Honourable Sir Bhupendra Nath Mitra: I shall deal with the amendment of my friend Diwan Chaman Lall that the Bill be re-circulated for the purpose of eliciting opinions thereon. I have listened carefully to the speeches of the supporters of the amendment, and I agree with the speeches against the amendment, that its supporters have failed to make out any case for the adoption of the unusual course which the amendment seeks to introduce in the normal procedure of this House. This procedure has already been explained by the Honourable the Deputy President. As stated by him, the provision in our Manual of Business and Procedure, which provides for the re-circulation of a Bill, as reported by the Select Committee, is intended normally to apply to cases where the changes to which the Bill is subjected in Select Committee are of such a substantial nature that it is necessary that the public should be given an opportunity of expressing their opinions thereon. In the present case, no such changes have been made in the Bill, and all the 19 signatories to the Report of the Select Committee at the time were unanimously of the opinion that the Bill did not require re-circulation. I had the pleasure of discussing with these Honourable gentlemen across the table the various provisions of the Bill, and I must repudiate, on their behalf, the charge which has been levelled against them indirectly by my Honourable friend, Pandit Nilakantha Das, that they put

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their signatures on the document without realising what they were doing. That may be characteristic of my Honourable friend, Pandit Nilakantha Das, but not of those gentlemen who signed this Report.

Now, Sir, the only arguments which I was able to discover in the lengthy speech of my friend, Diwan Chaman Lall, which was full of obvious contradictions, in support of his amendment are as follows. In the first place, he submitted,—I am quoting a few words from his speech,—he submitted, "With due deference with regard to the action taken by the Honourable Member", meaning thereby myself "in circulating the Bill to certain particular organisations, that some very important organisations in the country which are vitally affected by the passing of this measure have not given their opinion in regard to the provisions of this Bill". My friend conveniently overlooked two facts. In the first place, the circulation of a Bill for obtaining opinions thereon, with reference to a motion adopted by this House, is not arranged by the Department of the Government of India concerned, but by the Secretariat of the Legislative Assembly. In the next place, he also overlooked the fact that, with reference to a desire expressed on the floor of this House last September, that Secretariat did arrange for a wide circulation of the Trade Disputes Bill, and that explains why we have received such a large mass of opinions from various parties which have felt interested in the question and from the opinions of some of which my Honourable friend has quoted copiously in his speech. If some parties who should have sent their views on the Bill,—and I am quite aware of the particular party which my friend has in view—failed to do so, the fault rests with them alone and not with the circulating authorities.

My Honourable friend's next point was that the far-reaching importance of clauses 15 and 16 were not prominently brought to the notice of the trade union world in this country, or of the other authorities who have expressed an opinion on this Bill, and that we should therefore give a further chance to the public to reconsider the matter. Now, Sir, in the debate in this House on the 21st September, 1928, the importance and effect of these provisions were fully recognised and stressed on, and as the circulating authority, while circulating the Bill for opinion, also circulated relevant extracts from that debate, it is obvious that the importance of the clauses referred to was brought prominently to the notice of the parties that have given their opinion on the Bill. This is fully borne out by the opinions themselves, from which my Honourable friend placed copious extracts before the House.

My Honourable friend's third point, directly connected with the motion which he has moved, was that there is on the agenda an amendment which seeks to introduce in the Bill a provision directed against picketing; and my Honourable friend's contention, which was stressed by Pandit Nilakantha Das, was that, before that provision is incorporated in the Bill, the public should be given an opportunity of expressing their opinion on it. Now, Sir, if that provision had been incorporated in the Bill, as amended by the Select Committee, my friend and his supporters might perhaps have been on stronger ground in urging that that particular action of the Select Committee gave sufficient cause to this House for adopting the motion which he has moved. But the Select Committee did not take that particular action, and that being so, I submit that the point of my friend's

argument fails so far as his motion is concerned. If that amendment is moved on the floor of this House and you, Sir, do not rule it out of order and the House adopts it and eventually passes the Bill with the amendment, then the amended Bill will embody a decision of the House, and the Manual of Business and Procedure of the House makes no provision for the further circulation of the Bill.

My Honourable friend's last point was that this House does not include any elected representatives of the labouring classes. Now, Sir, that is a disability under which this House labours under the existing constitution and it will continue to so labour until the constitution is changed. But that is no adequate reason for its not passing any legislation which affects the interests of the labour classes. I thought that, though the labouring classes had no elected representatives, they were adequately represented by my Honourable friend, Diwan Chaman Lall, and other Members, who for some reason or other make it a point to take some interest in the welfare of labour. In any case, that objection will not be met by the acceptance of the motion for the re-circulation of the Bill.

My Honourable friend, Mr. Kelkar, in supporting the motion for re-circulation, has produced an additional argument that the time taken in this process will enable Members of this House to study the Report of the Bombay Strike Inquiry Committee of 1928-29, commonly known as the Fawcett Committee. Now, Sir, I have studied that Report and have studied it with some care. It does not contain anything connected directly or indirectly with the provisions in the Bill before the House; nor does it express any opinion which has any bearing on any of those provisions. The reason is obvious. It was not within the scope of that Committee to examine or express its opinion on measures of a general character like those which the Bill before the House seeks to enact. It was appointed to deal with certain matters specified in its terms of reference and it has dealt with them. Its findings will undoubtedly be very useful to other people who may have to deal with specific disputes in other industries, but they are of no value to people who are engaged in the consideration of the general problems now before the House, namely, a general provision for the investigation and settlement of trade disputes and for certain other purposes appearing in the Bill under consideration.

To my mind, the position in regard to the Bill before this House is as follows. The Bill was circulated, and widely circulated, for the purpose of eliciting opinion on its provisions. As a result, we have received a mass of opinions. These opinions show a considerable divergence of views in regard to the various provisions of the Bill. It is the function of the House, after due consideration of those opinions, to form its conclusions in regard to those provisions, and in order to help it in arriving at such conclusions, the House committed the Bill to a Select Committee after it had accepted its principles. The Select Committee was composed of representatives of all sections of this House. That body has presented its report, together with an amended Bill which, in the main, has the approval of 18 out of 19 signatories of the Report. The time has now come for this House, and for the Legislature as a whole, to give its decision on the Bill. As I have pointed out, further circulation of the Bill will not be of any assistance to the House, and strictly speaking, it is not contemplated in the rules of procedure. I submit that, in coming to a

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decision, the House must not pay any attention to threats like that held out by my friend Diwan Chaman Lall, that if the Bill is passed, the trade unions would call the workers out for one day's general strike. Sir, I oppose the amendment.

The opposition to my motion that the Bill, as amended by the Select Committee, be taken into consideration, has centred round two specific provisions of the amended Bill, namely, clauses 15 and 16 and the provisions consequential to clause 16. In the Select Committee, clause 15 was accepted by 14 out of the 19 signatories, including my Honourable friend Mr. Birla. Clause 16 was accepted by 18 out of the 19 signatories. That shows, Sir, that there was a considerable mass of opinion in favour of these provisions. I submit, Sir,—and the point has already been urged by some of the speakers who spoke before me—that the more appropriate course for this House would have been to discuss these provisions when the Bill is examined clause by clause. There is no reason why the House should throw out the consideration of the whole Bill if it wants to delete those particular provisions.

At the same time I should like to make a few observations of a general character in regard to these clauses. I do not propose to discuss the views of my friend Mr. Jamnadas Mehta in regard to public utility services. I know that his party and his colleague Mr. Chaman Lall will not subscribe to those views. It has been argued by some responsible Members opposite that clauses 15 and 16 will operate to take away from the workmen an elementary right of citizenship, namely, the right to strike. My Honourable friends were not kind enough to throw any light, for the information of other Members of this House, as to how this elementary right was derived,—what was the sanction behind this elementary right? Now, Sir, a good deal of light is thrown on the subject by the publications of the International Labour Office, Geneva, and I shall quote just a few extracts from some of these. I shall first give a few quotations from a book called "Freedom of Association", Volume I. On page 77 of that book it is stated:

"The only country in which the right to strike is recognised in the constitution is Estonia. The German constitution recognises the right to combine but not the right to agree upon concerted action."

On page 79 we find:

"The right to strike is not an absolute right enjoyed under all circumstances by all workers without distinction."

Mr. S. Srinivasa Iyengar: It is a common law right here unless taken away by statute.

The Honourable Sir Bhupendra Nath Mitra: I am giving the position in other countries, as examined and summarised by the International Labour Office at Geneva. Then, on page 80, we find:

"In a number of countries the prohibition of strike action extends to all workers, for example, workers employed in the public services and in vital industries."

On page 81 it is stated :

"Strikes of public officials are practically universally prohibited."

and that would cover officials on railways and the Postal and Telegraph Department, and some of the other public utility services in India. The Bill before the House is much less drastic.

Mr. Jamnadas M. Mehta: Officials mean workmen?

The Honourable Sir Bhupendra Nath Mitra: Where the railways are run by the State, public officials will include employees of State Railways. I shall then refer to a book issued by the International Labour Office.

Mr. Jamnadas M. Mehta: They are public servants?

The Honourable Sir Bhupendra Nath Mitra: I can assure my Honourable friend, Mr. Jamnadas Mehta, that I am absolutely correct about my facts. He knows very well that, in the Select Committee, my friend Mr. Chaman Lall had to admit the position in regard to Switzerland. I shall now quote from another book issued by the Geneva Office called "*The Conciliation and Arbitration of Industrial disputes: An International Survey*". On page 26 of that Book it is stated :

"All disputes in public utilities have likewise been considered in various countries as being of a special type, inasmuch as the public is particularly affected and consequently has a right to intervene so as to minimise the possibility of a stoppage of work. It is also pointed out that, since the workers in these industries are in a particularly strong strategic position, by reason of the essential services which they perform, there is no injustice in curtailing, to some extent the right to strikes."

Further on, on page 27, it is stated that :

"Certain disputes of a general nature, by reason of their great economic or social importance, may likewise be considered as materially affecting public welfare, and as such to justify extraordinary measures being taken."

Now, Sir, as I have already stated, the provisions as they stood in the original Bill were not wholly copied from the law of England. In the Bill now before the House, those provisions have been modified in matters of important detail, as the result of deliberations in Select Committee, and my point is that similar provisions are considered to be appropriate in the legislation of other countries of the world. Therefore, it is wrong on the part of my friends to impute any motives to me in the matter. Anyhow, my withers are unwrung; and I have every hope that this House will adopt the motion which I placed before it yesterday.

Mr. President: The original question was :

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, as reported by the Select Committee, be taken into consideration."

Since which the following amendment has been moved :

"That the Bill be re-circulated for the purpose of eliciting opinions thereon."

The question is that that amendment be made.

The Assembly divided :

AYES—41.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.

Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. Jehangir K.
Murtaza Sahab Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Rang Behari Lal, Lala.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—60.

Abdool Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut. Colonel H. A. J.
Gour, Sir Hari Singh.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hussain Shah, Sayyed.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.
Jowahir Singh, Sardar Bahadur Sardar.

Keane, Mr. M.
Lal, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Rao, Mr. V. Pandurangā.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Schuster, The Honourable Sir George
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President: The question is:

"That the Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes, as reported by the Select Committee, be taken into consideration."

The Assembly divided:

AYES—59.

Abdoola Haroon, Haji.
 Abdul Aziz, Khan Bahadur Mian.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Acharya, Mr. M. K.
 Ahmed, Mr. K.
 Allison, Mr. F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, the Revd. J. C.
 Coatman, Mr. J.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Mr. J.
 Dakhan, Khan Bahadur W. M. P.
 Ghulam Kadir Khan.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Ghusnavi, Mr. A. H.
 Gidney, Lieut.-Colonel H. A. J.
 Gour, Sir Hari Singh.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Hussain Shah, Sayyed.
 Hyder, Dr. L. K.
 IMAIL Khan, Mr. Muhammad.

Jowahir Singh, Sardar Bahadur
 Sardar.
 Keane, Mr. M.
 Lall, Mr. S.
 Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir Brojendra.
 Muhammad Nawaz Khan, Sardar.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Bahimtulla, Mr. Fasal Ibrahim.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rao, Mr. V. Panduranga.
 Rau, Mr. H. Shankar.
 Rau, Mr. P. R.
 Rogers, Mr. P. G.
 Roy, Mr. K. C.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shillidy, Mr. J. A.
 Singh, Rai Bahadur S. N.
 Suhrawardy, Dr. A.
 Tirloki Nath, Lala.
 Webb, Mr. M.
 Wright, Mr. W. T. M.
 Yakub, Maulvi Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Nawab Sir.

NOES—40.

Abdul Matin Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Bhargava, Pandit Thakur Das.
 Chaman Lall, Diwan.
 Chunder, Mr. N. C.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Dutta, Mr. Brish Chandra.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Iswar Saran, Munshi.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa.
 Jogiah, Mr. V. V.
 Kartar Singh, Sardar.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Rafi Ahmad.
 Mehta, Mr. Jamnadas M.
 Misra, Mr. Dwarka Prasad.
 Mitra, Mr. S. C.

Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Neogy, Mr. K. C.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Roy, Mr. B. G.
 Sarda, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Kumar Rananjaya.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Rajivaranjan Prasad.
 Sinha, Mr. Siddhaswar Prasad.
 Yusuf Imam, Mr.

The motion was adopted.

Mr. President: The House will now consider the Bill clause by clause. The question is:

"That clause 2 stand part of the Bill."

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, before I move my amendment No. 7, I have a request to make. My amendment No. 22 relates to clause 4, and unless that is accepted by the House, this amendment would not arise.

Mr. President: Does the Honourable Member wish to move his amendment or not?

Mr. V. V. Jogiah: Unless my amendment No. 22 is accepted, this would not arise.

Mr. President: Diwan Chaman Lall.

Diwan Chaman Lall: Sir, I beg to move:

"To sub-clause (d) of clause 2 of the Bill the following be added:

'and is neither an official nor a financier nor a director of a joint stock company nor a landowner.'

Sub-clause (d) of clause 2 reads:

"a person shall be deemed to be 'independent' for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute."

I want by my amendment to add the following words at the end of the clause:

"and is neither an official nor a financier nor a director of a joint stock company nor a landowner."

The purpose of my amendment is very obvious and it is this. It was the intention of the framers of the Bill, as well as the intention of the members of the Select Committee, as far as I can remember, that only independent persons should be nominated for certain purposes, namely for a Court or Board, as Chairman or in any other capacity. The question is what is the definition of an "independent person". The definition of "independent person" has often been given humourously as a person who cannot be depended upon. (Laughter.) That is not the sort of independent person that we want for the purpose of a Court or a Board. What we want is to exclude interested parties from both sides, and if the intention of the Government and members of the Select Committee is to have an independent Chairman on a Court or a Board, it is absolutely essential that, when there is a dispute between workers on the one side and the employers on the other, the members belonging to these two classes should not be appointed either as Members or as Chairmen of these Boards or Courts. This seems to me to be a self-evident proposition. What has the Select Committee done? The Select Committee, in choosing the word "independent", said that he must not be connected with any trade or industry directly affected by the dispute. Now, as to directly affected by the dispute, I will give an example. If there is a dispute between, let us say, Mr. Birla's mills in Delhi and his workmen, then nobody interested

in Mr. Birla's mills from the managerial or the proprietary point of view shall be appointed to the Court or the Board to inquire into this dispute. I conceive that there are other mills down here, and a person may be appointed on this Board or to this Court who represents another mill in the City of Delhi and that mill may be connected, by some means that we are not aware of, financially or otherwise, with the mill in which the dispute has arisen. How is the independent attitude of the Chairman or a member of the Board or the Court to be ensured if he happens to belong to the particular class with which the dispute has arisen? Let us take, for example, that a dispute has arisen in the mill industry. How would it better matters if only the person who is directly interested in the industry is excluded, but not the person who is indirectly interested in that industry, namely a person who belongs to that particular class? For instance, there is my Honourable friend, Mr. Fazal Ibrahim Rahimtulla. Let us take a dispute in Bombay, and if Sir Purshotamdas Thakurdas is affected, it may be that the father of Mr. Fazal Ibrahim Rahimtulla is asked to be the Chairman or a Member of the Board or the Court set up under this Bill. I am certain that he himself would agree with me that that is a thing which is not desirable, if you intend to put on these Courts or Boards absolutely independent persons. Therefore my suggestion is that all categories which relate to a particular class should be excluded, not only those people who are directly interested in the industry should be excluded, but those who are indirectly connected with the industry, that is to say, those who belong to that particular class, should also be excluded. It is for this reason that I have gone further than the framers of this clause in the Select Committee and suggested that no person, who is a financier or a director of a joint stock company, or a landowner, should be chosen as a member and be considered as an independent member for the purpose of sitting in a Court or a Board. My reason is very obvious. Here is an industry in which a dispute has arisen. There are financiers who are financing that industry. Are the Government to put men who are financing this industry on these Boards or Courts, and call them independent men? They may not be directly connected with the industry, but certainly their affinities or affiliations are such that no independent character can be given to these persons.

Take again the question of a director of a joint stock company or the director of a bank that lends money to particular mills. Are you going to choose men who are indirectly connected with these mills in their capacity as directors of banks or joint stock companies which assist these mills or which finance these mills, or which are in some way or other connected with the running of these industries?

Lastly it may happen that a particular mill is situated upon land or soil that belongs to a particular landlord. I suggest that the real reason why it is necessary to safeguard the independent character of these people, who are put upon these Boards and Courts, is that there should be no semblance of prejudice in the inquiry and no semblance of prejudice in the Board of Conciliation that is constituted. Both the parties, both the workers and the employers should be seised of this fact, namely that the men who are appointed to the Boards and Courts are absolutely independent, unbiassed and unprejudiced. That can only be achieved if we exclude from this category all people who can possibly be interested in coming to a decision, or in the effect of that decision, when it is given. Therefore,

[Diwan Chaman Lall.]

I submit that it is essential that we must be perfectly clear as to the category of people who can be chosen as independent persons either for Courts or for Boards.

Mr. S. Srinivasa Iyengar: Sir I should have expected the drafting of clause (d) should have been, "A person shall not be deemed to be independent if he is connected with the dispute and so forth." But I think the clause, as worded, is so curious, that a person shall be deemed independent if he is unconnected, and therefore I would support the amendment which Diwan Chaman Lall has moved for want of a better amendment.

The Honourable Sir Brojendra Mitter (Law Member): Sir, the amendment, if accepted, would make clause (d) unworkable. The question will arise as to who is a landowner. The word "landowner" is not defined in the Bill. Much litigation will centre round the interpretation of the word "landowner". If you include the word "landowner" in clause (d), then my Honourable friend Mr. T. C. Goswami will be excluded, and surely my Honourable friend, Diwan Chaman Lall, would not like Mr. Goswami to be excluded.

Diwan Chaman Lall: I was going to cite the example by excluding himself. I want him also to be excluded. (Laughter.)

The Honourable Sir Brojendra Mitter: My point is this, that the word "landowner" is not defined in the Bill. That being so, the question is, who is a landowner? One who owns an acre of land, or one who owns a hundred acres of land? Then take the word "official". If you exclude an official, would you exclude a Judge of the High Court? Supposing it is possible to secure the services of a Judge of the High Court, is it the intention of the Mover of the amendment that the Judge should be excluded from the Chair? Who is an official? Is he a Government official, or an official in a private company or a private firm? What is the meaning of the word "official"?

Diwan Chaman Lall: What is the meaning of it in the Municipal Act?

The Honourable Sir Brojendra Mitter: I am not answering questions. I am only stating some of the objections to the amendment. I say that, if you insert these words, you will be introducing a vagueness and an uncertainty into the Bill, which will make the Bill ridiculous. Then what is a "financier"? If a man lends Rs 10, say a village *sowcar*, is he a financier? Or if a man lends Rs. 5 lakhs, is he a financier? What I say is this: if you accept this amendment, it would make the whole of sub-clause (d) ridiculous, difficult of interpretation, and you will be introducing a vagueness into the Bill which I am sure it is the intention of the House to avoid. (Hear, hear.) Sir, I oppose the amendment.

Mr. N. C. Kelkar: I hope my Honourable friend, Diwan Chaman Lall, will understand me aright if I say that I do not agree with him in the matter of this amendment. (Hear, hear.) The proverb is that charity begins at home; but I find from the observations of Diwan Chaman Lall that uncharity or discharity, or whatever it may be, is to begin at home; and he instanced himself as a person belonging to a category which should be excluded from holding these offices, simply because he is a landowner. But there are many landowners like him, or even smaller landlords, and

there are directors of companies and others who do some sort of business, who would not like to be excluded, if they be appointed as chairmen of committees like this. Disputes do not arise always in Calcutta or Madras or Bombay alone; we have also got to consider the fact that they may happen, once in a way, in the mofussil also, and it may be necessary for an ordinary man, in an ordinary position, but yet a respectable man at the same time, to become the chairman of a committee like this, because he wields great influence in that locality and is regarded as a very impartial man. I say, why should he be disqualified simply because he is a landowner or a banker or a financier? I do maintain, Sir, that in this particular matter, Diwan Chaman Lall, with the best of intentions, has thrown the net rather too wide. The amendment includes a number of people belonging to various categories, upon whom this sort of exclusion may be an aspersion. I stand up now to vindicate the self-respect of those people on the analogy followed in the case of the Reserve Bank Bill. The House is aware that an attempt was made in the course of the discussion on that Bill to throw similar discredit and dishonour upon people who were to be excluded from being directors of the Reserve Bank. I for one then stood up against that sort of aspersion; and, now, here is another opportunity. Therefore, though I do wish to express my friendliness to Mr. Chaman Lall in regard to the objects which he has in his mind with regard to this Bill, still I must frankly state, on the floor of this House that I do entirely disagree with him in the matter of this particular amendment. I do not want so many people, indiscriminately and without specific reason, to be excluded from a position of honour and duty in respect of which they may be called upon to do a little service in the way of solving a small trade dispute in their locality. Once again, I will say that trade disputes do not necessarily arise only in big cities, and we are not here thinking of the big people at all. I have in my mind even people of smaller status and education. Now, take the case of a director of a joint stock company. Supposing I am a director of an insurance company, which is not at all connected with any trade dispute as such. The insurance company would be interested only in insurance business, and it is not likely that it will come into touch with any trade dispute. In that case, should the director of an insurance company be excluded? Again, I may be a director of a co-operative bank. Why should I be excluded from settling a dispute if my influence is sufficient to settle a trade dispute? Therefore, in all friendliness, I would ask Diwan Chaman Lall to withdraw the amendment.

Mr. President: The question is:

“To sub-clause (d) of clause 2 of the Bill, the following be added:

‘and is neither an official nor a financier nor a director of a joint stock company nor a landowner.’”

The motion was negatived.

Mr. President: I think it will be convenient if we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th April, 1929.