

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 25th JANUARY, 1926

Vol. VII—No. 3

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Monday, 25th January, 1926.

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

MEMBER SWORN:

Mr. James Hezlett, M.L.A. (Assam: Nominated Official).

QUESTIONS AND ANSWERS.

NUMBER OF INDIANS GRANTED KING'S COMMISSIONS IN THE INDIAN ARMY DURING THE LAST FIVE YEARS.

95. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state the total number and the number province by province of Indians who have obtained the King's commission in the Indian Army during the last 5 years?

Mr. E. Burdon: I lay on the table a statement giving the numbers, by provinces, of cadets who have been granted commissions through Sandhurst since 1920. As regards officers who have obtained commissions otherwise than through Sandhurst, the total number can be ascertained from the current Indian Army List, but information as to their respective provinces is not available.

Statement showing the provinces from which Indian cadets commissioned through Sandhurst have been recruited.

Bombay	8
Punjab	16
United Provinces	3
Bihar and Orissa	1
Assam	1
Burma	1
North-West Frontier Province	2
Rajputana	2
Hyderabad	2
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EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

96. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) With reference to Government reply to the last supplementary question of Diwan Bahadur M. Ramacliandra Rao to starred question No. 77 regarding the increase of

expenditure in the All-India Services, asked in the meeting of the Legislative Assembly held on the 25th August, 1925, will the Government please state if the information asked for is available now?

(b) And, if so, will they please furnish it to the House?

ADDITIONAL EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

481. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the answer given by the Honourable Sir Basil Blackett to question No. 77, asked at the meeting of the Legislative Assembly held on 25th August, 1925, will the Government be pleased to place on the table the statement of additional expenditure on each of the All-India Services, consequent upon the recommendations of the Lee Commission on the Public Services, as finally sanctioned by the Secretary of State in Council?

ADDITIONAL EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

489. ***Mr. B. Das:** Will the Government be pleased to state the expenditure due to the recommendations of the Lee Commission—

- (a) for the year 1924-25,
 (b) for the year 1925-26, and
 (c) for the year 1926-27?

* **The Honourable Sir Basil Blackett:** I propose to answer questions Nos. 96, 481 and 489 regarding the additional expenditure resulting from the Lee Commission's recommendations together.

The figures required are not given separately in our system of accounts and cannot be obtained without great expenditure of time and trouble. It has taken six months to obtain from the various accounts offices and to consolidate the figures for the years 1924-25 and 1925-26, and there are possibilities of error, seeing that some of the figures are necessarily hypothetical, and it is difficult to ensure that the collection of the initial data is made in all offices on identical lines. In these circumstances I do not propose to attempt to collect similar information for 1926-27. With these remarks, I lay the required statement on the table for the years 1924-25 and 1925-26.

Statement showing the total increase of expenditure involved during 1924-25 and anticipated during 1925-26 in the Lee Commission's recommendations as finally accepted by the Secretary of State for India in Council.

	In lakhs.	
	1924-25.	1925-26.
I. C. S.	15.41	16.55
I. P. S.	11.82	12.65
I. A. S.	1.23	1.32
I. E. S.	3.15	3.43
I. F. S. (including Forest Engineering)	3.98	4.72
I. M. S. Civil	6.24	5.95
I. S. E.	7.94	8.95
I. V. S.	.56	.62
Total all-India Services	49.83	54.19

ADVERTISEMENTS RELATING TO RAILWAY TIMINGS.

97. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article under the heading "Railway Advertisements" published in the issue of the *Searchlight* of the 15th November, 1925, page 6?

(b) If so, do they propose to draw the attention of the authorities concerned to the desirability of advertising their notifications about railway timings, etc., in the local paper which has the largest circulation?

Mr. G. G. Sim: (a) No.

(b) The Honourable Member is referred to the reply given on 21st January, 1926, to question No. 35, asked by Mr. Gaya Prasad Singh.

INTRODUCTION OF LEGISLATION FOR THE PREVENTION OF STREET BEGGARY IN BRITISH INDIA.

98. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

(a) whether they propose to undertake legislation with a view to prevent street beggary in British India?

(b) whether a law to this effect is in force in Great Britain or in any other countries?

The Honourable Sir Alexander Muddiman: (a) Government have no such proposal under consideration.

(b) Government are not prepared, for the purpose of answering questions, to undertake an examination of the law in force throughout the world.

INDIAN DEPUTATION TO SOUTH AFRICA.

99. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Indian deputation to be received by South African Government" published in the issue of the *Forward* of the 21st November, 1925, page 5?

(b) If so, will the Government please state:

(i) if the news that the South African Government have agreed to receive an Indian deputation and will discuss with them Indian problems is correct?

(ii) whether the personnel of the deputation is under the consideration of the Government of India?

(iii) when the deputation referred to is expected to leave India?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The attention of the Honourable Member is invited to the press communiqués issued by the Government of India on the 20th, 21st, 25th November, and 1st December, 1925, which fully explain the objects and constitution of the deputation which has been sent to South Africa with the concurrence of the Union Government. Copies of these communiqués have been placed in the Library.

Mr. Gaya Prasad Singh: Is it a fact that the Indian deputation has not been officially recognised by the Union Government?

Mr. J. W. Bhoré: It has certainly been recognised by the Union Parliament.

Khan Bahadur Sarfaraz Hussain Khan: Has it been officially recognised?

Mr. J. W. Bhoré: I would refer the Honourable Member to the speech delivered by His Excellency the Viceroy in opening the session where he will find all the information I can give.

Mr. Gaya Prasad Singh: Has the attention of the Government been drawn to the report of the interview which Sir Deva Prasad Sarvadhikary gave in which it is stated that "the Indian deputation had not been officially recognised by the Union Government, because of the desire of the latter to exclude from their consideration this difficult question and anything bordering on outside interference"?

Mr. J. W. Bhoré: I regret to say that my attention has not been called to that statement.

Mr. Gaya Prasad Singh: It appears in the *Hindustan Times* of the 15th instant.

Mr. R. K. Shanmukham Ohetty: Do the Government of India propose to instruct the deputation to appear before the Select Committee of the Union Parliament if the Bill is referred to a Select Committee there?

Mr. J. W. Bhoré: We have not yet come to any final conclusion on that point.

Mr. A. Rangaswami Iyengar: May I know, Sir, if the South African deputation has been asked to make official representations to the South African Government and whether such representations have been made or whether the South African Government have refused to receive official representations on this Bill before their House?

Mr. J. W. Bhoré: I am afraid, Sir, I cannot give my Honourable friend a reply to that question just at the present moment. We are in communication with the deputation and the first object of that deputation is to supply us with material to enable us to prepare our case which we wish to present before the Union Government.

Mr. N. M. Joshi: May I ask, Sir, whether the Honourable Member proposes to lay that case before the Union Government or before the Select Committee?

Mr. J. W. Bhoré: We propose to lay that case before the Government, Sir.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether it is a fact that this South African deputation has not been permitted to make official representations on this Bill to the South African Union Government?

Mr. J. W. Bhoré: That, I think, is correct.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member, Sir, whether he will make available to this House the interim report submitted by this deputation which was referred to in the speech of His Excellency the Viceroy?

Mr. J. W. Bhole: I shall consider that.

Mr. R. K. Shanmukham Chetty: Have the South African Government informed the Government of India that they would be prepared to take the evidence of the Paddison Commission before the Select Committee of the Union Parliament when this Bill is referred to the Select Committee?

Mr. J. W. Bhole: I do not know what the Honourable Member means by saying "take the evidence of the Paddison Commission".

Mr. R. K. Shanmukham Chetty: That the Paddison Commission would be welcome to represent the Indian case before the Select Committee of the Union Parliament.

Mr. J. W. Bhole: The Select Committee, as the Honourable Member knows, has not come into existence. We are at the stage of the first reading of the Bill merely and we do not know yet whether a Select Committee will be appointed.

Mr. R. K. Shanmukham Chetty: Do the Government of India realise that, if the Bill is referred to the Select Committee, it would mean that the principle of the Bill has been accepted?

Mr. J. W. Bhole: We fully realise that. I would ask the Honourable Member to wait until I have replied to a question of which private notice has been given by Diwan Bahadur M. Ramachandra Rao. I shall probably be able to satisfy him in regard to dates.

Mr. A. Rangaswami Iyengar: May I put one further question? Has the attention of the Governor General in Council been drawn to the speech made by the Governor General of South Africa in opening the South African Parliament the other day in which he said that, while the Government was not prepared to accept the specific proposal made by the Government of India, he was prepared to receive representations once the principle of the Bill was accepted. From that point of view, have the Government of India given any instructions to their deputation to make representations on the Bill either before the Select Committee or before the Parliament?

Mr. J. W. Bhole: I must really ask for notice of that question.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether his attention has been drawn to a statement made by the Minister of the Interior that, once the principle of the Bill is accepted by the Union Parliament, they would be prepared to receive the evidence of the Paddison Deputation in regard to the details? In view of that statement, have the Government of India given any instructions to the Paddison Deputation to appear before any Select Committee of the House of Representatives in South Africa?

Mr. J. W. Bhore: Our attention has been drawn to that and all I am in a position to say is this that we hope to make effective representations to the Union Government—as effective as we are in a position to do—before the second reading of the Bill, that is to say, before the Union Government commits itself finally to the principle of the Bill.

REORGANISATION OF THE INDIAN MEDICAL SERVICE.

100. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the last supplementary question of Diwan Bahadur M. Ramachandra Rao to starred question No. 78 regarding the reorganisation of the Indian Medical Service asked in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they propose to make a representation to the Secretary of State that his conclusions should not be given effect to until this Assembly has had an opportunity of saying what it has to say on his conclusions?

Mr. E. Burdon: The Government of India are not in a position to make any statement on the subject.

Mr. A. Rangaswami Iyengar: Has the attention of the Government of India been drawn to a newspaper report of a certain circular alleged to have been sent by the Government of India to the Local Governments in this connection?

Mr. E. Burdon: I am afraid I have not seen it.

Mr. A. Rangaswami Iyengar: Will the Honourable Member kindly take the trouble of seeing it.

Mr. E. Burdon: If the Honourable Member will give me a copy of it, I shall read it.

Mr. A. Rangaswami Iyengar: I shall do so.

PERCENTAGE OF INDIANS EMPLOYED IN CERTAIN SPECIFIED SERVICES.

101. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to lay on the table a statement showing the percentage of Indians in the following Indian Imperial services:

1. Indian Forest Service.
2. Indian Service of Engineers.
3. Indian Educational Service.
4. Political Department of the Government of India.
5. Superior Telegraph Engineering and Wireless Branch.
6. State Railways.
7. Indian Audit and Accounts Service.
8. Military Accounts Department.
9. Archæological Department and Zoological Survey of India.
10. Survey of India.
11. Mines Department.
12. Meteorological Service.

The Honourable Sir Alexander Muddiman: I lay on the table a statement containing the required information.

Percentage of Indians employed in certain Indian Imperial Services.

Service.	Percentage.	REMARKS.
Indian Forest Service	*25 approximately . . .	*Percentage to actual strength.
Indian Service of Engineers	43	
Indian Educational Service—		
Men's Branch	*42·3	
Women's Branch	*20	
Political Department of the Government of India	7 approximately.	
Superior Telegraph—		
Engineering Branch	47	
Wireless Branch	14	
State Railway Engineering and Superior Revenue Services (including officers of the E. I. R.)	†22·6 approximately . . .	†On 1st April 1925.
Indian Audit and Accounts Service	67·6	
Military Accounts Department	22	
Archaeological Department	*70	
Zoological Survey of India	*83·3	
Survey of India (Class I)	‡20	‡Percentage to sanctioned strength.
Mines Department	30	
Meteorological Service	63	

REORGANISATION OF THE ROYAL INDIAN MARINE.

102. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 41 regarding the reorganisation of the Royal Indian Marine, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state whether the question is still under their consideration or whether they have arrived at a decision?

(b) If they have, will they please communicate the result to the House?

(c) If not, by what time are they likely to come to a definite conclusion?

Mr. E. Burdon: (a)—(c). The Government are not at present in a position to make any statement on the subject to which my Honourable friend refers.

INTRODUCTION OF A PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

103. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 51 regarding the introduction of a

Provident Fund for Government employees, in the meeting of the Legislative Assembly held on the 25th August, 1925; will Government please state if the decision indicated in their reply has been arrived at?

(b) If so, will they please communicate the result to the House?

The Honourable Sir Basil Blackett: (a) The attention of the Honourable Member is invited to the reply given on the 3rd September, 1925, to question No. 587 on the same subject by Haji S. A. K. Jeelani. The question is still under investigation.

(b) Does not arise.

CONSTRUCTION OF A PLATFORM AT GUPTIPURA STATION ON THE EAST INDIAN RAILWAY.

104. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 60 regarding the construction of a platform at Guptipura station on the East Indian Railway in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if they have brought the matter to the notice of the Agent?

(b) If so, have they received any reply from the Agent?

(c) If they have, will they please communicate the reply to the House?

Mr. G. G. Sim: (a) Yes.

(b) No.

(c) Does not arise.

INCONVENIENCES SUFFERED BY PASSENGERS AT MOGRA STATION ON THE EASTERN BENGAL RAILWAY.

105. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 61 regarding inconveniences suffered by passengers at Mogra station on the Eastern Bengal Railway in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if they have sent a copy of the question and answer to the Agent?

(b) If so, have they got any information from him as to whether any action has been taken by him in the matter?

(c) Is it the practice, when Government bring a matter to the notice of their subordinate authorities or send copies of questions and answers to them, that such authorities invariably reply to Government as to the action taken by them in the matter referred to?

Mr. G. G. Sim: (a) Yes.

(b) and (c). No.

INTRODUCTION OF LEGISLATION TO GIVE EFFECT TO THE RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE.

106. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to unstarred question No. 66 regarding the Report of Civil Justice Committee in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state:

(a) if the Local Governments and High Courts, whom they have asked to inform them of the action which they may decide to take, have informed the Government as desired?

- (b) whether they propose to introduce Bills during this Session with regard to such recommendations as may involve legislation in the Central Legislature and with respect to which the proposals of the Committee are to be placed before the Legislature in the form of Bills before the Local Governments and judicial authorities are consulted?

The Honourable Sir Alexander Muddiman: (a) Reports of the action taken by Local Governments and High Courts on the many recommendations of the Civil Justice Committee referred to them by the Government of India are being received. The number of such references was many, and the reports are not yet complete.

(b) Some Bills dealing with recommendations of the Committee were introduced last Session, some were passed and some are pending. Further Bills will be introduced this Session.

OPINIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING THE PROBITY AND EFFICIENCY OF THE PROVINCIAL JUDICIAL SERVICE.

107. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 67 regarding the opinions of the Civil Justice Committee regarding the probity and efficiency of the Provincial Judicial Service in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they have received the reports asked for by them?

(b) If so, will they please lay on the table copies of the reports received?

The Honourable Sir Alexander Muddiman: As I stated in the reply referred to, we have asked for reports of the action taken in regard to the Committee's recommendations for improved methods of recruiting and training and for supervision and inspection. Those reports are not yet complete.

RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING VILLAGE TRIBUNALS.

108. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 68 regarding the recommendations of the Civil Justice Committee regarding village tribunals, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they have received the reports asked for by them?

(b) If so, will they please lay on the table copies of the reports received?

The Honourable Sir Alexander Muddiman: The replies from all Local Governments and Administrations have not yet been received.

INQUIRY INTO THE CAUSE OF THE DEATH OF MISS BHOJI T. SIPAHIMALANI IN THE LADY HARDINGE MEDICAL COLLEGE HOSPITAL.

109. ***Mr. Ohaman Lall:** 1. Is it a fact that Miss Bhoji T. Sipahimalani died in the Lady Hardinge Medical College Hospital while being operated upon?

2. Has Dr. Mathai been suspended in connection therewith?
3. Has an inquiry been held as to the real cause of the patient's death?
4. If not, are Government prepared to hold an inquiry immediately into the causes of this occurrence?

Mr. J. W. Bhore: 1. Yes.

2. Dr. Mathai was first suspended and ultimately permitted to resign the Women's Medical Service Training Reserve.

3. A careful inquiry was made by the Countess of Dufferin Fund Committee. The finding was that it was impossible, since the examination proposed by Dr. Campbell was declined by the brother of the deceased, to state with certainty what was the immediate cause of death; it was doubtful whether an examination if performed could have resulted in any other verdict than death by chloroform poisoning during anæsthesia.

4. This question does not arise.

PREVALENCE OF TOUTING IN BRITISH INDIA.

110. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the observations of the Bar Committee "The evidence which we have received leaves no doubt that touting of various kinds prevails in most provinces of India" recorded in Chapter 8 of the Report of the Civil Justice Committee paragraph 18, under the heading "Touting," will Government please:

- (a) state if they are aware of the provinces of British India in which touting prevails and in which it does not?
- (b) state whether touting prevails in Great Britain or in any other country?

The Honourable Sir Alexander Muddiman: (a) Government are aware of the existence of the evil. The Indian Bar Committee in fact reported that the evidence received by them left no doubt that touting prevailed in most parts of India.

(b) Government have no special information on the point.

PREVENTION OF TOUTING IN INDIA.

111. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the remarks recorded in Chapter 8 of the Report of the Civil Justice Committee from paragraph 18 to paragraph 22 under the heading "Touting", will Government please state if they intend to devise some measure of reform on the lines of the suggestions made in paragraph 22 under the heading "Touting"?

(b) If not, do they propose to draw the special attention of Local Governments to the matter?

The Honourable Sir Alexander Muddiman: Yes. I invite the Honourable Member's attention to the Bill further to amend the Legal Practitioners Act, 1879, on the lines recommended by the Civil Justice Committee which was introduced in the Legislative Assembly on the 27th August, 1925, and was later circulated for the purpose of eliciting opinions under the orders of this House.

PREVALENCE OF *BENAMI* TRANSACTIONS IN INDIA.

112. ***Khan Bahadur Sarfaraz Hussain Khan**: 1. With reference to the note on *benami* transactions recorded in pages 602 to 610 of the Report of the Civil Justice Committee will Government please state:

- (a) whether they propose to take action on the lines of the recommendations recorded by the Honourable Mr. Justice Louis Stuart, C.I.E., I.C.S., Diwan Bahadur Sir Tirumalai Desika Achariyar Avargal, Kt., and Dr. Sir Tej Bahadur Sapru, K.C.S.I., in paragraph 19 of the note?
- (b) if not, whether they propose to consult the Local Governments on the subject?

2. Will they please also state whether *benami* transactions prevail in Great Britain or in any other country?

The Honourable Sir Alexander Muddiman: (a) and (b). In regard to the evils of the *benami* system the Committee were agreed, but they were sharply divided as to the advisability of attempting to remove these evils by legislation at the present time. The Government of India share the view of the three members of the Committee who on page 610 of the Report have observed that they were far from satisfied that the proposals made by the other three members would lead to a change—fairly swift and fairly complete—in the habits or practice of the people in regard to title to property. They have accordingly decided not to pursue further the question of legislating to check the *benami* system as a whole, but they have consulted Local Governments on the specific recommendation of the whole Committee for the amendment of section 66 of the Code of Civil Procedure, 1908, which deals with *benami* purchases at court sales, so as to extend its provisions to defendants who at the time of the suit are not in possession of the properties sold in auction.

(c) Government have no special information on the point.

EXPENDITURE ON OPERATIONS UNDERTAKEN BY THE ROYAL AIR FORCE.

113. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to the Report of the Air Vice-Marshal Commanding the Royal Air Force in India to His Excellency the Commander-in-Chief and the report of His Excellency the Commander-in-Chief to the Government of India, published in the Gazette of India Extraordinary, dated Delhi, November 20, 1925, will the Government be pleased to state:

- (a) the amount sanctioned for the operations referred to?
- (b) expenses actually incurred throughout the operations?

Mr. E. Burdon: (a) No specific amount was sanctioned for the operations in question.

(b) The attention of the Honourable Member is invited to the reply given on the 21st January, 1926, to starred question No. 79, asked by Mr. Gaya Prasad Singh.

MILITARY EXPENDITURE.

114. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) With reference to Government reply "The accounts for the year 1924-25 are still open for adjustments and the final actuals of expenditure will not be available before

January next " to unstarred question No. 72 in the meeting of the Legislative Assembly held on the 25th August, 1925, regarding military expenditure, will Government please state if the accounts referred to are now available?

(b) If so, will they please furnish them to the House?

The Honourable Sir Basil Blackett: The Finance and Revenue Accounts for 1924-25 will be published shortly.

REVISION OF THE PAY OF ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

115. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to unstarred question No. 79 (a), regarding the revision of the pay of accountants and clerks in the Military Accounts Department, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state:

(a) if the orders referred to have been issued?

(b) if not, when they are expected to be issued?

The Honourable Sir Basil Blackett: Yes.

APPLICATIONS FOR TRANSFERS FROM ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

116. ***Khan Bahadur Sarfaraz Hussain Khan:** Has the information which the Government promised to call for in reply to unstarred question No. 88 in the meeting of the Legislative Assembly held on 25th August, 1925, been received, and, if so, will the Government please furnish it to the House?

The Honourable Sir Basil Blackett: The information was received and communicated to Dr. Lohokare.

ACTION TAKEN BY GOVERNMENT ON THE REPORT REGARDING HUMIDIFICATION.

117. ***Mr. Chaman Lall:** Will Government state if they have taken any action on the report regarding humidification submitted to them some time ago?

The Honourable Sir Bhupendra Nath Mitra: The Government of India consulted Local Governments on all the questions involved in a letter issued on the 26th April, 1924, which was subsequently published for general information. On receiving the replies of Local Governments, the questions were re-examined, and the conclusions of the Government of India were conveyed to Local Governments in a letter, dated the 11th December, 1925, of which a copy is being sent to the Honourable Member. As he is aware, most of the recommendations made in the report relate to matters lying within the authority of Local Governments, but the Government of India have included in the Bill to amend the Indian Factories Act, 1911, which is now before the Assembly, clauses designed to carry out the recommendations in respect of the reduction of excessive temperatures in factories.

Mr. N. M. Joshi: May I ask if, in view of the fact that this matter is one of public importance, the Honourable Member will publish the Government of India's reply or decisions, or lay the decisions on the table of this House?

The Honourable Sir Bhupendra Nath Mitra: I shall consider that matter.

Mr. N. M. Joshi: May I ask why the Honourable Member should think it necessary to consider the matter? It is a question asked in the Legislative Assembly.

Mr. President: Order, order. The Honourable Member need not argue. He may put the question.

Mr. N. M. Joshi: I am putting the question.

Mr. President: Will the Honourable Member put the question?

Mr. N. M. Joshi: I want to know why Government should take time to consider the matter.

The Honourable Sir Bhupendra Nath Mitra: That is a matter for the decision of Government.

PROHIBITION OF GOVERNMENT EMPLOYEES FROM JOINING THE ALL-INDIA TRADE UNION CONGRESS.

118. **Mr. Chaman Lal:** Will Government state if they have issued any orders or instructions in any department prohibiting Government employees from joining the All-India Trade Union Congress?

The Honourable Sir Alexander Muddiman: The only general orders or instructions bearing on this matter are contained in Rule 23 of the Government Servants Conduct Rules, which debar any Government servant from taking part in or subscribing in aid of, any political movement in India or relating to Indian affairs. Following this rule, the Director-General, Posts and Telegraphs, recently refused to permit a postal union to join the All-India Trade Union Congress so long as the latter retains political propaganda as part of its programme.

Mr. A. Rangaswami Iyengar: May we know what is and what is not a political movement. What is the criterion set down in this case by the Director-General, Posts and Telegraphs, to say what is a political propaganda.

The Honourable Sir Alexander Muddiman: It is very difficult to define what the word "political" means.

Mr. A. Rangaswami Iyengar: How then does the Honourable the Home Member expect the subordinates of the Posts and Telegraphs to distinguish in this matter?

The Honourable Sir Alexander Muddiman: I do not think there is any difficulty in distinguishing in a concrete case.

Mr. Devaki Prasad Sinha: Is it not a fact, Sir, that a large number of the members of the I. C. S. indulge in political propaganda?

The Honourable Sir Alexander Muddiman: I am not aware of that.

Mr. Chaman Lal: May I ask another supplementary question on question No. 118?

What evidence have Government got which makes them believe that the All-India Trade Union Congress is a political organisation, and not a purely Trade Union organisation?

The Honourable Sir Alexander Muddiman: I would like notice of that question.

Lala Lajpat Rai: May I ask if the orders of the Government imply that no employees of Government in any department can form themselves into a Trade Union?

The Honourable Sir Alexander Muddiman: Not at all. They can form themselves into Trade Unions for the purpose of protecting their own interests. That is quite a different matter from Trade Unions amongst the objects of which are political aims.

Mr. Devaki Prasad Sinha: Can Government name any other country in which postal workers are prevented from joining Trade Unions?

The Honourable Sir Alexander Muddiman: I do not know what the practice is in other countries.

GRIEVANCES OF EMPLOYEES OF GOVERNMENT RAILWAYS.

119. ***Mr. Ohaman Lall:** Have Government issued any circulars preventing employees of Government Railways from approaching Honourable Members of the Central Legislature with their grievances?

The Honourable Sir Charles Innes: I would refer the Honourable Member to the reply given to a similar question by Mr. K. Ahmed on the 6th September 1922 in this House.

INQUIRY INTO THE CONDITIONS OF LIFE AND LABOUR OF WORKERS ENGAGED IN THE COTTON, JUTE, COAL AND TEA INDUSTRIES.

120. ***Mr. Ohaman Lall:** Will Government inform the House whether they intend to make an inquiry into the conditions of life and labour of the workers engaged in the following industries, *viz.*, Cotton, Jute, Coal and Tea?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

Mr. Ohaman Lall: Are we to understand that Government do not find it necessary to make an inquiry into the working conditions of workers in these industries?

The Honourable Sir Bhupendra Nath Mitra: Not at the present moment.

Mr. Ohaman Lall: Are Government satisfied that the conditions of life and labour of the workers are so satisfactory as not to require their attention?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is probably aware that an Economic Inquiry Committee was appointed by Government and that it made certain recommendations which are now receiving the consideration of the Government of India.

Mr. Chaman Lall: May I ask, Sir, if these recommendations have anything whatsoever to do with these questions?

The Honourable Sir Bhupendra Nath Mitra: They have, Sir, because the Economic Inquiry Committee were in fact dealing with the general question of the method of conducting an economic survey of the conditions of the people.

Mr. Devaki Prasad Sinha: Are Government aware that the Economic Inquiry Committee recommended that these things should be inquired into?

The Honourable Sir Bhupendra Nath Mitra: If so, then the matter is under consideration of Government.

Mr. A. Rangaswami Iyengar: May I know whether the Economic Inquiry Committee was solely concerned with the question of how an economic inquiry should be conducted, or with the question whether any economic inquiry should be conducted as to particular areas or persons?

The Honourable Sir Bhupendra Nath Mitra: It was concerned with the general question as to how economic inquiries should be conducted.

Mr. Devaki Prasad Sinha: Have Government given effect to the proposal of the Economic Inquiry Committee for an inquiry into the conditions of the workers in the cotton, jute, coal and tea industries?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the answer given to his question No. 4 on the first day of the Session, when he was not present.

Mr. K. Ahmed: Is it not a fact that the Honourable Sir Bhupendra Nath Mitra has been visiting the tea gardens lately? (*An Honourable Member:* "And the coalfields".) Has he found any reform that the Government might make in the conditions of the poor labourer?

IMPROVEMENT OF FACTORY INSPECTION.

121. ***Mr. Chaman Lall:** Are Government prepared to institute an inquiry into the working of the system of factory inspection with a view to its improvement?

The Honourable Sir Bhupendra Nath Mitra: Government see no reason to take the action suggested.

Mr. Chaman Lall: Is it a fact that the working of the factory system is very unsatisfactory?

The Honourable Sir Bhupendra Nath Mitra: Not to my knowledge.

Mr. Devaki Prasad Sinha: Is it a fact that the working of the factory system is quite perfect?

The Honourable Sir Bhupendra Nath Mitra: Not to my knowledge.

Mr. Chaman Lall: Has the Honourable Member read the report of the Factory Inspectors?

The Honourable Sir Bhupendra Nath Mitra: I do read them.

Mr. Chaman Lall: Does he find the reports satisfactory and consoling?

The Honourable Sir Bhupendra Nath Mitra: They certainly indicate that considerable progress is being made in this matter from year to year. We cannot possibly reach perfection all at once.

PROSECUTIONS INSTITUTED UNDER THE INDIAN FACTORIES ACT.

122. ***Mr. Ohaman Lall:** Will Government place on the table a detailed statement showing the number of prosecutions, the fines levied in each case and the punishments awarded under the Indian Factories Act for the twelve months ending the 1st October, 1925?

The Honourable Sir Bhupendra Nath Mitra: The latest available statistics are for the year ending December 31st, 1924, during which 625 convictions were obtained. The Government of India have not been furnished with full particulars regarding the fines obtained in each of these cases, and the Honourable Member is referred to the Provincial Factory Reports for further information.

Mr. Devaki Prasad Sinha: Will the Government be pleased to state whether any prosecution has taken place under the Indian Factories Act for not granting the weekly holiday, as prescribed in the Act, to workers in the Jamshedpur Iron and Steel industry?

The Honourable Sir Bhupendra Nath Mitra: Sir, as I do not carry in my head the facts in regard to the point in the factory report, I shall require notice of that question.

SUBJECTION TO POLICE SURVEILLANCE OF CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY.

123. ***Mr. Ohaman Lall:** (a) Is it a fact that the correspondence of certain Honourable Members of the Legislative Assembly is opened before delivery?

(b) Is it a fact that certain Honourable Members of the Legislative Assembly are closely watched when moving from place to place?

(c) Is it a fact that telegrams are often despatched from station to station asking the railway police to watch ticket holder so and so?

(d) Will Government state the authority under which such action is taken?

The Honourable Sir Alexander Muddiman: (a) Governments in India are vested under section 26 of the Post Office Act with powers to intercept correspondence in certain circumstances and it would not be in the public interest to disclose the occasions on which these powers are exercised. I am therefore unable to give the Honourable Member any information in the matter.

(b) Not, so far as the Government of India are aware.

(c) Yes, in the case of suspected persons; but I would point out to the Honourable Member that railway officials constantly take the numbers of tickets held by superior class passengers, and he must not assume that the fact that ticket numbers are noted means that the persons holding these tickets are suspected.

(d) This has been sufficiently answered by the replies to the previous parts of the question.

Mr. Chaman Lall: May I ask the Honourable Member if he is aware that the correspondence of certain Honourable Members of the Assembly is opened by the Post Office authorities, and further is he aware that there are Members present here in this House to-day who are being watched every time they travel?

The Honourable Sir Alexander Muddiman: I am not aware of it, and if I were aware of it, I would not disclose it.

Mr. Chaman Lall: May I inform the Honourable Member that we are aware of this fact, and that we would request him to take action in this matter.

The Honourable Sir Alexander Muddiman: Which fact?

Mr. Chaman Lall: That Honourable Members are watched.

The Honourable Sir Alexander Muddiman: If the Honourable Member will bring me any specific complaint, as I told him a year ago, I will look into it. I made that offer a year ago and he brought forward no instance.

Mr. Chaman Lall: May I ask the Honourable Member whether it is not his business to find out when a question is put to him?

The Honourable Sir Alexander Muddiman: Most certainly not; on an allegation of that character it is the duty of the person making the allegation to bring to my notice facts on which I can act and not to make fishing allegations.

Mr. Chaman Lall: May I ask the Honourable Member whether he is aware that the correspondence of Lala Lajpat Rai is opened and that he is watched when he travels on the railways?

The Honourable Sir Alexander Muddiman: I am not aware of it, and, if I were, I would not disclose it.

Mr. Chaman Lall: Will the Honourable Member look into it?

The Honourable Sir Alexander Muddiman: If the Honourable Member comes to my Department with a complaint, I will look into it.

Mr. A. Rangaswami Iyengar: May I ask if the Honourable Member is aware that these police people who have to do these duties are sometimes exceedingly stupid?

The Honourable Sir Alexander Muddiman: I am aware of it, and I am also aware that other people are sometimes exceedingly stupid.

INQUIRY INTO UNEMPLOYMENT IN INDIA.

124. ***Mr. Chaman Lall:** (a) Will Government state whether they gave any assistance to the millhands of Bombay in 1925 by way of relief or unemployment doles?

(b) Do Government propose to institute an inquiry into the state of unemployment in India?

(c) Is it the policy of the Government to help the unemployed capitalist by way of inquiries, subsidies and doles but not the workers and peasants?

The Honourable Sir Bhupendra Nath Mitra: As far as the Government of India are concerned, the reply to all three parts of the question is in the negative.

Mr. Chaman Lall: Do I understand that the Honourable Member has answered the whole question?

The Honourable Sir Bhupendra Nath Mitra: Yes.

Mr. Chaman Lall: May I ask the Honourable Member whether he is aware of the fact that there is a great deal of unemployment in this country and whether it would not be wise for the Government to institute an inquiry into the causes of unemployment?

The Honourable Sir Bhupendra Nath Mitra: I have already replied to that question, Sir, in my main reply.

Mr. N. M. Joshi: What is the reply? We want to know whether Government propose to do anything in regard to unemployment. There is unemployment in Bombay; we want to know whether Government propose to do anything to meet that unemployment?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member had listened to my reply he would have found that the answer is there.

Mr. N. M. Joshi: Will the Honourable Member have the courtesy to read his reply?

The Honourable Sir Bhupendra Nath Mitra: I have already given my reply. If the Honourable Member did not care to listen to me, I cannot help it.

Mr. Devaki Prasad Sinha: What is the reason which prevents Government from taking any steps to reduce the unemployment referred to in this question?

The Honourable Sir Bhupendra Nath Mitra: Sir, I cannot possibly answer an argument like that in reply to a question. The Honourable Member has other means of raising a debate in the Assembly on this subject.

Mr. Devaki Prasad Sinha: Will the Honourable Member give any of the reasons that prevent Government from making an inquiry?

The Honourable Sir Bhupendra Nath Mitra: I do not propose to do so at this stage.

Mr. Devaki Prasad Sinha: What are the reasons which prevent Government from giving us any reply? May I ask the Honourable Member, Sir, whether he has considered the question of unemployment in India or not?

The Honourable Sir Bhupendra Nath Mitra: I have.

Mr. Devaki Prasad Sinha: Does his inquiry disclose the fact that there is a very serious state of unemployment in this country?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. N. M. Joshi: May I ask whether there is not unemployment in Bombay on account of the closure of certain mills there?

The Honourable Sir Bhupendra Nath Mitra: There is a certain amount of unemployment there, but these matters cannot be settled one way or the other until you have an economic survey.

Mr. Chaman Lall: Will the Honourable Member lay all the papers in connection with his inquiry on the table?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. N. M. Joshi: May I inquire whether the Honourable Member will make a limited economic survey in Bombay regarding the unemployment there due to the closure of the mills?

The Honourable Sir Bhupendra Nath Mitra: The matter is primarily one for the Local Government and the Government of India do not see any reason to interfere at this stage with the functions of the Local Government in this matter.

Mr. Devaki Prasad Sinha: Are the Government aware of any inquiry by the Local Government in this matter?

The Honourable Sir Alexander Muddiman: I would point out that there is a Resolution on the paper on this subject.

Mr. Devaki Prasad Sinha: That relates only to the educated classes.

Are Government aware of any steps taken by the Local Government in regard to unemployment among the mill hands in Bombay due to the closure of certain mills there?

The Honourable Sir Bhupendra Nath Mitra: That is a matter to be inquired into in the Legislative Council of the Local Government.

Mr. Chaman Lall: May I know whether the question of unemployment and unemployment insurance and the poor law is a matter for the Local Government and not for the Central Legislature?

The Honourable Sir Bhupendra Nath Mitra: We are not talking about legislation at the present moment.

Mr. Devaki Prasad Sinha: Is it not one of the functions of the department over which my Honourable friend presides to keep itself informed of the steps taken wherever labour troubles arise?

The Honourable Sir Bhupendra Nath Mitra: Not, Sir, until questions of legislation are involved.

Mr. K. Ahmed: Is not the Honourable Member in charge of the Labour Department, Sir?

Mr. Chaman Lall: Question No. 125.

The Honourable Sir Basil Blackett: That has already been answered.

Mr. Chaman Lall: May I ask the Honourable Member what reply has been given to 125?

The Honourable Sir Basil Blackett: The reply to question No. 4.*

Mr. Devaki Prasad Sinha: But I understand that question No. 4 which stood in my name was not asked on the first day.

The Honourable Sir Basil Blackett: It was answered, Sir.

Mr. Chaman Lall: Question No. 126.

The Honourable Sir Alexander Muddiman: I have already answered that.

*Answered on the 21st January, 1926.

†Vide answer to question No. 12 on the 21st January, 1926.

ALLEGED DETENTION OF ASSEMBLY VOTERS AT THE LAST ELECTIONS
AT SIRHALI.

127. ***Mr. Chaman Lall:** (a) Will Government be pleased to state whether they have any information regarding the detention of Assembly voters at the last elections at Sirhali?

(b) Will Government state what action was taken by them in regard to this incident?

(c) Will Government be pleased to state the names of the officials who are alleged to have prevented voters from exercising their rights in the said elections?

The Honourable Sir Alexander Muddiman: I would invite the Honourable Member's attention to my reply to his own question No. 819 on the 14th September, 1925.

Mr. Chaman Lall: May I inform the Honourable Member that the Government gave a definite promise, when they were heckled in September last, that they would take steps to answer this question during the next Session.

The Honourable Sir Alexander Muddiman: I must verify that—I was not aware of it. If it is so, I will take steps.

Mr. Chaman Lall: May I with your permission, Sir, remind the Honourable Member that the Government did actually give us this reply, that the question, if it is repeated in the House, would be replied to.

The Honourable Sir Alexander Muddiman: I must verify that; of course if that is so, it will be carried out. On the information before me I can say nothing more.

Mr. Chaman Lall: May I take it that the Honourable Member will at his convenience answer this question this Session?

The Honourable Sir Alexander Muddiman: Certainly. If I promised to have inquiries made.

128.†

AREA OF LAND ACQUIRED FOR THE GRANT ROAD TERMINAL STATION.

129. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state what the area of land is that has been acquired already for the Grant Road Terminal Station at Bellasis Road?

(b) What is the total cost up to date of such acquisition?

(c) What area of land still remains to be acquired and what will be the cost thereof?

(d) Are there any acquisition proceedings still pending in connection with the acquisition of land?

Mr. G. G. Sim: (a) 138,887,89 sq. yards.

(b) Rs. 95,19,784.

(c) All the necessary land has been acquired.

(d) No.

Mr. B. Das: Have Government decided that they are going to have two terminal stations in Bombay, one for the Bombay, Baroda and Central India and one for the Great Indian Peninsula Railway?

† Answered on the 21st January, 1925, along with question No. 6.

Mr. G. G. Sim: No, Sir; no final decision has been arrived at.

Mr. B. Das: May I know if Government invited some experts from Hyderabad, from the Nizam's Railway, to investigate into the problem of a branch route?

The Honourable Sir Charles Innes: That is correct, Sir.

Mr. N. M. Dumasia: Was he aware of the local conditions?

The Honourable Sir Charles Innes: He made inquiry.

LONG DISTANCE TERMINAL STATION AT GRANT ROAD, BOMBAY.

130. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state what progress has been made towards the creation of the long distance terminal station at Grant Road?

(b) Is it a fact that the Great Indian Peninsula Railway authorities desire one long distance terminal station at Bori Bunder?

(c) Is it a fact that the Bombay, Baroda and Central India Railway authorities are strongly opposed to the scheme of one terminus?

(d) Have Government recently taken the opinion of the Bombay public on the question?

Mr. G. G. Sim: (a) The question of providing a long distance terminal at Grant Road is still under consideration as part of an investigation into the whole problem of railway facilities in Bombay which is being carried out by an independent expert; his report is awaited.

(b) The Great Indian Peninsula Railway Administration are prepared to arrange for the reception of Bombay, Baroda and Central India Railway long distance traffic at Victoria Terminus and it is understood that they consider this to be the best policy.

(c) The Bombay, Baroda and Central India Railway authorities were at one time opposed to the proposal to terminate their long distance trains at Victoria Terminus but they are now awaiting the result of the independent investigation before coming to a final decision in conjunction with the Railway Board.

(d) Yes. All important public bodies were asked to communicate their views to the investigating officer.

Mr. N. M. Dumasia: Are Government aware that the Bombay Municipal Corporation have already passed a resolution strongly recommending the retention of Grant Road as a long distance terminus?

Mr. G. G. Sim: I have seen such a statement in the Press but, as I have already informed the Honourable Member, the Government are still awaiting the report of the independent expert who will have before him the views of all important bodies in Bombay, and no decision will be arrived at until his report is received.

TERMINAL STATIONS FOR BOMBAY.

181. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether they propose to consult the Indian Merchants' Chamber, the Bombay Municipal Corporation and the Passengers' and Traffic Relief Association about the desirability and necessity of having two terminal stations for Bombay in view of the growth of the city and its suburbs?

(b) Is it a fact that representations have already been made to Government by various public bodies that one terminus at Bori Bunder station will cause hardship and entail loss on the suburban passengers coming from a long distance?

(c) Is it a fact that the Local Advisory Committee of the Bombay, Baroda and Central India Railway and the Passengers' and Traffic Relief Association (Bombay) have unanimously given their opinion in favour of retaining Grant Road as the Terminus for the Bombay, Baroda and Central India Railway long distance passengers?

Mr. G. G. Sim: (a) As already stated in reply to part (d) of the last question important bodies of Bombay were asked to communicate their views to the investigating officer.

(b) No. There is no proposal to have a single terminus for all suburban passengers at Bori Bunder.

(c) The Local Advisory Committee of the Bombay, Baroda and Central India Railway gave an opinion on 29th January, 1925, in favour of a separate terminal station for the Bombay, Baroda and Central India Railway long distance traffic at Bellasis Road.

182. †

SUBMISSION OF THE WHOLE BUDGET ANNUALLY TO THE VOTE OF THE ASSEMBLY.

183. ***Sir Hari Singh Gour:** (a) Are the Government aware that on the 26th January, 1922, this Assembly decided by a majority of 51 to 27 votes that the distinction between "votable" and "non-votable" items in the Budget should be eliminated and that the whole Budget should be annually submitted to the vote of the Assembly?

(b) Is it a fact that almost all the non-official Europeans present including Sir Frank Carter, Sir William Keith, Sir Darcy Lindsay, Sir Frank McCarthy and Mr. Spence voted with the majority?

(c) Is it a fact that Sir Godfrey Fell, the Army Secretary, speaking for himself was of opinion that the Army Budget should be annually submitted to the vote of the House?

(d) Will the Government be pleased to state what action they have taken upon the recommendation of the Assembly?

The Honourable Sir Basil Blackett: The Honourable Member, who is not, I think, present now, was present at the discussion referred to while I was not, and I presume he has put the question for my information and not for his. I have looked up the official report of the discussion and I find that his recollection is not quite as accurate as it might have been. The Resolution mentioned appears to have been adopted without a division, the votes referred to being recorded on a verbal amendment to the

† Answered on the 21st January, 1926, along with question No. 12.

original Resolution. I cannot find anything in Sir Godfrey Fell's speech that can bear the construction placed on it by the Honourable Member.

As regards the last part of the question, as Sir Malcolm Hailey informed the House on the 28th February, 1922, the opinion of the Law Officers of the Crown was that under the terms of the Government of India Act it was not competent for the Governor General to place on the vote subjects reserved from that vote by Statute. Beyond communicating the Resolution to the Secretary of State, the Government, therefore, could take no action in the matter.

CURTAILMENT OF THE POWERS OF THE GOVERNOR GENERAL TO CERTIFY PASSED BILLS.

134. *Sir Hari Singh Gour: (a) Are the Government aware that the Legislative Assembly, by a Resolution on the 10th July, 1923, decided to recommend the amendment of section 67-B of the Government of India Act curtailing the power of the Governor General to certify passed Bills?

(b) What effect have the Government given to the recommendation?

The Honourable Sir Alexander Muddiman: (a) and (b). I refer the Honourable Member to the reply given by my predecessor to his starred question No. 162 on the 5th February, 1924.

REVISION OF THE INDIAN CONSTITUTION.

135. *Sir Hari Singh Gour: (a) Are the Government aware that on the 29th September, 1921, this House unanimously decided with the concurrence of the Government that "the progress made by India on the path of responsible Government warrants a re-examination and revision of the constitution at an earlier date than 1929"?

(b) Is it a fact that a year later His Majesty's Secretary of State, Lord Peel, published a despatch in which occurs the following passage:

"No such attempt was made, and the arguments used in support of the motion consequently lose some of their cogencies in my view for three reasons. In the first place they assume that progress is impossible under the existing constitution and can be achieved only by further amendment of the Government of India Act. This assumption I believe to be fundamentally erroneous. The outstanding feature of the change made by the Act of 1919 was that it provided British India with a progressive constitution in place of an inelastic system of Government, and that consequently, there is room within the structure of that Constitution for the Legislatures to develop and establish for themselves a position in conformity with the spirit of the Act."

(c) Is it a fact that a Resolution was passed by the Assembly on the 18th July, 1923, recommending to Government the granting of further reforms possible within the existing constitution?

(d) Is it a fact that this Resolution, though opposed by Government, was carried by 48 votes to 30?

(e) Will the Government be pleased to state what order has been passed by the Secretary of State upon this Resolution which was stated to have been communicated to his Lordship in due course by the Government of India?

(f) Is it a fact that in reply to an interpellation put to Government on the 5th February 1924 the Honourable Sir Malcolm Hailey, the then Home Member, stated that though the Government had sent up the Resolution to the Secretary of State, no orders had been passed and in answer to a supplementary question as to how long it takes to receive a reply from the Secretary of State, the Honourable the Home Member replied: "It varies, Sir, it varies."?

(g) Will the Government be pleased to state if the Government have yet received any reply from the Secretary of State on the subject? If so, will the Government be pleased to communicate it to the House?

(h) If no reply has yet been received will the Government be pleased to state if they have reminded the Secretary of State that the reply was overdue, and what action, if any, did the Government take to obtain the reply?

The Honourable Sir Alexander Muddiman: (a) It is true that a motion to this effect was put to the House and was carried without a division. The Honourable Member must, however, be well aware that this was due to misunderstandings. The attitude of Government on that occasion had been fully explained in the course of the debate and my predecessor, Sir Malcolm Hailey, indicated on more than one occasion that there had been a misapprehension on the subject of that Resolution.

(b), (c), (d) and (f). The answers are in the affirmative.

(e) and (g). The Secretary of State has not communicated any orders upon the Resolution referred to.

(h) The letter of the Government of India forwarding a copy of the Resolution and of the debate did not necessarily call for any reply.

REVISION OF THE INDIAN CONSTITUTION.

186. ***Sir Hari Singh Gour:** Will the Government be pleased to state if in view of the statement contained in the Muddiman Committee's Report of the possibility of expansion of the Indian Constitution within the Act, the Government propose to take any action or impress upon the Secretary of State the desirability of taking action in accordance with the recommendation of the Legislative Assembly?

The Honourable Sir Alexander Muddiman: I am sorry, I do not understand the Honourable Member's question. That also applies to question No. 137.

REVISION OF THE INDIAN CONSTITUTION.

†137. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state if it is not a fact that on all the occasions referred to in the preceding questions when Resolutions were moved in the Assembly, the non-co-operation movement was at its full height?

(b) Is it a fact that the Government never mentioned anything about the non-co-operation movement as impeding the progress of reforms?

(c) Will the Government be pleased to state when, for the first time, the Government began to mention the existence of non-co-operation as blocking the further political progress of the country?

†For answer to this question, see answer to question No. 136.

THE COMMONWEALTH OF INDIA BILL.

138. *Sir Hari Singh Gour: (a) Will the Government be pleased to state if their attention has been drawn to a Bill known as the Commonwealth of India Bill?

(b) Will they be pleased to state if the Secretary of State has consulted the Government of India upon it and whether the Government have given any reply to the Secretary of State?

(c) Will the Government be pleased to lay on the table their reply, if any, given?

The Honourable Sir Alexander Muddiman: Government received a few days ago, on the 18th January, 1926, a copy of the Commonwealth of India Bill as introduced in the House of Commons.

(b) No.

(c) Does not arise.

RETENTION OF POSTS RECOMMENDED FOR ABOLITION BY THE INCHEAPE COMMITTEE.

139. *Sir Hari Singh Gour: (a) Will the Government be pleased to lay on the table a statement showing how far the retrenchments recommended by the Inchcape Committee have been given effect to, and what posts the abolition of which was recommended by that Committee have not yet been abolished?

(b) Will the Government be pleased to state their reasons for not abolishing those posts?

(c) Will the Government be pleased to state if it is their intention to abolish all those posts, the retention of which was considered unnecessary by the Inchcape Committee?

The Honourable Sir Basil Blackett: Statements showing the action taken on the recommendations of the Retrenchment Committee have from time to time been placed before the House. Up-to-date information is being collected and will be laid on the table in due course.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

140. *Sir Hari Singh Gour: (a) Are the Government aware that a Resolution was moved in the Legislative Assembly on the 28rd March, 1922, for the abolition of the posts of Divisional Commissioners in the Provinces wherever they existed?

(b) Is it a fact that the Honourable the Home Member promised to consider the question after consulting the Local Governments on the subject?

(c) Will the Government be pleased to state if the Local Governments were consulted on the subject?

(d) If so, with what result?

The Honourable Sir Alexander Muddiman: The reply to parts (a) and (b) is in the affirmative. For the reply to parts (c) and (d) I would refer the Honourable Member to the replies given to his own question No. 55 in this House on 1st February, 1924, and to Mr. Gaya Prasad Singh's question No. 301 on 1st September, 1925.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

141. ***Sir Hari Singh Gour:** (a) Are the Government aware that several Retrenchment Committees appointed by several Local Governments have recommended the abolition of the posts of Divisional Commissioners?

(b) Is it a fact that Resolutions in the several local Councils have been passed to the same effect?

(c) Will the Government be pleased to state what retrenchment is possible by the abolition of the posts of Divisional Commissioners wherever they exist?

The Honourable Sir Alexander Muddiman: The reply to parts (a) and (b) is in the affirmative. I regret that it is impossible to supply the information asked for in part (c). The extent of the economy in each case would depend on the arrangements that would have to be made for disposing of the work at present done by Commissioners. These arrangements and consequently the extent of the economy would vary from province to province.

ESTABLISHMENT OF A CIRCUIT COURT OF THE LAHORE HIGH COURT IN DELHI.

142. ***Sir Hari Singh Gour:** (a) With reference to the Government's reply to question No. 922 given on the 15th September, 1925, that the question about the establishment of a circuit court of the Lahore High Court in Delhi was under consideration by the Government, will they be pleased to state what decision they have arrived at?

(b) Is it a fact that both the Punjab High Court and the local administration are in favour of the establishment of such a court in Delhi?

The Honourable Sir Alexander Muddiman: (a) The decision of Government is embodied in the following extract from their orders, which I will read to the House:

"The establishment of a circuit court was proposed for the disposal of appellate, and not original, cases, and no suggestion has been made that the establishment of a permanent bench of the Lahore High Court at Delhi could be justified. This being so, it appears to the Government of India possible that the establishment of a circuit court in Delhi for the disposal of appellate cases might involve a greater delay and expense to the litigants than the existing system when the cases are filed and disposed of in Lahore. Further, the proposal would result in expenditure not only in the provision of the necessary accommodation but in the time of the Judges occupied by movements between Lahore and Delhi. It is presumed that the main cause for the original recommendation was the exchange position which resulted in a substantial increase in the number of commercial cases filed in Delhi. These cases have now been practically disposed of. Further, if the delays in the disposal of civil appeals in the High Court are reduced to reasonable proportions by the adoption of such changes as may follow from the recommendations of the Civil Justice Committee, the remedy originally anticipated from the establishment of a circuit court will be otherwise secured. The Government of India have accordingly decided that it is unnecessary to locate a circuit court in Delhi."

(b) It is true that the Punjab High Court and the local Administration did originally support the proposal to establish such a court.

Mr. K. Ahmed: If that is so, Sir, will Government be pleased to state how it is and why it is that there is a circuit court in Cuttack from the Patna High Court, and why it should not be possible, as the Honourable the Home Member says, to have a similar court in Delhi?

The Honourable Sir Alexander Muddiman: I should have thought that it would have appeared to the Honourable Member that there was a striking difference between the two cases: the inhabitants of Delhi and Lahore speak the same language, while the inhabitants of Cuttack do not speak the same language as the inhabitants of Patna.

EXTENSION OF THE LEE COMMISSION CONCESSIONS TO EUROPEAN OFFICERS OF THE PROVINCIAL SERVICES.

143. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the reply of the Under-Secretary for India in the House of Commons "that Lord Birkenhead hoped soon to receive the recommendations of the Government of India with regard to extension to non-Asiatic domiciled officers of the Provincial Services of the privileges accorded to the members of the All-India Services in accordance with the recommendations of the Lee Commission" as published in the issue of the *Forward* of 26th November 1925, page 8, will Government please state:

- (a) if they have sent the recommendations referred to?
- (b) if not, when they are expected to send them?
- (c) if they have, are they prepared to lay a copy of their recommendation on the table?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the reply given by me to Mr. Gaya Prasad Singh's question No. 88, which was answered on the 21st January.

INDEBTEDNESS OF THE ARMY CANTEN BOARD TO THE GOVERNMENT OF INDIA.

144. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the reply of Earl Winterton in the House of Commons "The Government of India had guaranteed overdraft to the limit of forty-five lakhs of rupees" "Lord Birkenhead was awaiting the results of the Government of India's thorough examination of the whole question," published in the issue of the *Forward* of 26th November, 1925, page 3, under the heading "*Canteen Board, question of indebtedness to Government,*" will Government please state:

- (a) if they have guaranteed overdraft to the limit of forty-five lakhs of rupees as stated?
- (b) if they have forwarded the results of their examination to the Secretary of State?
- (c) if not, by what time they are expected to complete their examination?
- (d) whether they will lay on the table a copy of their report on the subject, if they have submitted it to the Secretary of State?

Mr. E. Burdon: (a) Yes.

(b) No.

(c) Very shortly.

(d) Does not arise.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

145. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply to the second supplementary question to starred question No. 81 asked in the meeting of the Legislative Assembly held on 26th August, 1925, regarding the separation of judicial and executive functions, will Government please state if they have arrived at a decision?

The Honourable Sir Alexander Muddiman: I have nothing to add to the information that I gave when I answered this question before.

GRIEVANCES OF INDIANS IN TANGANYIKA.

146. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) With reference to Government reply to the starred question No. 95 relating to the Resolution regarding the grievances of Indians in Tanganyika, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if they have considered the matter?

(b) If they have, will they please communicate their decision to the House?

Mr. J. W. Bhore: (a) and (b). No information has yet been received by the Government of India regarding the report of the Committee appointed by the Governor of Tanganyika to investigate the question of trade licenses. They anticipate that information on this subject will be communicated to them by the Secretary of State as soon as the report is available.

Mr. R. K. Shanmukham Chetty: Are Government aware, Sir, that in the usual course of things the Trade Licensing Ordinance will take effect from the 1st April, 1926?

Mr. J. W. Bhore: I think that that is so, Sir.

Mr. R. K. Shanmukham Chetty: Have Government assured themselves that the Ordinance will not be put into force before any settlement is arrived at between the Government of India and the Tanganyika administration?

Mr. J. W. Bhore: I think that the Honourable Member knows the position as it stands at present. He knows that the question has been referred to a committee and I cannot believe that the Ordinance will be put in force when the whole matter has been referred to a committee for consideration and before receipt of its report.

Mr. A. Rangaswami Iyengar: Will the Government try and communicate with the Colonial Office again and see that no action is taken before that?

Mr. J. W. Bhore: The Honourable Member may rest assured that we shall do all we can to see that the authorities in London do not overlook this matter. I can give him this assurance that we have repeatedly from time to time brought the matter to their notice.

INDIAN DEPUTATION TO SOUTH AFRICA.

147. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to the deputation which has sailed to South Africa, will the Government be pleased to state:

(a) the estimated cost of the deputation?

(b) the time by which it is expected to return to India?

Mr. J. W. Bhoré: (a) Rupees 75,000.

(b) The date is still uncertain. Probably in March next.

REFUSAL OF PASSAGE ADVANCES TO INDIAN OFFICERS OF THE IMPERIAL SERVICES.

148. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 99 (a) asked in the meeting of the Legislative Assembly held on 26th August, 1925, regarding the refusal of passage advances to Indian officers in the Imperial Services, will Government please give reasons why passage advances are given only to Government servants of non-Asiatic domicile?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the answer given by Sir Malcolm Hailey in the Legislative Assembly on the 5th February, 1923, to part (a) of Colonel Gidney's question, No. 318.

REFUSAL OF PASSAGE ADVANCES TO INDIAN OFFICERS OF THE IMPERIAL SERVICES.

149. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to supplementary question to starred question No. 99 regarding the refusal of passage advances to Indian officers in the Imperial Services, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if it is a fact that the Indian members of the Indian Civil Service receive these privileges of passages whereas the Indian members of the other Imperial Services are denied them?

The Honourable Sir Alexander Muddiman: Yes.

EXPENDITURE ON AGRICULTURAL DEVELOPMENTS.

150. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to the first supplementary question to starred question No. 120 regarding the Sugar Research Institute asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if they have spent the money on other agricultural developments than on the one referred to in the supplementary question?

(b) If they have, will they please name the agricultural interests on which the money has been spent and the amount spent?

Mr. J. W. Bhoré: (a) and (b). Yes. In the Budget for the current financial year provision has been made for expenditure on the following schemes among others:

	Rs.
1. Expansion of the Sugarcane Breeding Station, Coimbatore	1,08,600
2. Expansion of the Imperial Institute of Animal Husbandry and Dairying at Bangalore	16,800
3. Expansion of the work of certain sections of the Imperial Agricultural Research Institute at Pusa	80,300
4. Transfer to the Imperial Department of Agriculture of the Military Creamery at Anand in Gujarat	1,27,000

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

151. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 124 regarding the Report of the Territorial Committee asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state:

- (a) if they have now received the final replies from all the Local Governments consulted on the subject?
- (b) whether they have now arrived at any definite opinion of their own in regard to the Committee's proposals?

Mr. E. Burdon: (a) and (b). The attention of the Honourable Member is invited to the reply which I gave to his starred question No. 29, on the 21st of January.

DAILY WAGES OF INDIAN LABOURERS IN FIJI.

152. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the last supplementary question to starred question No. 129 regarding the daily wages of Indian labourers in Ceylon, the Malay States and Fiji, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state:

- (a) if they have asked for the information as indicated in their reply?
- (b) whether they will furnish it to the House if they have been able to obtain it?

Mr. J. W. Bhore: (a) and (b). Out of a total number of about 1,60,000 Indians of the labouring classes, the majority are now peasant settlers who cultivate their own holdings. About 4,000 are employed on sugar cultivation. According to information received from the Colonial Government those employed by the Colonial Sugar Refining Company in Fiji receive 1s. 8d. per task averaging 6 hours *plus* bonus at the rate of 6d. per week of 5½ days. They are housed and allowed the privilege of purchasing foodstuffs at landed cost. The latter privilege which is based on a statutory ration, is worth 1s. 6d. to 1s. 9d. per week. The labourers employed by the Company in mills which crush sugar for an average of 6 months in the year, receive at the end of the crush a bonus of £4 5s. to £4 10s. according to the locality of the mill. About 1,000 Indian labourers are employed on copra estates where they receive from 2s. 6d. to 8s. per day and are also housed.

SPECIAL REPRESENTATION OF INDIAN LABOURERS IN THE CEYLON LEGISLATURE.

153. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the second supplementary question to starred question No. 141 regarding the representation of Indians in the Ceylon Legislature asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they propose to make an inquiry whether there is any special representation of Indian labourers in the Ceylon Legislature?

Mr. J. W. Bhore: It has been ascertained that both the Indian members of the Ceylon Legislative Council represent the entire body of non-domiciled Indians in Ceylon including Indian labourers and not any particular section of the community.

RAILWAY CONNECTION BETWEEN MUZAFFARPUR AND SITAMARHEE.

154. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table in reply to starred question No. 151(a) asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they propose to consider the desirability of asking the railway authorities to place the line from Muzaffarpur to Sitamarhee in the list of projects likely to be taken up in the near future?

Mr. G. G. Sim: The line is already included in the programme of new lines likely to be considered for construction in the near future in Bihar and Orissa.

Khan Bahadur Sarfaraz Hussain Khan: May I know what "near future" means?

Mr. G. G. Sim: I mean exactly what the Honourable Member means when he uses these words in his question. I presume he knows himself that on each railway line system a complete list is prepared of all projects that are worth considering; and when that list is complete the railway authorities then appoint a staff sufficient to arrange for the survey and the carrying out of the construction. It is impossible for me to say when the line will be constructed because the survey has not been completed.

Mr. Gaya Prasad Singh: Are Government aware that the want of railway connection between Muzaffarpur and Sitamarhee is a matter of great public inconvenience since Muzaffarpur is the district headquarters of the Sitamarhee sub-division?

Mr. G. G. Sim: Sir, I have no doubt whatever that I may take the Honourable Member's word for it that Muzaffarpur is the headquarters of the sub-division; but that has little to do with the question as to whether the construction of this particular line is more urgent than the construction of other lines on this particular system.

CONSERVANCY ARRANGEMENTS IN THE SABATHU CANTONMENT.

155. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 156 regarding conservancy arrangements in the Subathu Cantonment, asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government be pleased to state if the inquiries as indicated in their reply have been completed?

(b) If completed, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes, Sir.

(b) A copy of my letter dated 15th December, 1925, to Lal Duni Chand, M.L.A., is laid on the table.

D. O. No. 496-S.

Army Department.

Delhi, the 15th December 1925.

DEAR LALA DUNI CHAND,

With reference to the reply given by me in the Legislative Assembly on the 27th August 1925 to your starred question No. 156, I forward herewith a statement showing the information desired by you in regard to the house scavenging services in the Sabathu Cantonment. I also forward herewith a copy of Army Department letter No. 30513/3 (A. D.), dated the 11th December 1925, from which it will be seen that instructions have been issued for the provision of a suitable number of public rubbish bins within the limits of the cantonment.

Yours sincerely,
(Sd.) E. BURDON.

To
Lala Duni Chand, M.L.A.,
Ambala.

(a) Yes.

(b) The facts are generally as stated by the Honourable Member. The difference in arrangements for bungalows and bazar houses is due to the fact that bazar houses have practically no compounds and that latrines in these houses are mostly situated inside. In practically all cantonments similar arrangements exist for the removal of filth from private latrines in bazars. Moreover, the number of bazar houses having latrines is small, the bulk of the population using the cantonment public latrines.

(c) The sanitary condition of the bazar has generally been reported upon as satisfactory by the medical authorities and no complaints have so far been received of any public inconvenience such as the Hon'ble Member has indicated, except in one case which was dealt with under Section 135, Cantonments Act, 1924.

(d) As the cantonment authority is rendering house scavenging services for the bazar suitable to the circumstances the tax is correctly levied. The rate of the tax recovered on bazar houses is less than that on bungalows.

(e) There has been one prosecution only for insanitary premises during the past 15 months, and the matter was dealt with under the rule quoted in part (c) above.

Cantonments-Taxation.

No. 30513/3 (A. D.)

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

Simla, the 11th December 1925.

To
The General Officer Commanding-in-Chief,
Northern Command.

SUBJECT :—*House Scavenging Tax in the Sabathu Cantonment.*

SIR,

I am directed to refer to the correspondence ending with your letter No. 26801/Q.-4, dated the 19th August 1925, on the above subject and to say that it would appear from the report submitted by the Executive Officer, Sabathu, that no receptacle for rubbish is provided in that cantonment by the cantonment authority. I am accordingly to invite attention to section 132 of the Cantonments Act, 1924, and to suggest that instructions may be issued to the cantonment authority for the provision of a suitable number of public rubbish bins in the cantonment. I am also to request that the Deputy Inspecting Officer, Military Lands and Cantonments, may be instructed to satisfy himself, at his annual inspection of the Sabathu cantonment, that necessary action in this respect has been taken.

I am, SIR,
Your most obedient servant,
(Sd.) F. G. MOORE,
Lieut.-Colonel,
Ast. Secy. to the Govt. of India.

TRANSFER BY THE EASTERN BENGAL RAILWAY OF THEIR TRAFFIC CENTRE
FROM GOALUNDO TO KHULNA.

156. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 165 asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if detailed recommendations have been put forward?

(b) If so, will they please state what those recommendations are?

Mr. G. G. Sim: (a) No, not yet.

(b) Does not arise.

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES
COMMITTEE.

157. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 168 (b) asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they have arrived at a decision with regard to the Report of the Indian Auxiliary and Territorial Forces Committee that was under their consideration, as indicated in their reply?

(b) If they have, do they propose to consult this House before giving effect to their conclusions?

Mr. E. Burdon: (a) The attention of the Honourable Member is invited to the reply which I gave to his starred question No. 29, on the 21st January, 1926.

(b) Does not arise.

APPOINTMENT OF A ROYAL COMMISSION TO INVESTIGATE INTO THE WORK-
ING OF THE MONTAGU-CHELMSFORD REFORMS.

158. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Royal Commission" published in the issue of the *Forward* of the 2nd December, 1925, page 4?

(b) If so, will they please state if the statement "His Majesty's Government have decided on the sending of a Royal Commission to India to investigate into the working of the Montagu-Chelmsford Reforms and to report on changes considered necessary," made therein is correct?

The Honourable Sir Alexander Muddiman: (a) Government have seen the statement referred to.

(b) As far as they are aware it is not correct.

THE CURRENCY COMMISSION.

159. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Currency Commission" published in the issue of the *Forward* of the 2nd December, 1925, page 5?

(b) If so, will they please state whether the statement made therein is correct?

The Honourable Sir Basil Blackett: The answer to both parts of the question is in the affirmative.

EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE
RECOMMENDATIONS OF THE LEE COMMISSION.

160. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 184 (2) regarding the recommendations of the Lee Commission, asked in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if the information has been collected?

(b) If so, will they please furnish it to the House?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the statement laid on the table in reply to his own question No. 96.

EQUALISATION OF THE TRAVELLING AND HALTING ALLOWANCES OF THE
MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

161. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 200(c) asked in the meeting of the Legislative Assembly held on 27th August, 1925, regarding the equalisation of the travelling and halting allowances of Members of the Council of State and the Legislative Assembly, will Government please state if they have considered the matter?

(b) If they have, will they please communicate the result to the House?

Mr. L. Graham: (a) Yes.

(b) Government have decided to await the result of a Resolution, notice of which has been given by a non-official Member in the Council of State.

RESERVATION OF FIRST CLASS COMPARTMENTS BY MEMBERS OF THE
COUNCIL OF STATE.

162. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the first supplementary question on starred question No. 200 asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state how many Honourable Members of the first Council of State availed themselves of the option of reserving a first class compartment?

Mr. L. Graham: The compilation of statistics for the whole period of existence of the dissolved Council of State would involve, it is considered, an amount of labour disproportionate to the value of the result. The figures for the last Delhi and Simla Sessions which may be taken as approximately typical were as follows: Delhi; up-journey 13, return journey 16; Simla; up-journey 12, return journey 14.

WAGES OF MILL HANDS IN BOMBAY.

163. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Bombay Mills Situation. Wage Cut Restored" published in the issue of the *Forward* of the 2nd December, 1925, page 5?

(b) If so, will they please state if the statement made therein is correct?

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

(b) The Government of India have no reason to doubt the accuracy of the statement.

THE IMPERIAL CADET CORPS.

164. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 982(a) asked in the meeting of the Legislative Assembly held on 16th September, 1925, regarding the Imperial Cadet Corps, will Government please state the reasons for their forming the Imperial Cadet Corps in 1901 and the reasons why it ceased to exist in 1915?

Sir Denys Bray: The Imperial Cadet Corps was organized with the main object of providing a military training for selected members of the Indian aristocracy. It was closed in 1915 owing to the departure of the Commandant on active service and the difficulty in providing any other officer to take his place. That the Corps was not restarted after the war was largely due to the adoption of a more comprehensive scheme for enabling Indians to qualify for the King's commission, and it is in the buildings formerly occupied by the Corps that the Prince of Wales' Royal Military College has been established.

Mr. Gaya Prasad Singh: Why was the expenditure incurred out of the Indian revenues with regard to the Imperial Cadet Corps which, I understand, was meant only for Indian States.

Sir Denys Bray: The Honourable Member's understanding is not correct. As I said, it is open to the Indian aristocracy, who, I am glad to say, are not confined to Indian States.

EXPENDITURE ON THE IMPERIAL CADET CORPS.

165. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 982(b) asked in the meeting of the Legislative Assembly held on 16th September, 1925, will Government please furnish the information to the House if collected?

Sir Denys Bray: The total expenditure from Indian revenues on the Imperial Cadet Corps from the date of its inception was Rs. 11,41,264.

EXPENDITURE ON THE ARMY IN INDIA.

166. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state whether it was resolved in the Brussels' Conference that a nation that spends more than 20 per cent. of its gross revenue upon its Army is riding for a fall?

(b) What ratio of the non-commercial revenue of the Central Government is annually spent upon the upkeep of its Army?

The Honourable Sir Basil Blackett: (a) As there seems to be considerable absence of clearness about the references frequently made to the Brussels Conference, I lay on the table a copy of those resolutions of that Conference which dealt with public finance. The Honourable Member will find that his version is not supported by the text.

(b) The comparison made at the Brussels Conference was between the average expenditure upon armaments of various nations with their total national expenditure. In the case of India, it would, of course, include expenditure of the Provincial Governments. For the year 1924-25 the total national expenditure of India, including that of the Provincial Governments

but excluding the working expenses of the Railways, and of the Posts and Telegraphs and Irrigation Departments, was approximately Rs. 208·62 crores. The military expenditure was approximately Rs. 55·69 crores, which amounts to 27 per cent. of the former figure.

INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS (1920).

RESOLUTIONS.

1.—*Resolutions proposed by the Commission on Public Finance and adopted unanimously by the Conference.*

I.

Thirty-nine nations have in turn placed before the International Financial Conference a statement of their financial position. The examination of these statements brings out the extreme gravity of the general situation of public finances throughout the world, and particularly in Europe. Their import may be summed up in the statement that three out of every four of the countries represented at this Conference, and eleven out of twelve of the European countries, anticipate a Budget deficit in the present year. Public opinion is largely responsible for this situation. The close connection between these Budget deficits and the cost of living, which is causing such suffering and unrest throughout the world, is far from being grasped. Nearly every Government is being pressed to incur fresh expenditure; largely on palliatives which aggravate the very evils against which they are directed. The first step is to bring public opinion in every country to realise the essential facts of the situation and particularly the need for re-establishing public finances on a sound basis as a preliminary to the execution of those social reforms which the world demands.

II.

Public attention should be especially drawn to the fact that the reduction of prices and the restoration of prosperity is dependent on the increase of production, and that the continual excess of Government expenditure over revenue represented by Budget deficits is one of the most serious obstacles to such increase of production as it must sooner or later involve the following consequences :

- (a) Further inflation of credit and currency.
- (b) A further depreciation in the purchasing power of the domestic currency, and a still greater instability of the foreign exchanges.
- (c) A further rise in prices and in the cost of living.

The country which accepts the policy of Budget deficits is treading the slippery path which leads to general ruin; to escape from that path no sacrifice is too great.

III.

It is therefore imperative that every Government should, as the first social and financial reform, on which all others depend :

- (a) Restrict its ordinary recurrent expenditure, including the service of the debt to such an amount as can be covered by its ordinary revenue.
- (b) Rigidly reducing all expenditure on armaments in so far as such reduction is compatible with the preservation of national security.
- (c) Abandon all unproductive extraordinary expenditure.
- (d) Restrict even productive extraordinary expenditure to the lowest possible amount.

IV.

The Supreme Council of the Allied Powers in its pronouncement on March 8th declared that " Armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security and that the League of Nations should be invited to consider, as soon as possible, proposals to this end ". The statements presented to the Conference show that, on an average, some 20 per cent. of the national expenditure is still being devoted to the maintenance of armaments and the preparations for war. The Conference desires to affirm with the

utmost emphasis that the world cannot afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity; and in order to secure that result the whole resources of each country must be devoted to strictly productive purposes.

The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperilling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.

V.

While recognising the practical difficulties in the way of immediate action in all cases, the Conference considers that every Government should abandon at the earliest practicable date all uneconomical and artificial measures which conceal from the people the true economic situation; such measures include:

- (a) The artificial cheapening of bread and other foodstuffs, and of coal and other materials by selling them below cost price to the public, and the provision of unemployment doles of such a character as to demoralise instead of encouraging industry.
- (b) The maintenance of railway fares, postal rates and charges for other government services on a basis which is insufficient to cover the cost of the services given, including annual charges on capital account.

VI.

In so far as, after every effort has been made, it is impossible to cut down expenditure within the limits of existing revenues, fresh taxation must be imposed to meet the deficit and this process must be ruthlessly continued until the revenue is at least sufficient to meet the full amount of the recurrent ordinary expenditure. The Conference considers that the relative advantages of the various possible means of increasing the national revenue, whether by direct or indirect taxation or by a capital levy (to be devoted to the repayment of debt), depend upon the special economic conditions obtaining in each country, and that in consequence each country must decide for itself on the methods which are best suited to its own internal economy.

VII.

If the above principles are accepted and applied, loans will not be required for recurrent ordinary expenditure; borrowing for that purpose must cease. In a number of countries, however, although the ordinary charges can be met from revenue, heavy extraordinary expenditure must at the present time be undertaken on capital account. This applies more especially in the case of those countries devastated during the war, whose reconstruction charges cannot possibly be met from ordinary receipts. The restoration of the devastated areas is of capital importance for the re-establishment of normal economic conditions; and loans for this purpose are not only unavoidable but justifiable. But in view of the shortage of capital it will be difficult to secure the sums required even for this purpose, and only the most urgent schemes should be pressed forward immediately.

VIII.

The means by which loans are raised are no less important than the purposes for which they are destined. In future the loans which are required for urgent capital purposes must be met out of the real savings of the people. But those savings have, as it were, been pledged for many years ahead by the credits created during the war, and the first step to raising fresh money must be to fund the undigested floating obligations with which the markets are burdened. These principles apply both to internal and to external borrowing, and in regard to the latter we suggest that it would be in the general interest for the creditor countries to give such facilities as may be possible to the debtor countries to fund their floating obligations at the earliest possible date.

IX.

In order to enlist public interest, it is essential to give the greatest publicity possible to the situation of the public finances of each State.

The Conference is, therefore, of the opinion that the work already accomplished by the Secretariat in its comparative study of public finances should be continued, and it suggests that the Council of the League of Nations should request all its Members and all the nations represented at this Conference to furnish it regularly not only with Budget estimates and final Budget figures, but also with a half-yearly account of actual receipts and expenditure. At the same time, countries should be urged to supply as complete information as is possible on the existing system of taxation, and any suggestions which may appear to each State to be useful for the financial education of the public opinion of the world.

With the aid of the information thus obtained, the League of Nations would be enabled to prepare pamphlets for periodical publication setting out the comparative financial position of the countries of the world, and making clear the various systems of taxation in force.

X

The Conference is of opinion that the strict application of the principles outlined above is the necessary condition for the re-establishment of public finances on a sound basis. A country which does not contrive as soon as possible to attain the execution of these principles is doomed beyond hope of recovery. To enable Governments, however, to give effect to these principles all classes of the community must contribute their share. Industry must be so organised as to encourage the maximum production on the part of capital and labour, as by such production alone will labour be able to obtain those improved conditions of life which it is the aim of every country to secure for its people. All classes of the population, and particularly the wealthy, must be prepared willingly to accept the charges necessary to remedy the present situation. Above all, to fill up the gap between the supply of and the demand for commodities, it is the duty of every patriotic citizen to practise the strictest possible economy and so to contribute his maximum effort to the common weal. Such private action is the indispensable basis for the fiscal measures required to restore public finances.

Mr. N. M. Joshi: Is the Honourable Member aware that this 27 per cent. is more than the ratio fixed by the Brussels Conference?

The Honourable Sir Basil Blackett: I would suggest to the Honourable Member that he should read the Resolutions of the Brussels Conference and see whether that is so.

Mr. A. Rangaswami Iyengar: May I know, Sir, if, when arriving at this percentage, the expenses of the Local Government are added, then why should we not add the expenses of the municipal Government or town Government?

The Honourable Sir Basil Blackett: I should like to ask the Honourable Member why he thinks they should not.

Mr. A. Rangaswami Iyengar: For the simple reason that the military force or the army administration does not belong to the Provincial Governments at all.

The Honourable Sir Basil Blackett: I do not think, Sir, if I may answer his original question, that that is a sufficient answer.

EXPENDITURE ON THE ARMY FROM 1910 TO 1925.

167. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to lay on the table a comparative statement showing the annual revenue and expenditure from 1910 to 1925 on the Army, including Frontier Military Police and Militia, cost of strategic railways, roads and buildings, and all expenditure incurred in the upkeep of military hill stations, *e.g.*, Murree, Dalhousie, Lansdowne and Chakrata and all other expenditure incurred primarily in support of the Army?

(b) If the answer takes account of the Provincial revenues, will the Government be pleased to state the contribution which they receive from the Provincial revenues towards their military charges?

The Honourable Sir Basil Blackett: (a) I would invite the attention of the Honourable Member to the reply given by me to a similar question put by him on the 3rd July, 1923 (*vide* page 4127 of the Assembly Debates, Volume III). Since then the net military expenditure has dropped from 65.27 crores in 1922-23 to 56.23 crores in 1923-24 and 55.68 crores in 1924-25. I am not able to give information not contained in the Finance and Revenue Accounts.

(b) The Government of India do not receive from Provincial revenues any contributions earmarked to meet military charges.

RECOMMENDATIONS OF THE INDIAN TERRITORIAL FORCES COMMITTEE.

168. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state whether they have come to any decision on the recommendations of the Indian Territorial Forces Committee?

(b) Has the maximum strength of 20,000 fixed for the Indian Territorials been removed?

(c) If so, will the Government be pleased to publish the orders making the same widely known?

(d) If not, will the Government account for the delay in view of the fact that the Committee published their report as far back as the 23rd January, 1925?

Mr. E. Burdon: (a) The attention of the Honourable Member is invited to the reply which I gave to Khan Bahadur Sarfaraz Hussain Khan's question No. 29 on the 21st January.

(b) No.

(c) Does not arise.

(d) In view of the importance of the subject, Government do not consider that an unduly long time has been spent in examining the recommendations of the Committee either by the Local Governments or by themselves.

DIVISIONAL ACCOUNTANTS.

169. ***Mr. Chaman Lall:** (a) Will the Government please state if there was any distinction made between divisional accountants *with* substantive appointments and divisional accountants *without* substantive appointments in respect of their pay and allowances and duties prior to 1st April, 1922?

(b) Was promotion to the permanent cadre of divisional accountants prior to 1st April, 1922, made from the temporary accountants *with* and *without* substantive appointments in order of their seniority which was fixed according to the date of their appointments as temporary accountants?

(c) If the answer is that there was no distinction made prior to 31st March, 1922, will Government please state if a distinction has been made since, and if so, why?

(d) Are Government prepared to redress the case of the class so affected?

The Honourable Sir Basil Blackett: Inquiry is being made.

DIVISIONAL ACCOUNTANTS OF THE MILITARY WORKS SERVICES.

170. ***Mr. Ohaman Lall:** (a) With reference to the answer given in the Legislative Assembly to unstarred question No. 160 (b) on the 14th September, 1925, will Government please place on the table a copy of the letter in which the divisional accountants of the Military Works Services amalgamated into the Military Accounts Department, were informed of the decision that they were required to pass the Subordinate Accounts Service Examination of the Military Accounts Department in addition to the qualifications already possessed by them before they could be designated as accountants?

(b) Will the Government please state how many chances of passing the examination occurred after the circulation of this letter to them?

(c) Will Government please state whether they are prepared to promote the divisional accountants of the Military Works Services who have qualified themselves in the Subordinate Accounts Service of the Military Accounts Department irrespective of the consideration of the dates of passing the examination?

The Honourable Sir Basil Blackett: (a) A copy of paragraph 6 of Finance Department letter No. 224-Accounts, dated 7th March, 1922, which deals with the point referred to by the Honourable Member is placed on the table.

(b) 3 ordinary (and 1 special) examinations.

(c) The answer is in the negative.

Copy of paragraph 6 of Finance Department letter No. 224-Accounts, dated the 7th March, 1922.

6. In the grade of accountants also, thirty appointments will, for the present, be earmarked for Military Works Accounts, viz.:

Peshawar	...	...	...	...	3
Kohat	...	...	...	...	1
Rawalpindi	...	...	...	...	3
Lahore	...	...	...	...	3
Waziristan	...	...	...	...	3
Baluchistan	...	...	...	...	3
Sind-Rajputana	...	...	...	...	1
United Provinces	...	...	...	...	4
Allahabad	...	...	...	...	1
Central Provinces	...	...	...	...	2
Bombay	...	...	...	...	1
Poona	...	...	...	...	3
Madras	...	...	...	...	1
Presidency	...	...	...	...	1

30

If these accountants have passed the test for promotion to the old second grade of Public Works Accountants or the Subordinate Accounts Service examination, they will be treated for the purposes of pay and allowances, as accountants in the Military Accounts Department in the roster for whom they will be assigned a definite position in accordance with orders which will issue separately, and their initial pay on that roster will be fixed subject to the prescribed maximum and minimum and efficiency bars, at the stage next above the pay and allowances which they were in receipt of on 1st April, 1922. Two places out of the 30 (viz., 1 at Poona and 1 at Meerut) should be earmarked for two Public Works Accountants (Messrs. C. S. N. Murti and J. G. Mustafi) who have passed the test for promotion to the old second grade

and are now employed in the office of the Controller of War Accounts, and who will be set free as soon as the pressure of work in that office subsides. Their initial pay on the roster will be fixed at Rs. 410 and Rs. 390 respectively, from 1st April, 1922. If 28 Military Works Accountants, who have passed the test for promotion to the old second grade of Public Works Accountants are not available for the remaining appointment, the deficiency will be made good by the appointment, as probationary accountants, of selected Military Works Accountants who have not yet passed the tests referred to above and whose confirmation in the roster of Accountants of the Military Accounts Department will depend on their passing those tests by the end of 1925. Other accountants and clerks now employed in connection with Military Works Accounts will be brought on the roster of clerks in the Military Accounts Department in appropriate position, and their initial pay fixed in the same way as for accountants. If, however, in any case the pay and allowances excluding temporary war allowances admissible under existing orders to an accountant or a clerk holding a permanent or a temporary appointment in the old organisation of Military Works Accounts are more than those admissible to him under the arrangement described above, or if the individual prefers to retain his existing rate of pay and allowance, he will be entitled to continue to receive the pay and allowances admissible under such existing orders.

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PAY OF DIVISIONAL ACCOUNTANTS.

171. ***Mr. Chaman Lal:** (a) Will Government please state whether the present Subordinate Accounts Service Examination of the Military Accounts Department is considered equivalent to the old second grade examination of the Public Works Department?

(b) If the answer to the above is in the affirmative, will Government please state what pay a divisional accountant got who had passed the 2nd grade examination on his appointment as senior accountant previous to amalgamation and what pay a divisional accountant who has now passed the Subordinate Accounts Service Examination is to get when absorbed as an accountant in the Military Accounts Department?

(c) Will Government please state whether the divisional accountants after passing the Subordinate Accounts Service Examination will be allowed to start on the pay equivalent to the minimum pay granted to the II grade accountants of the late Military Works Services which they would have received on passing had they not been amalgamated with the Military Accounts Department? If not, why not?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) (i). Rs. 270 in the grade of Rs. 270—20—450.

(ii). Rs. 210, or pay at the stage next above their pay on the date of their promotion to the accountant's grade, whichever is greater.

(c) No. They were neither members of the Subordinate Accounts Service of the Civil Accounts Department nor qualified for admission to that service on the date of their transfer to the Military Accounts Department. They must therefore come under the rules governing pay and other conditions pertaining to the Subordinate Accounts Service of the Military Accounts Department from the date of their transfer to that Department.

FILLING UP OF VACANCIES OF ACCOUNTANTS IN THE MILITARY WORKS ACCOUNTS.

172. ***Mr. Chaman Lal:** (a) With reference to the answer to unstarred question No. 162, given in the Legislative Assembly on the 14th September, 1925, will the Government please state whether qualified men with Military Works Accounts experience are now available amongst the divisional accountant's class by the passing of the Subordinate Accounts Services Examination of the Military Accounts Department?

(b) If so, do Government intend to fill up the vacancies of the posts created exclusively for the Military Works Accounts caused by the reversion of those who failed to pass the Subordinate Accounts Services Examination or otherwise by such of the divisional accountants who have since qualified as accountants of the Military Accounts Department?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) The answer is in the negative.

PAY OF DIVISIONAL ACCOUNTANTS POSTED TEMPORARILY TO MILITARY ENGINEERING OFFICES.

173. ***Mr. Ohaman Lall:** (a) Is it a fact that Government had sanctioned consolidated rates of pay for the personnel attached to the newly formed districts of Military Works Services (since abolished) for the construction of roads in Waziristan beyond the external boundary of British India?

(b) Is it a fact that the sanction provided special rates of pay for Royal Engineer officers, Military Works subordinates, accountants, and clerks, etc., attached to these formations?

(c) Is it a fact that these special consolidated rates of pay were admitted in audit to Royal Engineer officers and all other personnel irrespective of their rank and pay drawn in British India with the exception of only divisional accountants?

(d) Is it a fact that by this distinction the divisional accountants attached to those formations were getting less pay than the clerks working immediately under them?

(e) If the answer is in the affirmative, will Government please state the circumstances under which the divisional accountants only were deprived of the special rates of pay granted to all other classes of establishment including officers, and are Government prepared to take steps to remove this apparent anomaly?

The Honourable Sir Basil Blackett: (a), (b) and (c). The answer is in the affirmative.

(d) Yes, in some cases.

(e) The divisional accountants in question are borne on the roster of the Military Accounts Department and have been posted temporarily to Military Engineering offices. The rates of pay admitted to them cannot be regulated with reference to the pay and allowances of clerks of Military Engineering offices who are borne on the roster of another Department. The Government are not prepared to make any change in the existing practice.

REPORT OF THE INDIAN TERRITORIAL FORCES COMMITTEE.

174. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether the final orders of the Government of India and the Secretary of State have been passed on the report of the Indian Territorial Forces Committee, and, if so, whether they propose to place such orders on the table?

Mr. E. Burdon: This question has already been answered.†

†Vide answer to question No. 29 on the 21st January, 1926.

175.*

DEPUTATION TO THE ANDAMANS.

176. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 4th December, 1925, page 3, under the heading "Andaman Deputation"?

(b) If so, will they please state if the news is correct?

(c) If correct, will they please state the names of the persons forming the deputation?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) It is a fact that Government agreed to a small deputation visiting the Andaman Islands at Government expense with a view to seeing for themselves the conditions of the Mapilla villages in the Islands.

(c) The deputation consisted of the following gentlemen:

Mahmood Schamnad Sahib Bahadur, M.L.A.

Syed Murtuza Sahib Bahadur, M.L.A.

Mir. Abbas Ali Khan Bahadur, M.L.C.

Dr. Mugaseth, a medical practitioner in Malabar.

Mr. A. Rangaswami Iyengar: May I know if Government have since received the Report of the Committee?

The Honourable Sir Alexander Muddiman: No, Sir. I have received a communication from one of the members, but I have not yet received a report.

Mr. K. Ahmed: What was the object of sending that deputation after the Honourable the Home Member had himself visited the place?

The Honourable Sir Alexander Muddiman: The object is very obvious, that they should confirm the view that I took of the case.

Mr. K. Ahmed: Do I understand that the Honourable Member went there with a different object, and having been disappointed in it, he decided to send a deputation?

The Honourable Sir Alexander Muddiman: The Honourable Member is entirely wrong in his deductions and in his facts.

Mr. K. Ahmed: Is it not a fact, Sir, that the Honourable the Home Member went there for the purpose of making it an Anglo-Indian colony meant entirely for Anglo-Indians?

The Honourable Sir Alexander Muddiman: The Honourable Member is again wrong in his facts.

Mr. K. Ahmed: If that is not so, will the Honourable the Home Member enlighten the House with what object the deputation was sent? I maintain and say that the Honourable Member having been disappointed he found

Mr. President: Order, order. The Honourable Member cannot make a speech. Will he put a question?

Mr. K. Ahmed: He found that the

Mr. President: Will the Honourable Member put a question?

*Answered along with question No. 6 on the 21st January, 1926.

Mr. K. Ahmed: Is it not a fact, Sir, that he found that it would be better for him to send a new deputation of some Madras people in the hope that, if the convicted Moplas were sent there they could cultivate the land for the white people, and that would serve his purpose?

The Honourable Sir Alexander Muddiman: None of these are facts.

Mr. K. Ahmed: What was the object of sending a deputation from Madras?

The Honourable Sir Alexander Muddiman: What was the object in what? Will the Honourable Member say what was the object in what?

Mr. K. Ahmed: Is the Honourable Member aware that the All-India Moslem League passed a resolution condemning the action of the Home Department of the Government of India?

The Honourable Sir Alexander Muddiman: No, I am not aware of that.

Mr. K. Ahmed: Is the Honourable Member aware that the All-India Moslem League condemned the action of the Government of India in attempting to get the Andamans colonised by the Moplas? Is it not so? Did they receive a copy of the resolution passed by the All-India Moslem League at Aligarh?

The Honourable Sir Alexander Muddiman: I did, Sir; I am reading it.

Mr. K. Ahmed: Did not the All-India Moslem League condemn the action of the Government and unanimously pass a resolution to that effect?

THE SOUTH AFRICAN AREAS RESERVATION AND IMMIGRATION AND REGISTRATION
(FURTHER PROVISION) BILL.

Diwan Bahadur M. Ramachandra Rao: Sir, I wish to ask a question, of which, with your permission, I gave private notice to the Honourable Member in charge of the Department:

(1) Will the Government be pleased to state whether it is true that the Areas Reservation and Immigration and Registration (Further Provision) Bill has been set down for consideration in the Union Parliament of South Africa for the 22nd January, 1926, and that if the Bill is not coming up for consideration on that date will the Government be pleased to state whether they have any information as to the probable date on which the Bill is likely to come up for consideration in the Union Parliament?

(2) Will the Government be pleased to state whether any representation has been made to the Union Government to postpone the consideration of the Bill till after the receipt of the report of the Paddison Deputation and to state the result, if any, of such representation?

(3) Have the Government perused Mr. C. F. Andrews' cable, dated January 16th, and published in the *Hindustan Times* of 20th January? Will the Government be pleased to make a statement as to what prospects there are for the postponement of the Bill?

Mr. J. W. Bhore: It has been ascertained that the Areas Reservation and Immigration and Registration (Further Provision) Bill will be re-introduced during the present session of the Union Parliament which commenced on the 22nd January. It is understood that the first reading will probably be taken within the first fortnight of the session.

2. The Government of India asked the Union Government to postpone further progress of the Bill until they are in a position to place their considered suggestions before the Union Government as a result of the

investigations of the Indian deputation to South Africa. The Union Government were unable to undertake to postpone legislation to an extent that might make it impossible for them to deal with the Asiatic question during the current session, but they have informed the Government of India that some time must necessarily elapse before the second reading stage is reached and hope that this will give the deputation as much time as they required for their investigation.

3. Yes: the Honourable Member's attention is invited to the statement on the subject made by His Excellency the Viceroy in opening the Session of the Legislative Assembly on the 20th January, 1926.

Mr. M. A. Jinnah: May I know, Sir, whether the Indian deputation is expected to return between the first reading and the second reading of the Bill in the Union Parliament?

Mr. J. W. Bhole: To return to India?

Mr. M. A. Jinnah: Yes.

Mr. J. W. Bhole: Certainly not, Sir. They will make their representations to us by telegram.

Mr. M. A. Jinnah: Is it intended, Sir, that the Indian deputation should appear before the Select Committee, if the Bill is referred to a Select Committee by the Parliament of the South African Government?

Mr. J. W. Bhole: I would prefer not to reply to that question at this stage. The whole question is really in a state of flux. We want to get all the information we can from the deputation and then we hope we shall be in a position to make a considered statement to the Union Government before they take up the second reading of the Bill.

Mr. M. A. Jinnah: The point of my question is this. Is it contemplated that at any stage of this Bill before the Union Parliament the Indian deputation is expected to appear before the Select Committee?

Mr. J. W. Bhole: As I have already stated, Sir, the Select Committee stage has not yet been reached. We do not yet know whether a Select Committee will be appointed. When that question arises, then we shall take a decision on the point raised by my Honourable friend.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member if this deputation is expected to report on the principle of this Bill?

Mr. J. W. Bhole: The full objects of the deputation and the reasons why the deputation was sent have been already most clearly explained in the communiqués issued by the Department.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether, so far as the deputation has gone with credentials and instructions from the Government of India, it is within the terms of their duties to appear before the Select Committee if necessary and tender evidence?

Mr. J. W. Bhole: The Honourable Member is in a position to draw his own conclusions from the statements that we have made in the communiqués already issued in regard to the duties of this deputation. We have made a full statement.

Mr. A. Rangaswami Iyengar: Is it not possible for the Government to state categorically whether it is possible or it is not possible for this deputation to tender evidence in any circumstances that may arise?

Mr. J. W. Bhole: I do not understand what the Honourable gentleman means by saying "tender evidence."

Mr. A. Rangaswami Iyengar: May I explain, Sir? When the South African Union Parliament accepts the principle of the Bill and is dealing with the clauses it is possible that they will be prepared to hear evidence in regard to the provisions of the Bill so as to make any changes that the Indian Government or the South African settlers—which I do not trust they will—may want to introduce into the clauses of the Bill. I want to know whether the Government of India have contemplated the contingency of having to tender evidence or make some representations before the Select Committee at the stage of second reading in regard to the clauses of the Bill itself or whether they are content merely with objecting to the principle of the Bill or to its passage with those principles?

Pandit Madan Mohan Malaviya: We do not desire the deputation to appear before the Select Committee.

Mr. A. Rangaswami Iyengar: I am asking the Government whether they have it in contemplation.

Pandit Madan Mohan Malaviya: I hope, Sir, the Honourable Member will be able to say that the deputation shall not appear before the Select Committee of the South African Parliament.

Mr. A. Rangaswami Iyengar: That is exactly what I am saying.

Mr. J. W. Bhoré: I have already answered this question more than once this morning. I again wish to say that the Select Committee stage has not yet been reached and we do not even know whether a Select Committee will be appointed.

Mr. M. A. Jinnah: Is the Honourable Member aware of the statement made by the South African Minister in which he says that a round table conference was refused by the Union Government on the ground of making a concession on the essential principles "but we welcome"—these are the words I want to bring to the notice of the Honourable Member—"but we welcome the Indian deputation as it would have an opportunity of giving evidence before the Select Committee on the anti-Asiatic Bill". I want the Honourable Member to tell the House whether, in view of this invitation which welcomes the Indian deputation to give evidence before the Select Committee, if ever one is appointed, the Government of India propose to instruct the deputation to appear before the Select Committee.

Mr. J. W. Bhoré: The Honourable Member must realise that we cannot at this stage give him a definite and categorical reply to that question. We must shape our procedure in accordance with events as they shape themselves.

Mr. M. A. Jinnah: I again wish the attention of the Honourable Member to be drawn to this. If the Union Parliament adopt the principle of this Bill, will Government in that case allow the deputation to give evidence before the Select Committee?

Mr. J. W. Bhoré: I have already informed the Honourable Member that I am not in a position to give him a definite statement on that point at the present moment.

Pandit Shamlal Nehru: In case the South African Government decide to proceed with the Bill and pass it into law, what action do the Government of India propose to take in the matter?

Mr. President: That is a hypothetical question.

ELECTIONS OF THE COMMITTEE ON PUBLIC ACCOUNTS AND THE STANDING FINANCE COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move that this Assembly do proceed to elect eight members to be members of the Committee on Public Accounts.

This Committee will deal with the Appropriation Accounts of the year 1924-25.

The motion was adopted.

The Honourable Sir Basil Blackett: Sir, I beg to move that this Assembly do proceed to the election for the financial year 1926-27, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number to which shall be added a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee.

The motion was adopted.

Mr. President: With reference to the two decisions just come to by the Assembly, I may inform the House that for the purpose of the elections of these two Committees, namely, the Public Accounts Committee and the Standing Finance Committee, the Assembly office will be open to receive nominations up to 12 Noon on Friday, the 29th January. The elections will take place in this Chamber on Monday, the 1st February. The election of members to both Committees will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL.

APPOINTMENT OF SIR DARCY LINDSAY TO THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I do not move the first motion* that stands in my name because I understand there will be a Chairman for the Committee. I therefore move with your permission the second motion that Sir Darcy Lindsay be appointed to the Select Committee on the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act. The sole object of this motion is to enable the Select Committee to have a Chairman.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move for leave to introduce a Bill to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908.

* "That Nawab Sir Sahibzada Abdul Qaiyum be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the naturalisation in British India of aliens resident therein."

[Mr. H. Tonkinson.]

On Thursday last, the Honourable the Leader of the House introduced a Bill to deal with the constitution of Bar Councils. That Bill dealt with the majority of the recommendations of the Indian Bar Committee. The present Bill deals with a few distinct recommendations which are quite separable from the proposal to constitute Bar Councils. The recommendations themselves and the manner in which it has been proposed to deal with them are set out in the Statement of Objects and Reasons. Briefly, at the present time under rule 4 of Order III of the Code of Civil Procedure, any pleader appointed to make an appearance in Court, whether he is appointed to plead or act or to plead and act, must produce a duly executed authority to appear, that is, a *vakalatnama*. If, however, the pleader is an advocate of a High Court established under the Indian High Courts Act, 1861, that is, now established under the Government of India Act, or if he is an advocate of a Chief Court who is a Barrister-at-law, then he is not required to produce any document empowering him to act. The Bill refers to pleaders only. Now a "pleader" is defined in section 2 of the Code of Civil Procedure as meaning any person entitled to appear and plead for any other person in Court and includes an advocate, a *vakil* and an attorney of the High Court; that is to say, therefore, the Bill deals with all classes of legal practitioners appearing in civil proceedings. The Bill makes no distinction based on the class of the legal practitioner concerned. It makes a distinction according to the intention with which a pleader has been appointed to appear. If the pleader is appointed to act it is required that he shall produce a *vakalatnama*. If he is appointed to plead only, it is required that he shall produce a memorandum of appearance. The distinction is logical. In the case of a pleader appointed to act, it is clear that he should be authorised by his client, and in the case of a pleader appointed to plead all that is necessary is to have for the convenience of the Court some indication on the record of the legal practitioners appearing in the case. I do not think it is necessary, Sir, at this stage to go into any other points dealt with in the Bill. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: Sir, I introduce the Bill.

THE LEGAL PRACTITIONERS (FEES) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce a Bill to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties.

This Bill is also a by-product of the Indian Bar Committee's Report. The Indian Bar Committee in paragraph 42 of their Report made the recommendation to which the Bill gives effect. Before framing the Bill we consulted Local Governments and other authorities and their opinion is generally in favour of the principle of the Bill which is a very simple one. It imposes on the legal practitioner a liability and confers on him a corresponding right. Sir, I move.

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I introduce the Bill.

THE INDIAN TRADE UNIONS BILL.

Mr. President: The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 17th September, 1925 :

“ That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as reported by the Select Committee, be taken into consideration.”

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, when I introduced this Bill in this House on the 22nd January, 1925, and later on, on the 4th February, when I asked for leave to refer it to a Select Committee, I explained the reasons which had led Government to bring forward this measure as well as the fundamental principles and important provisions of the Bill as drafted by Government. I do not propose to take up the time of the House by trying to cover again the same ground or to dilate further on these various matters. In the Select Committee we examined the Bill clause by clause with the greatest care. On behalf of Government I am prepared to accept substantially the Bill as modified by the Select Committee subject to certain reservations to which I shall refer later on, as constituting a compromise on the basis of which we can embark on an experiment in this difficult matter. If, however, any further changes of any material character are made by this House in the Bill, Government will have to reconsider its attitude in regard to it.

The first important changes made by the Select Committee in the original Bill is the insertion of the clause which is now numbered 16. This clause provides for the constitution of a separate fund to be formed from optional contributions and to be utilised for expenditure on specified objects for the promotion of the civic and political interests of the members of a Trade Union. I explained to this House on the 4th February last the reasons which had led Government to remove political objects from the purposes upon which the funds of the Trade Union should be expended. I may mention that under the principles of English law the general funds of a Trade Union may be expended on only two classes of objects. The first class consists of purely trade objects, namely, those which deal with wages, hours and working conditions and the regulation of relationships between employers and workmen. The second class consists of the ancillary or benevolent purposes, namely, provision of unemployment, sickness, superannuation and various other classes of benefits. These two classes of objects formed the only purposes upon which the funds of a Trade Union in Great Britain could be expended for a period of over 40 years, namely, from the passing of the Trade Union Act of 1871 down to 1913. They still constitute the only purposes on which the general funds of a Trade Union in Great Britain can be expended. In 1913, however, an enabling Act was passed which permits of expenditure by a Trade Union on specified political objects from a special fund raised by voluntary contributions. The voluntary contributions are raised on the basis of “ contracting out ”, that is to say, a member is exempted from any obligation to contribute to the special fund if he gives notice to that effect. The Select Committee considered carefully the arrangements in regard to a separate political fund which prevail in England, and the objections of the Government of India to the adoption of similar arrangements in India. In the end, a majority evolved a compromise

[Sir Bhupendra Nath Mitra.]

which is incorporated in clause 16 of the Bill now before the House. The provisions of this clause practically follow the English law on the subject except that voluntary contributions will be raised on the basis of "contracting in". Personally I do not like the provisions of the clause, as I am apprehensive that in the present state of education among a large body of workmen, which is far behind the stage that was reached in England in 1913, they may constitute a weapon in the hands of interested persons to exploit the workmen and the effect of such exploitation may not be in the best interests of the latter. I may mention that even in England there is a considerable difference of opinion about the usefulness from a purely trade union point of view of the special political fund; and in this connection I would quote the following from a recent book on Trade Unionism by Mr. W. A. Appleton, a leading British trade unionist, who, I understand, is the General Secretary of the Federation of Trade Unions:

"The old trade unionists declared by their methods that they organized to secure the best possible wages and the best possible conditions. 'If' they said 'we include other objects, we may attempt too much, and we are likely to accomplish too little. While the issues are simple, all our people can understand and voluntarily give their allegiance, but when these issues become complex and demand the sacrifice of traditional beliefs and the acceptance of religious or political dogma, disintegration or compulsory adhesion is invited'.

"The old folks were right. They mostly are, because they reason from experiences endured, as well as from knowledge acquired. Their policy consciously aimed at missing some of the troubles which beset modern trade unionists. To-day, indeed, there are many thousands who feel that the disintegration which threatens trade unionism is the penalty for having mixed up the issues arising out of employment with those arising out of national and international affairs; who believe also that it is difficult to obtain the maximum improvement in wages and working conditions if half one's time and resource is given to promoting internal or external revolution."

On behalf of Government, I am prepared however to let the matter rest where it has been left by the Select Committee and to accept clause 16 without any further amendment, direct or indirect, but subject to a verbal and drafting correction of which I have already given notice.

The second of the important changes made by the Select Committee in the original Bill is in the clause which is now numbered 22. Here the original Bill proposed that a majority of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected. A majority of the Select Committee has altered the words "a majority" at the beginning of the clause to "not less than one-third" giving as their reasons for the change "the low educational level of the ordinary labourer". In the separate minute which I have signed in common with some other members of the Committee, I have given my reasons for dissenting from the view, and I find from his separate minute that Dr. Datta also shares my conclusions. Dr. Datta has tabled an amendment on the subject and I reserve my views until the amendment comes up for consideration.

This brings me to an incidental matter. It will be seen from paragraph 2 of the Select Committee's Report that in the minute of dissent signed by Messrs. Sinha and Goswami the question of extending immunity from criminal or civil liability in cases mentioned in clauses 17 and 18 to unregistered Trade Unions and to persons who are not connected with

registered Trade Unions was brought up before the Select Committee. The Select Committee could not entertain the proposal as it was outside the scope of the Bill which is "to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India". In order to give experienced labour leaders connected with the industry the protection of clauses 17 and 18 of the Bill when engaged in an advisory capacity in any industrial dispute affecting a registered trade union, the Committee however inserted in the Bill the clause which now appears as 6 (e). It is apprehended in some quarters that, if no limitation is imposed on the number of honorary and temporary members, this clause may also operate to have a weakening influence on a registered Trade Union and to retard the growth of self-reliance. I notice that an amendment has been tabled imposing a limitation on the number of these honorary members. Here again I reserve my views until the amendment comes up for consideration.

I also notice from the agenda paper that certain amendments have been tabled which are intended to extend some of the provisions of the Bill to unregistered Trade Unions. These amendments are outside the scope of the present Bill whose sole object, as clearly stated in its Preamble, is "to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India". I shall in due course raise a point of order for your decision, Sir, whether the amendments should be allowed to be moved.

I would implore the House to pass the Bill with as few modifications as possible. The Bill may not satisfy every Member of this House. But there can be no doubt that it will constitute a useful framework which we can alter as our experience of this subject under Indian conditions progresses. Meanwhile, it will help Trade Unions to make a beginning on right lines in the direction of organizing and educating the labouring classes and of starting co-operative institutions for conferring on them benefits in various directions. As I have said on a previous occasion, it is on this organization, education and co-operation that the uplifting of the labouring classes in this country will depend more than any amount of legislation that this House may pass. My friend, Mr. Joshi, or my friend, Mr. Chaman Lall, would still be at liberty to bring later on before the House other Bills designed to extend certain provisions of the present Bill to unregistered Trade Unions, and I would appeal to them not to block the progress of the present Bill because they feel that something should be done for unregistered Trade Unions which are not prepared to seek registration under the Bill before the House.

Mr. President: The question is:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President: The question is:

"That clause 2 do stand part of the Bill."

(Mr. Chaman Lall rose.)

The Honourable Sir Bhupendra Nath Mitra: Sir, before my friend, Mr. Chaman Lall, moves the amendment tabled against him as No. 8, may I ask a question so that I can make up my mind whether I shall not refer to you a point of order?

Mr. President: Does the Honourable Member desire to ask a question?

The Honourable Sir Bhupendra Nath Mitra: Yes. The question is this: Does that amendment refer to registered Trade Unions or to unregistered Trade Unions?

Mr. Chaman Lall (West Punjab: Non-Muhammadan): That, Sir, if I am asked to reply to that question, will certainly depend on whether this House accepts the amendment which we have tabled already with regard to registered and unregistered Trade Unions.

Mr. President: The answer given by the Honourable Member is quite clear. If the House ultimately decides to extend this Bill to unregistered Trade Unions, then it will apply to unregistered Trade Unions also; otherwise it will only apply to registered Trade Unions.

The Honourable Sir Bhupendra Nath Mitra: That does not answer my question, Sir, because the provisions in the Bill, as they stand, cover the case of registered Trade Unions, and this amendment is not required in the case of registered Trade Unions. Therefore I wanted to know whether this amendment is designed to extend the provisions of certain clauses of the Bill to unregistered Trade Unions, because, if this is so, I would immediately raise a point of order for your decision.

Mr. Chaman Lall: All that I wanted to say, Sir, was this that I do not think the Honourable Member has really properly understood the meaning of our amendment. We are trying to define the word "workmen" . . .

Mr. President: The Honourable Member is arguing without knowing the amendment. I believe that on the whole it would be much better that the consideration of this amendment be taken up after the question raised by the Honourable Sir Bhupendra Nath Mitra is settled. We will proceed to amendment No. 4, Mr. Joshi.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): On a point of order, Sir. Is it not for the Honourable gentleman to put whatever interpretation he thinks this amendment would bear? He has been told that if ultimately the House is of opinion that the Bill should be extended to unregistered Trade Unions also, then this provision will also apply to such Trade Unions; if not, it will not apply.

Mr. President: The Honourable Member forgets that the Honourable Sir Bhupendra Nath Mitra has already explained that if the Bill be made applicable only to registered Trade Unions, then this particular amendment is not at all necessary. Therefore, we will have to go into the question whether this Bill is to apply to registered Trade Unions or also to unregistered Trade Unions.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Even if the application of this Bill is limited to registered Trade Unions, will not these words cover the name of the place which, according to the constitution of a Union registered under this Bill, will be the place. . . .

Mr. President: I have already explained to Honourable Members that the contention of the Honourable Sir Bhupendra Nath Mitra is that the retention of this amendment would not be necessary if this Bill is made applicable only to registered Unions. Mr. Joshi.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I beg to move:

“That to sub-clause (g) of clause 2, the following be added at the end:

‘and the expression ‘workmen’ means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises.’”

My amendment brings the definition of ‘trade dispute’ as given in this Bill into line with the definition given in the English law. I do not know why the Government of India omitted this portion, but I feel that this amendment will be useful for the proper interpretation of this Bill. The usefulness of the amendment consists in this that in a Trade Union there are Members working under different employers. The definition of ‘trade dispute’ given here is:

“‘Trade dispute’ means any dispute between employers and workmen.”

It may be a dispute between an employer and his workmen or between an employer and other workmen. Therefore, this definition of workmen is absolutely necessary to make it quite clear that any dispute between any employer and any workman, whether he is his employer or he is not his employer, should be considered as a trade dispute for the purposes of this Bill. I would like to draw the attention of Honourable Members to clause 18 of this Bill. In clause 18, sub-clause (2), we have the words “trade dispute”. The sub-clause runs as follows:

“No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity.”

Now there a trade dispute means a dispute between an employer and any class of workmen, or it may mean a dispute between an employer and his workmen. Clause 18, sub-clause (2), gives immunity to the officers of a registered Trade Union from certain consequences of the civil law. Now, an officer of one Trade Union may go to help another Trade Union and he may not be a workman of that employer with whom the dispute has arisen. We want to protect this officer who is not a workman of the employer with whom the dispute has arisen. I think the addition of this clause will therefore be very useful and necessary. It exists in the English law and the English law has been in existence for many years. People in England have got great experience of trade unionism and cases under the trade union law and they have still thought it necessary to keep this portion of the definition. I therefore think that we should also have it here. I move my amendment.

Mr. Devaki Prasad Sinha: Before you put the question, Sir, may I know if the Government are not replying?

Mr. President: It is for the Government to consider whether they should reply or not. I waited for the Government Member to rise, but as he did not choose to do so, I have put the question.

Mr. Devaki Prasad Sinha: I want to speak then.

Mr. President: Order, order. The Honourable Member is too late now. The question is:

"That to sub-clause (g) of clause 2, the following be added at the end:
'and the expression 'workmen' means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises'."

The motion was adopted.

Mr. N. M. Joshi: I propose, Sir, that Mr. Chaman Lall's amendment be taken up first.

Mr. President: Mr. Joshi.

The Honourable Sir Bhupendra Nath Mitra: May I make a suggestion, Sir, before Mr. Joshi moves his amendment?

Mr. Joshi's amendment runs like this:

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business and the provision of benefits to members' be inserted."

May I suggest, Sir, that it be split up into two parts, because the two parts are really distinct, the first part referring to imposing restrictive conditions on the conduct of any trade or business and the second part referring to the provision of benefits to members. The two things are quite distinct and our line of dealing with them will also be quite distinct.

Mr. N. M. Joshi: I am willing to accept the suggestion of the Honourable Member.

Mr. President: The Honourable Member will only move the first part now, and the second part later.

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

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business' be inserted."

This amendment also is intended to bring the definition of the Trade Union into line with the English definition. One of the objects of any Trade Union is to impose restrictive conditions on the conduct of any trade or business. It is difficult to say whether this condition is included in the definition itself. I am not a lawyer myself. I find it very difficult to say whether the definition given in the Bill will cover imposing restrictive conditions on the conduct of any trade or business or not. The definition says:

"'Trade Union' means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers."

It may be said that regulation of relations between employers and workmen and between workmen and workmen really includes the imposition of restrictive conditions, but I am anxious to make this point very clear because the main work of a Trade Union consists of placing these restrictions. Therefore, it is necessary to make this point very clear and as I am bringing this definition into line with the English definition, I think the Government will also accept this amendment.

The Honourable Mr. S. R. Das (Law Member): Sir, perhaps the House will allow me to explain to Honourable Members who have not had time to go into this matter what the legal position is with regard to this amendment. The definition of "Trade Union" under the English Act is this:

"The term 'trade union' means such combination, whether temporary or permanent, for regulating the relations between workmen and masters or between workmen and workmen, or between masters and masters . . ."

So far we have followed it in our Bill. Then it goes on:

"or for imposing restrictive conditions on the conduct of any trade or business as would, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade;"

and then it goes on:

"Provided that this Act shall not affect:

- (1) any agreement between partners as to their own business;
- (2) any agreement between an employer and those employed by him as to such employment;
- (3) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft."

Now, the reason why the Bill did not follow the English definition word for word really depends on this. In England there is the common law against restriction of trade. That law does not apply in India. There is no law against restraint of trade here and, therefore, in England it became necessary. I ought to point out that under the English Act of 1871, which was the original Act, the words which my Honourable friend now wishes to insert did not find any place. But by reason of the law against restraint of trade existing in England a doubt was raised as to whether agreements by an association of manufacturers to restrict the price of goods or to keep up the price of goods or to restrict production with a view to prevent lowering of the price of goods would come within the definition as originally framed under the Act of 1871. It was to resolve that doubt, that is to say, whether an agreement by an association of manufacturers that they shall not sell certain manufactured articles beyond a particular price or that the production should be restricted so that prices may be kept up, it was to resolve that doubt that by the Act of 1876, those words were inserted. Now, the position Government take up is this, that if my Honourable friend insists on this amendment, namely, that these words be inserted, there will be no objection provided the same safeguard against it, as is provided in the English definition, be inserted, that is to say, provided these words are also added to the definition:

"Provided that this Act shall not affect:

- (1) Any agreement between partners as to their own business"

and the remainder of that definition, because without that there may be a danger of a partnership which provides for restricting trade of their own business being considered to be a Trade Union.

Mr. N. M. Joshi: I shall be very glad to accept this proposal that this provision about partnership should be added.

Mr. President: It is not enough that the Honourable Member should say that he has no objection to the suggestion. Some other member should move the amendment formally.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I think it should come from the Government.

The Honourable Sir Bhupendra Nath Mitra: I think, Mr. Joshi's amendment must stand as it is. Following the English Act, we will have to say at the end of that particular clause that—

“ Provided that this Act shall not affect any agreement between partners as to their own business; any agreement between an employer and those employed by him as to such employment; and any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.”

Pandit Motilal Nehru: May I be allowed to point out that, in view of section 27 of the Indian Contract Act, it is not at all necessary to impose the safeguards which my Honourable friend the Law Member has thought necessary. We have all these safeguards in section 27. I was rather surprised to hear that there was no law in India against restraint of trade. I find that there is such a law, and it is to be found in section 27 of the Indian Contract Act. That law introduces the very safeguards that have been mentioned by my friend opposite. May I read that section, Sir? It runs as follows:

“ Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void.”

And then come the *Exceptions*. The first *Exception* is in favour of goodwill; the second is with regard to contracts between partners; and the third is that partners may agree that some one or all of them will not carry on any business, other than that of the partnership, during the continuance of the partnership. That being the law of the land, I do not see that any extra precaution is necessary.

The Honourable Mr. S. R. Das: I am afraid I did not make myself clear. The reason why I said that this provision should also be there is this that, in the absence of that provision, it might be argued that an agreement between the partners that they should restrict their production would make that partnership a Trade Union apart from the question whether it is in restraint of trade or not. If that provision is not there and the words merely are “ as between masters and masters (here they are “ as between employer and employer ”) or for imposing restrictive conditions on the conduct of any trade,” that is of any partnership business in which they have entered, it might be argued that the partnership being an agreement between master and master and containing a restrictive condition as to the conduct of their business would come within the definition of a Trade Union and that its members would be entitled to the immunities which the Act confers on the Trade Union. It is to avoid that that I am suggesting that such a provision ought to be in the amendment.

Mr. President: The amendment before the House is the amendment moved by the Honourable Member from Bombay. The proviso that the Honourable Sir Bhupendra Nath Mitra wishes to propose will come later on after the amendment is adopted. That is what I understand to be the position.

The Honourable Sir Bhupendra Nath Mitra: I cannot agree to Mr. Joshi's amendment unless the proviso is simultaneously accepted, because otherwise there will be difficulties to which reference has been made by my Honourable friend, Mr. Das, that is, a partnership arrangement will become a Trade Union.

Mr. President: There can only be mutual understanding on both sides.

The Honourable Sir Bhupendra Nath Mitra: If there is an understanding it will be accepted, I have no objection to accepting this part of Mr. Joshi's amendment.

Mr. President: The question is:

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business and the provision of benefits to members' be inserted."

The motion was adopted.

Mr. N. M. Joshi: I propose my second amendment, namely:

"That in sub-clause (h) of clause 2 add after the words added by the previous amendment these words, 'and the provision of benefits to members.'"

These words are also found in the English definition and it is one of the objects of the Trade Unions to make provision for certain kinds of benefits to members. I think there is nothing in my amendment to which Government should take objection, because they approve of the idea of Unions giving benefits.

The Honourable Sir Bhupendra Nath Mitra: Will Mr. Joshi kindly refer me to the provisions of the English Act, in which these particular words are included in the definition of Trade Unions? I shall then state my objections.

I am afraid Mr. Joshi will fail in his effort to find these words included in the definition of Trade Unions under the English law, and there is a very good reason for it.

***Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): May I point out that the language is to be found in clause (e) of the definition of a Trades Union in the Act of 1913. It is stated there that the principal objects are:

- (a) the regulation of the relations between workmen and masters;
or
- (b) between workmen and workmen; or
- (c) between masters and masters; or
- (d) the imposing of restrictive conditions on the conduct of any trade or business; or
- (e) the provision of benefits to members;

all of which are described in the Act, as "statutory objects". It is on page 89 of Slesser's Law on Trade Unions, 1913.

The Honourable Mr. S. B. Das: May I point out to my Honourable friend that if he reads that definition again he will find that it refers to benefits mentioned in the objects. These are statutory benefits. If instead of the words suggested by my Honourable friend, Mr. Joshi, "and the provision of benefits to members", he added "some provision of such benefit to members as are stated in the Bill," there will be no objection. The English definition is "such benefits as are mentioned in the Act." It is not benefits generally, because that would be dangerous.

*Speech not corrected by the Honourable Member.

Lala Lajpat Rai: The word "such" is not to be found there. It says "the provision of benefits to members." Then there is a semi-colon, and it goes on, "all of which are described in the Act as 'statutory objects'".

The Honourable Mr. S. R. Das: That means everything stated there including benefits.

Mr. N. M. Joshi: I do not mind your putting in these words.

The Honourable Sir Bhupendra Nath Mitra: I shall now give my objection to Mr. Joshi's amendment. What Mr. Joshi is really driving at is provided for in our clause 15 whose deletion he wants to propose in a later amendment. We have later on in the Bill the statutory objects to which reference is also made in the English law, and I shall now point out to him the defects of his present amendment. The amendment as it stands can only be read as indicating that all Trade Unions must have provision of benefits to members. Does Mr. Joshi seriously urge that if a Trade Union does not provide for benefits for its members, it should
1 P.M. cease to be a Trade Union?

Mr. N. M. Joshi: The word is "or" not "and".

The Honourable Sir Bhupendra Nath Mitra: The word in the amendment before me is "and"; "and the provision of benefits to members."

Mr. N. M. Joshi: That is a mistake.

The Honourable Sir Bhupendra Nath Mitra: I shall meet that point later on; Mr. Joshi is not yet out of the wood. For the present, I am dealing with the amendment as it stands, "and the provision of benefits to members".

Mr. N. M. Joshi: May I say a word?

Mr. President: The Honourable Member cannot be allowed to speak twice.

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, as the wording stands, I have already pointed out to this House that it will create an anomalous position, as no Union can become a Trade Union unless it provides for benefits to members. I shall not, however, bandy words with Mr. Joshi; I shall assume that he intended the word "and" to be "or". Now, Sir, what is the primary object of a Trade Union? As I have already said, the principle of the English law is that its primary object is what is known as trade purposes. The benevolent purpose is a secondary object. If I am to alter the word "and" to "or" what is the result? A Union whose sole object is to provide benefits for its members, such as a purely friendly society, becomes a Trade Union. The English law on the subject is in fact more clear and free from pitfalls of this sort. In India to provide for a similar arrangement we put in clause 15 of the Bill later on. Therefore, Sir, that being the position, I am afraid I must oppose this particular amendment of Mr. Joshi's.

Mr. N. M. Joshi: All right, Sir, I withdraw this portion of the amendment.

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

Mr. President: I think we might defer further consideration of clause 2, as a whole, to enable the Honourable Member for Industries and Labour to raise his objection at the proper time and get a decision. We shall pass on to clause 8.

The Honourable Sir Bhupendra Nath Mitra: I have yet to put an amendment under clause 2.

Mr. Chaman Lall: I have also an amendment to Mr. Joshi's amendment.

The Honourable Sir Bhupendra Nath Mitra: I do not understand the position. Mr. Chaman Lall says he has another amendment. He did not move his amendment as an amendment

Mr. Chaman Lall: I was never called upon to move it.

Mr. President: The Honourable Member is not entitled to expect to be called upon to move his amendment; it is his duty to rise from his seat to move it. If he wishes to move his amendment even now, I will give him an opportunity to do so.

Mr. Chaman Lall: I thank you, Sir. I do move my amendment, and desire to add after the words "trade or business" the further words:

"whether such combination would or would not, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

I think the Honourable Member will see that this wording is more complete and follows in the wake of the English law on the subject. I cannot see what objection there can be to the acceptance of this wording in the definition of a Trade Union.

The Honourable Sir Bhupendra Nath Mitra: I do not see how I can accept this particular amendment which is unnecessary. The provision was made in the English law simply for the reason that, before that Act was enacted, there were certain other enactments which made associations of that sort unlawful. I am pretty certain Mr. Joshi did not overlook that aspect of the case, and that is the reason he did not overburden his amendment, which undoubtedly has some relevancy, with the words Mr. Chaman Lall wants to add.

Mr. President: The question is:

"That, after the words 'trade or business' in the amendment just adopted, the following words be added:

'whether such combination would or would not, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.'"

Mr. Chaman Lall: I withdraw that, Sir. If I have your permission, I withdraw it.

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

The Honourable Sir Bhupendra Nath Mitra: Sir, I propose that at the end of sub-clause (h) of clause 2 of the Bill the following words be added:

"Provided that this Act shall not affect (i) any agreement between partners as to their own business, (ii) any agreement between an employer and those employed by him as to such employment, and (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade, or handicraft."

The reasons for proposing this amendment have already been fully gone into.

Mr. N. M. Joshi: Sir, I have not understood this portion as regards the agreement between employers and employees. Certain Trade Unions impose certain restrictions upon the agreement between employers and employed as regards wages. I have not understood the legal provision at all.

The Honourable Mr. S. R. Das: That would not be restriction of trade.

Mr. President: The Chair is not concerned whether any particular Honourable Member has understood the amendment or not, but whether the two parts of the House agree that this amendment should be carried. The question I have to put is that this amendment be made.

The motion was adopted.

Mr. President: The further consideration of this clause—clause 2—will be deferred; it will be considered later on. There is one amendment by Mr. Chaman Lall which has not yet been considered.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I beg to move an amendment:

“ That at the end of sub-clause (1) (d) of clause 5 add the following words :
 ‘ in English and in the language of the majority of the Members of the Trade Union.’ ”

Sir, we must not disregard the results of many of the sporadic Trade Unions which have been formed in this country. These did an immense amount of harm to labour. Many such Unions collected funds for several months, and then, when the time arrived to make proper use of those funds, it was found that they had been disbursed in the expenses of the leaders. In other cases it was found that both the leaders and the funds had disappeared at the same time. Employers do not like to see their labour exploited in that way or the wages which they pay dissipated in improper purposes; and we hope that much good may come for the protection of workers under certain clauses of this Bill. Therefore, in order that the workers may clearly understand what the objects of the Unions are and their rights, I propose the addition of these words, which will enable every worker to see and to understand exactly what the rules of the Trade Union are in his own language as well as in English. I move my amendment.

Mr. Devaki Prasad Sinha: Sir, I do not know how my Honourable friend, Mr. Willson, wants the substance of his argument to be conveyed in the form in which he has placed it before the House. This clause relates to an application for registration to be made before the Registrar. Now, whether an application is made in English or in the vernacular of the majority of the members of the Trade Union, what has that got to do with the majority of members of the Trade Union understanding the rules

and regulations? The application has got to be accompanied by a copy of the rules. The clause as it stands runs like this :

“ Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a statement of the following particulars, namely :

(d) a copy of the rules of the Trade Union.”

Now, the copy of the rules of the Trade Union is not meant for inspection by members of the Trade Union, but meant for submission to the Registrar along with the application for registration. Whether that application is made in English or in the vernacular what does it matter? So my Honourable friend's invective falls entirely to the ground; and unwarranted as it is, it is hopelessly inappropriate in the discussion of an amendment to this clause. I therefore hope that my Honourable friend will not press his amendment.

Mr. N. M. Joshi: Sir, I oppose this amendment for the reason of the speech of my Honourable friend, Mr. Willson. In the first place I do not see any point in compelling a Union to have its rules both in English and in the vernacular. It is the business of the members of the Union to say which language will suit them. If the vernacular suits them they will have their rules in the vernacular; if English suits them, they will have their rules in English. But Mr. Willson referred to the misappropriation of certain Union funds by the officers, and he thinks that that misappropriation will be prevented by having the rules of the Trade Union in English. He also stated that many Trade Unions appeared and disappeared. But does he not know that many companies appear and disappear with greater loss to the community? Why does he not mention that? Hundreds of companies appear on the surface and they disappear, causing tremendous loss to the community.

Pandit Madan Mohan Malaviya: How does that come here?

Mr. N. M. Joshi: It comes here because of Mr. Willson's speech. If you refer to the amendment you will see it says that the rules must be translated into English. Mr. Willson's object seems to be to make provision for some English writers to get the copy of the vernacular rules translated into English, and thus compel the Trade Unions to spend five or ten rupees. Why do you want the Trade Union to translate these rules into English? I do not want the Trade Unions to waste their money like this, as Mr. Willson wants them to do. I therefore oppose the amendment.

Colonel J. D. Crawford (Bengal: European): So far as I understand my Honourable friend, Mr. Devaki Prasad Sinha, he proposes to have one copy of rules which he would supply to the Registrar and another copy, which may be an entirely different one, which he would dish out to the members of the Union

Mr. Devaki Prasad Sinha: On a point of personal explanation, Sir. I only said that the intention which my Honourable friend, Mr. Willson, had given expression to in his speech was not conveyed by the amendment which he actually proposed. The clause to which the amendment is proposed relates to applications to the Registrar. I said that it did not matter whether that application was in English or in the vernacular.

Colonel J. D. Crawford: Surely, the correct procedure is for you to have the rules both in English and in the vernacular and to file them with the Registrar, so that if a Member wants to find out exactly what are the correct rules he can go to the Registrar at any moment and see the registered rules.

Mr. N. M. Joshi: Why have them in English?

Colonel J. D. Crawford: Do you object to it?

Mr. N. M. Joshi: I object that any Union should be made to spend money in translating these rules and regulations into English.

Mr. Chaman Lal: Sir, I can quite see the reason which prompted the Honourable Member to propose his amendment, namely, that the rules and regulations should be in English as well as in the language of the majority of the members of the Trade Union. He has given away his whole case by attacking the Trade Unions and harping on the theme of Trade Union officials running away with the money belonging to the Unions. The reason is this. The employers want to know exactly what sort of rules and regulations these Trade Unions have in order always to be on the *qui vive*. That is the reason, but the Honourable Member has not told us the real reason. Instead of that he has gone running after a fresh hare before the chase is started. The Honourable Member has no reason to advance whatsoever as to why the rules and regulations should be in English. He may be a very great scholar of English, but does he expect these workers to waste their money in getting these rules and regulations printed in English? Why should they? If they want, let them print the rules and regulations in Chinese. But why should you compel them to have the rules and regulations in any particular language which may perhaps be desirable in the eyes of the Honourable Member? Sir, I oppose this amendment.

***Lala Lajpat Rai:** Sir, may I point out that the proper place for this amendment would be not under clause 5 (1) (d), but under clause 29, sub-clause (2) (a). These rules will be made by the Government under clause 29 (2) (a), and that will be the proper place to give effect to this provision. Clause 29 (2) (a) refers to the manner in which Trade Unions and the rules of Trade Unions shall be registered, and here the Government can lay down that, in order to enable a Trade Union to be registered, the rules shall be in such and such a language. You do not require this amendment in a place which refers only to the application to be made to the Registrar accompanied by the necessary documents. This is not, I submit, the proper place for this amendment, and, therefore, I oppose this amendment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, I also rise to oppose this amendment. Whatever reasons the Honourable Member may have, I think they are altogether uncalled for, and there is no need for this amendment. There is no reason why the application and the documents should be printed in English before they are filed before the Registrar. All sorts of applications are filed by people in this country in the courts and they are all in the vernacular of

*Speech not corrected by the Honourable Member.

the district. So, why should these Trade Unions be compelled to have the applications translated into English? As there appears to be no reason for adding the word "English", I oppose this amendment.

Mr. President: The question is:

"That to sub-clause (1) (d) of clause 5 the words 'in English and in the language of the majority of the members of the Trade Union' be added."

The motion was negatived.

Clause 5 was added to the Bill.

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

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

Mr. President: The question is:

"That clause 6 stand part of the Bill."

Mr. Chaman Lall: Sir, I beg to move:

"That in sub-clause (d) of clause 6, the word 'adequate' be omitted."

All that I have to say in regard to this amendment is this. There is no necessity whatsoever to insert the word "adequate" there, because, you have already a clause which says that facilities shall be allowed to the Registrar, and if facilities are to be allowed, it obviously means that adequate facilities will be allowed. If you insert this word there is every danger of a delay arising in the matter of registration, because it leaves it entirely to the arbitrary will of the Registrar to allow or not to allow a Trade Union to be registered so long as the question of what is adequate and what is not adequate is left for him to decide. Therefore I submit, Sir, that the word "adequate" be omitted in this particular clause, sub-clause (d) of clause 6.

Mr. Devaki Prasad Sinha: Sir, the insertion of the word "adequate" in this clause is not merely redundant but positively dangerous. It gives the Registrar an almost judicial discretion. He will have to decide what provisions made in the rules in this behalf are adequate and what are not adequate. That, I submit, opens the gateway to a great controversy which might delay the registration of a Trade Union. The original idea was, I think, that the Registrar should, as a matter of course, register those Unions which comply with the provisions of this Bill. If we introduce the word "adequate", then if we have a Registrar whose tendencies are not very favourable to the development of Trade Unions in India, he can not only delay the development of Trade Unions but can also inhibit the very growth of trade unionism in any province. I therefore submit, Sir, that if we allow the word "adequate" to stand in the Bill, it will make this provision a very dangerous weapon in the hands of the Registrar. For these reasons I support my Honourable friend, and I hope that this amendment will be accepted by the House.

The Honourable Sir Bhupendra Nath Mitra: Sir, it will be noticed that the portion of the clause in which the word "adequate" occurs was inserted in the Bill by the Select Committee and the Select Committee paid very careful attention to the aspect of the case brought forward by my Honourable friend Mr. Sinha, that is, the possible interference of the Registrar. The Select Committee did not take the view which Mr. Sinha has taken. As a matter of fact, to avoid any interference on the part of the Registrar they made certain amendments in clause 7 (1) of the Bill. It seems to me, Sir, that if facilities are to be afforded, it is obvious they must be adequate and I cannot see any objection to this particular word. I know Mr. Sinha took exception to this word in Select Committee as is apparent from his minute of dissent, but the majority of the Select Committee thought, in fact they desired, that the word should be there, after hearing all that Mr. Sinha had to say. That being the position, Sir, I cannot agree to the omission of the word.

The motion was negatived.

Mr. W. S. J. Willson: Sir, I beg to move the following amendment:

"For sub-clause (c) of clause 6 the following be substituted:

'(c) the admission of ordinary members and also the admission of the number of honorary or temporary members as officers required under section 22 to form the executive of the Trade Union.'"

Sir, clause 22 of the Bill clearly contemplates the necessity for members of Trade Unions, other than workers, and with that necessity I am sure no one will disagree. It is probably that which is responsible for the insertion by the Select Committee of clause (c) to which I have just moved an amendment. It is undoubtedly the case that in India we have not, in our prospective Trade Unions, as yet a class of members suitable to form the necessary number of leaders and it is for that purpose that other members must be admitted. We must also remember that in Britain before the establishment of full Trade Unions, the then illiterate workers had had several years experience of the working of friendly societies and workers guilds and the exercise of their vote in those societies had educated them largely to the value of it. It had taught them the necessity for organising, for balancing their income and expenditure, and so on, and from the officers that they had had in those small societies, when Trade Unions came there was no difficulty in finding leaders. To-day, in India those conditions are not yet with us and so it is proposed that outsiders should be allowed to be members of the Union, but that is for the purpose of forming the leadership class. If that be the object, and I suggest it is a very right and proper object, then I think we should do well to make our meaning equally plain in this clause (c) and you will notice that my wording merely means that the temporary men should only come in as officers. I do not believe that any one wants to have any so-called Trade Union swamped by a number of non-workers and if, as I say, that be the feeling of the House, then I think we might as well make it quite plain by amending this wording accordingly.

The Honourable Mr. S. R. Das: Government have no objection to this amendment but I would suggest a change in the phraseology merely from

a legal point of view, if the House will agree to it. I notice the words "the admission of ordinary members and also the admission of the number of honorary or temporary members", etc. Now, there is no definition in the Bill itself of what an ordinary member is and I would suggest these words for your consideration "the admission of ordinary members, being persons actually engaged or employed in an industry with which the Trade Union is connected". That is a definition of ordinary members. (*Several Honourable Members*: "No.") I leave it for your consideration, as there is no definition of "ordinary member".

The Honourable Sir Bhupendra Nath Mitra: In view of what has fallen from my Honourable colleague, the Law Member, I move the following amendment to the amendment which stands here in the names of my friends, Messrs. Willson and Chaman Lall, that is, that after the words "ordinary members", the following words be added: "who shall be persons actually engaged or employed in an industry with which the trade union is connected". Subject to this addition, which, as the Honourable the Law Member has explained, is a purely drafting correction, Government are willing to accept the amendment.

Mr. Devaki Prasad Sinha: On a point of order, Sir. May I know if the amendment proposed by Sir Bhupendra Nath Mitra is in order inasmuch as his amendment extends the scope of the amendment which has been proposed by Mr. Willson. It defines what ordinary members are. My submission is that it extends the scope of the amendment.

Mr. President: That exactly is the object of the amendment. As there is no definition of the words "ordinary members" in the Bill itself, it is proposed by this amendment to explain what the words should mean.

Mr. Devaki Prasad Sinha: Will the amendment of Sir Bhupendra Nath Mitra to the amendment of Mr. Willson be in order when it introduces an altogether new subject?

Mr. President: The amendment to the amendment is perfectly in order. It does not introduce any new subject.

Mr. N. M. Joshi: I oppose both Mr. Willson's amendment and the amendment which has been proposed by the Member for Industries and Labour. In the first place Mr. Willson's amendment is absolutely unnecessary. Here in this Trade Union Bill we are not going to lay down all the rules which any Trade Union should have and Mr. Willson wants really the rules of the Trade Union to be incorporated in the Bill. The Bill has made a certain provision as regards certain absolutely necessary rules. There are several other things which a Trade Union constitution may contain but which will not be found in this Bill. I oppose Mr. Willson's amendment on the ground that it is unnecessary. When the Honourable Member for Industries and Labour moves an amendment to that amendment defining the words 'ordinary members' I oppose it on substantive grounds. Ordinary members. Why need we make any distinction between persons who belong to the industry and persons who do not belong to the industry? I cannot personally help thinking that all this trouble has been created on account of Government's own action by introducing a clause for saying who should be the office bearers of a Trade Union. If Government had not introduced

[Mr. N. M. Joshi.]

that clause, there would have been actually no difficulty at all, but unfortunately they introduced that clause, the Select Committee improved upon it, and now we are going to improve upon it and create trouble for the poor Trade Unions. I therefore think that both the amendment of Mr. Willson and the amendment of Sir Bhupendra Nath Mitra should be thrown out. They are absolutely unnecessary.

***Lala Lajpat Rai:** Sir, does not the wording of the clause as it stands, the position of the respective expressions, 'members' and 'honorary and temporary members', indicate really who the ordinary members would be? Is it necessary for any definition of an "ordinary member" to be put in here? The contrast itself shows that. In clause 22 you are mentioning honorary and temporary members: the others are all ordinary members. Where is the necessity of any definition? The definition of the clause itself practically defines who the ordinary members will be as distinguished from honorary and temporary members in connection with the second part of the clause. In these circumstances I think this amendment is perfectly unnecessary.

Mr. Chaman Lall: May I point out the difficulty that the Honourable Member would be faced with in defining the words "ordinary member" according as he desires to define those words. He will find, Sir, that in clause 22 it has been stated that the total number of officers shall not be less than one-third of those who are actually engaged or employed in an industry with which the Trade Union is connected. The main object of this amendment which the Honourable Member is proposing is to ensure that a regular register should be kept of the members who are members of the Union and those who are not, those who are honorary, those who are temporary and those who are ordinary members, the main object being not to exceed the limit of outsiders who can be officers of the Union. That is the main object. But according to this definition there is nothing whatsoever to prevent a visitor from coming in and becoming an officer of the Union provided he is merely connected with the trade or connected with the industry. Suppose a Trade Union is in existence at Delhi, a trade union of railway employees, the trade being railway employment. Now a worker who is connected with that trade, say in Calcutta or Bombay or Madras, can also be considered eligible for holding office in that Trade Union. He is ordinarily an outsider. If you define that expression as you desire to define it, then there is nothing to prevent an influx of outsiders, and, taking advantage of your definition, they would be considered not as outsiders but as people belonging to the Union itself.

The Honourable Sir Bhupendra Nath Mitra: Sir, my friend, Mr. Chaman Lall has apparently not carefully studied the provisions of clause 22. That says definitely that "Not less than one-third of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected". So, that individual engaged in an industry, who is in Calcutta, while his Trade Union may possibly be at Lahore, comes in not as an outsider but as a person engaged in an industry with which the Trade Union is connected.

*Speech not corrected by the Honourable Member.

Mr. President: The question is:

"That the following words be inserted after the words 'ordinary members' in Mr. Willson's amendment:

'who shall be persons actually engaged or employed in an industry with which the Trade Union is connected.'

The Assembly divided:

AYES—57.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan Bahadur.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Chanda, Mr. Kamini Kumar.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Donovan, Mr. J. T.
Dumasia, Mr. N. M.
Ghazanfar Ali Khan, Raja.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.
Jinnah, Mr. M. A.
Kasturbhai Lalbhai, Mr.

Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Mutalik, Sardar V. N.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Neogy, Mr. K. C.
Owens, Lieut.-Col. F. C.
Rahman, Khan Bahadur A.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Setalvad, Sir Chimanlal.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Ujagar Singh Bedi, Baba.
Venkatapatiraju, Mr. B.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Vishindas, Mr. Harchandrai.
Willson, Mr. W. S. J.

NOES—27.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Dult, Mr. Amar Nath.
Hla, U.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.

Murtuza Sahib Bahadur, Maulvi Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.

The motion was adopted.

Mr. President: The question is:

“ That for sub-clause (e) of clause 6 the following be substituted, namely :

‘ (e) the admission of ordinary members, who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as officers required under section 22 to form the executive of the Trade Union ’.”

The motion was adopted.

Mr. Chaman Lall: I beg to move:

“ That in sub-clause (h) of clause 6 the words ‘ and the scales of salary, allowances and expenses to which they shall respectively be entitled ’ be omitted.”

I move this amendment in view of the fact that there is no necessity whatever for putting down in the rules and regulations or in the constitution of the Union the exact scale of salary. I can understand any rules or regulations being inserted in the constitution regarding the manner in which the members of the executive and other officers shall be appointed and removed, but I see no necessity for further adding to that clause a statement regarding the scales of salary to which officers are entitled. If this is meant for the purpose of enabling the Registrar to scrutinise the finances or stability or the financial position of the Union, then it is a different matter. Even there I would certainly object to any statement being put in the constitution itself. Further, the scale of salary varies from time to time. There is no Lee Commission to lay down definite scales of salary mounting up automatically as far as the workers are concerned. There is no knowing whether the finances of a particular Union may progress at one time and be in a very bad condition at another time. It depends on the state of trade or the state of the Union itself. Further, as my Honourable friend reminds me, it also depends upon the particular kind of work for which the worker is employed or, the qualification of the officer himself. I cannot think of any Union in any part of the world which would submit to such humiliating terms as these which are being imposed in India. You want to drill and dragoon them in every possible way in order that they should not be able to raise their heads except under cover of the Trades Union Bill which you are bringing forward. I submit that there is no necessity for this particular clause. I appeal to the Honourable Member to withdraw these words which relate to the question of salaries and allowances and expenses of officials of the Trades Unions.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to my friend, Mr. Chaman Lall, with great care, but I regret I am unable to accept his amendment. The provision consists of one of the safeguards to the member of the Union, and if the amendment were allowed, there would be nothing to stop wholesale appropriation of the funds of the Union by leaving it free to the executive to vote themselves any salaries they liked. I hope my point will be apparent to most Members in this House and I do not want to dwell on it further.

Mr. N. M. Joshi: I think, Sir, no more absurd clause was ever drafted by any Government than this one which asks that the rules of a Trade Union should lay down in definite figures the scales of salaries of its servants. How is it possible for any Union to lay down permanently a scale of salaries and put that down in the rules? Salaries will be paid

according to circumstances to the officers of the Union; how can you put down those figures in your rules? I think, Sir, no more absurd rule was ever drafted and put in a Bill by any Government. Of course I know there are some precedents where salaries, such as that of the Governor General and of big officers have been fixed in a Statute, but do Government also fix the salaries of their clerks and other people in their Statutes? They do not, but they want the salaries of officers of the Unions to be put down in the rules. Probably what the Government really intended was that the rules according to which the salaries were to be fixed should be stated. That is a different thing. If they had said the rules should state how the salaries should be fixed, I could understand it. That would be a reasonable proposition, but to say the scales of salaries should be put down in the rules is absurd to my mind, and I hope Government will withdraw that and support Mr. Chaman Lall's amendment.

Mr. A. G. Olow (Industries Department: Nominated Official): May I point out, Sir, that there is a little misapprehension on the point. There is no question of fixing for all time the salaries or the allowances to be paid to officers of the Trade Unions; the rules are liable to amendment. All we ask is that these salaries should be stated and that is to prevent, at the end of the year, the executive voting all the surplus funds as an honorarium to an officer. If they think an officer is worth more than they are giving him, they can alter the rules and pay him more.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): I say, Sir, that the Government must meet this amendment. The Honourable Member who spoke last said this is not going to be a fixture for all time, but I would draw the attention of the Honourable Member to the clause which says that the Trade Union shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act. The rules thereof provide for certain matters, and one of the matters is the sub-clause, a portion of which is now sought to be amended, that is clause (h). Therefore you cannot get the Union registered unless you first of all declare what salaries you are going to pay to your officers, the scale of them and the expenses to which they shall respectively be entitled. Now I submit that a Union might be given some credit for common sense. The Honourable Member in charge, Sir Bhupendra Nath Mitra, said, "Oh!" but the Union might vote the whole of the money to themselves

The Honourable Sir Bhupendra Nath Mitra: Not the Union.

Mr. M. A. Jinnah: I beg the Honourable Member's pardon, but surely the Union has got a voice in fixing the salary, the Union has got a voice in allowing the expenditure. The Honourable Member shakes his head. Well, are you going to treat the Union as if it were a stupid body or a little child that could not manage anything at all? If so, why create these Unions at all? If you are going to create these Unions, you must give them some credit for common sense. Therefore, I commend the amendment of Mr. Chaman Lall to the Government and I say that that portion of the Bill will be unworkable and create any amount of difficulty. I think the Government ought not to insist upon it, and I hope the Honourable Member will really meet this amendment and drop that portion with regard to the scales of pay and expenditure.

*Speech not corrected by the Honourable Member.

The Honourable Sir Bhupendra Nath Mitra: Sir, may I with your permission speak again to explain the position to Mr. Jinnah?

Mr. President: I will allow the Honourable Member permission at the end of the debate.

***Lala Lajpat Rai:** Sir, I just want to point out that the provision seems to me to be thoroughly impracticable. You are registering a Trade Union to-day; you want it to make rules as to pay, allowances, etc., to-day and put them in the application for registration. The Trade Unions are growing, the number of members is growing, and the income from the Trade Union funds is growing. How can any Trade Union possibly anticipate how many officers it will require or how many officers it can pay from its funds beforehand. In reply to the Honourable Member there who says it can be changed, certainly it can; but if it can be changed every 3, 6 or 12 months, why put it in the rules? There is no such provision here that that scale can be changed by the executive or the general Trade Union. You certainly cannot call a meeting of the general Trade Union in the middle of the year or the first quarter of the year to determine how many officers that Union will employ in September or October, and what scale of salaries it can give to them. So I would respectfully ask Honourable Members to consider the impracticability of this provision as it stands now. I think it stands to reason that this should be omitted, because it is wholly impracticable and nowhere else does such a rule exist.

Mr. Devaki Prasad Sinha: Sir, I also draw the attention of the House to clause 10, sub-clause (b), which says:

"If the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6."

Therefore, Sir, according to this clause 10, sub-clause (b), if the salary of any trade union official is raised in the middle of the year and the Registrar finds no justification for raising the salary to a certain amount, then the Registrar can not only prevent the raising of the salary, but can also disaffiliate and cancel the certificate of registration of that Trade Union. I therefore think this is a very dangerous provision, and I support my Honourable friend's motion that this part should be deleted.

The Honourable Sir Bhupendra Nath Mitra: Sir, as I have already said, the whole object of this provision was to impose a check in the interests of the members of the Trade Union on the executive voting for themselves any salary they like. (*Mr. M. A. Jinnah:* "How could they?") (*Mr. N. M. Joshi:* "As the Government of India raise their own salaries?")

Mr. President: Order, order.

The Honourable Sir Bhupendra Nath Mitra: As to what the Honourable Mr. Jinnah said, I do not say that we do not trust the Trade Unions; the Trade Unions must be trusted, but the object of this provision was to bring out specifically before the Trade Union that a change in scales of pay, etc., was being made, and to have a record of it in the Registrar's office. Thereafter the Trade Union can do as it likes in regard to alteration of the scales

*Speech not corrected by the Honourable Member.

of pay of its officers. The whole object of this provision was to safeguard the interests of the members of the Trade Union and to prevent the executive, the officers, voting any sums which they might desire to vote for themselves. (Mr. A. Rangaswami Iyengar: "Like the Government of India.")

Mr. M. A. Jinnah: Sir, may I ask under what provision of the Act which you now propose to pass the executive will be entitled to pass any amount they like for their own salaries. Such a thing would be perfectly illegal; it could not be done.

The Honourable Sir Bhupendra Nath Mitra: As there is no provision in the Act apart from this under which the executive can not vote for themselves any sums they like, I do not see how that will be illegal.

Mr. President: The question is:

"That in sub-clause (A) of clause 6 the words 'and the scales of salary, allowances and expenses to which they shall respectively be entitled' be omitted."

The motion was adopted.

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

"That in sub-clause (i) of clause 6 the words 'in such manner as may be prescribed' be omitted."

Sir, it is quite right that the rules of a Trade Union should provide how its accounts should be audited. But I do not think that it is right for Government to make rules as to who should be the auditors of Trade Unions. Now, the word "prescribed" means prescribed by a Local Government. And I do not want that power of saying who should be the auditor of a Trade Union to be given to the Government. In the first place, although the English Trade Unions have now existed for a long time, they have no such rules about the appointment of auditors by the Government. The Trade Union appoints its own auditor and then it takes care of its money by appointing a good auditor. Why should you give power to Government to make rules as to who should be the auditor of a Trade Union? Of course it may be said that Government may not dictate what person should be the auditor, but that they will make rules that certain people who are called chartered accountants or certificated accountants or some such people should be the auditors. I do not want any such rule to be laid down in the law. The Trade Unions will certainly take care of their own money and they will certainly appoint good people. What is our experience? Our experience is that where Government make rules as regards the auditors in the case of companies, there we find defalcations and people being swindled. On the other hand take our Trade Unions as they exist to-day. We have no such rule; we appoint our own auditors and you will find that there is not this kind of swindling in the Trade Unions. The Trade Unions' work is going on very well without the auditors being appointed by the rules of Government. I therefore think, Sir, that we need not give any power to Government for making rules as regards the appointment of auditors. The practical difficulty is this. To-day we have got Unions in small places and their funds are not very large. If Government say that you must appoint a chartered accountant, the chartered accountant will charge a good deal in order to go to some small place where the Union is situated or the papers of the Union will have to be taken by some officer

[Mr. N. M. Joshi.]

of the Union to the chartered accountant, and a large fee will have to be given. I think, Sir, under the present circumstances this rule will create great difficulty for the Unions. I am the last person to take away any safeguard for the money of the Trade Unions; and my only object in proposing this amendment is that there should be no unnecessary difficulty created in the present circumstances to Trade Unions by making a rule that they should appoint as their auditor a person who is likely to charge a high fee for auditing the accounts of that Trade Union. The present funds of the Trade Unions are not large; and if you lay down that their rules must be translated into English by somebody who must be paid something, or that their accounts must be checked by somebody who will charge a large fee, the funds of the Trade Unions will be spent on the fees of these different people.

Pandit Shamlal Nehru: Why not fix the fee?

Mr. N. M. Joshi: Of course it may be the object of people who want all these rules that they do not want the Trade Unions to spend their money on strikes and such things: they would like to find out some methods of getting rid of the Unions' money by having their rules translated into English and the accounts being audited by chartered accountants who may charge large fees. I therefore feel that these words "in such manner as may be prescribed" should be deleted. I am quite agreeable that there should be a rule that the accounts of the Union should be audited by the auditor appointed by the Union itself.

***Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I regret that I cannot agree with my friend Mr. Joshi that at the outset the question of auditing the accounts should be left entirely to the Unions themselves.

Mr. N. M. Joshi: That is not what I said.

Diwan Bahadur M. Ramachandra Rao: That would be the effect of omitting the words.

Mr. N. M. Joshi: The auditors will be appointed by the Unions.

Diwan Bahadur M. Ramachandra Rao: That is what I object to. If these words are omitted, it would leave the whole question of auditing the accounts of the Unions to the Trade Unions themselves. I think, Sir, that considering the experience that one has in connection with the co-operative movements and the working of the Indian Companies Act, the question of an independent audit at the outset is very important, and I trust my Honourable friend Mr. Joshi will see his way to withdraw his amendment. It seems to me, Sir, that the one thing that will give confidence to the members of the Trade Unions themselves is a thorough and independent audit, and under present circumstances it is the practice for Local Governments to fix the qualifications of auditors and leave the Unions or the co-operative societies or the companies, as the case may be, to choose out of the list of qualified auditors which Government have, anybody these companies or Unions or societies like to audit their accounts.

*Speech not corrected by the Honourable Member.

Now, as regards the complaint that the fees of these auditors may be too high, I am perfectly certain that when a proper representation is made to the Local Government or to the Government of India, a time may come when the fixing of fees will be found necessary if the auditors are charging too much. But in the present circumstances, I think, Sir, that for the welfare of the Unions themselves the question of audit should be left as it is under this Bill.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I am really surprised that my Honourable friend Mr. Joshi should have thought it fit to move an amendment of this sort. I expected, Sir, that Mr. Joshi with his enthusiasm for the welfare of Trade Unions should have thought it necessary that, especially in their infant stage, no rule can be too stringent which prescribes the manner in which the accounts are to be maintained and audited.

Mr. N. M. Joshi: Why not audit your own accounts?

Mr. R. K. Shanmukham Chetty: That is my own money.

Mr. N. M. Joshi: The money of the Trade Unions is their own.

Mr. R. K. Shanmukham Chetty: If my Honourable friend had waited till I had finished my speech, he would have discovered the difference between appointing an auditor for my own money and appointing an auditor for the Trade Unions. In Joint Stock Companies and Trade Unions the auditor is the agent of the shareholders or members. The auditor is appointed by the shareholders or members to check the accounts maintained by the executive. The provision made in this clause says that the annual audit must be conducted in such manner as may be prescribed by the Local Government. We know that in Joint Stock Companies the auditor is appointed in a meeting of the shareholders. That is a rule prescribed under the Indian Companies Act. Now, if no such provision is made here, there is nothing to prevent the executive of the Trade Unions themselves appointing any auditor they please. That means that you cannot have an auditor appointed by the members of the Trade Unions to audit and safeguard the funds of the Unions. Moreover, the auditor who is appointed for any company must certainly possess some qualifications, and he must command the confidence of the shareholders whose agent he is. It is, therefore, essential that Government must prescribe the rules under which the auditors must be appointed. I therefore, Sir, strongly oppose the amendment moved by my friend Mr. Joshi.

Mr. Devaki Prasad Sinha: Sir, the speeches of the two Honourable Members who have just preceded me have left an impression that the trade unionists are loath to get their accounts audited properly. Well, Sir, I desire to assure the House that that is not so. Any Trade Union would be delighted to have its accounts properly audited. What we object to in the clause as it is, is that the particular method prescribed for auditing the accounts, I mean the method by which the accounts should be audited, should not be prescribed by the Government. Sir, it has been said that it is necessary in the present stage to safeguard the funds of the Trade Unions. The funds of the Trade Unions belong to the members of the Unions just as the funds of my friend Mr. Chetty belong to himself, and I believe that my friend Mr. Chetty will agree that he is naturally more

[Mr. Devaki Prasad Sinha.]

anxious for the preservation of his own money than any other Member of this House. Therefore, Sir, in the natural course of things, you would expect that a member of a Trade Union, who has contributed to the fund of the Trade Union, is naturally more anxious for the proper expenses from that fund than anybody else, than even Mr. Chetty himself. It has been said, Sir, that Trade Unions do not properly spend their finances and at an initial stage of the development of trade unionism in India it is necessary for the Government to extend their paternal hand. Well, Sir, when provisions such as these have been incorporated in the Bill as placed before the House, I am reminded of a very old saying in our part of the country. The saying runs thus: "The woman who loves a child more than the child's own mother is surely a witch." Government probably think that they are more anxious for the interests of a Trade Union than members of the Trade Union themselves. If they show this unusual interest, we on our part are entitled to suspect this philanthropic and paternal attitude of the Government. I feel, Sir, that pin-pricks such as these given to Trade Unions will not go far to advance the development of trade unionism in India. For these reasons I support my friend Mr. Joshi's amendment.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have no intention of adding to the volume of talk which has already taken place on this subject. The matter was very carefully examined in Select Committee and the decision was to allow the clause to stand for reasons which have already been set forth very fully and very ably by Diwan Bahadur Ramachandra Rao and Mr. Chetty. I was very glad to hear from my friend Mr. Joshi that his Trade Union does not find it necessary to have its accounts audited.

Mr. N. M. Joshi: I never said that.

The Honourable Sir Bhupendra Nath Mitra: I beg his pardon. accounts audited by suitable auditors.

Mr. N. M. Joshi: Not "suitable". By Government auditors.

The Honourable Sir Bhupendra Nath Mitra: Auditors whose qualifications have been prescribed by Government. That is all that this law provides, for.

Mr. N. M. Joshi: We do not want all this.

The Honourable Sir Bhupendra Nath Mitra: I was very glad to hear that. But I know of a number of cases of Trade Unions which unfortunately have lost their funds through embezzlement because their accounts had never been audited by, I would simply say, suitable auditors.

Mr. N. M. Joshi: How many companies have also lost?

Mr. President: The question is:

"That in sub-clause (i) of clause 6 the words 'in such manner as may be prescribed' be omitted."

The motion was negatived.

Mr. President: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clauses 7, 8, 9 and 10 were added to the Bill.

Mr. President: Clause 11.

Mr. Chaman Lall: I request your permission to move amendment 4 P.M. No. 23 before No. 22.

Mr. President: Has the Honourable Member any particular object in moving No. 23 first?

Mr. Chaman Lall: It is a question of appeal and revision. If the question of appeal is rejected then we can go back to the question of revision.

Mr. President: Has the Honourable Member in charge any objection to that course being adopted?

The Honourable Sir Bhupendra Nath Mitra: I have no objection.

Mr. Chaman Lall: I move:

“ That to clause 11 the following sub-clause be added :

“(4) In the event of the dismissal of an appeal under sub-section (2) the person aggrieved shall have the right to appeal to the High Court.”

Here we have stated that, wherever there is any person who is aggrieved by the refusal of the Registrar to register a Trade Union, he can proceed to the Judge whose powers have been defined under clause 11, and if that Judge rejects his appeal, then we want to make a provision that there shall be a further appeal to the High Court. There can be, in my opinion, no objection to adopting this course. A right of appeal ought to be allowed to Trade Unions whenever they feel aggrieved by the decision of any court as provided for by clause 11. The safeguard is very important in this that trade unionism is increasing at the present moment in this country and there are already signs that Trade Unions within the next few years will most probably reach immense proportions, and, if there are any internecine quarrels between one Union and another, or quarrels between the employer and the Union, or between the Registrar and the Union, you should not allow the affairs of that Union to be finally settled by the Judge or by the Court which you have provided under clause 11 but there should be a further appeal to the High Court in order to settle matters which may be of great moment to the Trade Union concerned as well as to the Trade Union world. In these circumstances I suggest that there could be no better course than to provide for a second appeal to the High Court if the appeal to the Judge as provided for by clause 11 is rejected. An appeal to the High Court under these circumstances would be the most satisfactory way out of the difficulty. Otherwise matters of great moment may be decided, and probably wrongly decided, and there would be no remedy whatsoever in the hands of the Trade Unions or trade unionists.

Mr. Devaki Prasad Sinha: In order to anticipate an objection which the Government might probably urge, I desire to mention that if this amendment of Mr. Chaman Lall is accepted it will also be necessary to move the deletion of the words “the order of the Judge shall be final and shall not be questioned in any Court” at the end of sub-clause (3) of clause 11. That will be a consequential amendment. If this amendment of Mr. Chaman Lall is carried, we shall ask the permission of the House to move the deletion of this portion of sub-clause (3).

The Honourable Sir Bhupendra Nath Mitra: Sir, this again refers to a matter which was put in by the Select Committee after very careful consideration of arguments similar to those brought forward by Mr. Chaman Lall. We had a number of distinguished lawyers on that Select Committee. I confess I myself am not a lawyer but this is the solution they devised and I know the reason why they devised it. They had allowed for a second appeal. In view of experience in similar matters in England they did not think it desirable, particularly at the early stage of the growth of Trade Unions, that the funds of the Union should be frittered away in unnecessary pursuit of litigation. I have nothing more to add to that subject. That being the position, on behalf of Government, I cannot accept the amendment.

***Mr. M. A. Jinnah:** Sir, I must confess that I was not present throughout in the Select Committee. First of all, with regard to this clause 11. I would draw the attention of the Honourable Member in charge to the fact that it is somewhat ambiguous; but apart from that the Honourable Member said that, if the appeal to the High Court is allowed, the Trade Union will never come into existence. But the Honourable Member forgot that the Trade Union can never come into existence unless it gets registered and, if the registration is refused, the only way in which it can come into existence is to appeal to the High Court. Therefore he is rather too solicitous in advance about the funds of the Trade Union. I find that according to the English law there is an appeal to the High Court. (*An Honourable Member:* "Only one appeal.") That makes an important distinction.

Clause 11 says:

"Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or Assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf."

If the Registrar refuses registration, then it is open to the proposed Union to appeal, and it will be an appeal to a Judge of the status described here and he may be appointed only for the purpose of the particular case which arises. Therefore, the House will see that he would be a special officer probably appointed for that particular or special case and, if he goes wrong, his position in my judgment would not be very much better than that of the Registrar in England; and then there is no remedy. I really do think that it is a matter of very grave importance. It may become a matter of very grave importance to a proposed Union, and I think that there ought to be some safeguard which should enable them to go to a higher Court and establish their case.

***Lala Lajpat Rai:** I would suggest, Sir, that this section could be very much simplified by the Honourable Member in charge. At present it runs thus:

"Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf."

*Speech not corrected by the Honourable Member.

I think that is perfectly necessary. Would the Honourable Member consider this suggestion? I am sorry that Mr. Chaman Lall has withdrawn all these amendments in a little bit of hurry.

An Honourable Member: They are formal ones. He has not.

Lala Lajpat Rai: I would have suggested that you could have fixed the principal Civil Court of original jurisdiction presided over by an officer not below the rank of District Judge of the district where the head office of the Trade Union is situated. That avoids the trouble of the Local Government selecting officers at all; there is no need in each case. A Trade Union has a head office, and the principal Civil Court presided over by a District Judge ought to be the Court where the appeal of the Registrar will lie ordinarily. It avoids the question coming up before the Local Government every time there is a dispute, and I think a definite provision in the Statute would be much better than leaving it every time to be determined by the Local Government in each case. I would point out that considering that the law of trade unions is a new law in this country and the District Judges or the Registrar may not be very well acquainted with that law and with all the implications and bearings of that law, I think it would be dangerous at the present stage to omit all reference to the High Court. But in case the District Judge decides it, I would support the proposal that an appeal may lie to the High Court because under the English law an appeal from the order of the Registrar lies direct to a High Court Judge who is certainly believed to be much more competent than any Court presided over by a subordinate officer, and that is satisfactory. There can be no further appeal against that, unless the appeal goes to the Privy Council, and therefore the decision of the High Court Judge is final. But here you are providing for an appeal to a lower Court, and having provided for an appeal to a lower Court, it stands to reason that you should provide for the further chance of the rejection—mind, that appeal also lies against the rejection to be registered; if it is accepted, then of course the case ends. If it is rejected, it is a question of life and death to the Trade Union or the members of that Union. I may remind Honourable Members also of the question of immunities, etc. If it remains an unregistered Union, it becomes very important that the Trade Union should seek a further remedy, and in that case I think you ought to make provision for a further appeal to the High Court. Therefore it stands to reason that, considering that you have altered the law from what it is in England and that in this country an appeal can lie in the ordinary Courts to a Judge subordinate to the High Court, you might as well accept this amendment and finish with it.

Pandit Motilal Nehru: Sir, in rising to support the amendment I wish to bring one or two considerations to the notice of my Honourable friends on the other side. The clause seems to me to be very loosely worded, and I am glad to hear that my friend, Mr. Jinnah was not present when it was considered in Select Committee. It seems to me that the word "appeal" in the clause is a misnomer. What the Judge has to do on the so-called "appeal" is to hold an inquiry, to call for evidence to satisfy himself as to whether registration has been refused on good and lawful grounds or not. Ordinarily, an appeal means, and is understood to mean, a decision by a higher Court on the materials which exist upon the record, and the power of taking additional evidence is only very rarely exercised in cases where evidence has been refused, but in this case we find that the Judge when

[Pandit Motilal Nehru.]

the matter is brought before him has to go into it as if he were a court of first instance and not a court of appeal. However, I do not quarrel with words. We may take it that application or appeal, whatever it is, to the Judge is from the order of the Registrar. But it is a mistake to say that an appeal from the order of the Judge would be a further appeal, because the first Court, the first judicial tribunal which is seized of the case and which goes into it on judicial evidence and by following judicial procedure, is the Judge, and therefore the only appeal that you are asked to allow by the amendment is a first appeal to the High Court. It is not a case of further appeal at all.

Then, the next consideration which I would lay before the House arises from the analogy furnished by the registration of ordinary deeds. A Registrar refuses the registration of a deed. On that the aggrieved party has the right to question that decision by a civil suit and that suit can be taken right up to the Privy Council as an ordinary regular suit. There is absolutely no limit or restriction on the right of appeal. Is there any reason why on an important matter like the registration of a Trade Union upon which depends the very existence of the Trade Union as such, this right should be curtailed and there should be no right even of first appeal? I call it first appeal as I have shown that it is not a further appeal. There is no reason why the right of first appeal should not be granted. I do appeal to the House to take this consideration into account and not withhold a right which is absolutely necessary in the ends of justice.

***Diwan Bahadur M. Ramachandra Rao:** Sir, I feel some difficulty in accepting the scheme as set out in this Bill for the registration of Trade Unions. In the first place, Sir, under clause 8 each Local Government is empowered to appoint a Registrar of Trade Unions. That means that for the whole province there will be one single officer. Take the Madras Presidency. Assuming that somebody wants to have a Union registered from Vizagapatam, if there is a single officer for the whole province, who naturally would be at the headquarters, it seems to me that the man would have to go all the way to Madras to get the Trade Union registered. I do not see anywhere in this Bill any power of delegation or the appointment of Assistant Registrars similar to that under the Co-operative Societies Act. That, Sir, is the first difficulty that I feel in regard to dealing with applications for registration.

Then, Sir, the next point is that there is to be an appeal to a Judge appointed by the Government to hear an appeal against the refusal of this Registrar. I am really unable to understand what is really intended by clause 11. I should like to know, Sir, from both the Honourable Member in charge and from the Honourable the Law Member what is the real intention of clause 11. Is it intended that in each case of refusal the Local Government is to be approached by the aggrieved party and the Local Government is to appoint a Judge by name to hear that appeal? That is what I gather from clause 11. If that is so, Sir, it seems to me that it would cause considerable inconvenience to those who have to register Trade Unions. The only way of getting out of this difficulty, if that is the meaning of the clause, will be to choose, as pointed out by

*Speech not corrected by the Honourable Member.

my friend Lala Lajpat Rai, the court of original jurisdiction, namely, the District Court, and everybody would know where to appeal in a case of a refusal. As it is, it seems to me that an aggrieved party will have to approach Government and say: "Here is an appeal that I wish to prefer; please appoint an officer to hear it." That is what I gather to be the meaning of clause 11. Is it so? What is the meaning of clause 11? As the clause is worded, it seems to me that that is the course that is suggested by it; and if that is the course, I take strong exception to this power of hearing appeals being vested in a special officer to be specially chosen for the purpose. The words "in this behalf" at the end of clause 11 lead one to the conclusion that what was intended was a Special Judge to hear the appeal in a particular case.

Mr. President: I have allowed the Honourable Member sufficient latitude to travel beyond the scope of the amendment but he knows that this is all irrelevant to the question before the House. The question before the House is whether there should be an appeal to the High Court or not.

Diwan Bahadur M. Ramachandra Rao: I am coming to that, Sir, I think, Sir, that if there is to be a District Court to hear this appeal, it will avoid all these difficulties. As pointed out by both my Honourable friends, I certainly support an appeal to the High Court unless my Honourable friends opposite adduce any satisfactory reasons against this interpretation of clause 11.

The Honourable Sir Bhupendra Nath Mitra: Sir, the intention so far as I am aware of sub-clause (1) of clause 11 was not that a Judge should be appointed by name in each particular place. But, as I have said, Sir, the whole of that clause was redrafted by Select Committee. In fact, the italics show that. In the Select Committee we had the assistance of a number of eminent lawyers, the President himself being one of them. I may also observe that in paragraph 4 of the report of the Select Committee it is specifically stated that by majority they decided that the decision of the Judge should be final. As Mr. Jinnah did not record a note of dissent, I must confess I did not fully understand his observation. However, that is another matter.

Mr. M. A. Jinnah: I am willing to change my views.

The Honourable Sir Bhupendra Nath Mitra: We would not have objected to accepting the amendment of Mr. Chaman Lall which stood as No. 18. He has unfortunately withdrawn that amendment and thus made the position somewhat difficult. If my friend, Lala Lajpat Rai, will now give us a formula of words on the lines which he indicated, we will be willing to accept that and not press that no notice of the amendment was given.

***Lala Lajpat Rai:** Amendments Nos. 19 and 20 are just consequential changes and amendment No. 18 is the principal amendment. If the Government accept this, I think it would be a very simple procedure. Of course, amendments Nos. 22 and 23 are separate. But amendments Nos. 18, 19 and 20 stand together. Amendments Nos. 19 and 20 are only consequential on the acceptance of amendment No. 18 and so is amendment

*Speech not corrected by the Honourable Member.

[Lala Lajpat Rai.]

No. 21. Of course, amendments Nos. 20 and 23 stand on their merits. That is a different thing. If the House permits me, I will propose those amendments.

Mr. President: Until the amendment now under consideration is disposed of, I cannot allow other amendments to be moved. If by mutual understanding this amendment is disposed of in some manner, and if it is the desire of the House that other amendments should be allowed, I shall not stand in the way.

Mr. Chaman Lall: Amendment No. 23 has not yet been disposed of. May I take it that the question is now open to the House and that we can go back to the other amendments which have not been dropped.

Mr. President: If this amendment is dropped, then other amendments are possible. I do not know whether other amendments suggested by Lala Lajpat Rai are possible if this amendment is carried.

Mr. Devaki Prasad Sinha: May I ask the Honourable Sir Bhupendra Nath Mitra if he wants us to drop amendment No. 23 and to adopt amendments Nos. 18 to 21 in the alternative.

The Honourable Sir Bhupendra Nath Mitra: I think my friend Lala Lajpat Rai wanted them to be adopted as an alternative.

Lala Lajpat Rai: I would insist on the right of appeal and not as an alternative.

The Honourable Mr. S. R. Das: Will he insist on a right of appeal to the High Court itself? So far as Bombay, Calcutta and Madras are concerned, the appeal would lie to the High Court.

Lala Lajpat Rai: But there are other provinces also.

The Honourable Mr. S. R. Das: So far as the High Courts are concerned, you do not want an appeal.

(Lala Lajpat Rai did not resume his seat.)

Mr. President: Will one of the Honourable Members please resume his seat?

The Honourable Mr. S. R. Das: I only want to find out from my Honourable friend there whether he wants a second appeal from the High Court or only in cases heard by a District Judge.

Lala Lajpat Rai: Only from the District Judge's orders.

***Mr. M. A. Jinnah:** In Bombay the first appeal would lie to the High Court, therefore you want an appeal against the decision of the High Court. I would certainly ask the Government to keep the scheme in your clause 11 as it is, rather than mutilate it and allow appeals to the High Court. The decisions of the special officer should not be final, but there should be a right of appeal to the High Court.

*Speech not corrected by the Honourable Member.

Mr. President: The only course open to the Chair is to put the amendment. The question is:

"That to clause 11, the following sub-clause be added:

'(4) In the event of the dismissal of an appeal under sub-section (3) the person aggrieved shall have the right to appeal to the High Court.'

The motion was adopted.

Mr. Devaki Prasad Sinha: I now move as a consequential amendment:

"That the following words in sub-clause (3) of clause 11 be omitted:

'The order of the Judge shall be final and shall not be questioned in any Court.'

Mr. President: I must be satisfied that it is really a consequential amendment, before I allow permission to the Honourable Member to move it. Does the Member in charge agree?

Mr. Devaki Prasad Sinha: That follows. I have nothing to say except that it is a consequential amendment. I beg to move:

"That the following words occurring in sub-clause (3) to clause 11 be omitted:

'The order of the Judge shall be final and shall not be questioned in any Court.'

This is to make new sub-clause (4) effective.

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12, 13 and 14 were added to the Bill.

Mr. President: The motion is:

"That clause 15 do stand part of the Bill."

Mr. N. M. Joshi: Sir, I do not move my amendment* No. 24, in view of the fact that my amendment regarding "benefits" was withdrawn. I will move my amendment No. 25. I move:

"That in sub-clause (d) of clause 15, the words 'on behalf of the Trade Union or any member thereof' be omitted."

The object of the amendment is this, that the funds of a Trade Union should be spent not only for the conduct of a trade dispute on behalf of that Union or the members thereof, but should be spent for the conduct of any trade dispute. Sir, if organised labour is to succeed at all it will succeed by standing together. If the Unions stand apart they will never succeed, and if you prevent one Union spending its money for the benefit of other workers who may be unorganised, then that Union will not be able to achieve its object. It is therefore necessary that a Trade Union should be able to spend its money for trade disputes for organised or unorganised workers in this country or out of this country. The Honourable Member in charge of Industries and Labour said in the morning in the very beginning that, if certain changes were made, Government would reconsider their position. I cannot hold out that threat, not having a large number of Members at my beck and call, but I say this, if you do not allow members to spend their money for trade disputes on unorganised labour, at least you will not get my vote for this Bill and you will not get any Union in which I am interested or which will listen to my advice to get itself registered. *It is

*"That clause 15 be omitted and the subsequent clauses renumbered."

[Mr. N. M. Joshi.]

therefore, absolutely necessary that these words "on behalf of the Trade Union or any member thereof" should be omitted. Sir, a trade dispute is not undertaken by workers very light-heartedly. They do it simply because they find it absolutely necessary, and when they find there is no other remedy to achieve what they want except by going on strike, they go on strike. They do not want these strikes to be repeated very often. Of course the employers would like to have strikes take place often and the money of the Unions to be exhausted, but the workers do not want to have strikes very often. They want to fight a strike at a time when they will succeed and in a manner in which they will succeed. Therefore, if the workers go on strike, it is absolutely necessary that they should succeed. If one Union goes on strike and it wants to succeed, it will be necessary for it to get funds from outside. As a matter of fact funds are being sent from one Union to another to fight strikes. Labour all over the world has realised its solidarity, and it is to the interest of labour not only that it should stand together; but even if labour does not realise its solidarity and oneness, still it is in the selfish interest of one part of labour to help another part of labour. I will give you an instance. Recently when we had a strike in Bombay we got money for the strike from England, Europe. (*An Honourable Member*: "Russia"). Russia also. I am not afraid of saying so. I got a good deal of money from Russia and I am not ashamed of it. We got this money simply because the European workers have realised that labour all over the world must stand together. Not only that but they have realised that it is to their own selfish interest to help unorganised labour going on strike in other countries. They know this much, that if their wages are not to be lowered, they must see that wages in other countries are not lowered. It paid English labour to help us in our strike. If the wages of textile workers in Bombay had gone down wages in Lancashire would also have gone down. Therefore, it was absolutely in the interests of English Unions to send us money to conduct our strike and see that our wages were not reduced. Take the case of Ahmedabad and Bombay. Sometimes it may happen that there is a strike in Ahmedabad. It may pay Bombay workers to help the workers in Ahmedabad and save some money ultimately, because if the workers in Ahmedabad are beaten, another time the workers in Bombay may be beaten. Therefore, the workers want to fight together. They do not like this restriction that their money should be spent only for their strike. If a Trade Union finds that it will be to its interest to help another Union to fight their employers, the Union should be free to do it. And, moreover if you once decide that the Union should spend its money only for its own strikes, you create divisions among the working classes, whereas it is necessary for the working classes to stand together always. Government have already created divisions and I am quite sure the politicians in this House know the effect of those divisions. I warn the politicians here who may not have yet realised how divisions may be created among the working classes by this clause not to do this thing. If a Union wants to spend its money, its whole money even, for helping some other workers—they may be unorganised workers—it should be allowed to do so.

I hope my amendment will be carried by this House. If my amendment is not carried, I do not wish to hold out a threat, but I will make it very clear that if you do not allow a Union to help unorganised workers in their struggle you will not get my vote for this Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to all that my Honourable friend Mr. Joshi said with great interest. The position is this, Sir, in regard to other Unions if they are registered. The Bill itself provides for the payment from one registered Union to another of contributions for the furtherance of any of the objects on which the general funds of the former Trade Union may be spent. So that meets the case of other registered Trade Unions. We are then left with non-registered Trade Unions. (*Mr. N. M. Joshi:* "Or without Trade Unions!") And here, Sir, I should like to take objection on a point of order. I have referred to it already in my speech. The Bill before this House is a Bill "to provide for the registration of Trade Unions and in certain respects to define the law relating to Trade Unions in British India". There is nothing here to provide benefits for non-registered Unions, and that being so I cannot agree to that particular amendment.

Mr. N. M. Joshi: As regards this point of order, I cannot understand it

Mr. President: The Honourable Member is very ingenious, but I am afraid the objection raised by him does not fit in at this particular place. The Bill is to define the law relating to Registered Trade Unions. This particular clause gives power to those unions to spend their funds on certain defined objects. The Honourable Member from Bombay seeks by his amendment to enable the registered Trade Unions to spend their funds on certain other objects also—this he is entitled to do. The amendment is quite legitimate and within the scope of the Bill. If the Honourable Member wishes to say anything on the merits of the amendment, he might continue.

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, that I had made a mistake; and I shall now deal with the merits of the proposal. Looking to the merits of the case, is it right that these registered Trade Unions should be allowed to spend their funds in this particular manner, specially at the outset of their institution? From what I have seen of Trade Unions in this country their finances are not in a particularly favourable position, and I should have thought that in a case of this sort charity should begin at home, that is, a registered Trade Union should confine its activities to defending the interests of its own members and to promoting the welfare of its members, instead of trying to fritter away its money in various other directions. As a matter of fact this was one of the points which came before the Select Committee and to meet certain payments out of the funds of a registered Trade Union on objects not directly concerning the members of that trade union they made one or two amendments to it. I should think that that is the utmost to which it is desirable that we should go at present. If of course Trade Unions should develop considerably, and their funds should grow, there will not be slightest objection to one of my Honourable friends opposite bringing forward an amendment like this.

Mr. Chaman Lal: Sir, I have not discovered anything that the Honourable Member has said which really meets the objection raised by my Honourable colleague, Mr. Joshi. The point that Mr. Joshi has made is perfectly clear and the point is this: that in trade union matters, whenever a Trade Union is fighting for its existence, it is necessary for it to support every kind of labour dispute which is connected with it. It

[Mr. Chaman Lall.]

does not necessarily mean that it should be confined to the support of those Trade Unions only which are registered under the Bill. There are a large number of industries in India where you do not find any Union at all; and usually our experience has been that strikes have preceded the formation of Unions. Are we to be precluded from helping these people merely because they do not happen to have any Union or any registered Union? I see no object whatsoever in tying down the hands of these Trade Unions in this fashion. Further the Honourable Member has displayed a great deal of keenness about safeguarding the finances of Trade Unions in this country. But he does not realise that it is part of the strategy of trade unionism in this country to support workers wherever they may be, who are struggling for their existence, because trade unionists realise that by complete unity and unity alone they can succeed. The unity that we wish to create is the unity of workers all over India forming themselves into one vast big Union which shall comprise workers of all grades, all castes and all creeds. In a movement like this you cannot divide workers into water-tight compartments as you are trying to do by this Bill. Again wherever you find a Trade Union going on strike or workers going on strike it is to the interest of other workers to go to their assistance every time. When the Bombay workers went out on strike, my friend, Mr. Joshi has informed the House that even Russian trade unionists sent ten thousand roubles for the assistance of these workers. The money was gladly accepted, it was openly accepted, it will be accepted again if a contingency of this sort arises. British trade unionists realised the importance of that strike, and they sent a large sum of money for the assistance of the Bombay workers. Are we to be precluded in a case of this sort, if there is a strike abroad or in India, from helping Trade Unions merely because they do not happen to come under the category laid down by the Honourable Member in his Bill, that is to say, they do not happen to be registered Unions? I see no logical reasoning whatsoever in confining the trade unionists in this particular fashion under this Bill. I appeal to the House to consider that the trade union movement is not merely a movement for the creation of insurance societies, but that it is a movement with an ideal and with an objective. That ideal and that objective know no confinement of any sort. This movement embraces workers throughout India of all kinds and its principal object is to give sustenance and support to workers who may be in trouble in every way that we can.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I should just like to say one or two words with reference to what has fallen from my Honourable friend opposite. In the first place, in the beginning of his speech he referred to connected trades, and I thought he was going to argue that it would be reasonable to allow these funds to be spent on Trade Unions or unregistered Unions which may be either in the same trade or connected trades. Thereafter he went on the general lines of the solidarity of labour. Now, I would ask the House to consider whether there is very much in this. This restrictive clause, of which so much point has been made, deals with the use of the Trade Union funds. I quite see Mr. Joshi's point that Trade Unions may, in their personal interest, have to stand or fall with other labour at times. But what is there in this clause which prevents any Trade Union from sending their

hat round and saying "We wish to have a levy; we want you to give half a crown a head" for helping the furniture makers say in Japan? There is nothing in the Bill which prevents any Trade Union from doing it. All that the Bill says is that you shall not use the funds that have already been accumulated for that purpose, and therefore on these grounds I would ask the House to pause before it carries the amendment.

***Lala Lajpat Rai:** Sir, the amendment proposed by my friend Mr. Joshi involves a very important question of principle, and I wish the House to give proper attention to it. We are being told every day by British statesmen and British journalists that the conditions of labour in this country are so miserable and disgraceful that certain political consequences follow upon them. The Trade Unions aim at improving those conditions of labour by their own power and by their own organization, and labour organization in this country is, as has been said several times even in the minutes of dissent, in its infancy, at least in its modern shape. Under those conditions I think it is absolutely essential for the existence and development of labour organization in this country that no restrictions shall be placed upon its power to spend its funds in furtherance of the objects of labour. I can quite understand an apprehension that the funds of the Trade Unions might be spent for political objects, but I would draw the attention of the Honourable Member to the fact that the words used in this clause are "trade disputes" and there can be absolutely no fear of any funds under this clause, at any rate, being spent for the furtherance of political objects. Sir, as my friend has already pointed out, it is becoming a question almost every year, almost every day, in fact almost every utterance made by labour leaders shows, that labour must stand or fall together, and that labour is one all over the world. Well, if it is not one all over the world, at any rate it is one in India, and labour must endeavour to stand or fall together in its essential principles. If this Bill seeks to provide that no registered Union can spend any part of its funds in the furtherance of the objects of labour, I submit that it will be hampering the development of the Trade Unions, and it is worth considering whether on the labour side we ought to have this Bill. I do not think it would be worth while, if the funds of the Trade Unions cannot be spent in furthering the objects of labour organization. I can understand the Honourable Member making any restrictions he likes to prevent Trade Unions from using the funds for political objects, but this clause only refers to trade disputes. I can also understand if any restrictions were placed on Trade Unions to prevent them from spending money on general objects. The Honourable Member has said that there is nothing to prevent a Trade Union from making a fresh levy at any time when it wants help.

We do not know what the rules for registered Trade Unions might be hereafter. Perhaps those rules might provide that whenever a Trade Union makes a levy it will be considered part of the Trade Union fund and will be governed by this Bill. We are entirely ignorant about that. Therefore we cannot make any proposal that Trade Unions shall have no power to make any levy for the general objects of labour under this Bill. I would therefore earnestly ask the House to consider this question which is of very great importance to labour. I quite agree with Mr. Joshi that some power should be given under this clause for Trade

*Speech not corrected by the Honourable Member.

[Lala Lajpat Rai.]

Union funds—at least a portion, if not the whole of it; you can limit the portion—to be spent on the furtherance of the general objects of labour. What I want to draw the attention of the Honourable Member to is that there is not likely to be any chance of the funds of the Trade Union being spent in furtherance of any political object, because the amendment specifies trade disputes without restriction—trade disputes whether initiated by registered Trade Unions or not so long as the furtherance of the object is merely a trade dispute. I would, therefore, urge upon the House to consider the matter in this light. The refusal of this amendment will practically involve the consideration of the question whether this Bill is going to further the cause of labour. I believe in all earnestness that Government want to further the cause of labour and to provide them with facilities and opportunities to organise themselves and to improve their condition. If the Government really want to do that, as we have been told they want to by British statesmen and British journalists, then we beg of you not to hamper the development of the labour movement in this country by placing such restrictions on their powers of utilising their funds and advancing the cause of labour. This amendment is not a very ordinary amendment. It is an amendment which goes to the root of the whole question. The object of this legislation is to further the cause of labour, to develop Trade Unions, to let them organise with the object of making themselves strong, and to fight their own battles against capital or anybody else who may interfere with their rights. They can only be strong if they stand together. They cannot be strong if a division of this kind is allowed to be brought in to the effect that the funds of a registered Trade Union can only be applied either for the purposes of that Trade Union or of any other registered Trade Union. I therefore consider that this amendment is of very vital importance. It involves a question of principle and I hope that this House will not treat it lightly as a verbal amendment in the way in which some other amendments have been treated. It is not a verbal amendment. It involves a question of great principle and I would beg the House to think well before they vote on this matter.

Mr. W. S. J. Willson: Sir, if I were an enemy, opposed seriously to trade unionism, I should say let this amendment stand, because anybody opposed to trade unionism must see that the best course would be to give them every possible opportunity of disbursing their funds and breaking themselves up. But, Sir, that is not the view I take at all. We have to consider that this is the first Trade Union Bill to be passed in India, and it would be a very great pity to plunge India into fully fledged trade unionism at one single and solitary jump. Members of this Assembly are not perhaps aware exactly how far trade unionism can go and no doubt eventually will go in this country. Mr. Joshi tells us that Russia gives him money and other things. Is that money given by Russia for love of your workers, or is it given with the express purpose of tying up the trade of your country in order that it may be diverted to them? My suggestion and my belief is that the money is sent into your country in order to tie up your industries. Consider it again from the public point of view. Trade Unions will not, I think, be able to succeed in this country if public opinion is against them and sets itself against them from the very start.

Let us by all means go slowly. The amendment seeks to give additional powers beyond what are prescribed in the Bill. You can at any time

give those powers in the future if you wish, but if you go so far as to give them now, it would be extremely difficult for you at any future date to withdraw them.

My Chambers took the view that some provision ought to have been made in this Bill for the protection of public utility companies. You are all in this House at the mercy of the public utility companies, and if you confer upon your Trades Unions to-day the right to hold up the whole of your public utility services. . . .

Lala Lajpat Rai: I rise to a point of order. Is that relevant to the discussion on this particular amendment?

Mr. President: I am allowing the Honourable Member to proceed with a view to find out how far he is relevant.

Mr. W. S. J. Willson: If you allow your labour to hold up your public utility services, you have not got and cannot develop in this country for some years yet a very useful system they have in England by which members of the public themselves take on the distribution of supplies. I submit that my remarks are relevant because if you make this clause too wide, you may be astounded to find one of these days that your public utility companies are held up and that you have been responsible for that by your action to-day. With these words I oppose the amendment.

Mr. R. K. Shanmukham Chetty: My Honourable friend, Mr. Willson, pointed out that he was of opinion that this amendment could be supported by an enemy of trade unionism. I would give him a homely instance.

Mr. W. S. J. Willson: That is not exactly what I have said.

Mr. R. K. Shanmukham Chetty: That is not exactly what you have said. You said that if you do not want trade unionism to flourish in India you would support the amendment.

Mr. W. S. J. Willson: I did not say I would; I said another one would.

Mr. R. K. Shanmukham Chetty: Sir, if the house adjoining my Honourable friend, Mr. Willson's house took fire, surely it would be to the interest of my Honourable friend to see that that fire was quenched. When he goes out to quench the fire in his neighbour's house, he does so not merely because he loves his neighbour but because he knows that, to protect his own house, he must quench his neighbour's fire. That is exactly the position of Trade Unions. My Honourable friend, Mr. Willson, asked Mr. Joshi what prompted the trade unionists in Russia to send money to the Trade Unions in India. Is it because they love the Indian labourer? I say the labourers in Russia send money to the labourers in India whenever they are in trouble not merely because they love the labourers in India but because they love themselves. Sir, the labourer in Russia and the labourer in India are not so simple-minded as my Honourable friend Mr. Willson takes them to be. The labourer in India and the labourer in Russia know that labour conditions and wages in one country are bound to affect labour conditions and wages in other country. The labourer in Russia knows that if the wages in India go down considerably, it is bound in time to affect his own wages. Sir, Labour Unions throughout the world have been trying

[Mr. R. K. Shanmukham Chetty.]

to bring about a world federation as it were of labour, not in pursuit of an impracticable ideal but merely for the purpose of self-preservation. If a Labour Union is to preserve itself, if it is to avoid trouble for itself in future, it may be necessary, as my Honourable friend Mr. Joshi pointed out, that that Labour Union should go and help another Labour Union to maintain a certain standard of wage. In such a case it will do no good for this Labour Union to say " We cannot go to the support of the other Union because that has not been registered under this Bill ".

Sir, this amendment of my friend, Mr. Joshi, goes to the very root of the whole matter. It is a question of life and death for the labourers.
 5 P.M. If Trade Unions are not permitted to spend their funds in helping other Trade Unions when they are in trouble, whether those unions are registered or not, it will certainly defeat one of the fundamental objects of the Trade Union. I would therefore appeal to this House to consider this aspect of the question and realise that if Trade Unions demand that this amendment of Mr. Joshi ought to be incorporated, it is not because they are desirous of squandering their funds but because this amendment is essential for their preservation and self-protection. I do hope, Sir, the House will accept the amendment.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I always have sympathy with my labour friends. I am a labourer myself and I often mix with labourers. And being a bogus capitalist, I often have to control labour also. I have to do with skilled and unskilled labour in large numbers and I know what they want; but I am sorry I have no sympathy with Mr. Joshi's amendment. I listened to the very eloquent speech of Lala Lajpat Rai but I cannot agree with him. I agree with much of what Mr. Willson said to-day. It is seldom I agree with my Honourable friend, Mr. Willson. I agreed with him once before and that was on the Rupee Tender question. This is the second occasion.

You are passing a Trade Union Bill. You are not giving to labour the full government of India or the full government of the world. Everybody knows about secret party funds.

Mr. N. M. Joshi: Have you got party funds for your Independent Party?

Mr. B. Das: We will have funds if occasion needs it. When you talk of Parliamentary institutions in England everybody knows that every party has funds. Even the Labour Party of England, to which Mr. Joshi and my friend, Mr. Chaman Lal, owe allegiance, has party funds.

Mr. N. M. Joshi: Their funds are open funds.

Mr. B. Das: It may be so, Sir. But I have never seen the publication of their accounts. If the funds of the Union are left to the control of the Executive, what little funds they have will be transferred to the headquarters for a cause with which they may not have any sympathy. I work for some portion of my time in Bombay and I have seen funds diverted and wasted by so-called labour leaders who have no knowledge of

labour at all and who are not in sympathy with labour. If Mr. Joshi wants this to be introduced, he can do that after a year or two, when he can bring in an amending Bill. That will be the proper occasion for it.

My friend, Mr. Chaman Lall, talks of the federation of labour. It may be nice and tall talk but you cannot have a labour federation at present and how many of you here belong to the Labour Party in this Assembly? Not more than half a dozen. (*An Honourable Member*: "I suppose you are one".) Yes, I am a labourer myself. (*Mr. Kumar Shankar Ray*: "Exploiting labour".) Everybody is exploiting. My friend Mr. Kumar Shankar Ray is also exploiting his clients by practising in court. I live by the sweat of my brow, working as an engineer. Lala Lajpat Rai has with his eloquence appealed to this House. I also appeal to the leaders of labour in this House not to be in haste because you will commit mistakes in haste.

- **Mr. M. K. Acharya** (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I fear that the discussion on this small amendment during the past few minutes has been rather too general. I may say of course at the very outset that I have the greatest sympathy for the cause of labour in general and therefore I wholeheartedly support the ideas that have been put forward by Lala Lajpat Rai and other friends. But at the same time if you will permit me, I may draw the attention of this House to what I may call the structure of this clause 15. Sub-clauses (a) to (h) of this clause deal with the payments of the funds in respect of various objects in which the members of the Trade Union themselves are particularly concerned. It is in sub-clauses (i), (j) and (k) that we come to the funds of the Trade Union with respect to the cause of labour in general, and therefore I would suggest that the proper place where we should introduce this general object, that the members of one Trade Union should be at liberty to spend their funds in order to help the cause of labour in general, will come rather later and not with respect to sub-clause (d). Clause (d) is concerned with the conduct of trade disputes concerning a Trade Union or any members thereof in the first instance and it is provided that the funds of the Union concerned shall be rightly and lawfully expended on this particular object. I would suggest that in (j), dealing with the payment of funds in furtherance of other objects, which was added to in the Select Committee with a view to provide for some such purpose as that which is now being drawn prominent attention to by my friends there,—it is rather there that the alteration should come in, and there Mr. Joshi I find has got in fact a very very wide and all-embracing amendment that funds should be expended on any cause intended to benefit workmen in general; it is there rightly and legitimately that this idea will have to be incorporated. Here in sub-clause (d) we are concerned with the conduct of trade disputes in which the members of a particular Trade Union are concerned. It is perfectly right and legitimate that that should stand as it is. Therefore I would suggest to my friends to leave this sub-clause as it is; but when they come to sub-clause (j), dealing with payments in furtherance of other objects on which the general funds of the Trade Unions may be spent, such as contributions to the funds of other registered or unregistered Trade Unions or to the cause of labour in general, it is there that rightly and appropriately we can take up this question. I therefore say, Sir, that sub-clause (d) should stand as it is.

[Mr. M. K. Acharya.]

and when I say so I do not for a moment wish it to be understood that I lack in sympathy for the cause of labour in general. I have as great sympathy for labour in general as any of my other friends there have, and therefore I would beg of the House to leave the sub-clause as it is; and when we come to sub-clause (j) to see how it can be amplified so as to make it possible for members of one Trade Union to help the cause of labour in general, or other Trade Unions, registered, unregistered, formed or unformed, and all that kind of thing. Therefore I suggest that this sub-clause should be left as it is.

***Diwan Bahadur M. Ramachandra Rao:** Sir, I agree with my Honourable friend, Mr. Acharya, that the proper place where this question can be dealt with would be in sub-clause (j). It seems to me, Sir, that so far as sub-clause (d) is concerned, the conduct of trade disputes on behalf of a Trade Union or any member thereof is a specific object to which the funds of a Trade Union can be devoted, and that must be specially provided for as it has been provided for in this sub-clause, that is, that these funds can be spent on any trade disputes between officers of a Trade Union or any member thereof. It is perfectly true, as has been pointed out by Lala Lajpat Rai, that there are cases where one Trade Union will have to go to the help of another Trade Union. Referring again to the analogy of co-operative societies, they have rules in co-operative societies by which a portion of the profits of the year are devoted to any object of general utility which the members may think desirable. They are specially provided for by the rules of co-operative societies. In the same way it is quite possible to provide here that a certain definite portion of the funds of a Trade Union may be devoted to other purposes similar in object, and the place where that can be dealt with will be in sub-clause (j). Sub-clause (j) already says:

“the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to the general funds of any other registered Trade Union.”

There is a provision already there empowering one Trade Union by way of contributions to help another Trade Union and, if any amplification is required or any definite proportion is to be set apart, that can be attempted under (j). I would therefore ask my friend Mr. Joshi to consider whether it is necessary to press his amendment under sub-clause (d) of clause 15. This clause specially provides that the funds of Trade Unions can be devoted for the fighting of any trade disputes on behalf of the Trade Union or any member thereof. It seems to me that there is much more to be gained by retaining than by deleting the words as proposed by my friend.

Lala Lajpat Rai: May I know if the Member in charge will accept this principle?

The Honourable Sir Bhupendra Nath Mitra: I did not catch, Sir, what the position was. All that my friend Diwan Bahadur Ramachandra Rao suggested was that this particular matter might be taken up for consideration at a later stage. I can not possibly commit myself to its acceptance at that stage until I have heard what Mr. Joshi has got to say on that particular amendment; but it will certainly receive my careful consideration when we come to it.

*Speech not corrected by the Honourable Member.

Mr. A. Rangaswami Iyengar: All that has to be said has already been said on that point.

Mr. President: The question is:

"In sub-clause (d) of clause 15 the words 'on behalf of the Trade Union or any member thereof' be omitted."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 26th January, 1926.
