

2nd April 1929

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

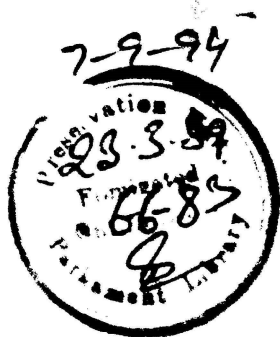
Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



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1929

Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

Deputy President :

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Committee of Public Petitions :

MAULVI MUHAMMAD YAKUB, M.L.A., Chairman.

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MR. DHIRENDRA KANTA LAHIRI CHAUDHURY, M.L.A.

NAWAB SIR SAHIBZADA ABDUL QAYUM, K.C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 2nd April, 1929.

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

MEMBER SWORN:

Mr. Wilfred Thomas Mermoud Wright, C.I.E., M.L.A. (Legislative Department: Nominated Official).

QUESTIONS AND ANSWERS.

PAY AND DUTIES OF TOWN INSPECTORS OF POST OFFICES.

1334. *Maulvi Muhammad Yakub: (a) Will Government be pleased to state if the Town Inspectors in first class head offices have the same duties and pay, *vis.*, Rs. 160—250 as those of the Sub-Divisional Inspectors with effect from 1st September, 1927? If so, what is the total number of such appointments in each Postal Circle?

(b) Is it a fact that there were a number of officials in various Circles on 1st September, 1927, who had passed the Inspectors' examination and were on the waiting list for that post for more than five years? If so, what was the total number of such officials in each Postal Circle?

(c) Is it a fact that, among the unpassed Town Inspectors existing on 1st September, 1927, none was eligible for promotion to the Inspectors' posts?

(d) Is it a fact that, on 1st September, 1927, promotions to the Sub-Divisional Inspectors' and equivalent posts were dependent on passing the departmental examination? If so, does this condition still hold good?

(e) Is it a fact that, in some of the Postal Circles, all these posts of Town Inspectors were given to the passed hands who were on the waiting list, but in others the claims of such officials were overlooked, notwithstanding their superiority over unpassed men as accepted? *Vide* Director-General, Posts and Telegraphs letter No. E.A.-279/28, dated 11th February, 1928, as below:

"A clerk who had passed the departmental examination for promotion to the grade of Sub-Divisional Inspectors and Head Clerks to the Divisional Superintendents must be held to possess qualifications superior to those of an unpassed man, and should be given preference to the latter."

(f) Is it a fact that the unpassed Town Inspectors appointed to the new grade of Rs. 160—250 were given this promotion on the distinct condition that they would only be confirmed on passing the departmental examination? If so, is it a fact that now the Department is going to exempt them altogether from passing the examination, and if so, what is the justification?

The Honourable Sir Bhupendra Nath Mitra: (a) The pay of Town Inspectors of first class head offices and of Sub-Divisional Inspectors is the same. As regards duties, when Government orders were issued, revising the pay of Town Inspectors attached to first class head offices, it was prescribed that they should be required to perform all the duties laid down for Inspectors of Post Offices. A list showing the total number of such appointments in each postal circle will be supplied to the Honourable Member.

(b) The information is being collected and will be supplied to the Honourable Member.

(c) Yes.

(d) Yes.

(e) Yes, in this connection the Honourable Member's attention is invited to the reply given in this House by the Honourable Mr. A. C. McWatters to Mr. Siddheswar Sinha's starred questions Nos. 777, 778 and 779 on September the 21st, 1928.

(f) The facts are as stated by the Honourable Member; the reason for exempting the men from passing the examination will be found in Government letter No. 14-P. T. E., dated the 2nd October, 1928, a copy of which was laid on the table of the House in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions Nos. 98 and 133 on 28th January, 1929, to which the Honourable Member's attention is invited.

PAY OF UNPASSED TOWN INSPECTORS OF POST OFFICES.

1335. ***Maulvi Muhammad Yakub:** Is it a fact, when the post of a sub-postmaster in the clerical time-scale is raised to the Rs. 160—250 grade, the existing incumbent is made to vacate the office in favour of an official due for promotion to the Rs. 160—250 grade? If so, why has this principle not been applied to the similar case of the old unpassed Town Inspectors who have been retained in the post in the Rs. 160—250 grade, or are now going to be brought back to the post, after having once been completely removed from it?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. The reasons for showing special consideration to the old unpassed Town Inspectors are contained in Government letter No. 14-P. T. E., dated the 2nd October, 1928, to which the Honourable Member's attention has just been drawn in my reply to his starred question No. 1334 of today's date.

PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

1336. ***Maulvi Muhammad Yakub:** Is it a fact that a number of passed men in different Circles still remain unprovided for in the Rs. 160—250 grade, although they have been years and years on the waiting list, and if

so, how do Government propose now to provide for them in the Town Inspectors' grade of Rs. 160—250 and thereby remove their long standing grievances?

The Honourable Sir Bhupendra Nath Mitra: It is a fact that a number of men who have passed the departmental examination for promotion to the posts of Sub-Divisional Inspectors or Superintendents' Head Clerks are still waiting for such appointments, but they will receive appointments as vacancies occur in the posts for promotion to which they were examined. The position regarding the filling of Town Inspectors' posts has already been explained in reply to the Honourable Member's earlier questions, and Government do not propose to take the action suggested.

APPOINTMENT OF BABU B. G. KUNDU AS SUPERINTENDENT OF POST OFFICES.

1337 ***Mr. Anwar-ul-Azim:** (a) Is it a fact that at pages 21, 33, 53, 162 and 186 of the Director General's Blue List corrected up to 15th November, 1928, the name of one, Babu B. G. Kundu, appears as a Superintendent of Post Offices? Is this the same official about whose appointment I put questions in the last two sittings of the Assembly? If so, will Government be pleased to state how this official came to be a Superintendent of Post Offices?

(b) Has he passed the examination for Superintendents of Post Offices?

(c) What is the meaning of the word "provisional" shown against his name in the list?

(d) Is not his appointment as a Superintendent of Post Offices prejudicial to the interests of as many as 39 officials who have already passed the Superintendents' Examination (*Vide* pages 35—38 of the Director General's Blue List) and have long been on the waiting list?

Mr. P. G. Rogers: With the permission of the Honourable Member, I will reply to the question as a whole. Rai Sahib B. G. Kundu, about whom the Honourable Member put questions in the previous two sessions of the Assembly, is the same person whose name appears in the pages of the Blue List referred to. He has been appointed Superintendent of Post Offices in the vacancy caused by the suspension of the lien of a Superintendent who is on deputation outside India. As these arrangements are liable to be reversed on the return of the permanent incumbent, his appointment is shown as provisional for the present. In reply to the Honourable Member's starred question No. 148, dated the 6th February, 1928, the facts about the case of Rai Sahib B. G. Kundu were fully explained, and, as he is an official of unquestioned ability and efficiency, he has been exempted from passing the Departmental test as a very special case. In the ordinary course he would have been a Superintendent before the date he was actually appointed as such. Government do not therefore, think that the interests of the existing passed departmental officials have been prejudiced in any way.

GOVERNMENT ORDERS REGARDING THE APPOINTMENT OF MUHAMMADANS TO THE POST OFFICE.

1338. ***Mr. Anwar-ul-Azim:** Is it a fact that, under Government orders, one-third of the appointments in the Post Office should go to Muhammadans? Is it meant that, in vacancies, two should go invariably to

Hindus and one to a Muhammadan, irrespective of merit or seniority, and even if sufficient suitable candidates of the latter community are available? If not, do Government propose to be more explicit in their orders in this connection to the subordinate officials?

The Honourable Sir Bhupendra Nath Mitra: No such order as that mentioned by the Honourable Member in the first sentence of his question has been issued by Government. The remainder of the question accordingly does not arise.

LENGTH OF SERVICE OF MR. GUPTA AS DEPUTY POSTMASTER-GENERAL, DACCA.

1339. *Mr. Anwar-ul-Azim: How long has Mr. Gupta been Deputy Postmaster-General at Dacca? Will Government be pleased to state how many people from Dacca have been appointed by him to positions carrying a salary of 25—300 rupees per month? What is his area of jurisdiction? Is there any objection to appointing one or two Assistant Postmasters-General and Deputy Postmaster-General from among the Moslems and Christians in Bengal?

Mr. P. G. Rogers: Mr. Gupta has been Deputy Postmaster-General, Dacca, since the 9th April, 1926. No appointments have been made by him. His jurisdiction extends over two Revenue Divisions, viz., Dacca and Chittagong, covering seven postal divisions. The postings of Superintendents of Post Offices as Assistant Postmasters-General, as already pointed out to the Honourable Member in reply to part (b) of his starred question No. 617, dated the 19th February, 1929, are made to meet administrative requirements and not on communal considerations. The posts of Deputy Postmasters-General are filled by the promotion of suitable officers from the rank of Superintendents of Post Offices and no communal considerations arise.

SUSPENSION OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, NORMAL SCHOOL, AJMER.

1340. *Mr. Anwar-ul-Azim: (a) Is it a fact that Mr. Shamsul Ghani Khan, Head Master, Normal School, Ajmer, has been under suspension since 7th February, 1929? If it is a fact, will Government be pleased to state what was the charge against him?

(b) Has a charge sheet been sent to Mr. Shamsul Ghani Khan and his explanation taken? If so, will Government be pleased to put the charge sheet and the explanation on the table?

(c) Is the Superintendent of Education a competent authority to suspend Mr. Shamsul Ghani Khan without the previous consent of the Local Government?

(d) Has the Superintendent of Education made any report on Mr. Shamsul Ghani Khan's suspension to the Local Government, and if so, is it accompanied by Mr. Shamsul Ghani Khan's explanation?

(e) Has any subsistence allowance been granted to Mr. Shamsul Ghani Khan during his suspension, and is he entitled to such subsistence allowance under the rules?

Mr. G. S. Bajpai: Inquiries have been made and the result will be communicated to the Honourable Member.

**INCREASE OF TEACHERS IN THE GOVERNMENT HIGH SCHOOL, AJMER, AND
DECREASE IN NUMBER OF TEACHERS AT THE MOINIA ISLAMIA HIGH
SCHOOL, AJMER.**

1341. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, as the result of appointments made since April, 1927, there are two more trained teachers actually on duty in the Government High School, Ajmer, at present, than in April, 1927, while as the result of appointments made since April, 1927, there are two trained teachers actually on duty in the Moinia Islamia High School, Ajmer, against 5 trained teachers in April, 1927? If so, will Government be pleased to state the circumstances justifying the increase of trained teachers in the Government High School and their decrease in the Moinia Islamia High School, Ajmer?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos. 1341 to 1349 together. The information asked for is being collected, and will be supplied to the Honourable Member in due course.

APPOINTMENT OF TEACHERS TO THE GOVERNMENT HIGH SCHOOL, AJMER.

†1342. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that several teachers appointed on probation or to officiate in the Government High School, Ajmer, were confirmed in the said appointments from time to time, since April, 1927, while no teacher, appointed on probation or to officiate in a clear vacancy in the Moinia Islamia High School, Ajmer, since or before April, 1927, has been confirmed in his appointment at any time since April, 1927? If so, will Government be pleased to state the circumstances which necessitated it?

PAY OF TEACHERS AT THE MOINIA ISLAMIA HIGH SCHOOL, AJMER.

†1343. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, in place of making appointments to certain vacancies in the Moinia Islamia High School, Ajmer, in the grades sanctioned for the posts concerned, temporary appointments have been made at salaries lower than those sanctioned for the vacancies? If so, what is the reason, and do Government propose to take steps to appoint teachers at the sanctioned scales?

**RULES FOR THE CONFIRMATION OF TEACHERS IN THE GOVERNMENT HIGH
SCHOOL, AJMER.**

†1344. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, a number of teachers of the Government High School, Ajmer, were confirmed in 1927, subject to re-consideration when the Superintendent of Education next visited Ajmer? If so, will Government be pleased to state the Fundamental Rule under which this re-consideration after confirmation is allowed, and also as to what the Superintendent of Education's decision in this connection was after the proposed visit?

**REVISION OF SALARIES OF TEACHERS OF THE MOINIA ISLAMIA HIGH SCHOOL,
AJMER.**

†1345. ***Haji Chaudhury Mohammad Ismail Khan:** Is it a fact that, in view of the under-payment of the staff of the Moinia Islamia High School, Ajmer, a sum of Rs. 1,000 was granted by the Government of

† For answer to this question, see answer to question No. 1341.

India for the revision of the salaries of teachers, and that the sum was provided for in the budget of 1928-29 and retained in the revised budget, but not yet utilised? If so, do Government propose to take steps for the utilisation of the sum before the end of the current financial year?

LACK OF DEPARTMENTAL INSPECTION OF THE COLLEGES AND SCHOOLS AT AJMER.

†1346. ***Haji Chaudhury Mohammad Ismail Khan**: Is it a fact that, there has been no departmental inspection of the Government College, Ajmer, the Government High School, Ajmer, Moinia Islamia High School, Ajmer, and the Normal School, Ajmer, since April, 1927? If so, will Government be pleased to state the rule or custom regarding the yearly number of departmental inspections of the said institutions, and the extent to which it was observed since April, 1927 in connection with the said institutions?

DEPARTMENTAL INSPECTION REPORTS OF THE GOVERNMENT NORMAL SCHOOL, AJMER.

†1347. ***Haji Chaudhury Mohammad Ismail Khan**: Will Government be pleased to lay on the table the departmental inspection reports of the Government Normal School, Ajmer, since Mr. Shamsul Ghani Khan's appointment as the Head Master of the institution?

REPRESENTATION AGAINST HIS SUSPENSION BY MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1348. ***Haji Chaudhury Mohammad Ismail Khan**: Has Mr. Shamsul Ghani Khan submitted a representation to the Local Government against his suspension? If so, will Government be pleased to state the date on which the Superintendent of Education received it and the date on which he forwarded it to the Local Government?

GRADE OF PAY OF MR. SHAMSUL GHANI KHAN, HEAD MASTER, GOVERNMENT NORMAL SCHOOL, AJMER.

†1349. ***Haji Chaudhury Mohammad Ismail Khan**: Is it a fact that, the Government Normal School, Ajmer, was, an institution for the training of vernacular teachers only, with 28 vernacular students under training, on the appointment of Mr. Shamsul Ghani Khan as Headmaster of that institution, in April, 1926, while it was an institution for the training of Anglo-vernacular teachers, as well as vernacular teachers, after his appointment, with 31 vernacular students under training, and 26 Anglo-vernacular teachers under training (including 7 graduates), when he left charge of the institution in February, 1929? If so, will Government be pleased to state if Mr. Shamsul Ghani Khan was given a grade higher than the grade of his predecessor in office, who was in charge only of vernacular training, or was given a personal allowance for the additional work?

† For answer to this question, see answer to question No. 1341.

IMPORTATION INTO AND SALE IN INDIA OF SPURIOUS AND ADULTERATED DRUGS.

1350. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state what action they have taken on the importation into and sale in India of spurious and adulterated drugs, including quinine, as reported by me at the September Session of the Legislative Assembly?

(b) Will Government please state what action they intend to take to stop this effectively, as also to require the compulsory qualification of all those who dispense drugs?

(c) Will Government please state whether they intend introducing a Food and Drugs Adulteration Act and a Pharmacy and Poisons Bill? If so, when? If not, why not?

Mr. G. S. Bajpai: (a) and first part of (b). As promised by me in my reply to part (c) of the Honourable Member's question No. 774, asked on 21st September, 1928, Local Governments and Administrations were asked to report on the extent of the sale of adulterated quinine within their respective territories. All the replies are not yet in. The majority of the replies received state that there is not much adulterated quinine being sold; others express the contrary view. The Government of India, are accordingly of opinion that the first requisite is to get at the facts by means of an investigation into the general problem of the preparation and sale of medicines and drugs. They have recently asked Local Governments whether they would agree to the appointment of a small expert committee to explore and define the scope of the problem and to make recommendations.

Second part of (b) and (c). The adulteration of food-stuffs and other articles is a provincial, transferred subject, subject to legislation by the Indian Legislature as regards import and export trade. Most of the provinces have their own Food Adulteration Acts. The adequacy of provincial legislation to deal with the problem of the sale of drugs will, it is hoped, be investigated by a committee regarding the appointment of which Local Governments have been consulted. Until the scope of the problem and the effectiveness or otherwise of existing legislation to deal with it have been determined it would be premature to take up the question of all-India legislation.

The Honourable Member is probably suggesting the introduction of a Pharmacy Bill in order that power may be taken by law to restrict the exercise of the profession of chemists to duly qualified persons. Government hope that if the Committee of Inquiry to which I have referred, is appointed it will also go into this question and make recommendations. A Poison Act already exists in India—Act XII of 1919.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state when he hopes this committee will be appointed?

Mr. G. S. Bajpai: Sir, we circularised the Local Governments on the 8th of March, and we have asked them to send in their replies as early as possible. But it is impossible for me to say how long they would actually take in sending their replies. Assuming they are in by some time, shall we say, the beginning of July or August, the question of appointment of the committee will then be taken up.

Lieut.-Colonel H. A. J. Gidney: With regard to the Food Adulteration Act, which is a provincial matter, will the Honourable Member state whether it is a fact that this Act is not in operation in certain provinces, and in view of this fact, will the Government of India take necessary steps to bring this to the notice of the Local Governments?

Mr. G. S. Bajpai: I think, in my reply, I stated that it was not one Food Adulteration Act which was in force in India, but that most of the provinces have their own Food Adulteration Acts. I also went on to state that, as to whether these Acts were really operative, and if so, whether they were effective for the purpose which the Honourable Member had in view, that question could only be answered by the replies which the Local Governments were asked to submit, and possibly by the investigation which the suggested Committee might undertake. I cannot, at this stage say more.

APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE EXPENDITURE INCURRED ON THE STAFF AND PERSONNEL OF ARMY HEADQUARTERS.

1351. ***Lieut.-Colonel H. A. J. Gidney:** With reference to the criticisms made during the last budget debate by various members of the Legislative Assembly in regard to the expenditure incurred on Army Headquarters staff and personnel, will Government be pleased to state if they propose to appoint a suitable committee of independent men to thoroughly investigate the matter and adjust the staff, especially the clerical branch, on a sound up-to-date business footing?

Mr. G. M. Young: The matter has already been examined by an independent expert authority in the person of Mr. Heseltine. The inquiry is being continued by a Special Officer on the lines suggested by Mr. Heseltine; considerable economies have already been effected; and more are in sight.

GRANT OF ENHANCED PENSION RATES TO CERTAIN MEDICAL SERVICES WITH RETROSPECTIVE EFFECT.

1352. ***Lieut.-Colonel H. A. J. Gidney:** (a) Have Government decided not to extend the enhanced present day Indian Medical Department pension, with retrospective effect from 1st April, 1919, and to grant enhanced pension rates to the India Unattached List and Indian Miscellaneous List from 1st October, 1925, and to the Indian Medical Department from 1st October, 1927?

(b) Will Government be pleased to state if they propose to grant the enhanced Indian Medical Department pension rates with retrospective effect from 1st October, 1925?

(c) If the answer to part (b) is in the negative, will Government be pleased to state the reasons and whether it is against any implied request to do so from the Secretary of State for India?

Mr. G. M. Young: (a) Yes.

(b) No, Sir.

(c) The ordinary rule is that a measure of this kind takes effect from the date of sanction. The Government of India considered that there

was no reason to depart widely from this rule. The Secretary of State's sanctioning orders were dated the 12th-December 1927: but, with his concurrence, effect was given from the 1st October of the same year. The answer to the last portion of this question is in the negative. The Secretary of State made no suggestion for retrospective effect, beyond what was actually granted.

Lieut.-Colonel H. A. J. Gidney: Is it a fact that the reason for this enhanced pension was the increased cost of living? If it were given on that consideration, will the Honourable Member state whether there was any difference in 1925 in the cost of living between the India Unattached List and the Indian Medical Department?

Mr. G. M. Young: I am afraid it is not possible for me, within the scope of an answer to a supplementary question, to explain the reasons for the enhancement of the rates.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state what difference did exist, to warrant the fixing of different dates for giving effect to the pensions to the I. U. L. and I. M. D.?

Mr. G. M. Young: The Honourable Member appears to be calling for an expression of my opinion.

Lieut.-Colonel H. A. J. Gidney: But can you give it to me?

Mr. President: Colonel Gidney.

REFUSAL OF ADMISSION TO THE BENGAL PILOT SERVICE OF MR. T. R. E. BOILEAU.

1353. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that apprentices, before entertainment in the Bengal Pilot Service, are asked to undergo the Board of Trade visual and physical fitness test and also are required a 2nd Mate's certificate of competency?

(b) Is it, or is it not, a fact that the Board of Trade visual test is different to that required for entertainment in Bengal Pilot Service?

(c) If the answer to part (a) is in the affirmative, are Government prepared to take steps to remove this difference?

(d) If the answer to part (b) is in the negative, will Government please state why Mr. T. R. E. Boileau, who had passed the Board of Trade visual tests both in Bombay and Bengal, holds a 2nd Mate's certificate, and was examined by Colonel Sandes, I.M.S., Calcutta, and found physically and visually fit, was refused admission into the Bengal Pilot Service on July 5th, 1928, after having passed the other examinations, on the ground that a Medical Board found that there was a slight error in his left eye?

(e) Are Government prepared to reconsider the case of Mr. Boileau?

The Honourable Sir George Rainy: Inquiries are being made from the Government of Bengal and the result will be communicated to the Honourable Member in due course.

GRANT TO FOREMEN OF INDIAN ORDNANCE FACTORIES OF ASIATIC DOMICILE OF ADDITIONAL PAY GIVEN TO FOREMEN RECRUITED FROM THE UNITED KINGDOM.

1354. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government be pleased to state whether it is a fact that a technical pay was granted in 1921 to Foremen and Assistant Foremen of the Indian Ordnance Factories, who were domiciled and recruited in the United Kingdom?

(b) Is it a fact that the Royal Commission on the Superior Civil Services condemned, in their report, the principle and practice of such distinctions, and recommended that those of Asiatic domicile recruited in India, and who perform the same work as the non-Asiatic employee, should also receive this technical pay?

(c) Is it a fact that, on a representation made by the Foremen's Association, the Government of India and the Secretary of State extended this technical pay, with effect from 1st April 1928, to men recruited in India, but who have a non-Asiatic domicile? If so, why?

(d) Is it a fact that, in a letter dated the 16th January 1928, the Director General of Ordnance in India clearly stated that this "increase of pay of Rs. 75 was specifically restricted to such men as are domiciled and recruited in the United Kingdom"?

(e) Will Government be pleased to state if they propose to remove this disparity in treatment at an early date and grant the technical pay to Foremen and Assistant Foremen of both Asiatic and non-Asiatic domicile? If not, why not?

Mr. G. M. Young: (a) Men of the class referred to are given an extra Rs. 75 a month. This extra pay, however, is not technical pay, nor is it based on the nature of the work performed.

(b) The Honourable Member is correct, so far as technical pay is concerned, but, as I have stated, this allowance is not technical pay.

(c) Yes, because the important test is the place of domicile, not the place of recruitment, which is fortuitous.

(d) The answer is in the affirmative.

(e) No, Sir; because there are no grounds on which such an allowance could be justified for men who are domiciled in this country.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state since when this Rs. 75 allowance has been changed into a technical allowance?

Mr. G. M. Young: The allowance has not been changed into what the Honourable Member says.

Lieut.-Colonel H. A. J. Gidney: Has it been only recently changed?

Mr. G. M. Young: No change whatever has taken place in the nature of the allowance.

Lieut.-Colonel H. A. J. Gidney: Sir, I am prepared to state that the change . . .

Mr. President: Order, order.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether a representation was made by the Foremen's Association to the Master-General Supplies, and that, as a result of this the name "technical pay" was changed into "Overseas allowance"?

Mr. G. M. Young: I do not think, Sir, that the facts are as stated by the Honourable Member. In any case, I should have to ask for notice of a question like that.

REFUSAL OF ADMISSION OF COLOURED CHILDREN TO THE LOVEDALE LAWRENCE MILITARY SCHOOL, OOTACAMUND.

1355. *Lieut.-Colonel H. A. J. Gidney: (a) Is it a fact that none but the children, both European and Anglo-Indian, of British soldiers and parents who have been connected with the British Army, are admitted into the Lovedale Lawrence Military School at Ootacamund?

(b) Are Government aware that Anglo-Indian children of such men, unless they are of fair complexion, find it extremely difficult to obtain admission into this School?

(c) Are Government aware of the fact that this is the deliberate policy of the present Principal, Revd. Padfield, and that it has existed for some time and has created a feeling of great discontent in the community?

(d) Are Government prepared to inquire into this matter and take steps to remedy this colour distinction?

Mr. G. M. Young: (a) Yes, Sir.

(b), (c) and (d). The answer is in the negative. I am informed that 30 per cent. of the children in the school are Anglo-Indians, and that they are welcomed by the school authorities.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member state whether he is aware that there is great discontent in some Anglo-Indian families in South India regarding the conduct of the Principal of this School?

Mr. G. M. Young: No, Sir.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member make inquiries into the matter, because it is a serious thing?

Mr. G. M. Young: Certainly not, Sir, on a vague allegation of this kind.

Lieut.-Colonel H. A. J. Gidney: I did not quite hear the answer, Sir.

Mr. G. M. Young: I said, certainly not on a vague allegation of this kind. If, however, the Honourable Member can produce any specific complaint, the Government would no doubt be prepared to investigate it.

Mr. K. C. Neogy: May I take it, Sir, that Indians are not eligible for admission into this school?

Mr. G. M. Young: No, Sir; I think not.

Mr. K. C. Neogy: Why, Sir?

Mr. G. M. Young: Because it was founded for European and Anglo-Indian children.

Mr. K. C. Neogy: But I thought the Anglo-Indians also are Indians. (Laughter).

Diwan Chaman Lal: May I ask the Honourable Member, Sir, whether he has read the Queen's Proclamation?

Mr. President: Colonel Gidney.

METHOD OF SELECTION OF OFFICERS FOR THE TEMPORARY BRANCH OF THE INDIAN MEDICAL SERVICE.

1356. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state by whom, and the manner in which, officers are selected for the temporary branch of the Indian Medical Service?

(b) Will Government be pleased to state whether they propose to allow the Public Service Commission to perform this duty?

Mr. G. M. Young: (a) Selection is made by the Director-General, Indian Medical Service, from among the applicants on the waiting list maintained in his office. In making selections, preference is given to those who possess the highest professional qualifications and are otherwise suitable.

(b) No, Sir.

RULES SANCTIONING THE CO-OPTION OF AN ADDITIONAL MEMBER TO THE PUBLIC SERVICE COMMISSION.

1357. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that in the selection of officers for the technical branches of the Public Services, an official expert technical officer is co-opted to the Public Service Commission to guide and advise them in such selections?

(b) If the answer to part (a) is in the affirmative, will Government please state the rules sanctioning such an additional member to the Public Service Commission?

The Honourable Mr. J. Orerar: (a) No. The Public Service Commission do not co-opt a technical expert, but, in accordance with proviso (a) to rule 5 of the Public Service Commission (Functions) Rules of 1926, invite the Department for which recruitment is being made to send a representative to be present at the interview of candidates in an advisory capacity.

(b) Does not arise.

Lieut.-Colonel H. A. J. Gidney: In view of the Honourable Member's reply, and the fact that the Public Service Commission does co-opt a departmental officer at the time of the interview, is it or is it not a fact that the selection is almost an one man's show? If the answer is in the affirmative, will the Honourable Member consider the advisability of these selections being reverted to the departmental heads themselves?

The Honourable Mr. J. Orerar: No, Sir; I do not think that the selection is a one man's show. The second part of the Honourable Member's question does not arise.

Lieut.-Colonel H. A. J. Gidney: Then, what is the need for introducing into that Commission an expert man for advice?

The Honourable Mr. J. Orerar: The object, Sir, of permitting an expert to sit with the Commission while they are interviewing the candidates is that they may have the benefit of his expert advice.

Lieut.-Colonel H. A. J. Gidney: Will they be guided by the expert advice?

The Honourable Mr. J. Orerar: They will no doubt take into consideration his advice.

DISCONTINUANCE OF DEPARTMENTAL CONFIDENTIAL NOTES AGAINST CANDIDATES APPEARING BEFORE THE PUBLIC SERVICE COMMISSION.

1358. *Lieut.-Colonel H. A. J. Gidney: (a) In the promotion of an upper subordinate to the superior services, for example, the Posts and Telegraphs, Railways, etc., is it a fact that the Public Service Commission are almost entirely guided by the confidential reports and notes made against each candidate by the head of the department concerned, and the candidates do not appear in person before the Public Service Commission?

(b) If the reply to part (a) be in the affirmative, are Government prepared to consider the advisability of discontinuing the practice of such notes, and allow each candidate to present himself before the Public Service Commission? If not, why not?

The Honourable Mr. J. Orerar: (a) In the case of promotion, the function of the Public Service Commission is, under rule 6 of the Public Service Commission (Function) Rules, to advise the Governor General in Council in respect of each candidate nominated, whether his qualifications are sufficient and whether his record proves him to have the requisite character and ability for the service to which it is proposed to appoint him. For the proper exercise of this function it is necessary that due weight should be given to the confidential reports of Heads of Departments. Candidates do not ordinarily appear before the Public Service Commission, but there is nothing to prevent the Commission summoning a candidate for interview if they desire to do so.

(b) No, for the reasons I have just stated.

Lieut.-Colonel H. A. J. Gidney: Does the Public Services Commission pay great attention to the opinion of the departmental head submitted to it in regard to each candidate?

The Honourable Mr. J. Orerar: In each case, the opinion of the Head of the Department is communicated to the Commission.

Lieut.-Colonel H. A. J. Gidney: Then, Sir, do I understand the Honourable Member to say that the decision of the Public Service Commission is entirely dependent on the recommendation of the Head of the Department?

The Honourable Mr. J. Orerar: No, but it is taken into account.

Mr. A. Rangaswami Iyengar: Then, Sir, am I to take it that whenever a case is sent up to the Public Service Commission, they have to consider the recommendations of the departmental head as to how they should dispose of the particular case before them?

The Honourable Mr. J. Orerar: The opinion of the Head of the Department on the qualifications of the candidate do not amount to a direction to the Commission.

Mr. K. C. Neogy: May I know if the Honourable Member is in a position to give instances in which the Public Service Commission have turned down the recommendation or the opinion of the departmental authorities?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir; I am aware of at least one case in which the Public Service Commission were not purely guided by the recorded opinion of the Head of the Department.

Mr. Jamnadas M. Mehta: So, that is an exception only?

Lieut.-Colonel H. A. J. Gidney: One out of how many?

Mr. K. C. Neogy: Will the Honourable Member who represents Railways in this House make a similar statement. (Laughter.)

PERMANENT APPOINTMENT OF UPPER SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.

1359. ***Lieut.-Colonel H. A. J. Gidney:** With reference to the statement made by the Honourable Member in charge of Railways, during the discussion on Railway Demands for Grants in 1928, that he was considering means by which the railway upper subordinates officiating as officials would be made permanent, will Government please state whether the matter has been settled? If not, why not?

The Honourable Sir George Rainy: I have examined the discussions on the Railway Budget in 1928, and cannot find that I made any statement whatever on the subject of upper subordinates acting in officers' posts. Probably however my Honourable and gallant friend refers to what was said by Mr. Parsons on two occasions while the Demands for Grants were under discussion. It has not yet been found possible to devise a satisfactory solution of the difficulties with which this question is surrounded, but I recognise that it has been pending for a long time and ought to be settled soon. I am asking Mr. Hayman, the new Member of the Board, to give it his personal attention, so that definite decisions may be arrived at as soon as possible.

ISSUE OF A WHIP TO GOVERNMENT OFFICIALS TO SUPPORT THE *DAILY CHRONICLE*.

1360. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state whether any whip has been issued to its officials to support financially the *Daily Chronicle* by subscribing to it and using it as an advertisement medium?

(b) If so, what are the grounds on which such a whip has been issued?

The Honourable Mr. J. Orerar: (a) The answer is in the negative.

(b) Does not arise.

Mr. Gaya Prasad Singh: May I know how many copies of this paper are subscribed for by the Home Department of the Government of India?

The Honourable Mr. J. Orerar: I have not at present any information on that subject; I must ask for notice.

Mr. Gaya Prasad Singh: Is it not a fact that the Home Department subscribe for more copies of this paper than of any other paper?

The Honourable Mr. J. Orerar: I am not aware that this is the case.

Mr. Gaya Prasad Singh: Will the Honourable Member collect this information and lay it on the table of this House at a subsequent meeting?

The Honourable Mr. J. Orerar: No, Sir.

ISSUE OF AN ORDER TO UNITS UNDER HIS COMMAND TO SUBSCRIBE TO THE DAILY CHRONICLE, DELHI, BY THE GENERAL OFFICER COMMANDING, KOHAT BRIGADE.

1361. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that General F. A. Fagan, the General Officer Commanding, Kohat Brigade, has issued a brigade order calling upon the units under his command to subscribe to the *Daily Chronicle* of Delhi?

(b) Are there any special reasons for bringing this newspaper on the approved list of Government within eight weeks of its existence?

The Honourable Mr. J. Orerar: (a) and (b). I am not aware, but I am making inquiries.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member lay the result of the inquiry on the table of the House?

The Honourable Mr. J. Orerar: I shall consider what the result of the inquiry is in due course.

NAME OF THE PROPRIETOR OF THE DAILY CHRONICLE, DELHI.

1362. ***Mr. Siddheswar Prasad Sinha:** Will Government state the name of the proprietor of the *Daily Chronicle* of Delhi?

The Honourable Mr. J. Orerar: The Government of India have no information on the subject beyond what is available to the general public.

Mr. Siddheswar Prasad Sinha: Do Government subscribe to any copy of this paper?

The Honourable Mr. J. Orerar: I understand the Honourable Member to ask me whether the Government of India subscribe for a copy of this paper. They subscribe for a very large number of newspapers, including the particular paper in question.

Mr. Siddheswar Prasad Sinha: Have not Government, then, seen the first page of this paper?

(No answer was given.)

NUMBER OF TEMPORARY AND OFFICIATING CLERKS EMPLOYED AT ARMY HEAD-QUARTERS, WHO HAVE NOT PASSED THE PUBLIC SERVICE COMMISSION EXAMINATION.

1363. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government please state the number of unpassed clerks employed in the Army Headquarters in temporary and officiating vacancies?

(b) How many of them are ex-employees of the Army Canteen Board and have been provisionally exempted from the Public Service Commission examination?

(c) How many others have been appointed without the consent of the Public Service Commission?

(d) When do Government propose to replace those who have neither passed the examination nor are ex-employees of the Canteen Board, by passed candidates now available for appointment?

Mr. G. M. Young: (a) Seventy-five, excluding the Contracts Directorate which does not recruit through the Public Service Commission.

(b) Six.

(c) Sixty-nine. The Public Service Commission have given their general consent to the employment of unpassed men in short leave vacancies, for which passed men are seldom immediately available.

(d) Unpassed men are replaced in such vacancies by passed men whenever the latter become available.

RENT OF SHOPS IN DIAZ SQUARE, NEW DELHI.

1364. ***Mr. Siddhaswar Prasad Sinha:** (a) Is it a fact that the twelve Diaz Square shops in New Delhi occupy only as much area as six D class quarters in the Square?

(b) Is it also a fact that the cost of construction of the twelve shops is almost the same as that of six quarters?

(c) What is the rent for the twelve shops for the year—October, 1928 to September, 1929—and what rent do the Government expect to realise from the present tenants of the six quarters next to the shops for the same period?

(d) Is it a fact that the twelve shops yield about 15 times more rent than the 6 residential quarters, although the cost of construction of both is almost the same?

(e) Is it a fact that the existing shops in Diaz Square were constructed by converting some of the residential quarters into shops?

(f) Do Government propose to convert some more quarters in the same square into shops to meet the demand for more shops in the locality?

(g) Do Government propose to construct more shops on the Baird Road? If so, when?

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

(b) Yes.

(c) and (d). The rent for the twelve shops for the year is Rs. 10,080 and that expected to be realised from the present tenants of the six quarters is Rs. 1,152 for the same period.

(e) No.

(f) No.

(g) No, but it is understood that the New Delhi Municipal Committee contemplate building shops on Baird Road as circumstances permit.

PROVISION OF GARAGES FOR CARS OF MEMBERS OF THE INDIAN LEGISLATURE.

1365. ***Mr. Srish Ohandra Dutta:** (a) Are Government aware that very great inconvenience and considerable risk are being caused to the Members of the Indian Legislature for want of accommodation for their motor cars?

(b) Are Government aware that there are no garages provided with the quarters and bungalows built for these Members on the Ferozshah Road and Canning Lane, although there is sufficient space available for them at the back of these quarters?

(c) Do Government propose to take steps to provide one garage for each of the quarters as soon as possible?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that a certain amount of inconvenience has been caused to Members owing to lack of sufficient garage accommodation.

(b) and (c). Yes.

INCONVENIENCE CAUSED BY BRICK DUST IN COURTYARDS OF BUNGALOWS ON FEROZSHAH ROAD.

1366. ***Mr. Srish Ohandra Dutta:** (a) Are Government aware that the brick dust in the courtyards of bungalows on the Ferozshah Road and Canning Lane gets into the kitchen and sleeping rooms and is injurious to the health of Members residing there?

(b) Will Government be pleased to state as to how much Government save by making these courtyards of brick dust, instead of paving them with bricks? Did Government take the health of the residents into consideration while saving any money, if they did?

(c) Do Government know that these courtyards have practically worn out?

(d) Are Government prepared to give due regard to the health of Members and pave these courtyards?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The courtyards are not made of brick dust but of *bajri*. The saving amounts to Rs. 87 per courtyard. No complaints have been received as to the detrimental effect of the use of *bajri* on the health of the tenants.

(c) No.

(d) Government do not consider that the paving of these courtyards is necessary.

UNSATISFACTORY CONDITION OF ENCLOSED GARDENS OF BUNGALOWS ON FEROZSHAH ROAD AND CANNING LANE, NEW DELHI.

1367. ***Mr. Srish Ohandra Dutta:** Are Government prepared to inquire into the condition of the enclosed gardens of the bungalows on Ferozshah Road and Canning Lane? Are Government aware that, not only is there no grass in these so-called gardens, but that they are not even levelled and were like jungles when Members occupied them? Do Government propose to put them in proper order before they are next occupied?

The Honourable Sir Bhupendra Nath Mitra: The areas referred to are not gardens but courtyards, and grass has never been planted in them. Difficulty is experienced in keeping these yards tidy, as many of them cannot be entered by the maintenance staff. Any occupant desirous of having horticultural work done in his courtyard should apply to the Superintendent, Horticultural Operations.

**NUMBER OF MUSLIMS EMPLOYED IN CERTAIN OFFICES UNDER THE
DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

1368. *Maulvi Muhammad Yakub: (1) Will Government please place on the table a statement showing the following?

- (a) The total number of clerical appointments in the Office of the Director General of Posts and Telegraphs, offices of the Postmaster-General in different Circles and offices of the Directors of Telegraph Engineering separately, together with the total number of such appointments held by Muslims in each office separately;
- (b) The total number of selection grade appointments in the above mentioned offices separately, together with the total number of such appointments held by Muslims in each office; and
- (c) The total number of Assistant Directors General and Assistant Postmasters-General in the offices concerned, separately, and the total number of investigating Inspectors in each Circle office, together with the total number of Muslims holding these posts separately in each office.

(2) Do Government find that, in any of the clerical or executive appointments mentioned in the foregoing question, the number of Muslims is disproportionately low? If so, what practical measures do Government propose to take to remove this grievance of the Muslim community?

The Honourable Sir Bhupendra Nath Mitra (1) (a), (b) and (c). A statement is being supplied to the Honourable Member separately.

(2) Communal considerations do not come into operation when it is a question of promotion or posting. As regards direct recruitment, Government are not prepared to go further than the general principle already laid down by them, that every third vacancy shall, if necessary, be utilized for the adjustment of communal inequalities.

**HOLDING OF CONTINUOUS CHARGE OF ONE POST FOR MORE THAN FIVE YEARS
BY CERTAIN POSTAL OFFICIALS.**

1369. *Maulvi Muhammad Yakub: (a) Is it a fact that there are orders to the effect that no Assistant Director General, Assistant Postmaster-General or Investigating Inspector should be allowed to hold charge of the post for more than five years in succession and should not be brought back to the post before the expiry of three years?

(b) Is it a fact that some of the officers mentioned in part (a) have been allowed to remain in the post for the last 6 or 7 years, or even more, and have not yet left the post, even for a day, though their lien may have been transferred only on paper to some other post for some time during this long period? If so, why have Government orders mentioned in part (a) not been carried out in respect of such officers?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but the rule does not apply to Assistant Directors General generally.

(b) Two Assistant Postmasters-General and three Investigating Inspectors have been allowed to remain in their present charges for a period longer than that ordinarily allowed by the rule. This has been allowed on administrative grounds. The two Assistant Postmasters-General will shortly be transferred, and steps will be taken for the transfer of the three Investigating Inspectors.

EMPLOYMENT OF MUSLIMS AS HEAD CLERKS IN POSTAL CIRCLE OFFICES.

1370. ***Maulvi Muhammad Yakub:** Is it a fact that, in some of the Circle offices there are no Muslim Head Clerks at all? If so, is it not possible to transfer into these offices well-qualified Muslim Head Clerks to Divisional Superintendents, or Muslim Inspectors, who are in the same grade as those of the Postmaster-General's Office Head Clerks?

The Honourable Sir Bhupendra Nath Mitra: Yes, but only in three Circles. Transfers of staff from the Circle cadre to the cadre of the Postmaster-General's Office can be made only in exceptional circumstances to meet exigencies of the public service.

EXPENDITURE INCURRED UNDER VARIOUS HEADS ON THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

1371. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the expenditure on the crew system, per year, per division, under the following heads:—

- (a) Pay and allowances of entire establishment including office and running staff;
- (b) Hostels; and
- (c) Uniforms, stationery, provident fund and leave reserve, etc.?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 1371 to 1378, 1380, 1381, and 1389 to 1391 together. These questions are practically identical with questions Nos. 1105 to 1111 put by my Honourable friend Maulvi Muhammad Yakub on the 18th March, 1920, and I would refer the Honourable Member to the reply given by the Honourable Sir George Rainy to those questions.

DECREASE IN NUMBER OF PASSENGERS TRAVELLING IN AREAS OF RAILWAYS WHERE THE CREW SYSTEM IS EMPLOYED.

†1372. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the number of passengers who travelled on the non-crew area during the year 1927-28 as compared with the year 1926-27?

(b) Will Government please lay on the table a similar statement for the crew area?

(c) Has there been an increase of traffic on the non-crew area and decrease on the crew area during the last year? If so, what is the reason?

† For answer to this question, see answer to question No. 1371.

OBJECT OF INTRODUCING THE CREW SYSTEM OF CHECKING RAILWAY TICKETS;

†1373. ***Mr. Amar Nath Dutt:** (a) Will Government please state the object or objects of introducing the crew system?

(b) Will Government please state if the said object or objects have been fulfilled? If so, in what manner?

NUMBER OF PASSENGERS PROSECUTED FOR TRAVELLING WITHOUT TICKETS IN THE HOWRAH AND LUCKNOW DIVISIONS DURING THE OPERATION OF THE CREW SYSTEM.

†1374. ***Mr. Amar Nath Dutt:** Will Government please lay on the table a statement showing the number of passengers prosecuted for travelling without tickets in the Howrah and Lucknow Divisions during the operation of the crew system?

COMPARISON OF EXCESS FARE EARNINGS IN NON-CREW AND CREW AREAS.

†1375. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in the excess fare earnings for the year 1927-28, as compared with the earnings for the year 1926-27, in the divisions where the crew system exists?

(b) Will Government please lay on the table a similar statement for the non-crew area?

COMPARISON OF EXCESS FARE EARNINGS OF THE NON-CREW AND CREW SYSTEMS IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

†1376. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the increase or decrease in excess fare earnings of the crews in the Lucknow Division of the East Indian Railway during the four months, June to September, 1927, as compared with the corresponding period in the year 1926, when there was no crew system?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the crews on the Lucknow Division during the said period?

IRREGULARITIES IN AREAS WHERE THE CREW SYSTEM OF CHECKING RAILWAY TICKETS IS IN FORCE.

†1377. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table a statement showing the irregularities on the crew area detected by the Inspectors of Accounts (Crews) during the year 1927-28?

(b) Will Government be pleased to state the number of passengers found travelling without tickets by the said Inspectors of Accounts on the crew area in the year 1927-28?

NUMBERS OF INSPECTORS OF ACCOUNTS (CREWS) IN THE HOWRAH DIVISION DURING 1927-28.

†1378. ***Mr. Amar Nath Dutt:** Will Government please state the number of Inspectors of Accounts (Crews) in the Howrah Division during the year 1927-28?

APPOINTMENT OF SENIOR TRAVELLING TICKET INSPECTORS AS INSPECTORS OF ACCOUNTS (CREWS).

1379. ***Mr. Amar Nath Dutt:** (a) Are Government aware that, out of the thirteen Inspectors of Accounts, (Crews), in the Howrah Division only two are from the old Travelling Ticket Inspectors, and the rest, eleven, are either outsiders or belong to the other branches of the Railway?

(b) If so, will Government please state why a larger number of appointments amongst the Inspectors of Accounts, (Crews), could not be filled from amongst the senior Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but I am sending a copy of the Honourable Member's question to the Agent of the East Indian Railway for his consideration.

NUMBER OF DISMISSED GOVERNMENT AND RAILWAY EMPLOYEES APPOINTED IN THE CREW DEPARTMENT.

†1380. ***Mr. Amar Nath Dutt:** (a) Will Government be pleased to state the number of dismissed Government and railway employees appointed in the Crew Department in various capacities and the number of such men still working in the said Department?

(b) Will Government please say why it is necessary to retain the services of dismissed men in the Crew Department?

SUCCESS OR OTHERWISE OF THE CREW SYSTEM OF CHECKING RAILWAY TICKETS.

†1381. ***Mr. Amar Nath Dutt:** (a) Will Government please state if the crew system has been successful in achieving satisfactory collection of tickets and there has been no loss of tickets on the area on which there exists the crew system?

(b) Will Government please lay on the table a statement showing the total number of missing tickets on the Lucknow, Howrah, Dinapore and Asansol Divisions on the East Indian Railway during the five months ending November, 1928?

(c) Is it not a fact that the collection of tickets in trains has been a failure, and tickets are collected by the running staff on gates or on platforms?

APPOINTMENT OF MR. PALMER OF THE TELEGRAPH DEPARTMENT AS CHIEF INSPECTOR (CREWS).

1382. ***Mr. Amar Nath Dutt:** (a) Will Government please state the reasons for the appointment of Mr. Palmer, an official from the Telegraph Department, as an additional Chief Inspector (Crew) on a salary of about Rs. 300 per mensem?

(b) Will Government please state why this appointment was not filled by any one from amongst the senior and deserving Travelling Ticket Inspectors?

Mr. P. R. Rau: Government have no information, but have no doubt that the Agent, with whom the appointment rests, made the best selection he could, after considering the claims of all suitable candidates.

† For answer to this question, see answer to question No. 1371.

CLAIMS OF SENIOR TRAVELLING TICKET INSPECTORS TO APPOINTMENT AS INSPECTORS OF CREWS.

1383. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Accounts Department has posted Line Inspectors and Assistant Line Inspectors of Crews from amongst its own Inspectors of Accounts, and the claim of even the senior-most and deserving Travelling Ticket Inspectors has been ignored entirely?

(b) If so, will Government please state why this preferential treatment was accorded to the former?

(c) Do Government propose to restrict such preferential and differential treatment being meted out to the Travelling Ticket Inspectors?

Mr. P. R. Rau: (a) and (b). Government are unaware of any preferential treatment accorded.

(c) Government have no reason to suppose that Travelling Ticket Inspectors are subjected to unfair treatment, and cannot undertake to inquire into cases which are entirely within the competence of the Agent of the Railway.

CONDITIONS FOR GRANT OF ANNUAL INCREMENT TO TRAVELLING TICKET INSPECTORS.

1384. ***Mr. Amar Nath Dutt:** (a) Is it a fact that a Travelling Ticket Inspector cannot be granted his annual increase unless his average earnings during the preceding year had been Rs. 10 per day?

(b) Are Government aware that this condition for annual increase being granted causes great hardship to the poor men, and do Government propose to do away with this restriction? If not, why not?

Mr. P. R. Rau: (a) I am informed by the Agent, East Indian Railway, that this is not the case.

(b) Does not arise.

OVERWORK OF TICKET COLLECTORS IN THE SORTING OFFICE, LUCKNOW.

1385. ***Mr. Amar Nath Dutt:** (a) Are Government aware that the ticket collectors in the Sorting Office, Lucknow, are very heavily overworked and that they are seldom allowed Sundays and other gazetted holidays?

(b) Are Government aware that, on the East Indian Railway Union, Moradabad, moving the Agent, East Indian Railway on the subject of their long hours of duty and certain other grievances, the Inspector, Sorting Office, had been threatening certain men that they would be transferred to far off places such as in the Howrah Division because they had joined the Union?

(c) If not, do Government propose to inquire into the circumstances as a result of which the transfer of certain men in the above Sorting Office is under contemplation?

(d) Do Government propose to issue instructions to the Agents of the railways to prevent oppression or pressure being put on the members of the railway unions under threats or otherwise?

Mr. P. R. Rau: (a), (b) and (c). Government have no information, but are sending a copy of this question to the Agent, East Indian Railway, for such action as he may think fit to take.

(d) Government have no reason to believe that any such general instructions are called for.

APPOINTMENT AS CREW MEN OF TICKET COLLECTORS AND STAFF OF TICKET SORTING OFFICES.

1386. ***Mr. Amar Nath Dutt:** (a) Are Government aware that a number of men amongst the ticket collectors (sorting) in the Lucknow Sorting Office applied to hold charge of Crew Inspectorships, or to work as crew-men but were refused?

(b) Do Government propose to issue instructions to the effect that senior and deserving hands from amongst the staff in the ticket sorting offices and ticket collectors should be given fair chances to work as crew-men?

Mr. P. R. Rau: The answer to both parts of the question is in the negative. The matter is within the competence of the Agent.

COSTLY NIPPER AND TICKET PUNCH PURCHASED FOR USE BY RAILWAY TICKET COLLECTORS.

1387. ***Mr. Amar Nath Dutt:** (a) Are Government aware that a costly nipper and ticket collecting punch has recently been ordered?

(b) Is it a fact that the cost of the new nipper is more than one and a half times the pay of a crew-man?

(c) Is it also a fact that the newly indented nipper is too bulky an article and cannot be placed in a pocket of ordinary size, and cannot be suspended from the belt, being too heavy?

(d) Are Government aware that the new pattern nipper has been indented for from outside India?

(e) Will Government please state why such a costly, bulky and heavy nipper had to be indented for and why it could not be got made in India?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to this and the next question together. In reply to a similar question by Maulvi Muhammad Yakub, No. 1152, on the 20th March, 1929, I have undertaken to collect the information, and a copy of the final reply that I propose to send to Maulvi Muhammad Yakub will be sent to my Honourable friend as well.

COLLECTION OF RAILWAY TICKETS AT ROADSIDE STATIONS.

†1388. ***Mr. Amar Nath Dutt:** (a) Will Government please state if it has been found possible to ensure cent per cent. collection of tickets for roadside stations having a stoppage of two or three minutes of the trains, especially when the number of passengers is very great and they travel for only one or two stations, and the average strength of crew-men is 5 to 19 bogies, comprising about 40 compartments?

(b) Will Government please state the arrangements made for the refund of "token" surrendered below destination?

† For answer to this question, see answer to question No. 1367.

(c) Do Government propose to make adequate arrangements for the collection of tickets at gates, by providing a sufficient number of ticket collecting staff?

NON-APPOINTMENT OF TRAVELLING TICKET INSPECTORS TO THE CREW DEPARTMENT.

†1389. ***Mr. Amar Nath Dutt:** (a) Will Government please state on what basis the opinion that the old Ticket Inspectors were not qualified for higher grade posts in the Crew Department was framed?

(b) Is it a fact that, when the crew system was introduced in the Howrah Division, the following from the Travelling Ticket Inspectors establishment were taken on loan to start with?

1. Mr. Bhagat Ram, Divisional Inspector, T. T. Is. to work as A. D. S. (Crews.)
2. Mr. Judgeali, Divisional Inspector, T. T. Is., to work as Chief Inspector.
3. Mr. Shakirali, Travelling Ticket Inspector, to work as Station Inspector.
4. Mr. H. S. Gardeber, Travelling Ticket Inspector, to work as Station Inspector.
5. Mr. Wala Razvi, Travelling Ticket Inspector, to work as Station Inspector.
6. Mr. Bejiman, Travelling Ticket Inspector, to work as Station Inspector.
7. Mr. Balbirsingh, Travelling Ticket Inspector, to work as Station Inspector.

(c) Is it a fact that most of the Travelling Ticket Inspectors had rendered meritorious services in different capacities on different occasions on the Railway, and before confirmation as Travelling Ticket Inspectors, had undergone selection by Stationmasters, Divisional Superintendents and Deputy Chief Accounts Officers?

EARNINGS OF TRAVELLING TICKET INSPECTORS.

†1390. ***Mr. Amar Nath Dutt:** Is it a fact that the earnings of the Travelling Ticket Inspectors used to cover all the expenditure of their establishment, that is, cost of their maintenance, establishment, uniforms, stationery, provident fund, bonus, gratuity, leave reserve and allowances, etc., besides effecting savings of several thousands of rupees?

NUMBERS OF TRAVELLING TICKET INSPECTORS AND NUMBERS OF CREW MEN DEALT WITH FOR VARIOUS OFFENCES.

†1391. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the services of the Travelling Ticket Inspectors now working under crew have been found satisfactory throughout, so far as efficiency is concerned? If not, will Government please lay on the table a statement showing the number of Travelling Ticket Inspectors dealt with departmentally or otherwise, for

† For answer to this question, see answer to question No. 1371.

(1) accepting illegal gratification, (2) misappropriation of money, (3) travelling without a ticket, (4) selling or re-using used tickets, (5) absconding with Government property, (6) assaulting passengers, (7) robbing passengers of their money and property (8) attempting to commit rape, etc.?

(b) Will Government please lay on the table a similar statement in the case of crew-men?

(c) Will Government please lay on the table a further statement showing the crew-men dealt with judicially for offences under the Railway Act, and sections 372, 352, 379, 426, 342, 354, 427, 323, 504, 120 and 101 of the Indian Penal Code?

(d) Will Government please say how many of the convicted men are still working as crew-men?

CONFLICTING STATEMENTS ABOUT RAILWAY EARNINGS.

1392. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Mr. Parsons stated in the Public Accounts Committee, held in August, 1928, that there had been an increase in the railway earnings, but the Agent, East Indian Railway, in the meeting of the Advisory Committee, held on 30th November, 1928, stated that 3,000,000 less passengers had actually travelled?

(b) Will Government please state whether both or which of these two statements is correct?

Mr. P. B. Rau: I would refer the Honourable Member to the reply I gave to the same question put by the Honourable the Deputy President on the 18th March, 1919.

EARNINGS AND SAVINGS EFFECTED BY THE INTRODUCTION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1393. ***Mr. Amar Nath Dutt:** Will Government be pleased to state the amount of earnings and savings effected by the introduction of the Crew System over the East Indian Railway?

Mr. P. B. Rau: Passenger earnings are affected by so many and so various causes that it is practically impossible to calculate exactly the amount of earnings and savings effected by the introduction of the Crew System. Such information as is available in the East Indian Railway will no doubt be incorporated in the report that the Agent has been asked to supply regarding the working of the Crew System which it is proposed to place on the table of the House on receipt.

GRANT OF FREE QUARTERS TO TRAVELLING TICKET INSPECTORS.

1394. ***Mr. Amar Nath Dutt:** (a) Are Government aware that Travelling Ticket Inspectors are not provided with free quarters, nor are they allowed any house-rent in lieu thereof?

(b) Do Government propose to grant them the benefit of free accommodation, in view of their outdoor duties? If not, why not?

Mr. P. B. Rau: Government have no information on this matter, but their present policy is that rent should ordinarily be charged for all quarters, except those for menial staff. This policy was accepted by the Standing Finance Committee for Railways in 1926.

AIMS AND OBJECTS OF WELFARE COMMITTEES STARTED BY THE RAILWAY AUTHORITIES.

1395. ***Mr. Amar Nath Dutt:** (a) Will Government please lay on the table the aims and objects of the welfare committees started by the railway authorities?

(b) Will Government please say if any action is taken on the proposals and grievances put forward by the members of these welfare committees in the meetings of the said committees? If so, will Government please lay on the table a statement showing the proposals and grievances brought forward by the members, and the action taken by the authorities?

Mr. P. R. Rau: (a) The general purpose of these welfare committees is to improve the relations between the staff and the management, by providing regular and constitutional opportunities for the discussion of grievances, conditions of service and matters appertaining to the welfare of the staff generally.

(b) Yes. As an example, I might say that information received from the Agent, Bombay, Baroda and Central India Railway, shows that 65 meetings of District Staff Committees were held on that Railway during 1927-28, at which 648 cases were brought up for discussion, and that in 438 of these, the proposals were accepted. These Committees deal with a very great variety of subjects, and it will be seen from the above example that a compilation embodying the proposals, etc., on all railways would be a task of great magnitude, and I am afraid the labour involved would be out of all proportion to the value of the result.

OBJECT OF ESTABLISHING WELFARE COMMITTEES ON RAILWAYS.

1396. ***Mr. Amar Nath Dutt:** (a) Will Government please say why welfare committees have at all been established on the railways when there are employees' unions and associations duly registered under the Indian Trade Unions Act?

(b) Is it the intention of the railway authorities, by establishing these welfare committees, to crush the trade union movement and the legally formed trade unions?

Mr. P. R. Rau: (a) Government do not consider that the existence of employees' unions and associations renders welfare committees superfluous.

(b) Not at all.

GRANT OF FREE TRAVEL PASSES TO OFFICE-BEARERS OF TRADE UNIONS ATTENDING MEETINGS.

1397. ***Mr. Amar Nath Dutt:** Will Government be pleased to state whether the Agents of railways are instructed to grant the requisite facilities for organisation purposes, viz., free card passes to the office-bearers of the unions and free special passes and special leave to the members of the unions to attend their meetings as is done in the case of welfare committees? If not, why not?

Mr. P. R. Rau: Welfare Committees are domestic organisations of a railway administration and are composed of members of the staff only. They assist the administration by discussing and putting forward proposals

relating to the general amenities, grievances and conditions of employment of all employees of the Railway, and are in effect a part of the administrative machinery of the Railway and as such stand on a special footing. Trade unions cannot be regarded in the same light as they are independent organisations under independent control, with funds of their own.

DIFFERENTIAL TREATMENT IN THE SUPPLY OF CINDERS TO ANGLO-INDIAN AND INDIAN RAILWAY EMPLOYEES AT MORADABAD.

1398. ***Mr. Amar Nath Dutt:** (a) Are Government aware that the Divisional Superintendent, Moradabad, has issued a circular, No. 48-P. of 1929, dated 27th February, 1929, regarding the sale of cinders?

(b) Are Government aware that in the said circular the Divisional Superintendent has fixed the scale of cinders to be sold to European and Anglo-Indian employees at three maunds at any one issue, whereas for the Indian employees only two maunds?

(c) If so, will Government please state the reasons for this differential treatment in the supply of cinders?

(d) Are Government prepared to inquire into the circumstances, as a result of which two different scales of supplies have been fixed, and this racial discrimination maintained, when the Government has, all along, been saying that there was no racial discrimination?

(e) Do Government propose to issue clear and distinct instructions to the Agents of the railways against such racial discrimination being maintained?

Mr. P. B. Rau: Government have no information. I am making inquiries from the Agent, East Indian Railway and will communicate with the Honourable Member later.

APPOINTMENT OF TWO NON-INDIANS AS TRAFFIC INSPECTORS IN THE MORADABAD DIVISION.

1399. ***Mr. Amar Nath Dutt:** (a) Are Government aware that, in the Moradabad Division, two vacancies amongst the Traffic Inspectors fell vacant, but both of them were filled in by non-Indian employees, one by Mr. T. K. Railley, who was once declared unfit for the job of even an Assistant Station Master, and is a dismissed hand and the other by Mr. Pains. Guard?

(b) Will Government please state the circumstances under which no Indian could be appointed to any of these two posts?

Mr. P. B. Rau: I am making inquiries from the Agent and will communicate with the Honourable Member on receipt of his reply.

FREQUENT TRANSFERS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

1400. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether it is a fact that service associations have had occasion to protest against the procedure adopted by the Postmaster-General, Punjab and North-West Frontier Circle, in the matter of transfers?

(b) Will Government be pleased to furnish the House with a statement, showing the number of transfers made within the Circle, during the last two years?

(c) Do Government propose to institute an inquiry with regard to the transfers in the Punjab Circle with a view to the abolition of frequent transfers?

The Honourable Sir Bhupendra Nath Mitra: Government have no information on the number of transfers in the Punjab Circle during the past two years. The matter is entirely within the competence of the Postmaster-General and Government do not consider that any public purpose would be served by collecting the statistics asked for. A copy of the question will, however, be sent to the Postmaster-General, Punjab, for necessary action with reference to the suggestion that there is an excessive number of transfers in that Circle.

RE-APPOINTMENT TO THE PUNJAB POSTAL CIRCLE OF MEN DEMOBILIZED FROM THE NORTH-WEST FRONTIER FIELD FORCE.

1401. ***Mr. V. V. Jogiah:** (a) Is it a fact that Government held out an assurance that they would bring such men as had been attached to the Punjab Circle to the Circle again on demobilization of the North-West Frontier Field Force?

(b) How long have such men awaited re-transfers and when do Government propose giving effect to their assurance?

The Honourable Sir Bhupendra Nath Mitra: (a) If the Honourable Member refers to the case of telegraphists who were deputed on field service to Waziristan from different circles, but who are now serving in the Punjab and North West Frontier Circle, the answer is that no definite assurance is traceable, but the intention of Government is as suggested by the Honourable Member.

(b) I have not complete figures and the matter is under examination. A number of men have already been retransferred to their respective circles and the remainder will be retransferred as opportunities occur.

RATE OF HOUSE-RENT ALLOWANCE AND CONDITIONS OF GRANT OF FREE QUARTERS FOR THE STAFF OF THE TELEGRAPH OFFICE, NEW DELHI.

1402. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state the rate of house-rent allowance fixed for Deputy Superintendents, Telegraph Masters and telegraphists respectively at New Delhi?

(b) Will Government be pleased to state what specific conditions were imposed in each such case when the grant of rent-free quarters was made to the said officers?

(c) Are bachelors and married men treated alike in the matter of the grant and conditions relating to quarters? If not, what are the differing conditions in each case?

(d) Is it a fact, with regard to quarters, that a married telegraphist gets quarters and other considerations similar to those assigned to two bachelor Telegraphists?

(e) Will Government be pleased to state whether a married telegraphist, namely, man and wife, are treated with regard to accommodation under the rules exactly like those having children? If not, what are the extra provisions made for them?

(f) Are Government aware of the fact that married telegraphists with children are put to the necessity of utilizing bathrooms as bedrooms?

(g) Are dining-rooms provided in each such set of quarters? If not, will Government be pleased to state reasons for not providing them?

(h) Is there an adequate provision for servants' lodgings made for each set of quarters?

(i) Will Government be pleased to state whether unfiltered water is supplied to these quarters free of cost, as in the case of other Government servants?

(j) Will Government be pleased to state whether they are fully satisfied that each class of officials gets a due share of comforts and accommodation for the rent charged as borne out by the rent ratio?

(k) Are Government prepared to consider the question of instituting an enquiry into the matter of housing accommodation generally?

The Honourable Sir Bhupendra Nath Mitra: (a) The staff mentioned do not receive house-rent allowances as all are provided with quarters at New Delhi.

(b) None, apart from those universally applied in connection with the payment of rates and taxes and the rent of service installations.

(c) Yes, except that additional accommodation is given to married men below the rank of Deputy Superintendent.

(d) Yes.

(e) No distinction is made in respect of the free accommodation allotted between married men with and without children. Persons, the size of whose family demands extra accommodation, are required to rent it at moderate rates.

(f) Government have no reason to believe that the case is as stated.

(g) A common mess room is provided for telegraphists without family. Quarters on the married scale have a dining room.

(h) Servants' quarters are not provided.

(i) Unfiltered water is supplied free for the upkeep of gardens and not to individual quarters.

(j) The quarters are rent-free and on an adequate scale for each class. Rent is only charged for excess accommodation supplied and on service installations under the Fundamental Rules.

(k) Government do not consider any inquiry necessary.

PERMANENT APPOINTMENT OF A SEASON INSPECTOR OF PEONS AT NEW DELHI.

1403. **Mr. V. V. Jogiah:** With reference to the reply of the Honourable Member in charge of the Department of Industries and Labour to unstarred question No. 25-A. (1), answered in the Assembly on the 31st January of 1927, regarding the appointment of a season Inspector of Peons in New Delhi, will Government be pleased to state the reasons for not making this appointment a permanent one?

The Honourable Sir Bhupendra Nath Mitra: The reason is that the delivery work of the New Delhi Telegraph Office during the summer months does not justify the appointment of an Inspector of Peons.

**NUMBER OF MUSLIM ENGINEERS, ETC., IN THE DELHI PUBLIC WORKS
DEPARTMENT PROMOTED LAST YEAR.**

1404. ***Mr. Anwar-ul-Azim:** 1. Is it a fact that in the Delhi Public Works Department the following are the code words for single and double annual increments?

- (a) Recommended in turn, (for single increment),
- (b) Recommended strongly (for double increment).

2. Will Government be pleased to state the number of Muslim engineers, subordinates, clerks, and draftsmen, who were given single promotion last year on the strong recommendation of their superiors?

The Honourable Sir Bhupendra Nath Mitra: 1. These are not exactly code words, but are terms used by officers in making their recommendations for the consideration of superior authorities. The expression "recommended in turn" implies the opinion that increments should be given in the normal course; the term "strongly recommended" may or may not be coupled with a recommendation that one or more premature increments be granted.

2. Two subordinates, three clerks and four draftsmen.

**AMOUNT OF ANNUAL INCREMENT SANCTIONED LAST YEAR FOR CLERKS IN THE
DELHI PUBLIC WORKS DEPARTMENT.**

1405. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the amount of annual increment (per month) sanctioned last year for clerks of the Delhi Public Works Department?

(b) What was the number of clerks who were given annual increments last year in the Public Works Department in Delhi?

(c) What was the amount of annual increment sanctioned last year for subordinates of the Delhi Public Works Department?

(d) What was the number of subordinates who were given annual increments last year in the Delhi Public Works Department?

(e) What was the amount of annual increment sanctioned last year for draftsmen of the Delhi Public Works Department?

(f) What was the number of draftsmen who were given annual increments last year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Rates of increment last year, as in other years, were Rs. 3, 4, 5, 8 and 10.

(b) 143,

(c) Rs. 7, 10 and 20,

(d) 92,

(e) Rs. 3, 4, 5, 8, 10, 20 and 30,

(f) 77.

NON-PROMOTION OF MUSLIMS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1406. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that the Superintendents in the Central Public Works Department Office, Delhi, are non-Muslims?

(b) Is it a fact that the petitions from Musalmans for appointments, and promotions are not put up by the office to the Chief Engineer, Delhi, on the existence of vacancies?

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

(b) No.

WORKS TO BE CARRIED OUT THIS YEAR BY THE PUBLIC WORKS DEPARTMENT, DELHI.

1407. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state the name and the estimated amount of the works to be carried out this year in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to pages 491 and 822-830 of the volume containing the Demands for Grants for 1929-30 where he will find a list of works to be carried out by the Delhi Public Works Department in the current year, together with the estimated amount of the expenditure proposed.

RETENTION OF EUROPEAN ENGINEERS AND ARCHITECTS IN THE PUBLIC WORKS DEPARTMENT, DELHI, ON REDUCED PAY.

1408. ***Mr. Anwar-ul-Azim:** Is it a fact that some European engineers and architects have been compelled to accept reduced pay in the Delhi Public Works Department or to give up their appointments? If so, why?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. As regards the second part, owing to the approaching completion of the construction of the New Capital, it is considered that the reasons for which special rates of pay were previously granted have ceased to exist.

NUMBERS OF MUSLIMS AND NON-MUSLIMS DRAWING SPECIAL PAY IN THE PUBLIC WORKS DEPARTMENT, DELHI.

1409. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the number of non-Muslims and Muslims getting special pay in the Delhi Public Works Department?

(b) What is the respective amount of special pay drawn by non-Muslims and Muslims in the Delhi Public Works Department?

The Honourable Sir Bhupendra Nath Mitra: (a) Non-Muslims 29, Muslims 5.

(b) Non-Muslims Rs. 4, 5, 8, 15, 25, 30, 50, 75, 100, 150, 250 and 300. Muslims Rs. 4, 5, and 8.

EXCESSIVE COST OF MAINTENANCE OF THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

1410. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that the cost of maintenance of the Posts and Telegraphs Account and Audit Department is excessive, and whether steps are being taken to reduce the expenditure?

(b) Is it a fact that special pay is granted at Rs. 150 per mensem to the Personal Assistant to the Accountant General, Posts and Telegraphs, and at Rs. 50 per mensem, per head, to senior accountants and senior auditors in the Central Office and expatriation allowances at Rs. 50 per mensem to the accountants attached to the offices other than those in which they were originally recruited, whereas such allowances, at such high rates, are not sanctioned for the staff attached to the offices of the Accountants General in other provinces or departments?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 1410, 1411, 1415 and 1416 together.

Inquiries are being made and replies will be sent to the Honourable Member in due course.

NEGLECT OF THE CLAIMS OF MUSLIMS IN THE POSTS AND TELEGRAPHS ACCOUNT AND AUDIT DEPARTMENT.

†1411. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that no Muslim has been granted an advance increment since the introduction of the system in the Posts and Telegraphs Account Department?

(b) Is it a fact that all posts carrying special pay in the Posts and Telegraphs Account Department are being held by non-Muslims?

(c) Is it a fact that all posts of distinction in clerical service such as head clerkship of records and establishment clerkships, etc., are held by junior non-Muslim clerks ignoring the claims of senior Muslims in the respective offices?

NUMBERS OF MUSLIMS APPOINTED IN PAY AND ACCOUNTS OFFICES.

1412. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, brought into effect under Mr. Raja Gopalan, special officer, Finance Department, several Pay and Accounts Offices have been established?

(b) If so, will Government furnish a statement showing the total number of posts of gazetted officers, other than members of the Indian Accounts and Audit Service, Subordinate Accounts Service, and clerical establishment, sanctioned for each Pay and Accounts Office separately, and the number of appointments filled in by Muslims under each grade and each office?

The Honourable Sir George Schuster: (a) Yes.

(b) The information is being collected and will be furnished to the Honourable Member as soon as it is ready.

APPOINTMENT OF MUSLIMS AS TREASURY OFFICERS IN THE UNITED PROVINCES.

1413. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, under the scheme of separation of accounts and audit, the posts of Treasury Officers in the United Provinces held by the provincial Deputy Collectors, have been and are being offered to the members of the Subordinate Accounts Service?

† For answer to this question, see answer to question No. 1410.

(b) If so, will Government be pleased to furnish a statement showing the total number of such posts and the number of posts filled in by Muslims, and the number of posts held by the provincial Muslim officers before the introduction of the scheme?

(c) Will Government be pleased to state whether Muslim members of the Subordinate Accounts Service are not available from other Accounts and Audit Offices, in case the representation of Muslims is insignificant in the new posts?

(d) Have some probationary accountants been appointed under the Director of Audit, United Provinces, in place of accountants appointed in charge of treasury? If so, what is their number and how many of them are Muslims?

The Honourable Sir George Schuster: (a), (b) and (c). The recruitment of the Treasury Officers concerned is a matter which concerns the Government of the United Provinces, and the Government of India have no information on the subject.

(d) Inquiry is being made and a further answer will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF MUSLIMS TO THE NEWLY CREATED POSTS OF ASSISTANT ACCOUNTS OFFICER, SENIOR ACCOUNTANT, ETC.

1414. ***Mr. Anwar-ul-Azim:** Is it a fact that the newly created posts of assistant accounts officers, senior accountants, accountants, and auditors sanctioned under the scheme of separation of Accounts and Audit, have been filled in by transfer of experienced officers from other accounts offices? If so, have the claims of Muslims been duly considered in making such transfers?

The Honourable Sir George Schuster: Some of the newly created posts have been filled by men transferred from other Accounts Offices. In selecting those to be transferred the primary consideration was their qualification for the posts, and communal considerations were not taken into account.

EXPENDITURE INCURRED BY TRANSFER OF ACCOUNTANTS FROM DELHI TO NAGPUR AND CALCUTTA.

†1415. **Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether it is a fact that several local accountants and senior accountants were transferred from the Posts and Telegraphs Audit Office, Delhi, to Nagpur and Calcutta, retaining several Madrasi accountants in the Delhi office during the year 1927 and 1928, with the result that Government had to bear the cost of expatriation allowance at the rate of Rs. 50 *per mensem* for each accountant, as well as the cost of family travelling allowance allowed to the accountants so transferred from the offices in which they were originally recruited for public service?

(b) If the answer to part (a) is in affirmative, were the above arrangements based on any administrative grounds? Is it a fact that some of the local accountants and senior accountants referred to in part (a) have been or are being retransferred to Delhi in place of Madrasi accountants allowing them to draw family travelling allowance again?

† For answer to this question, see answer to question No. 1410.

(c) If the reply to part (b) is in affirmative, will Government be pleased to state the circumstances in which these retransfers have been made within such a short period, entailing expenditure to the State in the form of family travelling allowance to the officer concerned?

(d) If the transfers of accountants referred to in part (c) were not based on valid grounds, are Government prepared to take disciplinary action against the official responsible for such transfers in the first instance from Delhi to out station? In case there was justification, are Government prepared to take suitable notice against the official who sanctioned such retransfer?

TOTAL COST OF CODES REVISED IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†1416. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the total cost of the codes revised in the Office of the Accountant General, Posts and Telegraphs, under the supervision of Mr. S. P. Verma, special officer, together with the cost of forms revised in the supervision of an Assistant Accounts officer attached to the Office of the Accountant General, Posts and Telegraphs, Delhi?

(b) Will Government please state the total number of pages contained in the codes revised by Mr. S. P. Verma in the Office of the Accountant General, Posts and Telegraphs?

INCONVENIENT TIMINGS OF TRAINS TO DELHI FOR PASSENGERS ARRIVING AT SEALDAH BY THE CHITTAGONG MAIL.

1417. ***Mr. Srish Chandra Dutta:** (a) Are Government aware that passengers arriving at Sealdah by the Chittagong Mail of the Eastern Bengal Railway cannot catch any of the trains for Delhi immediately, and are detained in Calcutta for about 18 hours?

(b) Are Government prepared to order the alteration of the time of departure from Sealdah of No. 13 Up Sealdah-Delhi Express train so that passengers by the Chittagong Mail may avail themselves of the train for Delhi immediately on their arrival at Sealdah?

Mr. P. R. Rau: (a) Yes, but I understand passengers by the Chittagong Mail, who wish to proceed towards Delhi, can effect a convenient connection by changing at Naihati instead.

(b) I am afraid it is not possible for Government to take any part in the preparation of time tables, but I will send a copy of the Honourable Member's question and of my answer to the Agent of the East Indian Railway so that he may consider the point raised.

INCONVENIENCE CAUSED BY THE STOPPAGE OF BOAT TRAFFIC UNDER THE BRIDGES CONSTRUCTED ON THE KARIMGANJ-LANGAI VALLEY RAILWAY.

1418. ***Mr. Srish Chandra Dutta:** (a) Are Government aware of the very serious inconveniences caused to the public at large, and especially tea garden proprietors by the stoppage of all boat traffic under the bridges constructed on the Karimganj-Langai Valley Railway during the last flood

† For answer to this question, see answer to question No. 1410.

and the heavy damage caused to paddy and other crops by flood on account of the very inadequate number of waterways on the said Railway?

(b) Are Government aware that several memorials were submitted to the authorities by the local people for speedy removal of those inconveniences?

(c) What steps do Government propose to take for giving relief to the people concerned in these matters?

Mr. P. R. Rau: (a) Government are not aware of the inconveniences referred to or the damage mentioned.

Before commencement of construction, the question of waterways to be provided was referred to a special Committee on which the Local Government was represented, and bridges have been constructed according to the proposals of that Committee.

(b) No, but some petitions were received before the bridges were built.

(c) The Honourable Member's question is being referred to the Agent of the Assam Bengal Railway, on receipt of whose reply full information will be given to the Honourable Member.

HIGH RATE OF FARES ON THE HABIGANJ-SHAISTHAGANJ RAILWAY.

1419. **Mr. Srish Chandra Dutta:** (a) What is the rate of third and intermediate class fares per mile on the Assam Bengal Railway and the Habiganj-Shaisthaganj Railway?

(b) If there be any difference in the fares of those two railways, will Government be pleased to state the reason for such unequal rates of fares?

(c) Are Government aware that much hardship is keenly felt by the public owing to the maintaining of a very high rate of fares on the Habiganj-Shaisthaganj Railway, and do Government propose to take early steps for a reduction of the same?

Mr. P. R. Rau: (a) The rate of third class fares on the Habiganj-Shaisthaganj Railway is $4\frac{1}{2}$ pies per mile as compared with four pies on the main line of the Assam-Bengal Railway. The rate of intermediate class fares is the same on both lines, viz., five pies per mile.

(b) I understand the higher rate for third class fares was sanctioned in order to obtain a reasonable return on the capital expenditure.

(c) Government do not think that much hardship can be caused to the public on account of an extra half a pie per mile when it is remembered that the total distance of the branch is only eight miles. Moreover, before the opening of the Railway, the passenger fare by motor from Shaisthaganj to Habiganj was annas 12, whereas the third class fare by rail is now only annas three. A reduction in fares will be considered when the traffic develops sufficiently to justify it.

POPULATIONS OF MUSLIMS AND NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

1420. **Maulvi Sayyid Murtuza Saheb Bahadur:** With reference to the last census statistics of the North-West Frontier Province, will Government be pleased to state the actual populations of the Muslims and Non-Muslims in that Province?

Sir Denys Bray: The figures for the five districts, which constitute the North-West Frontier Province proper are:

Muslims	2,062,786
Non-Muslims	188,554

LOW PERCENTAGE OF MUSLIMS EMPLOYED IN MINISTERIAL APPOINTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

1421. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Are Government aware that:

- (a) the Non-Muslim community enjoys preponderance in, and monopoly of, ministerial appointments in the North-West Frontier Province, and that the percentage of Muslims in that service is remarkably low, and
- (b) all ministerial appointments, carrying high pay and decent position, are monopolized by the non-Muslim element?

Sir Denys Bray: With your leave, Sir, I shall answer questions Nos. 1421—25, 1428—29 and 1431 together. The Local Administration has been consulted and I shall furnish the Honourable Member with answers as soon as I have collected the material.

REPRESENTATION FROM MUSLIMS OF PESHAWAR FOR DISCONTINUANCE OF RECRUITMENT OF NON-MUSLIMS IN THE NORTH-WEST FRONTIER PROVINCE.

†1422. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the masses of unemployed educated Muslims of Peshawar submitted a representation to the Honourable the Chief Commissioner, North-West Frontier Province, through the Muslim Association, Peshawar, on the 16th August, 1925, requesting the discontinuance of recruitment of non-Muslims to the ministerial establishment in the Province? If so, what action was taken on the representation?

FIXATION OF A MINIMUM PERCENTAGE OF MUSLIMS TO BE APPOINTED TO MINISTERIAL SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

†1423. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that memorials had been submitted by the gentry of Kohat and Peshawar Districts to the Honourable the Chief Commissioner, in November, 1925, requesting the fixation of a proportion in the ministerial service in the Province, and, that in reply to a provincial address, the Honourable the Chief Commissioner stated in November, 1925, that he had contemplated the issue of some orders fixing a minimum and a maximum percentage of recruitment in the Province?

PERCENTAGE OF MUSLIMS RECRUITED TO CLERICAL SERVICES IN BOMBAY, MADRAS AND THE PUNJAB.

†1424. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Is it a fact that the Honourable the Chief Commissioner had been supplied by Local Associations with copies of orders issued by the Bombay, Madras, and Punjab Governments fixing a percentage of recruitment in the clerical establishment in their respective Provinces?

† For answer to this question, see answer to question No. 1421.

**PROPORTION OF MUSLIMS RECRUITED TO THE CHIEF COMMISSIONER'S OFFICE,
NORTH-WEST FRONTIER PROVINCE.**

1425. *Maulvi Sayyid Murtuza Sahab Bahadur: Will Government please state in what proportion Muslims are recruited at present in the Chief Commissioner's Office, and other civil offices in the North-West Frontier Province, and on what basis has the proportion been fixed?

**PERCENTAGE OF MUSLIMS RECRUITED TO THE POLICE DEPARTMENT OF THE
NORTH-WEST FRONTIER PROVINCE.**

1426. *Maulvi Sayyid Murtuza Sahab Bahadur: (a) Is it a fact that a few years ago, the Honourable the Chief Commissioner of the North West Frontier Province had fixed 33 per cent. recruitment of non-Muslims in the Police Department of the Province?

(b) If so, will Government be pleased to state:

- (i) the basis on which the percentage was fixed;
- (ii) the special reasons which necessitated the fixation of the percentage mentioned above; and
- (iii) the reasons which demanded a special departure from the important and established policy of Government adopted by all Local Governments in India in respect of fixing communal representation in Government service, and which necessitated avoiding the fixing of a proportion during the past three years asked for by the Muslim public, and contemplated by the Local Government?

The Honourable Mr. J. Orerar: (a) No such percentage has been fixed for recruitment of the police force as a whole, but it has been found desirable for administrative convenience to increase the number of non-Muslims in the police in urban areas to the percentage stated.

(b) Does not arise.

**METHOD OF RECRUITMENT TO BE ADOPTED FOR THE CIVIL ACCOUNT OFFICE
TO BE ESTABLISHED IN THE NORTH-WEST FRONTIER PROVINCE.**

1427. *Maulvi Sayyid Murtuza Sahab Bahadur: (a) Is it a fact that a Civil Account Office is proposed to be established in the North West Frontier Province with effect from the 1st April, 1929?

(b) If the reply to part (a) is in the affirmative, will Government please state the total strength of accountants and clerical establishment sanctioned for the same; the strength of the establishment which is proposed to be taken from the Office of the Accountant-General, Punjab, and the number of clerks who are to be recruited locally?

(c) Will Government please state the number of Punjabi Muslims and non-Muslims proposed to be taken from the Accountant-General's Office?

(d) Will their transfer be only on deputation for a specified period till local officials are gradually trained to replace them?

The Honourable Sir George Schuster: (a) Yes.

(b) Total strength, 8 accountants and 69 clerks. The strength of the establishment proposed to be taken from the Office of the Accountant General, Punjab, in which Office the accounts of the North-West Frontier Province are at present kept, consists of 7 Accountants and 44 clerks. 17 clerks have so far been recruited locally in the Frontier Province and the recruitment has been carried out in consultation with the Chief Commissioner. The remaining posts will be filled mainly by trained men from other accounts offices.

(c) The numbers of Muslims and non-Muslims proposed to be taken from the Accountant General's Office are 19 and 52 respectively. Volunteers were called for and the communal composition is therefore merely the result of the voluntary response.

(d) The transfer will not be strictly on deputation, as the majority of the men will be transferred to Peshawar along with the posts held by them. The intention is, however, gradually to repatriate the staff recruited from the Punjab office, as far as this may be possible without detriment to the interests of Government.

CONDITIONS ON WHICH THE SERVICES OF THE ASSISTANT FINANCIAL SECRETARY, NORTH-WEST FRONTIER PROVINCE, WERE BORROWED FROM THE ACCOUNTANT GENERAL, PUNJAB.

†1428. *Maulvi Sayyid Murtuza Saheb Bahadur: Will Government please state the date from which, and the conditions on which, the services of the present Assistant Financial Secretary, North-West Frontier Province, were borrowed from the Accountant General, Punjab, and whether the conditions have not been fulfilled as yet? If not, why not?

PERCENTAGE OF MUSLIMS RECRUITED FOR THE OFFICE OF THE CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

†1429. *Maulvi Sayyid Murtuza Saheb Bahadur: Is it a fact that the Honourable the Chief Commissioner of the North-West Frontier Province has informally sanctioned 66 per cent. recruitment of Muslims in his own and other offices? If so, on what basis has the proportion been fixed?

RECRUITMENT, FOR THE CIVIL ACCOUNT OFFICE IN NORTH-WEST FRONTIER PROVINCE, OF MUSLIMS FROM OUTSIDE THE PROVINCE.

1430. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that Muslims from outside the Province are to be recruited for the new Civil Account Office?

(b) Will Government please state why the recruitment should not be made from among the Muslim population in the Province?

The Honourable Sir George Schuster: (a) Yes.

(b) The new office must have a nucleus of trained men, and it would be quite impossible to staff the office efficiently in the first instance if recruitment were confined to Muslims resident in the North-West Frontier Province.

† For answer to this question, see answer to question No. 1421.

Maulvi Sayyid Murtuza Sahab Bahadur: May I know if there are no qualified hands available at present among the Muslims in the North-West Frontier Province?

The Honourable Sir George Schuster: I have no information as to the exact figures available, but if there are any qualified men available, they will certainly be recruited.

APPOINTMENT OF A MUSLIM PERMANENTLY RESIDENT IN THE NORTH-WEST FRONTIER PROVINCE AS HEAD CLERK OF THE NEW DISTRICT OFFICE.

†1431. ***Maulvi Sayyid Murtuza Sahab Bahadur:** (a) Is it a fact that sanction has been accorded by Government to the formation of a new district with headquarters at Mardan, in the Peshawar District, with effect from the 1st April next?

(b) Is it also a fact that in all the five District Offices of the Province, and in the offices of the Honourable the Chief Commissioner, Judicial Commissioner, the Revenue Commissioner, the Irrigation Secretariat, the Police Department, the Deputy Commissioner, and the Peshawar Municipality, the Head Clerks and Head Assistants are almost all non-Muslims, enjoying a monopoly of the appointments from time immemorial?

(c) If the reply to part (b) be in the affirmative, do Government propose to appoint a Muslim, who is a permanent resident of the Province, as Head Clerk for the new District Office?

CHARGES FOR FOOD SUPPLIED IN RAILWAY REFRESHMENT ROOMS TO SUBORDINATE RAILWAY EMPLOYEES.

1432. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government please state if it is a fact that, on the Bombay, Baroda and Central India Railway, Railway officials drawing much higher salaries, pay only six to eight annas more than subordinates for meals supplied in the refreshment rooms, and for food supplied on the dining cars, both officials and subordinates, pay the same amount?

(b) Are Government prepared to inquire into this matter and consider the question of lowering the charge for food supplied to the subordinate employees on this Railway?

Mr. P. E. Rau: Government have no information. I am sending a copy of the question to the Agent of the Bombay, Baroda and Central India Railway for any action he may wish to take.

REST ROOMS FOR SUBORDINATE INSPECTORS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1433. ***Lieut.-Colonel H. A. J. Gidney:** (a) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway, there are barely ten rest rooms for subordinate Inspectors, and that some of these rooms are unfit for habitation?

(b) Is it a fact that there are 25 well-furnished rest houses for officials?

† For answer to this question, see answer to question No.1421.

(c) Is it a fact that most officials have their own saloons, in which they live as a rule?

(d) Do Government propose to take steps to remedy this state of affairs, by providing habitable rest houses, and give up some of the unused official rest houses for the use of subordinates?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to this and the next two questions together. I am making inquiries from the Agent, Bombay, Baroda and Central India Railway, and will communicate with the Honourable Member later.

FAILURE TO APPOINT ANGLO-INDIANS AS ASSISTANT TRAFFIC SUPERINTENDENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†1434. ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that, on the broad gauge section of the Bombay, Baroda and Central India Railway:

- (a) all the Probationary Assistant Traffic Superintendents are Indians and none of them are graduates?
- (b) the five Assistant Traffic Superintendents attached to the Head Office, Church Gate Street, are all Indians?
- (c) no Anglo-Indians or domiciled Europeans have recently been appointed to the permanent cadre of Assistant Traffic Superintendents?

(2) Do Government propose to inquire into the matter and remedy this differential treatment between Indians and Anglo-Indians, who, for purposes of Indianisation, are all Indians?

DIFFERENCE IN TREATMENT OF IMPORTED EUROPEAN EMPLOYEES AND LOCALLY RECRUITED ANGLO-INDIANS AND INDIANS.

†1435. ***Lieut.-Colonel H. A. J. Gidney:** (1) Is it a fact that:

- (a) the Agent of the Bombay, Baroda and Central India Railway has fixed the maximum pay of Station Masters and Traffic Inspectors at Rs. 600 per month?
- (b) the majority of the present incumbents of these posts are in receipt of a salary of Rs. 450?
- (c) not one of them is today in receipt of this maximum?
- (d) the majority of Loco. and other Foremen on the Bombay, Baroda and Central India Railway come out from England?
- (e) most of the Loco. and other Foremen are in receipt of salaries from Rs. 600 to Rs. 650?
- (f) only those employees who are in receipt of Rs. 475 and above are entitled to first class travelling allowance on this Railway?
- (g) most of the Station Masters and Traffic Inspectors, who are Anglo-Indians, domiciled Europeans, and Indians are therefore denied the privilege of ever drawing first class travelling allowance?

† For answer to this question, see answer to question No. 1433.

(2) Do Government propose to take steps to equalise the conditions of the two sets of employees, and do they propose to order the Agent to cease this discriminating treatment of his employees, especially between the imported European and the indigenous employee?

OPINIONS ON THE COASTAL RESERVATION BILL RECEIVED FROM CERTAIN PORT TRUSTS.

1436. *Mr. Sarabhai Nemchand Haji: Will Government please state if the opinions on the Coastal Reservation Bill, received from the Port Trusts at Calcutta, Tuticorin, Madras, Bombay and Karachi, represent:

- (i) the unanimous opinion of the Port Trustees?
- (ii) the opinion of the majority of the Port Trustees, and, if so, what is the opinion of the minority? and
- (iii) the personal opinion of the Chairman of each of the Port Trusts?

The Honourable Sir George Rainy: Government have no information beyond that contained in the opinions referred to.

Mr. Sarabhai Nemchand Haji: Will Government kindly make inquiries and communicate the result of those inquiries to me?

The Honourable Sir George Rainy: I believe, Sir, that these opinions were received when the Bill was circulated under the orders of this House, and I do not think it is the function of the Government to inquire from the bodies consulted by this House what the circumstances were in which their opinions were given.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS AT IMPORTANT TRADE CENTRES IN EUROPE.

1437. *Mr. Sarabhai Nemchand Haji: Will Government be pleased to state the nature of the action they have taken to follow their declared policy that Indian Trade Commissioners shall be appointed at important trade centres in Europe?

The Honourable Sir George Rainy: The Government of India have received proposals from the High Commissioner for India for the appointment of Indian Trade Commissioners at certain trade centres in Europe. These proposals are now under consideration.

SHORT NOTICE QUESTION AND ANSWER.

TREATMENT OF PERSONS RECENTLY ARRESTED UNDER SECTION 121-A. OF THE INDIAN PENAL CODE.

Diwan Chaman Lal: With your permission, I beg leave to put the Short Notice question of which I gave notice. (1) Is it a fact that several persons arrested under section 121-A. of the Indian Penal Code were brought to Meerut in third class compartments?

(2) Will Government supply the names of those who were thus treated?

(3) Is it a fact that five annas, per head, per day, was the allowance provided for those arrested persons, who were brought from Calcutta, and that food and drink for 24 hours had to be purchased out of this sum?

(4) Is it a fact that, out of the first batch of 19 accused, which arrived at Meerut, 18 were kept in cell No. 6, with no protection from the heat and no convenience except a bare mat provided for each?

(5) Is it a fact that, after the first day, orders were issued by the Superintendent of the Jail, Colonel O'Neil, under which each accused was placed in a solitary cell?

(6) Is it a fact that the accused complained against this treatment?

(7) Is it a fact that Mr. Thengdi, as a result of the harsh treatment and lack of ordinary conveniences, actually fainted on the 23rd instant?

(8) Is it a fact that the food provided for the accused is the ordinary jail diet provided for convicted criminals?

(9) Are Government aware that a majority of the arrested persons are leaders of responsible trade unions, or prominent workers in the labour movement?

(10) Will Government state the reason for ordering the custody of the accused in separate, solitary cells?

(11) Will Government state whether it is a fact that I was not permitted to interview Mr. Jhabwalla, one of the accused?

(12) Is it a fact that the accused, apart from Mr. Jhabwalla, have objected to their being kept in solitary cells?

(13) Will Government state which counsel, and on what fees, have been engaged to conduct the prosecution of the conspiracy case?

The Honourable Mr. J. Orerar: (1), (2) and (3). Inquiries are being made, and the result will be communicated to the Honourable Member in due course.

(4) The 18 persons referred to are confined, not in cells, but in under-trial barracks, which are cool and well ventilated. They are supplied with bedding, blankets and the usual vessels.

(5) A few of the accused have been placed in non-association barracks, the door of each barrack being left open for light and ventilation. None of them is being kept in a solitary cell.

(6) No.

(7) No.

(8) The food supplied is on the scale prescribed for all under-trial prisoners in the United Provinces. It is being supplemented from private sources.

(9) It is a fact that a number of the arrested persons are officials in trade unions and connected with the labour movement.

(10) and (12). The Honourable Member is referred to the answer to part (5) above.

(11) My information is that this is not the case.

(13) Mr. J. W. Langford James and Mr. J. P. Mitter have been engaged to conduct the prosecution, the former on a daily fee of 60 gold mohurs and the latter on a daily fee of five gold mohurs.

Mr. K. Ahmed: In view of the fact that sufficient rations are not given, except what is available at the cost of five annas per day, to these prisoners, do Government propose to allow the members of the trade union and the supporters of these people, who have been arrested, and who are now under-trial prisoners, to supply sufficient food or give them the same facilities in the matter of food as are allowed to ordinary under-trial prisoners by their own people within the precincts of the jail?

The Honourable Mr. J. Orerar: That is a matter which the prisoners concerned may represent to the Court.

Diwan Ohaman Lall: May I ask the Honourable Member whether it is not a fact that barrack No. 6 is neither cool nor well ventilated?

The Honourable Mr. J. Orerar: My information is to the effect that all accommodation is cool and well ventilated.

Mr. A. Rangaswami Iyengar: May I know, Sir, what is the difference between these segregation barracks and solitary cells? The Honourable Member told us that certain people were put in separate segregation barracks. What is the difference between these separate segregation barracks and solitary cells? Is the difference only in nomenclature?

The Honourable Mr. J. Orerar: No, Sir. Certain accused have been accommodated in non-association barracks in order that the comfort and convenience of the accused as a whole may be best consulted.

Mr. A. Rangaswami Iyengar: The point I want to know is, so far as comfort and convenience are concerned, what is the difference between the non-association cells and solitary cells? In what sense are they different?

The Honourable Mr. J. Orerar: I think it will be necessary for me to ascertain precisely what the difference is if the Honourable Member wants to have further information.

Diwan Ohaman Lall: Will the Honourable Member make further inquiries and see whether the information he has supplied about cell No. 6 is correct or not?

The Honourable Mr. J. Orerar: No, Sir; I am not prepared to make further inquiries, for this reason that it is open to any of the accused who has a complaint to make, to make it to the Court or to the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: Will the Honourable Member make inquiries and see that the accommodation in these separate barracks is of a character which is equivalent to the comfort and accommodation that is provided to other undertrial prisoners and that arrangements are made to give proper convenience to all these prisoners?

The Honourable Mr. J. Orerar: I am prepared to make inquiries on that point.

Diwan Chaman Lall: May I know, Sir, why some of the prisoners have been accommodated in non-association barracks?

The Honourable Mr. J. Orerar: I understand, Sir, that the accommodation was so arranged, as I have already said, in order that the comfort and convenience of the accused, as a whole, might be best consulted.

Diwan Chaman Lall: May I ask the Honourable Member to state the names of those who have been put in in separate cells?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Will the Honourable Member get them?

The Honourable Mr. J. Orerar: No, Sir; as I have already explained, any individual accused is at liberty, if he feels that he has got any complaint to make, to make it either to the Superintendent of the Jail or to the Court.

Diwan Chaman Lall: May I ask the Honourable Member to state whether it is, as a matter of policy, that these people are placed in isolation barracks or whether it is for convenience?

The Honourable Mr. J. Orerar: I understand it is entirely a question of convenience.

Diwan Chaman Lall: May I know, Sir, whether one of these prisoners, Mr. Jhabwalla, ever asked to be placed in special barracks?

The Honourable Mr. J. Orerar: I have no information on that point.

Diwan Chaman Lall: Then how does the Honourable Member say that some of these people have been put in special barracks for their convenience?

Mr. A. Rangaswami Iyengar: May I know, Sir, whether any orders have been issued to the Superintendent of the Jail to put these people in separate cells and to see that these people do not communicate or converse with their fellow accused in the other cells?

The Honourable Mr. J. Orerar: These are matters which are entirely within the discretion of the Superintendent of the Jail.

Mr. A. Rangaswami Iyengar: I want to know whether, as a matter of fact, any instructions have been issued to the Jail Superintendent to prevent these people talking to each other?

The Honourable Mr. J. Orerar: No instructions to that effect have been issued by the Government of India.

Diwan Chaman Lall: Is it a fact that, for the first few days, when the first batch of accused were brought down to Meerut, they were all kept together in cell No. 6?

The Honourable Mr. J. Orerar: My information is that, on first arrival, certain of the accused were kept in cell No. 6.

Diwan Chaman Lall: Will the Honourable Member tell me whether 18 out of the 19 accused who were first brought to Meerut were kept in cell No. 6?

The Honourable Mr. J. Orerar: I understand that temporarily that was the barracks in which they were kept, but I also understand that it is very large, cool and well ventilated.

Diwan Chaman Lall: May I ask the Honourable Member whether, thereafter, any one of these 18 accused expressed a desire to be taken away from their fellow accused and placed in isolation barracks?

The Honourable Mr. J. Orerar: I have no information on the point.

Diwan Chaman Lall: Will the Honourable Member kindly inform me why he asserted that it was for the convenience of the accused?

Mr. A. Rangaswami Iyengar: May I know how many of these accused were brought to Meerut with handcuffs on?

Mr. K. Ahmed: Put that question to the Superintendent there.

The Honourable Mr. J. Orerar: I have no information on that point. I must ask for notice.

Mr. Gaya Prasad Singh: May I know why such treatment is being accorded to under-trial prisoners when their guilt has still to be proved in a Court of Law?

Diwan Chaman Lall: May I ask why there should be delay in answering questions 1, 2 and 3 regarding which information could very easily be obtained?

The Honourable Mr. J. Orerar: These involved communications with a considerable number of Local Governments and their replies have not been completely received.

Diwan Chaman Lall: Is it not a fact that the officer in charge, Mr. Horton, is in a position to give all the information to the Honourable Member?

The Honourable Mr. J. Orerar: No.

Diwan Chaman Lall: May I ask whether there is nobody at Meerut now to supply the Government with the necessary information in regard to all these questions?

(No answer was given.)

UNSTARRED QUESTIONS AND ANSWERS.

EXTENSION TO THE TELEGRAPH BRANCH OF COMBINED POST AND TELEGRAPH OFFICES OF THE SATURDAY HALF HOLIDAY AND POST OFFICE HOLIDAYS.

431. **Mr. N. C. Kelkar:** (a) Are Government aware that the half-holiday concession on Saturday, which is extended to the non-signalling branches of the Postal Department, is denied to the Telegraph Branch of the combined offices, resulting in nearly 15 days' extra service in a year from a signaller, as compared with the non-signalling staff?

(b) Are Government aware that the Telegraph Branch of the combined offices is not closed on most of the post office holidays and that the postal

signallers are required to put in regular hours of attendance on these days, exactly like any other working day of the year, with the result that they are required to work nearly eight days more in a year than the non-signalling staff?

(c) Are Government prepared to extend the Saturday concession and all post office holidays to the Telegraph Branch of the Post Office or grant extra remuneration for this extra service? If not, why?

Mr. P. G. Rogers: (a) Yes, but all the non-signalling branches do not get the half holiday either.

(b) Yes, but the same conditions apply to some of the non-signalling branches also.

(c) No, because the extension of the holiday concession to the Telegraph Branch would lead to public inconvenience and because the signalling staff do not, as a matter of fact, render any extra service.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE DUZDAP EXCHANGE POST OFFICE.

432. **Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that several representations were submitted to the Director-General, Posts and Telegraphs, by the staff of the Duzdap Exchange Post Office in 1927? If so, what action was taken on them?

(b) Is it a fact that this grievance of the said officials was brought to the notice of the higher postal authorities in 1924, and that the latter promised to take up the question? If so, why has it taken Government five years to consider this question?

(c) Is it a fact that, at the time of the consideration in 1924, of the general question of granting local allowance to postal employees in Baluchistan and certain other places like Mirjawa in Persia, the staff of the Duzdap Exchange Post Office was overlooked? If so, why?

(d) Are Government aware that, owing to such differential treatment and the high expense of living, there is a growing discontent among the said officials?

(e) If the answer to parts (a) to (d) are in the affirmative, do Government propose to consider the desirability of granting a local allowance to the said officials with retrospective effect, so as to compensate them for the heavy loss continuously sustained by them during the last five years?

Mr. P. G. Rogers: (a) The facts are not quite as stated by the Honourable Member. There are two clerks on the time-scale of pay in the Duzdap Exchange Post Office, and one of them submitted two representations in 1927, praying for the grant of a local allowance. He was informed that his prayer was under consideration.

(b) and (c). Government have no information, but inquiries are being made, and the result will be communicated to the Honourable Member.

(d) Government are not aware of any growing discontent.

(e) The question of the grant of a local allowance will be considered in connection with the general revision of local allowances in the Sind and Baluchistan Circle, which is at present receiving my attention; but there can be no question of granting any such allowance with retrospective effect.

GRANT OF A LOCAL ALLOWANCE TO THE STAFF OF THE INDIAN EXCHANGE POST OFFICE AT DUZDAP IN PERSIA.

433. Haji Abdoola Haroon: (a) Will Government be pleased to state whether it is a fact that the clerks employed in the Indian Exchange Post Office at Duzdap, a place in Persia, do not get any local allowance?

(b) Is it a fact that the postal employees at Mirjawa, a place in Persia, are in receipt of local allowance since 1924?

(c) Is it a fact that the clerks of all the post offices in Baluchistan are drawing local allowance?

(d) Is it a fact that the staff of the British Consulate office and of other offices at Duzdap draw local allowance?

(e) Is it a fact that the prices of foodstuffs and other articles are very high and that living in that place is very expensive?

(f) If the answers to parts (a) to (e) are in the affirmative, will Government be pleased to state why the clerks of the Duzdap Exchange Post office have not been granted a local allowance?

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

(b) Yes. In 1924 the Government of India sanctioned the continuance, subject to certain conditions, of the local allowance previously drawn by the postal staff of the Mirjawa Post Office.

(c) No.

(d) Yes.

(e) Government have no recent information.

(f) The Honourable Member's attention is invited to the reply just given to parts (d) and (e) of his unstarred question No. 432 on the subject.

STATEMENT LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I beg to lay on the table a statement promised by Mr. A. A. L. Parsons on the 27th February, 1929, comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Statements comparing the present estimated cost of the Kalyan Power House with the estimate originally laid before the Standing Finance Committee for Railways.

Item No.		Original estimate.	Revised estimate.
		Rs.	Rs.
1	Steel buildings, cranes, boilers, pipework, fuel handling plant.	33,34,200	37,51,530
2	Turbo-alternators and transformers	20,63,400	21,65,660
3	Switchgear, internal cabling and accessories	9,18,000	12,31,036
4	Spare parts	2,08,070	2,09,300
5	Preparation of site, foundations, brick and concrete work, circulating water ways, etc.	26,36,000	47,03,955
6	General charges	5,80,750	6,19,500
	Total	97,40,420	1,26,80,981

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting held on the 30th March, 1929, agreed, without any amendments, to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, to fix rates of income-tax, and to raise the import and excise duties on motor spirit, which was passed by the Legislative Assembly on the 28th March, 1929."

THE INDIAN COASTAL TRAFFIC (RESERVATION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. Sarabhai Nemchand Haji (Bombay Central Division: Non-Muhammadan Rural): I beg to move:

"That the instructions given to the Select Committee on the Bill to reserve the Coastal Traffic of India to Indian Vessels to present its Report before the 10th February, 1929, be withdrawn and that the Select Committee be instructed to present its Report on the 2nd April, 1929."

The motion was adopted.

Mr. Sarabhai Nemchand Haji: I beg to present the Report.

THE PUBLIC SAFETY BILL—*contd.*

Mr. President: Before I ask the House to resume debate on the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration, I should like to make a few observations as to the difficulty I feel, and I am sure the House must also feel, in the matter.

Since we met last, I have been at some pains to examine and compare the speeches made by the Leader of the House from time to time on the Public Safety Bill on the one hand, and the complaint lodged by the Crown against 31 persons in the Meerut Court. As a result of my labours, I have found that the fundamental basis for the Public Safety Bill is virtually identical with that of the case against the 31 accused. In one, the Member in charge asks this House, and in the other, the Crown will ask the Judge and Jury to hold that:

- (1) There is in existence a powerful propagandist organisation called "Communist International" in Russia whose aim is to overthrow and destroy the existing social and economic order, as well as all forms of Government throughout the world by a general strike and armed uprising in accordance with the programme which it has outlined.

- (2) In 1920-21 the said organisation resolved to establish a branch in India, and in pursuance of that Resolution the organisation and its agencies are at work in this country in preparing, practising, and propagating the doctrines and pursuing the activities directed towards the end they have in view.
- (8) The movement in India has received a good deal of stimulus by the arrival of a foreign Communist named Campbell in 1925-26, who, for the first time, started a Workers and Peasants Party in India in a really active form, in pursuance of the programme of the Communist International, and after his removal from India, two other British Communists (who, I understand, are among the accused in the Meerut case) came, and have been continuously carrying on, in conjunction with an increasing body of associates (some of whom perhaps are among the accused in that case), incessant activities for over a year and a half in furtherance of the said programme.

Honourable Members are aware that the rules of business of this House provided that no question shall be asked, nor any Resolution moved, or motion for adjournment made in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions. It has been further provided by Standing Order No. 29 that a Member shall not be allowed, whilst speaking to any motion either on a Bill, or any other measure, to refer to any matter of fact on which a judicial decision is pending. To put it briefly, the House is not allowed to refer to, or discuss, any matter which is *sub judice* on the ground that any such reference or discussion might prejudice the pending case. The question, therefore, arises whether it is possible for this House to discuss the motion that the Public Safety Bill, as reported by the Select Committee, be taken into consideration without referring to, or discussing any of the matters which are *sub judice* in the Meerut trial. I think there can be no two opinions that real debate on the Bill is not possible without extensive reference to, and discussion of, most of the matters that are *sub judice*. In fact, I am clearly of opinion that these are the only matters that could be relevant to the issues involved in the Bill, and anything else would, strictly speaking, be irrelevant. But under the Standing Order above referred to, the Chair would be bound to rule out all such reference and discussion, and this would make the debate on the Bill impossible. Perhaps the Chair might not mind some casual references here and there of some of those matters during the debate, but in this particular case it would be necessary for Honourable Members to make repeated references and also to discuss the merits of these matters. Besides, acceptance of the Bill would mean practically the acceptance of the fundamental basis of the case for it, and the rejection of the Bill would mean the rejection of that basis; and in either case such a course is bound to affect prejudicially the case for the prosecution or for the defence in the Meerut trial, as the case may be. I do not see how, in these circumstances, I can legitimately allow the Government to proceed further with this Bill at this stage. I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending

[Mr. President.]

the Meerut trial, or, if they attach greater importance to the passing of this Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill. I know the consideration of this question must naturally take some little time, and I have, therefore, decided to ask the Government to take up the consideration of the Trade Disputes Bill in the meantime.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How can they do that?

The Honourable Mr. J. Orerar (Home Member): Mr. President, may I be permitted to make some observations on what has fallen from the Chair?

Mr. President: Does the Honourable Member wish to consider, in the Government as a whole, the suggestion that the Chair has made?

The Honourable Mr. J. Orerar: I am not quite clear as to what suggestion the Chair has made.

Mr. President: If the Honourable Member is not clear, I will read it again:

"I am sure the unanimous opinion of the House is that we should say or do nothing here calculated to prejudice the Meerut trial one way or the other; and I have, in these circumstances, decided, instead of giving any ruling, to advise the Government themselves, in the first instance, to consider the observations I have made and the difficulties I have pointed out, and postpone the Bill pending the Meerut trial, or if they attach greater importance to the passing of the Bill at this juncture, to withdraw the Meerut case and then proceed further with the Bill."

The Honourable Mr. J. Orerar: I am prepared, on behalf of Government, to consider the observations which you have made, but if that implies a suggestion that Government are prepared to accept the further suggestion that the Bill should be postponed, that is a suggestion which I regret, on behalf of Government, I am unable to accept.

Mr. President: Is that the decision of the Government? That means that the Honourable the Leader of the House is not prepared to place the suggestion made by the Chair before the Government as a whole and ask them to consider whether they should not postpone the consideration of this Bill.

The Honourable Mr. J. Orerar: I am prepared to submit for the consideration of Government the observations which you have made, but I wish to make it clear that the view of the Government is that it would be very detrimental to the public interest that the further consideration of this Bill should be postponed.

Mr. K. Ahmed: In the meantime the discussion will go on?

Mr. President: In any case the Chair, before giving its ruling on the question, will have the decision of the Government before it.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON QUESTIONS RELATING TO EMIGRATION.

Mr. G. S. Bajpai (Secretary: Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated."

Mr. K. C. Roy (Bengal: Nominated Non-Official): I desire to oppose this motion, because, in my opinion, the constitution of this Committee is a great handicap on the work of the Central Legislature. Before I come to the point, I wish to describe the Committee as it is. Here we are asked today to elect a panel of 16. No self-respecting Legislature in the world will elect a panel from which the choice is to be made by the Executive Government. I am very glad that the Swarajist Members of this House do not participate in the panel, and I wish that the other Members would follow the lead. Then, Sir, what is the Committee going to do? It is not a Committee which is responsible to this Legislature. It is a purely departmental Committee, not even to advise the Governor General, but the Department of Education, Health and Lands on matters of emigration. This is the Committee to which we are asked to elect a panel today, and this is the Committee to which I take the strongest objection. Recent experience has convinced me that this Committee is a great handicap on the functions of the Central Legislature. I was once a member of this Committee, and the only function that we had to perform was to deal with the Ceylon emigration question. None of the big overseas problems ever came before this Committee to my knowledge. What has happened recently? We had a most momentous Report, which has been presented to the British Houses of Parliament. We have no cognisance of it in this House. It was taken through a back door—I say deliberately it was taken through a back door—to the Emigration Committee the decision of which is not put on the table of this House. The Report of the Hilton Young Commission is a most important but doubtful contribution to the solution of the East African problems, in which India is deeply interested. East Africa and the East African protectorates are the only places in the British Empire where Indians go freely and enjoy the rights of citizenship—except in Nairobi. The Report has a fundamental bearing upon the future of Indians as citizens of the British Commonwealth of Nations, and this Report has been taken by a back door to the committee, the decision of which is still unknown to us.

Then take the case of the Right Honourable Srinivasa Sastri. Mr. Sastri's mission to South Africa is a great personal achievement for him, but I ask has a single question connected with his mission ever come up before this House? What about the Cape Town agreement? Is Mr. Sastri's success due to it, or is it a personal triumph? The Cape Town agreement rightly or wrongly, is based upon a decision, which was taken by the Imperial Conference during the war, and that decision is that every community in the British Commonwealth of Nations has a right to the composition of its own population. What has happened since then? What is the net result of this decision? This decision was agreed to, on behalf

[Mr. K. C. Roy.]

of the Government of India, by Lord Birkenhead, the Maharaja of Patiala and Sir D. T. Chadwick. The net result is that an Indian is an undesirable citizen in most parts of His Majesty's self-governing Dominions. Whereas you find that the Russians, the Jews, the Poles and other nationalities, all enemy aliens, are welcomed, an Indian is treated as an undesirable alien, although he is a loyal subject of His Majesty, and is not welcomed as a citizen in any of His Majesty's White Dominions. Has this Committee ever reviewed the position? Now that Mr. Sastri has come, it is time that we reviewed the position. We should instruct our own delegates to the Imperial Conference to review the position, not in a spirit of hostility to the British Empire, but in a spirit of reciprocity and give and take, to promote a better understanding between our people and the other peoples over Indian overseas problems and for the sake of trade and commerce. Has anything been done by this Committee? I say, no. Now, Ceylon is trying for Dominion rule. What is going to happen to Indians there? Are they going to be restricted in the same way as in the White Dominions? Burma is also being misled to ask for separation and Home rule. What is going to happen there? That is a vital problem, so far as we are concerned, and the position should be reviewed by this House.

Then again, what is going to be the future of Indian emigration? The Agricultural Commission has made it clear that there is considerable pressure on agricultural lands. What are we going to do with our surplus population? Indians are allowed to emigrate to Fiji and Mauritius, British Guiana and other undesirable places while the British want to take away Burma from us. What is to be our future policy? Why should we not open emigration to South America and take our chance? These are the considerations that should be discussed by this House, and this House alone, and not by a Committee whose function is to advise the Department of Education, Health and Lands. I speak under some inconvenience because I was never prepared for this motion today and I dare say the House will support me.

***Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muhammadan Urban): I cordially welcome the remarks that have fallen from the Honourable Mr. Roy on this question. As he has himself stated, the Congress Party has consistently refused to take any part in the election of a panel which it regards as derogatory to the dignity of any representative legislature. If we elect a committee, we want that election to go through. I do not think that any self-respecting Assembly will submit to its choice being made in a manner which will be corrected and be subjected to another choice by the Executive Government. Perhaps it was not well known to the House and to the public why it was that we did not take part in the election of the panels, and therefore I take this opportunity to make it clear that, on this and other occasions, when a panel has got to be elected by this House, the Congress Party will refuse to take any part in it. On that single ground I support my Honourable friend Mr. Roy.

Mr. G. S. Bajpai: Sir, my Honourable friend, Mr. K. C. Roy, said just now that he had a great measure of inconvenience in dealing with this motion. Perhaps I would be permitted to state that I am at a greater disadvantage in meeting the remarks which he has made, because

*Speech not corrected by the Honourable Member.

12 NOON.

I was not prepared that a general debate would be raised on a motion which, within my experience of this House, has never been opposed in the past.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): It has been opposed in the past.

Mr. G. S. Bajpai: I said "within my experience of the House".

Mr. A. Rangaswami Iyengar: It was opposed during the time of your predecessor.

Mr. G. S. Bajpai: The Honourable the Leader of the Opposition, Pandit Motilal Nehru objected to this motion on the ground that he is not in favour of the principle of electing a panel on which the Government exercise, as it were, a selective influence, or in regard to which Government use a selective discretion. With regard to that point, I should like to say, Sir, that this question has been, according to my recollection, raised in the past, and the vote of the House was in favour of continuing this practice.

Mr. A. Rangaswami Iyengar: Not always.

Mr. G. S. Bajpai: My recollection is that, in September 1927, when my Honourable friend the Member in charge of the Department of Industries and Labour, made a motion for the election of a panel from which members of the Advisory Committee to advise on labour questions would be elected, Mr. Neogy raised this question of direct election. The whole question was carefully considered on that occasion and debated at length and, as I said, the verdict of the House at that time was that the present system should continue.

Mr. A. Rangaswami Iyengar: There were other occasions when it was carried.

Mr. G. S. Bajpai: I am merely trying to state, at this stage, the position reached when this question was last raised in the House. The verdict then was that the present procedure should continue. My Honourable friend, the Leader of the Opposition, has now revived the question of election direct *versus* election of a panel. Well, Sir, that is a question of general importance. It is not a matter of importance to the Department of Education, Health and Lands only but to the Government of India as a whole, and naturally, I cannot be expected to make a pronouncement upon that question. There are, however, one or two remarks more germane to the work of this Committee, which fell from my Honourable friend Mr. K. C. Roy, to which I think I must take exception.

The first point I wish to take is, regarding his statement, that no important question had been referred to the Standing Emigration Committee. My recollection is that

Mr. K. C. Roy: May I interrupt the Honourable Member? What I meant was that, during my experience, no important matter was referred to the Committee.

Mr. G. S. Bajpai: In 1925 I remember an occasion when the Standing Emigration Committee considered the recommendation made by no less a body than the Colonies Committee, of which my Honourable friend Mr. K. C. Roy was a member. That recommendation was for sending from

[Mr. G. S. Bajpai.]

India an officer to investigate certain areas of land in Kenya, in order to consider whether those areas should be settled by Indians. Mr. Roy, I admit, was not a member of the Committee at the time, because, when the election took place, either Mr. Roy did not offer himself, or he was not in the country. But, in any case, he was invited to be present at this meeting of the Standing Emigration Committee. Now that question was of fundamental importance and illustrates that the Standing Committee on Emigration is by no means a Committee which is called upon to consider questions of purely secondary importance. On another point of fact, I would carry the memory of the House back to 1924, when the South African problem was very acute and when the Government of India took the Standing Emigration Committee completely into their confidence. The action which was taken by Government then, namely, the sending out of a deputation to South Africa for certain purposes, was taken on the advice of that Committee. I will not disclose the details of what transpired in the Standing Emigration Committee, because the proceedings of the Committee are confidential, but I think it is a known fact that, on that occasion, the Honourable the Leader of the Opposition, Mr. Muhammad Ali Jinnah, and other prominent Members of this House were invited to attend the meeting of the Standing Emigration Committee.

Here is the position, Sir. When it is a question of land settlement in East Africa, we consult the Standing Emigration Committee; when it is a question of considering such problems of delicacy and national importance as the position of Indians in South Africa, we consult the Standing Emigration Committee.

Mr. K. C. Roy: You ought to consult the Legislature and not the Standing Emigration Committee.

Mr. G. S. Bajpai: Next, we have a very recent instance of the attitude of the Government of India towards this Standing Emigration Committee, namely, the procedure adopted for consideration of the Hilton Young Commission Report. His Excellency the Viceroy, in his inaugural address to the Legislative Assembly, stated that the whole Report and the question of the attitude to be taken up by the Government of India in regard to that Report would be considered by the Standing Emigration Committee. If, Sir, this catalogue, which is by no means exhaustive, of the confidence reposed by the Government of India in the Standing Emigration Committee, is proof of the neglect which is shown by the Government of India towards the Standing Emigration Committee, then I fail to see in what other manner the Government of India could show their confidence and trust in the Standing Emigration Committee.

Then, Sir, it is stated that the Standing Emigration Committee was called upon to consider—or that the Report of the Hilton Young Commission was placed before it by a back-door. I fail to see how that expression can be used in connection with the conduct of Government in regard to this particular case. As I stated just now, when His Excellency the Viceroy addressed the Assembly, he said that the intention of the Government was to place the Report before the Standing Emigration Committee. Later on, when we thought that it was desirable to have not merely the views of the members of the Standing Emigration Committee, but also of prominent Members of this House, of men of all shades of opinion in this

House, on this important document, what did we do? We expanded the Committee, and I think Mr. K. C. Roy was one of the Honourable Members of this House whom we asked to take part in the deliberations of this Committee.

Now, Sir, as I said, the discussions of this Committee are, under the rules, confidential, and therefore I do not propose to go into the details of what this Committee did. But I should be surprised if any member of the Committee present in this House, or any of the other Members of the House who are not members of the Committee, but who attended the meetings of this Committee, would say that the Government did not show the utmost measure of confidence in the Committee or that the conclusions reached by this Committee were of such a nature that any Honourable Member of this House could take exception to them.

Then, Sir, comes the question of publicity. The Government have not placed the recommendations of this Committee on the table of the House. I am the last person in the world, and I think Government would be most reluctant, with regard to any overseas question, to adopt the attitude of "hush-hush" deliberately, or to ignore the views and wishes of this House, or not to take them into their confidence. But, Sir, my Honourable friend Mr. Roy, who has himself been to England as a member of the Colonies Committee, knows the difficulties and the delicacy of these negotiations—negotiations not with a Provincial Government, but with an outside Government, and with Governments in other parts of the Empire. When he realises that any unconscious act of indiscretion might lead to serious difficulties, he ought to recognise that the recommendations of a Committee affecting the future negotiations of the Government of India about the recommendations of the Report cannot, consistently with the public interest, be placed on the table of this House. It is not, however, the case that there is any intention on the part of the Government to hold back the proceedings of the Committee from the Members of this House. I am prepared, here and now, to give the House an undertaking that, if Honourable Members will undertake to keep the proceedings of the Committee confidential, I am prepared, to circulate them to all the Members of the House.

Then I come to the question that we have not been given an opportunity, or we have not had an opportunity, of discussing the Report. Well, Sir, when the suggestion was made to me privately early in the session that the Members would like this Report to be discussed on the floor of the House, I said that there was no intention or desire on the part of the Government to burke discussion, but that in view of the voluminous nature of the Report, the comprehensive nature of the Report, the wide ground covered by the Report, it was only right and proper to meet and consider the recommendations of the Report, first in a small body, and later on, if there was any desire on the part of the House to have the Report discussed, Government would do everything in their power to meet the wishes of the House. And, I think I am stating the position correctly. I say that, when the Honourable the Party Leaders met the Honourable the Leader of the House and arranged to take certain matters out of turn for purposes of discussion in this House, Emigration was one of the items selected to be discussed out of turn. It was hoped that this question would be discussed on the floor of this House. Government can hardly be blamed for the Demand not being reached. It is not fair to say that, thereby Government

[Mr. G. S. Bajpai.]

have been burking discussion of the Report, or had deliberately intended to conceal from the House what they intended to do in the matter, or on other matters of moment.

Then my Honourable friend referred to the Cape Town Agreement, and to the emigration policy of the Government of India. I have, as it happens, with me now, a letter on the latter subject. If Sir Darcy Lindsay will permit me, I will allude not to the details of his letter, but to the main suggestion. The main suggestion in this letter is that, having visited Brazil over a year ago, he thinks that the Standing Emigration Committee, —which my Honourable friend said that no self-respecting Member should touch with a barge pole,—that this Committee should consider the question of emigration to Brazil and other parts of the world, where we can possibly discharge our redundant millions. That is hardly proof of a general feeling on the part of this House that the Standing Emigration Committee will not consider questions of this moment if they are brought before it. My Honourable friend, as I have said already, referred also the Cape Town Agreement. The budget discussion has passed; days allotted for non-official Resolutions have passed; did my Honourable friend wish to discuss any aspect of the Cape Town Agreement then? There has certainly been no reluctance on our part to do so. In brief, Sir, I think, it is not altogether fair to either the Standing Emigration Committee, or to the Government to raise these general questions at a stage when we are bringing before the House a motion to elect a Committee, just as we have been doing for the last five years or more; a Committee which is one of the most useful committees that has ever functioned. While the rules relating to this Committee say that the Committee may discuss questions which are placed before it by the Member in charge of the Department, our policy has been to leave it to every member of the Standing Emigration Committee to raise any particular question he likes. I regret that my Honourable friend, Sir Purshotamdas Thakurdas is not in his seat at the present moment to substantiate what I say. If he had been here, he would have stated that only last year he raised certain questions relating to the general emigration policy of Government. We allowed him to do it. Of course it is not for me to compel the House to elect the panel; but I merely appeal to the House, in the light of past experience—and I hope that Honourable Members of the Committee who are at present in the House will bear me out in all I have said—I would earnestly appeal to the House not to lose the opportunity of helping us to keep in touch with them during the next few months, which may be big with important events in East Africa, and when questions which the House recognises are of national importance and which my Honourable friend, Mr. Roy, says should not be discussed by Government with the only organ of the Legislature which, under the rules, is capable of discussing them, are likely to come up.

Mr. President: The question is:

"That this Assembly do proceed to elect, in the manner described in the Department of Education, Health and Lands Notification No. 114, dated the 7th February, 1924, a panel of 16 members, from which the members of the Standing Committee to advise on questions relating to Emigration in the Department of Education, Health and Lands, will be nominated."

The Assembly divided:

AYES—45.

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

Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rai, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Tirloki Nath, Lala.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—41.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangeswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rahimtulla, Mr. Fasal Ibrahim.
Ranga Iyer, Mr. C. S.
Roy, Mr. K. C.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajjvaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr.

The motion was adopted.

Mr. President: Sir Bhupendra Nath Mitra.

Diwan Chaman Lall: Before the Honourable Member proceeds with the Trade Disputes Bill, may I put him one question?

Mr. President: Order, order. No Trade Disputes Bill now. The Honourable Member must follow the agenda.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE TO ADVISE ON MATTERS RELATING TO ROADS.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C., dated the 30th January, 1924, a panel consisting of 12 members from which 6 Members of the Standing Committee to advise on matters relating to Roads will be nominated."

Sir, this motion is intended to give effect to a specific recommendation in the Report of the Indian Road Development Committee, 1927-28. That recommendation is contained in paragraph 96B (10) (b) of the Report to which I have referred. I recognise, Sir, with a certain amount of regret, that my motion also comes under the ban of the dictum of my Honourable friend, the Leader of the Congress Party. But, Sir, I have no help. This Committee, from the Report of which I have quoted, included three Members of this House who belonged to his Party, and in spite of that fact, they made this unanimous recommendation, namely that a Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, which would advise the Governor General on all matters relating to roads. That being so, I have no option but to bring this motion before the House.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): That does not mean that they approve of the principle of panel.

The Honourable Sir Bhupendra Nath Mitra: I have already quoted what they say, that it is similar in constitution to other departmental Standing Committees. The constitution of departmental standing committees provide for a panel and for selection from that panel.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Do the Standing Finance Committee and the Railway Standing Finance Committee contain such a provision for panel?

The Honourable Sir Bhupendra Nath Mitra: That is a different matter. I have not overlooked the particular point to which reference has been made by the Deputy President of the House. But this is what the Indian Road Development Committee have stated:

"A Standing Committee of the Indian Legislature for roads should be appointed similar in constitution and functions to other departmental standing committees, etc., etc."

Maulvi Muhammad Yakub: What do the Public Accounts Committee and the Standing Finance Committee contain?

The Honourable Sir Bhupendra Nath Mitra: It was open to that committee to have said that a committee should be appointed similar in constitution and functions to the Standing Finance Committee or the Public Accounts Committee.

Mr. Fazal Ibrahim Rahimtulla: They mean that.

The Honourable Sir Bhupendra Nath Mitra: I must accept the Report as it stands. As it is, those two Committees are not departmental standing committees. The Report clearly use the words departmental standing committees. That being the position, I have no option but to move this particular motion.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Will the Honourable Member kindly explain why he thinks that the wording "constitution" provides a procedure by which this Committee will be constituted? The word "constitution" simply means that it shall consist of members of the Assembly, as other committees do. It does not necessarily lay down that the procedure shall be by a panel, and after having heard the objections of members to be elected to a panel, I think the Government should recognise the validity of the objection and agree to only having members directly elected.

Mr. President: Order, order. The Honourable Member will have an opportunity of speaking afterwards, if he wishes.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, as my Honourable friend, Pandit Madan Mohan Malaviya has mentioned his point, I think I can answer it straightaway without waiting for a separate speech from him. (Laughter.)

Mr. K. Ahmed: That means another two hours!

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, I have got to weary the House by quoting again from this particular recommendation. The recommendation runs as follows:

"A Standing Committee of the Indian Legislature for Roads should be appointed, similar in constitution and functions to other departmental standing committees."

Now, Sir, what is the constitution of the other departmental standing committees? I am not talking of a committee like the Standing Finance Committee, or the Public Accounts Committee, which are not departmental standing committees. The constitution is that the Governor General in Council selects a certain number of members from a panel elected by this House. That, Sir, is the constitution. (*Honourable Members:* "No, no.") It is quite obvious that that is the constitution. There is not a single departmental standing committee which is elected outright by this House. In the case of all these departmental standing committees, nominations are made by the Governor General in Council out of a panel elected by this House. Sir, that is the position in regard to departmental standing committees. If the Roads Development Committee did not envisage that constitution, nothing prevented them from making it clear that they wanted this particular standing committee to be elected outright by this House; and as I have already said, the actual recommendation is the unanimous recommendation of the Indian Roads Development Committee, which has been subscribed to by all the Members in this House who

*Speech not corrected by the Honourable Member.

[Sir Bhupendra Nath Mitra.]

were Members of that Committee, including those belonging to the Congress Party and to the Nationalist Party. If it is the desire of this House that that particular Committee should be constituted in a different manner, the House will undoubtedly have an opportunity of saying so later on, because one of the recommendations of this Committee is that a sort of convention should be established to lay down the rules, etc., under which the expenditure should be controlled. When this House is discussing that convention, it would undoubtedly be open to the House to have the constitution of the standing committee altered. But for the moment, I am bound to be guided by the recommendation of the Indian Roads Development Committee, as it stands.

Maulvi Muhammad Yakub: May I know, Sir, if this Report was laid before the House, and the House had an opportunity of discussing the Report?

Honourable Members: No.

The Honourable Sir Bhupendra Nath Mitra: No. Sir. Well, Sir, I have nothing more to add in regard to my motion, and I move it.

Pandit Madan Mohan Malaviya: Sir, I am sorry that my Honourable friend, Sir Bhupendra Nath Mitra, has taken the narrow view that the use of the words "constitution" and "functions" here means that the very procedure which is followed in the election of members to the other departmental committees should be followed in this case also. The utmost that he could say was that there was no clear indication either way—that it did not either prescribe that the procedure shall be the same, or that the procedure shall be otherwise. That, I submit, would be a fair position to take up; but I think my Honourable friend has gone too far in asking this House to take it that the procedure by which members are to be elected has been included in the word "constitution" used there. I submit, Sir, there is reason why, if it is open to the other interpretation, the Government should accept that interpretation. We do not like, as we have shown by the last vote, to be elected to a panel out of which we are to be selected for appointment as members of any committee. I hope, so far as the popular parties consisting of the representatives of the people are concerned, we shall refuse entirely to be elected as members of any panel out of which we are to be selected for appointment to any committee. It hurts our self-respect that we should lay ourselves open to be selected out of many. I therefore think, Sir, that, having this clear indication of the view of this side of the House, the Government ought to respect this feeling. We are willing to offer co-operation where it is invited, but the co-operation should be asked on terms as honourable to this side as to the other side. If the other side thinks that, after this House has recommended a certain number of Members of this House by election, the Government Member, or some one else on behalf of Government, should still exercise his choice to weed out certain members and to pick up certain others because in his opinion some of us have greater fitness or suitability to be members of the Committee, we must thankfully decline the offer. If, on the other hand, the Members on the other side recognise that, when they want our co-operation, they must

invite it and accept it on terms honourable to us also, then we are quite willing to co-operate with them. I submit that, as there is nothing in the rules to indicate that the very procedure, which my friend presses for, has been provided, or was in the minds of those who made the recommendation, the Government ought to accept the wish of the House and respect it and ask the House to elect just that number of members as is necessary to be elected by the Assembly for sitting on the Committee in question. My Honourable friend said that it is open to the House to discuss this matter later; I do not think so. The Report itself has not been laid before the House, as I understand from the answer given just now. If it has not been laid before the House, that is a greater reason why the wishes of this House ought to be respected by the Government. If the Honourable Member does so, we shall be very glad to co-operate; on the other hand, if my Honourable friend should insist upon following the procedure which he has mentioned, then, personally speaking, I think this side of the House is not likely to co-operate with the Government in this matter.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I am sorry I had no opportunity of speaking on the last motion. I am afraid I am personally responsible for much of the misery that is being caused to this House and the Government by the constitution of these departmental committees. In so far as the constitution of the Roads Committee depends upon the constitution of the departmental committees, I want to say a few words, just to indicate the position of this House in regard to this matter. Sir, it was as a result of a Resolution which was moved by me in the first Assembly, I think in the year 1922, that these departmental committees came to be appointed. My motion was for elected committees of this House, to be associated with the various departments of Government for considering important departmental questions that came up from time to time. That motion of mine was stoutly opposed by the Government, and it was carried by a division of the House. So that, the decision of the House, which is on record, is that all these committees should be wholly elected by this House ("Hear, hear"). It is true no doubt that on a subsequent occasion, when I opposed the constitution of these committees, the House did not support me; but the issue then raised was quite different from the issue of the manner of the constitution of the committees. Because, on that occasion, I raised a protest against the non-utilisation by Government of these committees, and I pointed out that these committees were not functioning in the way in which they were expected to function. That was the only issue that I put before this House; and the decision of this House on that issue was against me.

Now, Sir, my Honourable friend, the Labour Member, has tried to make a distinction between the departmental committees and the Standing Finance Committee. I submit, Sir, that the Standing Finance Committee is as much a departmental committee—attached to the Finance Department—as any other departmental committee. There is no other departmental committee to the Finance Department. So far as the Public Accounts Committee is concerned, it is a statutory body. Its functions and constitution are defined in the Government of India Act and the Rules. So far as the Standing Finance Committee is concerned, it is a creature of the Government of India itself, and I do not see any reason

[Mr. K. C. Neogy.]

why a distinction should be drawn between the Standing Finance Committee and the other departmental committees in the way in which the Honourable the Labour Member has sought.

Then, again, Sir, he has referred to the fact that three Members of the Congress Party are signatories to this Report, and he has drawn the conclusion that they stand committed to the principle of this mixed election and nomination. As far as I am aware, the Congress members, by their rules, are precluded from serving on such committees, because of the element of nomination involved; and so far as the Congress Party is concerned, I must say that they have consistently protested against the manner in which the Government have practically defied the decision of this House in regard to the constitution of these departmental committees. It cannot be supposed that, when the three Members of the Congress Party put their signatures to this Report, they meant to say that this Committee should be constituted in a manner which would preclude members of the Congress Party from serving on it

Mr. K. Ahmed: (Rajshahi Division: Muhammadan Rural): But they have got no fixed principle, have they? (Laughter.)

Mr. K. C. Neogy: I think my Honourable friend should be the last person to raise this point about any one having no fixity of principles. (Laughter.) Now, Sir, it would be opposed to common-sense to suppose that these members of the Congress Party intended to preclude themselves from serving on the proposed Committee by endorsing the manner of election which has been adopted by the Government in regard to other departmental committees.

Mr. M. B. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I think that it is but fair that I should take this opportunity of making a statement to the House, as I happened to be the Chairman of that Committee, as to what matter was before the Committee when that recommendation was made. The point before the Committee then was that the representatives of this Legislature should have an opportunity of controlling the expenditure, and thereby the policy, relating to all-India roads, as mentioned in our Report. I am bound to say, in fairness to the Committee, that this specific question which has now, in this debate, assumed great importance,—whether the committee of the Central Legislature should be formed out of a panel or by direct election, by this House—was not the question before the Committee then. I will go further and say that, if our attention had been drawn at that time by those members of my Committee who represented the official point of view, to the fact that the word “departmental” necessarily meant a committee formed out of a panel and not by direct election—I say that if that point had been brought to our attention and our opinion invited on it, then—speaking for myself and for those who hold my view, there is no doubt that we would have said that we would prefer the method of direct election. I have a very clear recollection—and I think those who served with me on this Committee will bear me out—that all the while we intended to have a committee of this House similar to the Standing Finance Committee, which would control expenditure. I recognise we are bound by the implications of the word “departmental”. If the Honourable the Labour Member is absolutely sure that the word “departmental”

means only, and cannot mean anything else than, a committee selected out of a panel, then the thing stands on a different footing. But if it is not so, and the word "departmental" does not necessarily mean a committee of the description that the Honourable the Labour Member has in view, but that it can include a committee like the Standing Finance Committee of this House, then I submit, Sir, that the mere word "constitution" used in our Report does not exclude a committee elected by this House. I am, however, bound to state once more before this House that this specific point of detail was never before my Committee.

***Diwan Chaman Lall** (West Punjab: Non-Muhammadan): Mr. President, I rise to support what Mr. Jayakar has said. I happened to be one of the three Honourable Members mentioned by the Honourable Sir Bhupendra Nath Mitra, who, from this side of the House, represented the Congress Party on this Roads Committee. I have not, during the period that I served on that Committee, any recollection of any discussion or any suggestion being made that the members of the committee to be set up hereafter were to be selected in the manner now suggested by the Honourable Sir Bhupendra Nath Mitra. On the contrary, it had always been understood that this roads department should first of all be part and parcel of the Railway Department; and we know that the method of electing committees to the Railway Department is not the one suggested by the Honourable Member, but a different one, and it was on that basis that a committee was suggested. Furthermore, I do not know that any Member of the Roads Committee was aware that the suggestion that was put forward in those particular words, because, as Mr. Jayakar has quite rightly said, if an implication of that character had been brought to the notice of the Members, they would never have put their signature to the Report as it stands at the present moment. I happen to be one of the Members—and I want to correct the Honourable Sir Bhupendra Nath Mitra here—who never signed the Report, for the simple reason that it was not forwarded to me in time for me to sign it. I dare say that, if I had received the Report, I would, if the matter had been brought to my attention, have pointed the discrepancy out myself; but it is obvious that no member of the Committee that I am aware of, had the intention which is sought to be read into the wording of the Report as it stands today; and if they did not have that intention, and if their intention had been as it has been presented now by Mr. Jayakar, who was the Chairman of that Committee, then is it not up to the Government to respect the wishes of the Members of the Committee which have been clearly placed before the Honourable Member, and give up the idea of selecting six out of twelve Members from this House and proceed to the election of a committee on the same lines as the election of the Standing Finance Committee? I submit that, if effective emphasis is to be laid on the recommendations of the Roads Committee, and a committee is to be chosen, then all parts of the House should be elected on that Committee. With the procedure that is now sought to be followed by the Honourable Member, it is obvious that Members on this side of the House will not be parties to any committee which is set up for the purposes of road development; and if that is so, what is the use of setting up a committee of the nature that the Honourable Member is desiring to set up? Under these circumstances I would ask him to review his

*Speech not corrected by the Honourable Member.

[Diwan Chaman Lall.]

decision in this matter and proceed to the election of a Committee which would be elected by the Members and not selected by the Government out of a panel to be chosen by this House

The Honourable Sir Bhupendra Nath Mitra: Sir, my friend, Mr. Neogy, tried to establish the fact that the Standing Finance Committee is as much a departmental Standing Committee as any of the other committees to which I referred. My friend overlooked the fact that the Standing Finance Committee is not a Committee of the Indian Legislature, but a committee of the Legislative Assembly alone. In fact the expression which occurs

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): The point is whether it is statutory.

The Honourable Sir Bhupendra Nath Mitra: The words which occur in this Report are definite. The Report says " Standing Committee of the Indian Legislature " and therefore it is more in accord with the departmental committees about which we are aware, and which are formed out of a panel, for one of which my friend Mr. Bajpai, moved earlier today.

Mr. K. C. Neogy: May I point out to my Honourable friend that the reason why the other House is excluded from the privilege of sending Members to the Standing Finance Committee is, I think, that the main function with which the Standing Finance Committee is concerned is in connection with the voting of funds, with which the other House has absolutely no concern. That is the only reason why the constitution of this departmental committee differs from the constitution of other departmental committees.

The Honourable Sir Bhupendra Nath Mitra: I was fully aware of what my Honourable friend has stated. But the fact remains that the Standing Finance Committee is a committee of the Legislative Assembly and not a committee of the Legislature; that is a fact.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): But still a departmental Committee.

The Honourable Sir Bhupendra Nath Mitra: My difficulty is this that this particular Committee, which consisted of Members of both Houses, made a specific recommendation, and I find it difficult to believe that men, responsible men, in the position of those who were Members of this Committee could not have made up their minds, or could not have expressed their opinion in clear language, unless they were persuaded to do so by the only official Member present on it

Mr. S. Srinivasa Iyengar: Does the Honourable Member contradict Mr. Jayakar's statement?

The Honourable Sir Bhupendra Nath Mitra: My friend, Mr. Jayakar, will probably be kind enough to confirm the statement that I am going to make. At an earlier stage when this difficulty was pointed out to me, I

approached him and asked him what the Committee meant. I was told that the Committee meant what they had stated there. That is all I have

Mr. M. R. Jayakar: Do the words "departmental committee" necessarily mean a committee selected from a panel?

The Honourable Sir Bhupendra Nath Mitra: It does, because the Report says, "similar in constitution and functions to other departmental committees".

Mr. M. R. Jayakar: Can it not mean a committee attached to a particular department of the Government?

The Honourable Sir Bhupendra Nath Mitra: Yes, but when it is stated to be similar in constitution and functions to other departmental standing committees

Mr. M. R. Jayakar: It does not say that the method of election will be similar

The Honourable Sir Bhupendra Nath Mitra: It says similar in constitution; and therefore it means constituted in the same way as other departmental standing committees; and the other Standing Departmental Committees are constituted by the Governor General in Council nominating Members from a panel elected by the Legislature

Mr. M. R. Jayakar: If that is the Honourable Member's interpretation, all I can say, on behalf of the Roads Committee once more, is that this particular point was never present to the minds of the Members who signed the Report.

The Honourable Sir Bhupendra Nath Mitra: Then my answer is that the Members should have made their point clear, as otherwise it is not possible for anybody to know what the point was in the minds of the Members. But, Sir, I am quite willing to admit that the feeling in this House may be different, and for that reason I have suggested a way out of the difficulty. I would appeal to my Honourable friend, the Leader of the Congress Party, and to my Honourable friend, Pandit Madan Mohan Malaviya, that, owing to this peculiar difficulty on this one occasion, they might agree to their Members serving on this Committee, because thereafter we shall draw up a convention, and in drawing up that convention Government will, if that is the general desire, try to modify the constitution of the Standing Committee.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I can only express my surprise, Sir, at the offer made by the Honourable Member that we should submit to an insult now on the assurance that we shall not be insulted hereafter.

Mr. President: Order, order. The question is:

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-704-C., dated the 30th January, 1924, a panel consisting of 12 members from which 6 members of the Standing Committee to advise on matters relating to Roads will be nominated."

The Assembly divided:

AYES—46.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabsada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Czerar, The Honourable Mr. J.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney Lient-Colonel H. A. J.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra-
Nath.
Mitter, The Honourable Sir
Brojendra.
Muhammad Nawaz Khan, Sardar.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Wright, Mr. W. T. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—47.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Bhargava, Pandit Thakur Das.
Chaman Lall, Diwan.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Sahab.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Karter Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jammadas M.

Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Munshi, Mr. Jehangir K.
Murtaza, Sahab Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. O.
Rahimtulla, Mr. Fasal Ibrahim.
Rajan Bakhsh Shah, Khan Bahadur
Makhdom Syed.
Ranga Iyer, Mr. C. S.
Roy, Mr. B. O.
Roy, Mr. K. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangasand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

The motion was negatived.

The Honourable Sir Bhupendra Nath Mitra: May I make a statement with reference to this division that the result will be that there will be no Committee and no Members of the Legislative Assembly on the Committee.

An Honourable Member: What does it matter?

Mr. K. Ahmed: It will go to the Public Works Department then.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Is that the ruling?

Mr. K. Ahmed: That is the punishment for you.

ELECTION OF MEMBERS FOR THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. G. S. Bajpai: I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Members to sit on the Governing Body of the Central Council of Agricultural Research."

An Honourable Member: No panel?

Mr. G. S. Bajpai: There is no question of a panel at all.

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE ON EMIGRATION AND THE GOVERNING BODY OF THE CENTRAL COUNCIL OF AGRICULTURAL RESEARCH.

Mr. President: I have to inform the Members that for the purpose of election of members to the Standing Advisory Committee on Emigration, and the Governing Body of the Central Council of Agricultural Research the Assembly Office will be open to receive nominations up to 12 Noon on Wednesday, the 3rd April, 1929, and the elections, if necessary, for these Committees will be held on Friday, the 5th April, 1929. The elections, which will take place in this Chamber, will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE TRADE DISPUTES BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I beg to move:

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

In my closing speech in this House on the 11th February last, in connection with the motion to refer to a Select Committee the Trade Disputes Bill, I expressed the hope that I should be able to persuade the Select Committee, and through it this House, that provisions substantially of the nature embodied in the Bill were required to meet present conditions in

[Sir Bhupendra Nath Mitra.]

India. It will be seen from the Report of the Select Committee that my anticipation has been realised so far as that body is concerned. The Bill, as it has emerged from the Select Committee, embodies all the principles, fundamental and supplemental, which were included in the original Bill. Certain modifications of detail have been made in the original Bill by the Select Committee. Personally I do not wholly like many of these amendments. The Bill, as it has emerged from the Select Committee, is, however, of the nature of a compromise, and I have no doubt that it will furnish us with a framework on which a more complete edifice might be built from time to time as the result of experience. It was for that reason that I decided not to put in any note of dissent to the Report of the Select Committee, and I am quite prepared to accept all the conclusions of the Select Committee, and therefore not to support on any of the amendments which I notice have been tabled in this House in connection with the Bill. Most of those amendments were fully discussed in the Select Committee and were turned down by a majority of the Select Committee. I take this opportunity of acknowledging the very considerable assistance which I, on my part, received from Members of the Select Committee who gave very careful and prolonged consideration to the original Bill. I trust that this House also will fulfil my anticipation and pass the Bill as it has emerged from the Select Committee. Sir, I move.

***Diwan Chaman Lal** (West Punjab: Non-Muhammadian): May I make an appeal to the Honourable Member? In view of the importance of the events that took place this morning, leading to the postponement of the Public Safety Bill, and in view of the fact that Honourable Members on this side of the House did not expect that this Bill would be taken up today, may I, Sir, with your permission, appeal to the Honourable Member and ask for a postponement of this discussion till tomorrow morning, with a view to giving Honourable Members on this side of the House time to consider their position and to consider their views upon the question now before the House? As far as I am personally concerned, I am quite willing to proceed with the debate, having been a member of the Select Committee, but in fairness to other Members, I think it would be only right if the Honourable Member would accede to this very reasonable request.

Mr. V. V. Jogiah (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Sir, I hope I am in order in moving my amendment now. Sir, I move that the debate be adjourned. The motion of which I have given notice is as follows:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

Before dealing with this motion, I want to submit to this House that I did not expect that this Bill would be coming up today. I thought that, in the ordinary course, the Public Safety Bill would proceed. If you, Sir, are pleased to adjourn this House till tomorrow, that will give me time for consideration. It is not possible to do justice to this subject now, but, Sir, if you are not prepared to give me time, I must go on, but I ask you, Sir, to adjourn the motion till tomorrow.

*Speech not corrected by the Honourable Member.

Mr. President: The Honourable Member can go on.

Mr. V. V. Jogiah: I submit, there is an inherent difficulty in dealing with this Bill in this House when the Meerut case is pending before the Courts. The conduct of the men concerned will come before this House in connection with the debate on certain parts of the Trade Disputes Bill.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): But that is under the Indian Penal Code?

Mr. V. V. Jogiah: While discussing the Public Safety Bill last September, it was stated that some of the accused such as Mr. Spratt.

Mr. President: Order, order. I cannot allow Honourable Members to refer to this.

Mr. V. V. Jogiah: I submit the discussion in this House will be greatly hampered if it is not allowed to discuss

Mr. President: I cannot allow the Honourable Member to refer to matters which are under adjudication in a Court of Law.

Mr. V. V. Jogiah: If that is so, Sir, it is not possible satisfactorily to discuss the Trade Disputes Bill, especially sections 15 to 20. In fact, most of the arguments, which you were pleased to advance in the case of the Public Safety Bill, apply with equal force and emphasis to the part of the Bill which deals with strikes; so that, I submit that it is not at all fair that the Government should insist upon proceeding with this Bill, when the Meerut conspiracy case is pending before a Court of Law against some of the Labour Leaders. Another aspect of the thing that I wish to place before this House is that there is soon going to be a commission called the Whitley Commission. Mr. Whitley, the President of this Commission, is a gentleman well versed in labour matters, and there will be other experts on the Commission. When this Commission is soon to be called into existence, I see no reason, Sir, why this legislation should be undertaken on important matters such as those contemplated by the Bill without giving a chance to labour to place its views before it and without having the advantage of the opinion of the Commission on this Bill. For these reasons, Sir, I move my motion.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): On a point of order, Sir. I want to know whether we shall be in order in passing clauses 15 to 20, which are so relevant to the cases now pending in the Meerut case. I ask for a ruling whether these clauses can be postponed on the same grounds as were applicable to the Public Safety Bill?

Mr. President: That does not arise on the motion before the House. The motion before the House is that the consideration of the Bill be postponed pending the report of the Whitley Commission.

The Honourable Sir Bhupendra Nath Mitra: Sir, I must definitely oppose the amendment moved by my Honourable friend Mr. Jogiah, which, as a matter of fact, was considered by the Select Committee. There is no reason why the consideration of this Bill should be postponed pending the Report of the Whitley Commission. My Honourable friend, in the course of his very short speech, did not, as a matter of fact, produce any argument. The Whitley Commission is being appointed to deal with

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quite different matters, and that was brought out in the speech of His Excellency the Viceroy in this House on the 28th January, 1929. Sir, I oppose the amendment.

Mr. President: The question is:

"That the consideration of the Bill be postponed pending the report of the Whitley Commission."

The motion was negatived.

Diwan Chaman Lal: I move:

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

I think Honourable Members will bear me out when I say that I think this is the first time in the history of the labour movement in this country when we are faced with legislation of a very far-reaching character. There was one other occasion and that was the passing of the Trade Union Act. That was, I submit, a measure of technical importance, whereas this is a measure which effectively deals with the administrative changes, the activity of trade unions and trade unionists, and as such its scope is so wide and its effect so important on the whole trade union movement in this country that I think this House should proceed very warily in giving its assent or accepting the principles that underlie this Bill, and this Bill should not be passed without giving a further opportunity to the country and to the people, who are really involved in the passing of this measure, to give their opinion on the revised Bill as it comes out of the Select Committee. I submit, with due deference, to the action taken by the Honourable Member in circulating this Bill to certain particular organisations, that some very important organisations in the country, which are vitally affected by the passing of this measure, have not given their opinion in regard to the provisions of this Bill. Now that the attention of the public is centred upon the fundamental principles of this Bill, it is, I think, time that we should recirculate this Bill once again in order to find out what the country really feels about the provisions of this Bill. In my opinion there can be no doubt that the entire labour movement in this country is convinced of the necessity of the modified first portions of this Bill. It has been convinced of the necessity, for a very long time, of the first portions of this Bill relating to the settlement of trade disputes, with modifications not accepting the provisions as they are in this Bill, but with modifications of the provisions as they are now placed before the House. But that is a very different matter to the question that is broached by the Honourable Member. I want to draw the attention of the House to the Preamble, in which it is said:

"This is a Bill to make provision for the investigation and settlement of trade disputes and for certain other purposes."

Now, I submit, that there is a technical objection which I wish to raise in regard to this Bill, that ought to be brought before the public and before the Trades Unions throughout India, and their opinion asked before we proceed with this measure. My technical objection is this. The fundamental principle which the Government intend to place before the country in regard to this Bill is the settlement of trade disputes—either the prevention of trade disputes or the settlement of trade

disputes. These words sound very innocuous indeed. But two other principles are sought to be brought into being in the provisions of this Bill, which have nothing whatsoever to do with either the prevention or the settlement of trade disputes. On the contrary, I assert, with all the authority that I can command, that if these two principles, which are embodied in this Bill in Parts II and III from clauses 16 onwards, become law, they are likely not to prevent or to settle the trade disputes, but to add to the volume of discontent in the labour world and to create more disputes than there ever have been before. In view of the far-reaching significance of this measure, and in view of the fact that these words have nothing to do with the settlement or prevention of trade disputes, and are therefore *ultra vires* of this Bill, this fact ought to be prominently brought before the notice, not only of employers' organisations, but of the public on the one side and of the Trades Unions on the other. I submit that the intention underlying this measure and the main intention of those of us, who are prepared to support the first part is that some sort of machinery should be devised for the prevention and settlement of trade disputes. But that is quite a different thing from saying that a man shall not be entitled to keep off his work and that, if he does so, he shall be punished with imprisonment for three months or fined. That is a very different thing from setting up machinery for the prevention or settlement of trade disputes. The machinery for the prevention of trade disputes, as the Honourable Member is aware, throughout the world wherever it does exist, is for an inquiry to be set up into the causes that might lead up to a dispute or the causes that have already led up to a dispute. It has no reference whatsoever to the making of a strike penal. It has no reference whatsoever to importing penal clauses into a measure expressly meant for the settlement of trade disputes and preventing workers from going on strike merely because the Government of India or the employers desired that certain classes of workers should not go on strike. As I said, this aspect of this measure is of far-reaching importance and has not been prominently brought to the notice of the Trades Union world in this country. All that has happened probably is that the Honourable Member and the Government of India have taken their cue from the passing of a similar measure in 1927 in Great Britain, I mean the British Trade Disputes and Trades Union Act of 1927. That legislation, I submit, is of an exceptional and a retaliatory character and it was passed against the trade union movement in Great Britain for the great crimes that they committed in the eyes of Great Britain for having declared a general strike. We have it on record that, when the Trade Union movement as well as the political movement in Great Britain do come into power, they are pledged to do away with this legislation from the Statute-book of Great Britain. It is, I submit, when all is said and done, a temporary measure which has been brought forth to meet a particular emergency, that is said to have arisen in British politics. No such emergency has arisen in this country; there is not even a whisper of such an emergency in this country. It may be that there are reports in the Home Department to the effect that the trade union movement in this country is heading towards a general strike. Such reports must have been sent by people who know nothing at all about the labour movement. In the labour movement in this country, I repeat again, no such emergency has arisen. There has never been, to this day, in India a general strike of the character that occurred in Great Britain. But I will go further than that. Suppose there is a

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general strike, why should there be any penal clauses in any legislation in this country preventing the workers from ceasing work? I submit again that this matter is so important that, if it is the intention of the Government to prevent trade disputes from arising in this country, then they should not proceed with any legislation, the object of which would be entirely different, namely, not prevention, but increase of disputes between the labour and capital of this country.

Now, if that is so, may I ask what objection the Honourable Member can have to postponing this Bill or to re-circulating public opinion thereon again? I can see no such emergency that has arisen in this country, which should compel the Honourable Member not to accede to the request that we are making. It was, Sir, I believe, in 1920, when there were important disputes in the City of Bombay and elsewhere in India, as the after-effects of the war, that the proposition was mooted, not by the Government, but by trade union movements in this country for some such machinery to be set up for the prevention and settlement of trade disputes. Now, the Government of India, in 1920, did not accede to this request, but when they discovered that this request had been repeated time and again in the years 1924 and 1925, they did accede in so far as to set up an inquiry into the matter. If they could have waited for five years, can they not wait for another five months? Can they not wait until the next session of the Legislative Assembly in Simla for this Bill? Where is the tremendous hurry? Is the Government of India going to be destroyed if this Bill is not passed? Or are the properties of the employers in this country going to be confiscated by the workers of this country? Is there going to be set up a revolution in this country if this Bill is not passed? What is the tremendous hurry which is prompting the Government to push this Bill through at this stage? I submit that, in the matter of legislation of this importance affecting the lives and liberties of thousands, and hundreds of thousands of workers in this country, the Government ought to give every opportunity and every chance for public opinion to be expressed upon the merits of the Bill now before the House. I have no objection to the opinions that have already been elicited, but I have a very serious objection to the fact that the issue not having been brought forcibly before the public in the past few months, the Honourable Member should push this legislation through now.

There has been a change in the situation since the time these opinions were elicited. Does not the Honourable Member intend to refer to the various factors that have brought about this change? If there has been such a sudden change, if this particular measure has come now before the public and the trade union world, is the Honourable Member not prepared to wait a few months in order to let public opinion and the trade union world express its opinion?

Mr. K. Ahmed: And what about those people killed in Bombay?

Diwan Chaman Lal: There is nothing the Honourable Member will lose, there is nothing which the Government will lose, there is nothing which the workers or employers will lose by the postponement of this Bill. On the contrary, I am of opinion that the country will gain by a further clarification of the issues that are now before us, and that the trade union-

world will be in a position to concentrate its opinion on this one fundamental issue whether penal legislation of this nature should be added on to legislation whose object is entirely different, namely, the settlement of trade disputes. If that is the position, I want to put this to the Honourable Member. He may say, "The opinions are there; I have the opinions before me". But the Honourable Member knows perfectly well how sketchy those opinions are, how the very important and main issues have been tackled in a very perfunctory and cursory manner by the organisations that have dealt with them. The entire legitimate trade union world has said, "No" to the penal clauses of this measure. I think the Honourable Member will bear me out when I say that that is a correct statement?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: I repeat that the entire legitimate trade union world has said "No" to the penal clauses of this measure, and I ask the Honourable Member to deny that statement.

The Honourable Sir Bhupendra Nath Mitra: I challenge the statement as a correct representation of the facts.

Diwan Chaman Lall: I ask the Honourable Member once again if that is not a correct statement, to give me the name of one single union that is affiliated to the Trade Union Congress that has accepted the penal clauses of this Bill.

The Honourable Sir Bhupendra Nath Mitra: I do not accept the position of the Trade Union Congress as representing all trade unions in India.

Diwan Chaman Lall: The Honourable Member is perfectly well aware that, when he makes his nominations to the Geneva Convention, he does so on the recommendations of the Trade Union Congress. Does he, or does he not?

The Honourable Sir Bhupendra Nath Mitra: No.

Diwan Chaman Lall: Will he give me a single instance when he has not accepted the recommendations of the Trade Union Congress? Is he not aware of the fact that, under the Peace Treaty, he would be prevented from acting in the manner he says he has acted?

I make that statement once more, that there is not a single trade union in India that is affiliated to the Trade Union Congress, which has accepted the penal clauses of this Bill, and I challenge the Honourable Member to name a single union that is so affiliated which has accepted the penal clauses of this Bill. I wait for his reply.

The Honourable Sir Bhupendra Nath Mitra: I have already given the reply.

Diwan Chaman Lall: Honourable Members have heard the reply and they have also heard my challenge. I know perfectly well that if there had been such a trade union we would have heard the name of it. I cannot convict the Government of India of ignorance of this matter. Their information is perfect, and they know which unions have and which have not. The Trade Union Congress at their last session in Jherria went beyond the ordinary stage of protest and actually passed a Resolution that this particular measure was of so far-reaching a consequence that they suggested to

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their provincial organisations that, on the passing of this measure, they should call the workers out for a one-day strike. Is the Honourable Member prepared to listen to the warning of responsible trade unions throughout the country? After all it is a protest they are making. They are trying to get the Honourable Member to concentrate his attention upon the protest made by the trade unions of this country, in regard to the penal clauses. Will he not give a further chance to the public, in view of what has been done, to reconsider this matter? Will he not give a further chance to the organisations, even of employers, to reconsider their position, in view of the hostility of the working classes to the penal clauses of this Bill? I can see no reason for his objection, except this that we have had a series of opinions,—we have had these papers handed over to us and certain organisations have been consulted. I say that, in view of the Report of the Select Committee and the acrimonious debate that went on in the Select Committee,—in view of the new developments in the labour movement of this country, I say it is up to the Honourable Member to accede to this request to re-circulate this Bill, to agree to the proposal that the Bill should be re-circulated to elicit further opinions. I will not take the opinions of either the employers' representatives or the representatives of labour, but I would go further and take the opinion of the public upon this measure. The Honourable Member knows perfectly well that many an organisation in this country has declared its hostility to the penal clauses. Let me take the National Congress. The National Congress at Calcutta—I myself have not seen the Resolution—were absolutely opposed to the Trade Disputes Bill, and a mandate was issued to all Members to oppose this measure tooth and nail.

Mr. President: Did the Honourable Member support the reference to the Select Committee?

Diwan Chaman Lall: The Honourable Member was not in the House on that day, and if he had been here, after your ruling in the matter, he would certainly have supported the reference to Select Committee, because by a reference to the Select Committee one was not tied down to the principles laid down in Parts 2 and 3 of the Bill.

Mr. President: It was the other way about.

Is the Honourable Member going to take long?

Diwan Chaman Lall: I think so.

Mr. President: Then he had better continue after the recess.

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

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

Diwan Chaman Lall: Before we adjourned for Lunch I was referring to the question of the opinions expressed by trade unions in this country in

regard to clause 15 and onwards in this Bill. The present Bill reminds me of a very famous remark made by an eminent gentleman named Don Carlos when he said regarding a particular convict, when he was going to be hanged, that it would be good for him. (Laughter.) That is exactly what my Honourable friend, Sir Bhupendra Nath Mitra, is trying to do with the working classes in this country by the penal clauses of this Bill. What he has attempted to do is to impose a terrible hardship upon the working classes under the mistaken idea that it will do them a great deal of good. I can quite well understand the Honourable Member accepting the first portion of the Bill and saying to the working classes, it is good for you. But in regard to the other portions of the Bill, he knows perfectly well that the entire, and I repeat it, the entire legitimate trade union movement of this country is definitely opposed to these provisions. I say, Sir, that the time has come, after the debate, that went on for several days, in the Select Committee, that the Honourable Member should once again circulate this Bill for eliciting public opinion in regard, not to the first portion only, but in regard to the second and third portions of this Bill. There are numerous changes that have been made in regard to this Bill. Let me refer to one change that was sought to be made in regard to this Bill referring to the question of picketting. Now, I notice, from the amendment papers, that have been circulated to Honourable Members, amendments have been sent in regard to picketting. Suppose that the Honourable Member, who moves an amendment to that effect, carries that through on the floor of this House, then, the House knows perfectly well that picketting was never a question referred to the trade unions or the public for the purpose of eliciting opinions thereon in regard to that particular question. Suppose it is embodied in this Bill. What would be the position? Trade unions and employers' organisations on the whole have not so far given their verdict in regard to the question of picketting. I know there are three or four employers' associations, which, when the matter was raised recently, suddenly discovered the necessity of introducing a clause in regard to picketting in this Bill, and it is because of that, that these amendments have been tabled. Suppose there is a possibility of that amendment being carried through on the floor of this House, can the Honourable Member turn round and say that that question has been adequately discussed by the public and the labour organisations in this country? What would be the fate of this Bill? Is it not necessary, therefore, that, even in regard to the question of picketting, we should re-circulate the Bill and demand further opinions from labour organisations and employers' organisations?

Mr. K. Ahmed: It is already in the minute of dissent.

Diwan Chaman Lal: The Honourable Member is not right. He does not seem to have read either the minute of dissent or the Select Committee Report.

Mr. K. Ahmed: Read the first page.

Diwan Chaman Lal: I am very glad to see that the Honourable Member has studied something at any rate. (Laughter.) Now, the Honourable Member in charge will, if he turns to page 167 of the paper No. 8, which is apparently a recently circulated paper, find that Mr. Turner, I.C.S., C.I.E., Secretary to the Government of Bombay, General Department, writes to the Secretary to the Government of India that he circulated

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the Bill for opinion being directed by this Government to do so. What does he say in paragraph 2? He says:

"It will be observed that all these bodies are of opinion that a clause should be added to the Trades Disputes Bill to make picketting illegal."

Now, as I said, I visualise the possibility of this particular amendment going through. The Honourable Member knows that, as the law stands in India today, picketting is not an offence under the ordinary law of the land. Picketting was declared no offence in Great Britain under the Trades Disputes Act, 1906 "so long as it was peaceful". Here in this country, all legal authorities, as far as I have been able to consult them, are agreed on this point that picketting is no offence in this country. Picketting with violence,—violence and intimidation—are an offence. Picketting without violence, or non-violent picketting is not an offence under the law. Now, if this amendment goes through, you are adding substantially a clause to this Bill which would bring in another penal law against the working classes. Has the Honourable Member consulted the working classes in regard to the question of picketting? I submit that the question we are now discussing is very very important, and it is necessary once again to bring before the forum of public opinion the questions that are involved in this Bill. Now, let me take for a moment the statement that I made before we adjourned for lunch, namely, that labour in general was not in favour of the penal clauses of this Bill. My Honourable friend over there objected to my making that statement. Now, he knows perfectly well that every important trade union in this country is definitely opposed to the penal clause. I am going now, with your permission, to refer particularly to the opinions of labour organisations in this country in regard to the penal clauses of this Bill to show the volume of opposition from the labouring classes, who had hoped, that before the Select Committee, those penal clauses would have been deleted, who had hoped that wisdom might have prevailed with the Government and that the Government would not have pressed this penal clause on the floor of this House, and who had hoped all these things would happen. In the face of all this, is it not to be expected from the Honourable Member that another opportunity should be given to these working classes in this country, whose destiny and whose fate and whose future, whose existence and whose liberty are at stake by the passing of the penal clauses of this Bill? Is it not to be expected that another opportunity should be given them to express their opinion whether they do or do not accept the penal clauses without modification, or whether they still adhere to the opinion that they will have nothing whatsoever to do with them. Further, my submission is that another opportunity should be given to the employers' association as well in view of the fact that they were not made aware at the time as to what their opinion was in regard to the particular clause regarding picketting. Now if they have an opportunity of discussing it with the working classes of the country, it may be that they may come to a different conclusion,—different to the one that they came to before these opinions were expressed. Let them have an opportunity of revising their opinions, if they so choose and let us all have a consensus of public opinion both for and against the penal clauses of this Bill.

Let me first of all take the question of Punjab Labour. Let me turn to page 22. Now the Punjab Unions which have been consulted, are the

Punjab Provincial Trade Unions Congress, the North Western Audit Railway Union, the Punjab Labour Board, the General Workers' Union, North Western Railway. I am going to say nothing about the unions that have been consulted. There is only one union which I know represents the workers in the proper sense. That is the North Western Railway Audit Union. Nevertheless let us see what these trade unions of the Punjab say in regard to the provisions of this measure. There is one body, the General Workers' Union of the North Western Railway, which does not exist. I do not know how that body came into existence for the purpose of this Bill. But, nevertheless, I challenge anybody to come forward and show me either their membership roll or their account book to prove that there is in existence a body of that nature. I say that deliberately, Sir, for this reason that it is this particular body which the Honourable Member has probably in view, which has given some sort of favourable opinion in regard to this measure. Now, Sir,

Mr. K. Ahmed: Why not get the opinions yourself?

Mr. President: Order, order. Diwan Chaman Lall.

Diwan Chaman Lall: If the Honourable Member will only hold himself in patience, he will realise that I am not giving out my own opinion, but I am expressing the collected opinions of trades unions. The representatives of employers were consulted. What do they say? One Union says:

"As to the third part of the Bill regarding illegal strikes and lock-outs, which has been criticised generally by the labour organisations, who want clauses 16—20 to be entirely deleted, the Governor in Council suggests that the amendments proposed by the General Workers Union, North Western Railway, Lahore, though not acceptable in the form in which they have been proposed might be considered by the Government of India."

Now, I am not going to charge the Honourable Member, for he has no responsibility in this matter. But probably this Union has been brought into existence in order to get a favourable opinion on this Bill in the name of Punjab Labour. All the other Unions, what have they said? They have said that they are not in favour of these penal clauses. Take the North Western Railway Audit Union, Lahore, which is a registered Union—and I can speak from personal experience of it, it is a very valuable Union. It says:

"As far as clause 15 is concerned, the members of this Union are Railway employees directly responsible to the Auditor-General and already bound by contract with the Secretary of State for India, which provides one month's notice from both sides. This is in the case of individuals. The present clause, in the opinion of the Union, is one-sided, and gives arbitrary powers to the Government because it interferes with the freedom of the employee and places the employer in an advantageous position. Moreover, the Union thinks that it is the natural right of every worker to withdraw his labour whenever he thinks he should do so. The provision is superfluous."

As regards clause 16:

"The Audit Union entirely disagrees with it, because every strike is to some extent a hardship on the community and, moreover, the term 'Trade or Industry' is quite vague. Apart from this, there is some difference between Great Britain and this country with regard to labour, because here, as already pointed out in foregoing paragraphs, the Government is the chief employer. This clause is not restrictive to a general strike only, but goes further to an ordinary sympathetic strike with one department in its various branches."

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As regards clauses 17 to 19 the Union says they are objectionable, "as they provide direct interference in the rights of the Trade Unions and are likely to relax discipline among their members".

Now, let me take another Union, the Punjab Labour Board. They say, in regard to the provisions of this Bill, that clauses 15 to 20 must be absolutely deleted. I understand the General Secretary of this Union happens to be a member nominated by the Punjab Government to represent labour interests in the Punjab Council. He said:

"Clauses 15 to 20 of the Bill must be absolutely deleted. They are entirely unacceptable to us. This Board takes the strongest possible objection to these anti-labour clauses."

That is the opinion of the Punjab. It is a reflex of the opinion of the labouring classes throughout India. Now, let me take the Madras Labour Union; and if the Honourable Member will kindly turn to page 40, he will find the objections of a meeting of the Labour Advisory Board, which was held on the 19th November 1928. There it is stated:

"Clause 15 was criticised as harsh, unfair, and one-sided. It was felt that the obligation of employers to give reasonable conditions of employment should be emphasized at the same time as the restriction upon strikes or refusal to work. On the whole, it was thought desirable to reproduce the corresponding clause (16) in the 1924 Bill with an addition making reference to a Conciliation Board compulsory in these cases, and shortening to 45 days or so, the period during which the Board's report must be awaited."

"Clauses 16 to 20 inclusive were objected to *in toto* by the majority of the Board, as being unnecessary and likely (through difficulties of interpretation, etc.) to cause much hardship to innocent, or comparatively innocuous, movements."

That is the opinion of the Advisory Board that was constituted in Madras. Let us see now what Madras labour has got to say in regard to this matter. Take the opinion of the President of the Buckingham and Carnatic Mills Employees' Union:

"With reference to clause 15 of this Bill, our Committee supports Mr. N. M. Joshi's opposition on the ground that the Bill is one-sided. Employees in the Public Utility Service must have freedom for serving or withdrawing from the service without notice. This rule No. 15 could be in existence in a place like England where the workmen have unemployment benefit. Though an employer sends away his employee by giving a month's notice or salary, it is not an adequate compensation for the hardship he is put to by losing his job."

"With reference to clause 16 of this Bill, that if a 'strike has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged', our committee opposes this clause as it is the right of every man to strike if he has any grievance without redress."

Colonel J. D. Crawford (Bengal: European): On a point of order, Sir.

3 P.M. Will the Honourable Member be relevant in talking about all these things on a motion for re-circulation?

Mr. President: The original motion was that the Bill, as reported by the Select Committee, be taken into consideration, to which the Honourable Member has moved an amendment that the Bill be re-circulated for the purpose of eliciting further opinions thereon. I have taken both these motions together and allowed a general discussion on them.

Diwan Chaman Lal: I thank you, Sir. I cannot do better than say this: that I hope my Honourable friend Colonel Crawford will bear with me in patience, when I am placing before the Honourable Member, and before this House, the opinions of labour organisations throughout the country. Because—and I want my Honourable friend Colonel Crawford to understand me—we are attempting to pass legislation in regard to the working classes. Surely, their opinions have got to be considered, and we have got to know whether they consider this legislation is to their benefit or not. I want the Honourable Colonel Crawford to realise that the entire labour movement is whole-heartedly opposed to the provisions of this Bill, and it is for that reason that I am referring now to the opinions of the various labour organisations throughout the country.

Let me now take another union, the Madras and Southern Mahrattas Rai'way Employees' Union. They say:

"With regard to the second part of the Bill, viz., clause 15, we very strongly object to the same. This makes illegal not only strikes but even cessation of service by a single individual without notice. The safeguard requiring the sanction of Government for prosecution under this section is of very little value in Railways where the Government are themselves the employers."

"The third part of the Bill dealing with sympathetic strikes is most reactionary and is bound to be vehemently opposed. It penalises sympathetic strikes."

This is the opinion of Madras Labour. The President of the Madras Corporation also was asked to give his opinion, and he said that:

"The definition of public utility service is a very dangerous one and Government is constituted the sole authority for deciding which other industry or undertaking shall be included. This, we believe, will be placing too much power in the hands of Government Departments that may not be and cannot in the nature of things be expected to take a dispassionate view. We agree with the strong criticism that has been passed in respect of clause 15, viz., that employers who will send away workmen with or without giving a month's notice, are not held criminally liable. In case both sides are brought under the criminal provisions of clause 15, we believe that the ordinary magistrates of the first class or a Presidency Magistrate should not be empowered to try such cases. We should have men taken from the rank of public men to inquire into and try such cases. We have no confidence that justice would be done by the subordinate judiciary in cases where labour interests clash with those of capitalists and Government."

But the most important of these opinions comes, in my view, from Bombay, because Bombay is the chief centre of industrial organisation in this country. It has been repeatedly stated that labour organisations in that City oppose whole-heartedly these penal clauses, and I want just to quote very briefly some of the opinions that have been elicited from Bombay. If the Honourable Member will turn to page 71, he will find, first of all, the opinion of the Bombay Municipal Workmen's Union: They say:

"The second portion, Public Utility Services, my committee takes special objection to this portion. Apart from the fact that it is definitely anti-working class and anti-trade union, it is designed to operate only against the worker and to take away from him the right to strike."

"The third portion, illegal strikes and lock-outs. The word 'lock-out' here might easily be dropped, because this clause appears only to apply to strikes; it is designed to prevent one section of workers coming to the assistance of another section of workers, who may be in dispute;"

"In short my committee has come to the decision that this Bill, as a whole, must be vigorously opposed as a repressive measure and demands that the Government stop encroaching on the already meagre rights that the workers of India today possess."

[**Dewan Chaman Lal:**]

Now, Sir, let me take the opinion of the Indian Seamen's Union, Bombay: It says:

"My Union is of opinion that clause 14 is not conceived in the best interest either of industry or workers. Democracy has come to stay in India and it is a natural right of any person before any inquiry, to be represented by a legal practitioner, and no restrictions should be created limiting this right. My Union completely disagrees with the principles underlying clauses 15 to 20."

Take the opinion of the Bombay Textile Labour Union, a very important union in Bombay. It says:

"My Union, however, strongly objects to the clauses 15 and 16, since they have been so worded as to make the position of workers legally more unsafe."

Take the Municipal Sweepers' Union, Karachi. It says:

"Regarding clauses 16 to 20, which follow closely the British Trade Disputes and Trade Unions' Act, our Union very strongly feels that sympathetic strikes are an inevitable necessity of labour for safeguarding the conditions of work and life of weak brethren of their community and whatever may be said to the contrary, these provisions do seek to make such sympathetic strikes illegal. . . . We therefore strongly oppose clauses 16 to 20 and would urge that the same be also deleted."

The opinion of the Bombay Dock Workers' Union is that:

"Clause 14 is not conceived in the best interest either of industry or workers. . . . My Union completely disagrees with the principles underlying clauses 15 to 20. Clause 15 is clearly not intended against a sudden strike, either special or general, in public utility services, but any person who ceases to work voluntarily for any reason is made liable to be punished either by fine or imprisonment."

The Mill-Workers' Union, Bombay, says:

"As regards part III, they are firmly of opinion that clauses 15 to 20 must be totally deleted."

The Honorary General Secretary, Great Indian Peninsula Railway Staff Union, Sholapur, says:

"Section 15 and the rest of the sections following will work a great hardship on the labour and, therefore, they are unacceptable."

The Bombay Presidency Postal and Railway Mail Service Association are of the same opinion.

The National Union of Railwaymen is an Anglo-Indian Union, and I think I will leave Colonel Gidney to deal with this Union. I am sorry to find he is not in the House, but I cannot expect any popular views from a Union of that kind. I do not know what it is, but it certainly is a union of the superior staff.

The Professional Motor Drivers' Union, Bombay, strongly condemns clauses 15, 16, 17, 18, 19 and 20, which the Committee believes entrust arbitrary powers to the employers. They therefore urge that the above clauses should be totally omitted.

The Press Workers' Union, Bombay, says:

"The second portion, Public Utility Services, my Union takes special objection to this portion apart from the fact that it is definitely anti-working class and anti-trade union. It is designed to operate only against the worker and to take away from him the right to strike. . . . Clauses 15 to 20 must therefore be deleted."

Mr. K. Ahmed: We have all got copies of these opinions and read them; you do not want to read them all.

Diwan Chaman Lal: I am very pleased to find that, after all, my Honourable friend, Mr. K. Ahmed, has read something and been satisfied. [Laughter.] I want, not only Mr. K. Ahmed, to be satisfied, but I want my Honourable friend, the Labour Member, also to be satisfied. Now, let me take the opinion of the Bengal Trades Union Federation; the Honourable Member will find it at page 145.

The Honourable Sir Bhupendra Nath Mitra: May I say this, that I have had the pleasure of reading all these opinions and of studying them for the purpose of considering the provisions of the Bill in Select Committee?

Diwan Chaman Lal: I am very sorry, Sir, to find that all that has been infructuous. The Honourable Member has not been affected at all by the opinions that he has read, and because he has not been affected by the written word, I want to see if he can possibly be affected by the spoken word. Now, the Bengal Trades Union Federation have definitely declared:

"In view of the stringent conditions attached to strikes in public utility services, the list should have been exhaustive and the executive should not have been vested with such wide discretion as to include any other industry, business or undertaking in the list by giving only three months' notice . . . clause 16 of the Bill, which declares certain strikes illegal, is extremely reactionary as it seeks to put restrictions on the right of the workers to strike."

Now, Sir, these are the various opinions that have been elicited—apart from the opinion of the Kankinara Union, which has a history of its own, and the General Workers' Union of the Punjab, which has a history of its own also. It is best to drop a discreet curtain over the history of these two Unions. There is no responsible trade union in this country which has supported the measure which the Honourable Member is seeking to foist upon this country. Why is he seeking to do it, and why can he not wait, as I have said, for a few months and bring this measure up again before the Legislative Assembly next session? What is the urgent necessity? Can the Honourable Member convince anybody on the floor of this House, except of course those who are bound to vote one way or the other on all occasions—can he convince me—and I am prepared to be convinced, and I say that if the Honourable Member can convince me now I say that I shall ask for special permission to vote with him in his lobby, if he can convince me that there is any such urgent necessity to compel him to bring in this measure now and get it passed in this session without waiting any further? The Honourable Member knows perfectly well that there is no such necessity. If there were such a necessity, we would have heard this argument in favour of the Bill, but no such necessity was shown. Perhaps it might have been possible for the Honourable Member to have made out a case, as my Honourable friend the Home Member made out a case, for the Public Safety Bill in Simla, when the matter was first broached. But then the question was whether society was going to collapse if that measure was not passed. I think the Honourable Member has not taken that line of action; he does not contend that the social

[Diwan Chaman Lall.]

fabric in this country is going to collapse all of a sudden like a house of cards if the measure that he is bringing forward before the House is not given effect to. Then what is the necessity? I can understand the necessity if there was such a danger to the State, a danger to the public, danger to the safety of the working classes or even, let me admit, danger to the employers in this country. If that were so, we would have seen the Honourable Member come to this House and say, "Unless you give me these powers, I shall not be responsible for the public safety and peace of this country". But on the contrary, I find that this is a routine measure that the Honourable Member is bringing forward, a measure which will probably never be put in force, except when the Government intend to go in for a repressive policy. Take the case of the measure that was passed in Great Britain. I believe there was only one case under that new Trade Union Act of 1927, and in that case the Trade Union involved ignored it with contempt and did not participate in the proceedings. If it is unnecessary even in a country like Great Britain, which has been actually faced with a general strike, what is the necessity in a country like India, which has never so far been faced with a general strike? Is it a part of the Honourable Member's case that there is danger of a general strike in this country? If that is so, no Member on the floor of this House has heard one word of evidence to prove that there is any such danger. Is it part of his case that the public peace will be endangered if the measure is not passed? If so, not one of us has heard one word to prove that there is the slightest danger from any source whatsoever to the public peace. And if that is so, I do ask the Honourable Member, in all fairness to the working classes, whose representatives are not to be found on the floor of this House.—I ask him in all fairness to the working classes whether it is right that we should go over their heads and get this measure through this session, without giving them a further opportunity and giving the public a further opportunity of listening to the arguments that have been advanced on the other side, and of seeing the changes that have been made in the Bill by the Select Committee and of taking stock of the situation as it faces us today.

There are matters that I cannot refer to. I wish I were in a position to refer to them; and the Honourable Member knows perfectly well that, if I were to be in a position to refer to those matters, I could give a few more arguments, which would convince him, or which ought to convince him—I have no hope that they will convince him—but certainly which ought to convince him, that there is no urgency whatever for this measure to go through this session. May I ask him to review the history of other countries and to find out that, wherever action has been taken in other countries, there have been at least certain representatives of the working classes, who could voice their opinions and sentiments? Here, we are peculiarly situated. There is not one single Member on the floor of this House who represents the working classes. Is it too much to ask the Honourable Member therefore to give the working classes another chance to consider and reconsider the provisions of this measure, and with public opinion behind them, to come to him and say: "Nobody in India wants this measure, not even the capitalists are eager and anxious about this measure"—as I will show to the Honourable Member in a minute—Indian capitalists at any rate. It is but to be expected that power which is going to

be given to the employer in this country under the provisions of this Bill is a power which is desirable for their purpose, and it would be no strange thing if the employers in this country were favourable to this measure. But I say, give the employees a chance, give the general public a chance, to convince the employer that such reactionary penal clauses as are embodied in a Bill whose purpose is to settle or prevent trade disputes should never be incorporated in this measure. Give them a chance to convince the Honourable Member that such penal clauses should not be incorporated in a Bill of this character. He is quite welcome to have the first part of the Bill, with its amendments, passed here, but he has no business to come to this House and demand that the second and third clauses also be passed.

Now, Sir, the Honourable Member knows perfectly well that the Indian Chamber of Commerce, at Calcutta, have expressed an opinion unfavourable to the penal clauses. I am sorry I do not find the representative of the Indian Chamber of Commerce here today, but I think the Honourable Member will agree with me that, when that Chamber says that, if such tremendous powers are given to the Government, they may utilise them in a reactionary manner, he should listen to the warning of the Indian employers. Sir, in this country we are very much averse to any sort of reactionary proposals that may be brought in by the Government, because we know from bitter experience, that in the past, they have militated against a fair and just settlement as between the employer and the employee. We know for a fact that the Government have utilised reactionary powers of this nature in order to oppress, in many instances, the working classes. Take the case of section 144. How many times has not section 144 been used in order to prevent the working classes from holding their meetings in a legitimate trade dispute? I myself have been the victim on more occasions than one of section 144 when it was utilised against me in order to prevent me from holding a legitimate trade union meeting. How can we expect the Government, when they are armed with this power, to use it against the working classes fairly and justly? Therefore, my point is this. I am asking the Honourable Member to be fair to the working classes. Give them one more chance to mobilise public opinion behind them in order to show that these reactionary proposals that have been copied from the British Act cannot justifiably be placed on the Statute-book of this country, because there is no necessity, there is no reason, there is no justice behind them. I therefore appeal finally to the House not to be led away by the fact, that because the Honourable Member in charge has moved this particular motion on the floor of this House, it is absolutely necessary to carry the measure in this session. It would be much better if the Honourable Member were to split up the whole Bill into three different Bills. Let us have the first Bill with the modifications in it, and we are prepared to accept it, because it is a Bill which really matters, the preamble of which says that it is intended for the prevention and settlement of trade disputes. Let him postpone the other measures, and the only way in which he can do so is to give the public and the trade union movement a chance of mobilising public opinion and expressing it in no uncertain terms in order to convince the Honourable Member that he would, by passing this measure, be doing a grave injustice to the working classes of this country.

Sir Darcy Lindsay (Bengal: European): Sir, it is a little difficult to follow my Honourable friend, as he has gone over such a wide field, first of all in dealing with his amendment to re-circulate the Bill, and then in entering into a long discourse on really whether the Bill should be taken into consideration. Now, Sir, I only propose to deal with the question as to whether the Bill should be re-circulated. I argue, Sir, that my Honourable friend, in the points he has brought forward, has brought them forward at a wrong time. The arguments that he tries to adduce should have been strongly pressed when the question was before the House as to whether the Bill should be committed to the Select Committee or not. It is very unfair, Sir, to the Select Committee at this stage, after they laboured hard and endeavoured to meet the views of the House and made certain important amendments to the Bill, to call for a re-circulation in order that the changes they have made should be further discussed by the country at large. I should think that my Honourable friend, in the many opinions that he has quoted this afternoon, is satisfied in his own mind that the country at large has had ample opportunity for considering this measure, and therefore there is no necessity for re-circulation. I may say, Sir, that, in the Select Committee, a motion was moved at the conclusion of our proceedings that in the changes that were effected

Mr. President: Order, order. The Honourable Member is not in order in referring to what happened in the Select Committee unless it has found a place in the Report itself.

Sir Darcy Lindsay: I bow to your ruling, Sir. The only other reference to the Select Committee that I would like to make is the one which arises from a remark of my friend. He referred to the acrimonious debates that took place in the Select Committee. Now, Sir, I, as Chairman of the Committee, can assure you and the House generally, that there were no acrimonious debates, and I have never had the pleasure or the honour of sitting on a Committee where there was a better feeling. And even my Honourable friend, Sir, will confirm what I say, that we gave him the utmost opportunity to put forward his views, and the Committee listened to him with the greatest attention.

Another point to which my Honourable friend referred this afternoon was in reference to the penal clauses, and he indicated that these penal clauses were entirely new to India. Now, Sir, he knows, and I think all the Members of this House know

Diwan Chaman Lal: I did not say that they were entirely new to India.

Sir Darcy Lindsay: I think all Honourable Members of this House know that some of the services that are included under the penal clauses are already dealt with in like manner and penal clauses more severe than those which have been proposed in this Bill; so it is not a new matter to India.

My Honourable friend also referred to the sketchy opinions that had been obtained when the Bill was first circulated. He did not seem to consider the opinions sketchy this afternoon, when he took up a lot of

the time of the House in reading them out. Sir, I maintain that the Government have given the public every opportunity for considering this question and there is no necessity for re-circulating the Bill.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion for re-circulation, and my reasons are briefly these. I am not going to support this motion simply because it is a dilatory motion, that is to say, a motion calculated to gain time. There is nobody here in whose favour time is to be gained. Government seem to be determined, on their side, to sit it out and finish the business, and I for one, I may say, have come back from my place now to sit the Bill out and to finish it if I may with my presence and vote. But I am supporting this motion, not because it is dilatory, but if we gain time, that little delay might help us in better judging of the merits of the Bill that is before us. I think my Honourable friend Mr. Chaman Lall has made out a very strong case on the ground that the opinion of the workers themselves has not been adequately and fully consulted. Of course, we have got, in the papers embodying the opinions on the Bill, a number of opinions from people who are not so vitally and directly concerned with trade disputes. Occasionally we find references here and there to an opinion expressed by some one who was more or less directly or distantly connected with trade disputes, but the bulk of the opinions contained in these papers are from people who are not directly concerned with trade disputes, and there are not very many opinions coming from people who are directly affected by this Bill and who directly suffer in these disputes, namely, the workers themselves.

But, Sir, I stand to support this motion on a special plea, which perhaps might appeal to this House in another view. I am referring to the Report of the Bombay Strike Inquiry Committee of 1928-29, which I have got in my hand. I am not quite sure whether other Members of this House have got copies of this Report. Probably I have got it, along with other Members who represent the Bombay Presidency in this House, but the other Members of the Assembly, who do not belong to the Bombay Presidency, have not got copies of it in their hands. My Honourable friend, Mr. Aney, says they have not even heard of the Report. (*An Honourable Member*: "They have.") Perhaps they have heard of the Report but they have not got copies of it in their hands. If they are supplied with copies of this Report, they will get enough material, if they seriously apply their minds to the Report, to decide upon some of the questions which are now contained in the first part as well as the second part of the Bill. There are two main questions involved in this Bill,—the machinery to be set up to settle disputes, that is one, and the second is the penal clauses which are calculated to put a certain pressure upon the workers not to go on strike, etc. In my humble opinion this Report contains very valuable material, almost invaluable material for a man to give his judgment, to bring his judgment to bear upon both these aspects of the question of trade disputes. At page 170 the Committee themselves put on record what value they attach to this Report and the labour they have spent upon it. In paragraph 10 the Committee say as follows:

"We have endeavoured to deal comprehensively, and at the same time concisely, with all the wide points that are involved in the questions referred to us for opinion, but we are conscious that we may have failed to notice in our Report some of the arguments raised before us. It would, however, have made it unduly long to deal with

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everything that was discussed at our sittings, and we believe we have dealt with all the important points. We hope our Report will be of utility—"

I want the House to listen to these words—

"We hope our Report will be of utility, not only to the millowners and the workers and their representatives, but also to Government and the public in aiding them to form a proper opinion upon the disputes, which led to this Inquiry."

It may be said that this particular Report refers to disputes arising out of one particular section of industry, namely, the mill industry. I quite see the force of that argument, but my reply to that would be, if you go over the points of dispute raised in this particular inquiry, the evidence taken in this inquiry, and the statements of complaints and the manner of removing those complaints, as stated in this inquiry, they will offer material which will be very useful for other people dealing with disputes in other industries also. Just to illustrate my point, I would read out some of the grievances which were discussed by this Committee and upon which judgment has been passed by the Committee, and the House will see that they are practically common to all industries, whether the industry concerns itself with mill textiles, or whether it is an iron industry, or some other industry. For, after all, trade disputes arise out of particular elements of human nature, which are common not only to the textile industry but to all industries. Go to the Tata's Steel Works, go to the mining area where you have got so many disputes, go to the mill industry. In all you will find that the nature of the dispute is the same, the causes are practically the same, and the manner of dealing effectively with such disputes will always be the same, because all these are dependent upon human nature, which we know, is common not only throughout all parts of India but, if I may say so, throughout the world. Therefore, the evidence which is embodied in this particular volume will be fully relevant and will also throw very great enlightenment upon the manner of settling trade disputes in other industries also. In this Trade Disputes Bill we are not certainly dealing with one section of industry. There are services of public utility and so on and so on, and yet I maintain that the elements of dispute and the manner generally of solving them will be practically the same, because human nature is the same whatever the industry or the province in which those disputes occur.

Look at some of the grievances that were put forward before this Committee and which were dealt with by them, and you will at once find that there is a family likeness practically between the grievances put forward here and the grievances which you are, in any circumstances, likely to meet with in other departments and in other disputes in other parts of India:

"Direct cut in wages; reduction in monthly earnings owing to the following indirect causes:

Introduction of new varieties of cloth at rates which did not bring the level of wages to those earned on the production of the old sorts. . . ."

In reading these, I am sometimes using a substitute word in order to make their application general. I am reading these sections *mutatis mutandis*.

"Reduction of piece-rates to meet unanticipated high production by individual operatives."

Adjustments in rates made to bring them in line with the rates prevailing in other industries or departments.

No adjustments made to increase rates in cases where mills went on finer counts.

Introduction of artificial silk and inferior raw material.

Gradual withdrawal of bonuses, such as good attendance and efficiency bonus, free railway passes to workers, etc.

Introduction of a method of paying wages on the weight of the cloth after it had undergone a subsequent process, instead of on the actual weight produced on the looms.

Introduction of new methods of work, involving a reduction in the number of operatives employed, notably in some mills, and the fear of the spread of this system to other mills in the city.

The increase in the hours of work of mechanics in some mills from 8½ hours to 10 hours per day, and the declaration of a general intention to level up the hours of work for all mill operatives in all mills to 10 hours per day.

In addition to the above, there were several minor grievances in connection with the infliction of fines, dismissals, the practice of handing over spoil cloth to the weavers in lieu of wages, etc. It would, we think, serve no useful purpose to go at length into the exact causes of the General Strike, or to attempt to apportion blame for it on either side. There were no doubt various contributory causes. . . .

But the very statement that there were contributory causes on both sides brings me back to my particular plea or contention that the elements underlying any dispute anywhere in India are elements arising from human nature itself, and therefore must be regarded as eternal. Therefore, anybody who wants to sit in judgment upon the merits of a Bill dealing with trade disputes cannot very well afford to go without the assistance of the various useful materials contained in the present Report. I think Government should have voluntarily postponed the consideration of this Bill in view of this Report, if not of the coming of the Whitley Commission. I personally consider that it is a legitimate ground for demanding the postponement of the consideration of this Bill, because there is a good Commission coming and it is expected to go into all matters thoroughly. Why should Government be in a hurry? What is lost by Government or anybody if the Bill is postponed, in view of the coming of the Whitley Commission? But apart from the Whitley Commission, we have in this Report very useful material noted down and commented upon by a very responsible Committee, among the members of which there was one High Court Judge, and full and patient hearing was admittedly given to both sides of the textile dispute in Bombay. Therefore I say, here is very useful matter which we cannot afford—I for one cannot afford—to lose, and although I have got a copy of the Report, I cannot say that I have gone through the whole Report because I only recently received it. I want time to read the Report and make use of the material here.

Now there is one thing in particular which will be of great use in bringing our minds to bear upon the Report and it is this question of the eternal human nature. Before the Report came out, there were a number of strikes in 1927 and 1928. The Report was not there and the Committee was not there. The disputes came to an end somehow. It was not a regular "settlement", and it would be interesting to this House to know how general strikes ended before this Report and before this Committee was appointed. I have not the actual figures, but about 25 strikes are noted here, some of which took place in 1927 and some in 1928; and looking at the column of results, I find that, except in one

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case, in which the strike ended in a compromise, the Commission notes that the strikes ended in favour of the employers. Now it is difficult for me, as a third party, to understand how about 25 strikes should have all ended in success for the employers when there was so much to be said on the side of the workers also. In this respect I have omitted to mention one other strike, about which it is said that it was merged into the general strike, and the result of course was not definitely known. Now, what I wish to observe about these 25 strikes, in which there was success uniformly on the side of the employers, is that sufficient pressure was not brought to bear upon the employers. In this connection I would like to read just a few words from page 2 of the Report, in which it is admitted that justice was, to a certain extent, on the side of the workers also; that it was not uniformly on the side of the employers, as would be the impression if you go over this column to which I have made a reference. The Committee give a general history of the strikes and then they say:

"To all intents and purposes the strike was a lightning strike, and, to use the words of the *Labour Gazette* for May, 1928, at page 752, 'owing to the strenuous propaganda carried on by certain labour leaders in favour of a general strike by holding mass meetings and intimidating the operatives in the working mills, the number of mills closed began to increase steadily from the 23rd, and by the 26th all the cotton mills in Bombay except one had to be closed and nearly 1½ lakhs of textile workers were thrown out of employment'."

Now, this *Labour Gazette* practically makes it out that the whole blame for this general strike was on the side of the workers, and not on the employers, but I am glad to find that the Committee has taken a somewhat impartial view of this matter and, after giving this extract from the *Labour Gazette*, the Committee says:

"This however should not be taken to mean that the men had no grievances. Had it been otherwise it would not have been possible for a handful of men to keep so many workers on strike for a period amounting very nearly to six months."

Now, that shows that there can be two sides to a fight, and just as there is some right on the side of the employers, you should expect that there should be some justice on the side of the workers also. Therefore I again come back to the Report and say that it embodies a number of useful things. The second part of the volume contains the evidence of about 106 witnesses, and if there is to be a comparison between the evidence recorded by these witnesses and the opinions which Government have received in these papers, I have no hesitation in saying that the opinions of these 106 persons who stood cross examination before this judicial committee must have immensely superior value attached to them by any impartially minded man.

Now, I have referred to 17 grievances, and my point was that the grievances would be the same in all industries. The decisions arrived at by this Committee, apart from the evidence recorded in this Report, are also very useful, and there are also specific decisions and results with reference to each particular grievance which was the cause of the strike. That also is very useful. All this material would be useful in order to enable us to decide whether lightning strikes were justifiable before or not. Supposing the workers had justice entirely on their side..

why should they not be entitled to go on lightning strikes? These poor workers have nobody to befriend them, and they are pitted face to face with powerful employers. If justice is entirely on the side of the workers, why should they not use the only method that they have got in their hand—of going on a general and lightning strike? Therefore a perusal of this Report would give an insight to us to judge how far the measures proposed in the present Bill are justifiable or are not justifiable.

Now, I would like to mention another point. The point has been raised as to why Government should be in a hurry with this Bill. I am going to give you the reason for this. Neither the employers nor the employees are, at this particular moment, in a hurry to proceed with this Bill. Here is Mr. Chaman Lall, speaking for the labour world, and the absence of my friend Sir Purshotamdas Thakurdas in his place is evidence enough to show that the employers do not care that this particular Bill should go through immediately. If he were anxious, as an employer, to proceed with this Bill, he would have been present at his place. I do not think it will be denied that Sir Purshotamdas Thakurdas is a great employer himself.

An Honourable Member: He has paired.

Mr. N. C. Kelkar: He would not have paired if he had thought this Bill to be of such importance. Therefore, I maintain that it is clear evidence of the fact that the employers do not want to proceed with the Bill. Here is Diwan Chaman Lall speaking on behalf of the workers, and he also does not want to proceed with the Bill. Therefore, the only party which is in a hurry to proceed with this Bill is the Government. I will give you the reasons for their hurry. It has been admitted by the Member in charge that the present Bill is based upon the English Act. Now that Act was passed, as the Members will remember, after the general strike of 1926 in England. In my last speech on the Public Safety Bill I dealt with this point and pointed out that it was Sir John Simon who played mischief with regard to the general strike, by using his little agile legal finger and throwing the whole burden on the shoulders of the workers. The Labour Party was afraid, at that time, to cope with judicial decisions against them in a matter like this, because the trade union funds were in jeopardy. That was the reason why the general strike was called off. It was not called off because there were no merits on the side of the workers. Now, what happened after that was that the Conservative Government came forward with this Bill, and passed it in spite of the opposition, tooth and nail, by the Labour Party. That is the point to be remembered. If my memory serves me aright the leaders of the Labour Party, though they did not advise a general strike like that, still opposed this Bill in Parliament. In fact, they vowed that, if they again came into power, they would repeal and do away with the Act. I ask the House to rivet its mind on this declaration by the members of the Labour Party in Parliament. The significance is this and it will also clear the position as to why the Government is in a hurry. The general election is coming on in May next. Who knows that the Labour Party may not come into power? And who knows that, if they do come into power, they may not make up their mind and apply their energies to this Act? Immediately they come into power, they will make themselves responsible. I fancy, for introducing a Bill for repealing the present Act. Now, Government knows this very well, as

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well as we do. So, they are proceeding in a hurry with this Bill as the Labour Party may come into power and do away with the present general strikes Act, on which the present Bill is based. If that happens, and supposing this Bill were postponed till September and the Labour Party succeeds in doing away with the present law on the Statute-book, the whole of this Bill will fall to the ground. Government, therefore, are in a hurry. (*Applause from the Swarajist Benches.*) Therefore, my point is this, that neither do the workers want to proceed with this Bill, nor do the employers want to proceed with it; it is only the Government who want to proceed with it for the particular reason I have just mentioned. Even if it is only for that malicious end, I will oppose the Bill and support the dilatory motion.

Again, I will deal with this Report in a constructive spirit and not in a destructive spirit. If the Government wants us, the Members of the Assembly, to apply our minds in a judicial frame of mind to the merits of the Bill, they ought to give us time to read this Report and to know its contents. You should supply us with the copies of the Report and postpone this measure till the September session, when the Bill will be considered on its own merits. That is all I have to say in support of the motion. I have touched both aspects of the case, even if it is regarded as a dilatory motion or otherwise.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, this Trade Disputes Bill is equally important with the so-called Public Safety Bill and therefore it requires serious consideration of the Members of the House. Sir, we were under the impression that the Public Safety Bill would take two or three days as it is a very important measure, and the Trade Disputes Bill would be taken after that, but to our pleasant surprise it has been postponed, and it would be much better if it could be postponed for good. Sir, everybody knows that there are some industrial troubles in the country, and besides these troubles there are other kinds of troubles too all over the country. But the Government do not know how to deal with the situation. The Government have been behaving like a mad cat.

Mr. President: Order, order. Honourable Members must use dignified language in this House.

Mr. Ram Narayan Singh: If the expression used by me is unparliamentary, I withdraw it. What I wish to convey to the House is this, that Government are thinking of this measure and that measure, but they are not thinking of the right measure. My Honourable friend, Mr. Chaman Lall, has already quoted several opinions to show that no labour union has supported the Bill. I think the right measure to take is to take into confidence the people's representatives and the representatives of the Trade Union Congress, and in consultation with them, Government should try to find out the ways and means for putting an end to these troubles. When my friend, Mr. Chaman Lall, was quoting the opinions, my Honourable friend, Sir Bhupendra Nath Mitra, said that he had read all the opinions supplied to him. But I say that he has uselessly read them. What is the use of reading them if he is not convinced by them? Sir Darcy Lindsay said that he could not follow my friend, Mr. Chaman Lall. How could he follow him when their angles of vision differ? Sir Darcy Lindsay is one of

those men who want to exploit the Indian labour and my friend, Mr. Chaman Lall, is one of those who want to prevent the exploitation. How can the two pull on together?

The proposal now is that the Bill be re-circulated for eliciting public opinion thereon. The Bill was already referred to the Select Committee. It was good of us, the Members of the Congress Party, that we allowed it to go before the Select Committee. Not only that, we consented to be members of that Committee. If you will look at their Report, you will see that out of 19 members of the Select Committee 9 members were against it. Sir Darcy Lindsay said that the Select Committee had laboured a lot. What labour have they done? The Bill has been supported only by those members who are Government members and by those members who are generally the supporters of Government. As there is no harm in postponing the consideration of the Bill, I think it will be wise on the part of the Government to accept the motion. With these words, Sir, I support the motion moved by Mr. Chaman Lall.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the principle underlying the provision of law which enables a Bill to be re-circulated, for the purpose of obtaining public opinion thereon, seems to be, that if a Bill has undergone substantial changes and alterations in the Select Committee and has emerged in quite a different form it may be re-circulated. For instance, the Bill which was introduced by my Honourable friend, Rai Sahib Harbilas Sarda, about penalising early marriages. That Bill had undergone substantial changes in the Select Committee and it was therefore right and proper that a motion for circulation should be moved in order to elicit public opinion. If the changes to which a Bill is subjected in Select Committee are such that the public has not had an opportunity to express an opinion on, then and then alone it is right that the Bill should be re-circulated for public opinion, but if the Bill has not undergone such substantial changes and alterations in Select Committee, then I do not think that the Bill should again be circulated and public opinion be invited.

Going into the Report of the Select Committee on this Bill, we find that the Bill has not undergone such substantial changes. In fact the Select Committee itself did not consider it proper that the Bill should be re-circulated. In the end of their Report they clearly say:

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

A perusal of this Report also shows that some Honourable Members have appended to the Report Minutes of Dissent. In these Minutes of Dissent we also find that none of the Honourable Members have recommended the re-circulation of the Bill.

(An Honourable Member interrupted at this point, but the interruption was inaudible at the Reporters' table.)

He may have moved it now. It might have been an afterthought, but when he had an opportunity of writing his note of dissent calmly sitting in his room, he did not consider it proper to make a recommendation of this nature.

The Bill has already gone through the stage of the Select Committee and there seems to be no reason why the special procedure of re-circulation should be adopted at this stage. There is no question of hurrying the Bill. All the stages of a Bill prior to consideration have been gone through and

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the natural course is that the Bill should be taken into consideration. I don't think if the Government move that the Bill should be taken into consideration at this stage, the Government want to hurry the Bill.

My Honourable friend, Mr. Kelkar, has referred to the chances of the Labour Party coming into power at the next election, and probably he thinks, if the Labour Party come into power, they will alter the English Act on the model of which the present Bill has been drafted. But my Honourable friend has already seen the attitude of the Labour Party towards Indian problems when they were in office for a short time. It was then that the Bengal Regulation came into existence, so that we have no reason to believe that, if the Labour Party come into power they will help us at all.

Mr. N. C. Kelkar: They will not do anything for India, but they will repeal their own Act.

Maulvi Muhammad Yakub: They may do whatever they like for England but I don't think they will change their attitude towards Indian questions from what it was when they were in office. This argument, therefore, has no weight.

For these reasons I consider that there is no necessity that the Bill should be re-circulated.

Mr. M. S. Anay (Berar Representative): Sir, my Honourable friend,

4 P.M. Sir Darcy Lindsay, in his short speech, in opposing the motion, remarked that my Honourable friend, Diwan Chaman Lall, was rather late in bringing this motion; and that he should have presented all his arguments at the time when the motion for referring the Bill to Select Committee was made. The motion is for re-circulation of the Bill for eliciting public opinion thereon, and I believe that under the Standing Orders, a motion for re-circulation like this can only be made *after* the Select Committee's Report is made and not *before*. There is nothing illegal about it. I of course understand what Sir Darcy Lindsay meant to say. He wanted to urge that the bringing of this motion at this stage was unfair to the Members of the Select Committee who had laboured hard in preparing their Report.

Those who have read this Report of the Select Committee cannot but be struck with the number of dissenting minutes appended to it. With regard to the most controversial part of this Bill, we find 7 or 8 dissenting minutes appended. When we find that responsible Members of this Committee have sat together and deliberated over the matter for days together and taken as much time as they possibly could, and yet they could not come to some reasonable understanding about the most controversial part of the Bill, it evidently means that the subject requires to be considered further and more seriously and that those who are vitally concerned must also be consulted and be given an opportunity of having their say on the points at issue. If we well-informed men even could not come to any agreement on certain points that affect the labour of the country, then it is only fair that labour itself should have an opportunity of considering the opinion of the Select Committee, which is by no means a unanimous opinion of the body, but only an opinion of a fraction of those Members who constituted the Select Committee. Had the Report been one of a unanimous nature or at any rate, of the overwhelming majority of the Committee, it would

have been quite a different matter. And that is the reason why I think that my friend, Diwan Chaman Lall, was right in insisting upon this House re-circulating the Bill to elicit public opinion thereon. I think that, under such circumstances, it is neither unfair to the Members of the Select Committee who recommended the Report, nor to those who appended Minutes of Dissent.

A second point which, in my opinion, is also very important was made out by my friend, Mr. Kelkar, and I think that it also requires to be seriously considered. What, after all, is it that Diwan Chaman Lall wants this House to do? He wants this Bill to be sent back for public opinion. It is virtually asking this House, after a careful perusal of the Report, to review the decision it had taken when the Bill was submitted to Select Committee for consideration, owing to the discovery of an important document which deals with the very questions which are sought to be settled by the present Bill before actual passing of the same. A document of that nature has come into existence now. Mr. Kelkar, who happened to have a copy of it, has gone partly through that document, and he says that, after perusal of only a part of that document, he finds that most of the points which ought to be properly understood by Members of this House have been very carefully considered by a committee appointed by the Bombay Government, and it is possible for Members of this House to find some very useful material for forming their judgment on the very issues which this Bill wants to settle. It is a well known rule of civil procedure—I don't know whether my Honourable friend, Sir Bhupendra Nath Mitra, has had at any time during his service the advantage of working as a judicial officer—but I desire to submit to him it is a well known rule that, even in the case of judgments which have got finality about them and are incapable of being reconsidered, ordinarily, whenever a new and important document bearing on the facts in issue which could not be available with due diligence before has been discovered, that is considered a strong ground for reviewing or reconsidering the previous decision, or remanding the case for a fresh decision.

Now we are only asking you to send back this Bill. The Public and this House also should have some reasonable time to consider and review the conclusions of the Select Committee in the light of the recommendations made by another important Committee appointed by the Bombay Government. It is an eminently reasonable case for reviewing the decisions of the Select Committee, and that can only be done if we get a reasonable time to go through that document and understand the conclusions therein and try to apply those conclusions to the particular issues which this Bill aims at solving and settling in a particular manner. So, these are the reasons, I find, on which the demand for re-circulation of this Bill for eliciting public opinion thereon appears to be eminently reasonable, and I do not think that the Government are going to lose anything at all by giving some more time to the Members of this House to consider this question coolly with the help of the additional material. It will certainly be on the other hand, a source of enabling the Honourable Members to study the question better and thereby help the Government also in solving the intricate questions which the Government want them to solve now and immediately. The Honourable Sir Bhupendra Nath Mitra has not, in the speech made today, given us very strong reasons for proceeding with this Bill now at this very moment. He has brought in this motion in the ordinary course after the Select Committee has finished its labours. But as there was going to be

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a motion for a reasonable demand of this nature which he certainly must have anticipated from the amendment on the agenda of which he had ample notice, it was expected that the Honourable Member would refer to that point in his speech and give us some very strong reasons for proceeding with the Bill immediately, and not allowing it to be delayed by sending it back for eliciting public opinion thereon. He virtually gave us no reasons of that kind, and we could therefore imagine no other reasons to exist, except such as my ingenious friend, Mr. Kelkar, tried to place before this House. If they are the only reasons—and certainly there can be no other reasons for immediately dealing with this Bill, then I say, without hesitation, that this House must also seriously consider whether the Government will be justified in proceeding, or whether we shall be justified in allowing the Government to proceed with the measure immediately. If the reason, as my Honourable friend, Mr. Kelkar, put it very pithily, is nothing more than an apprehension, that a little delay might probably mean the loss of this Bill altogether to the Government in the next session owing to a possible change of Government in England during the few months to come, then I believe it is a very strong reason for this House also to insist upon sending this Bill back to the public for eliciting their opinion, and to give those who are vitally concerned one more opportunity to consider the conclusions which are being arrived at by the Select Committee, and to express their opinions thereon and enable this House to judge of the merits of this case in the light of such opinions as may be expressed by the country hereafter, and also in view of the conclusions arrived at in the Report of the other Committee to which my Honourable friend, Mr. Kelkar, had already referred. For these reasons I strongly support the motion of my Honourable friend Diwan Chaman Lall.

Mr. Jamnadas M. Mehta: (Bombay City: Non-Muhammadan Urban): Sir, I rise to oppose the motion for taking this Bill into consideration and to support the motion for re-circulation made by my Honourable friend, Diwan Chaman Lall. I am sorry that the Deputy President thinks that, because the Select Committee had given sufficient time and a long time to the consideration of the Bill, that in itself is a sufficient reason for not re-circulating the Bill.

Maulvi Muhammad Yakub: I did not say so.

Mr. Jamnadas M. Mehta: I am glad he did not say that, but still he opposed the motion for re-circulation. If the House will turn to the signatories of the Report of the Select Committee, the House will find that nobody is interested in the carrying of this Bill today or in this session through the Legislature, not even the Government. I find, Sir, that out of nearly 17 or 18 Members who have signed the Select Committee's Report, nearly 8 Members are absent. They did not even care to know what the fate of the Bill might be, either one way or the other. Of the remaining Members four or five are definitely here to plead for re-circulation of the Bill. Out of the remaining four, my Honourable friend Mr. Fazal Ibrahim Rahimtulla is not satisfied with the Bill as it is. He wants that the picketting clause should be there, and that is a very great and important ground for re-circulating the measure. I am sure that, as for the official Members, and their other supporters, the Honourable Member in charge confessed, on the floor of this House, that he was not

satisfied with the changes that had been made in the Select Committee and it was only out of sheer necessity that he was not opposing them, although he does not like the Bill. If that is the case, I want to know who is for the Bill as it is. Not one person has risen and said that he likes the Bill as it stands. I think the motion of my Honourable friend, Diwan Chaman Lall, is the only right amendment, namely, that the public should be given a further opportunity to pronounce itself upon the merits or the demerits of this measure, before it can be brought forward in this House for final decision and disposal. For these reasons, I think there is a complete case for re-circulation of the measure. As regards the consideration of the Bill itself, I think the House should refuse consideration to this Bill on account of the reasons that I am going to mention. The Preamble to the Bill says:

"Whereas it is expedient to make provision for the investigation and settlement of trade disputes and for certain other purposes "

Now, Sir, "certain other purposes", under the rules of interpretation, should be such as are on a line with the previous sentence, namely the making of provision for the investigation and settlement of trade disputes. The other provisions also should be such that they will settle trade disputes, instead of fomenting them. But unfortunately for this Bill, there are clauses and provisions in the Bill which are calculated precisely to undo what the previous clauses are intended to do. If clauses 1 to 14 are intended to conciliate and to investigate, clauses 15 and onwards are definitely calculated to prevent any settlement and to foment discontent and bitterness and to prolong the agony of quarrels between employers and the employed. It is extraordinary that these two contradictory provisions should be jumbled together in a single Bill and the consent of the House should be asked upon it. They are entirely discordant and the want of homogeneity in the Bill is so patent that the House will be justified in simply sending it back for eliciting public opinion.

Apart from that discordant note in the Bill itself, the provisions of the Bill are very far-reaching and very reactionary, and are calculated to defeat the object which the Bill has in view, or which it professes to have in view. Take, for instance, the definition of what is called, "The public utility services". Now, Sir, I have found, greatly to my regret, that the phrase, "public utility service" has been entirely misconceived. A "public utility service" is ordinarily understood to be a service in which profiteering should be prevented. When we talk of public utility service, we mean that those services are such wherein, at any rate, private profiteering should be excluded or profiteering should be eliminated or kept down to a minimum level. That is the meaning of a public utility service; for instance, the supply of gas or electricity or a tramway service or a railway service or any transport service, or any service in which the public at large have an interest. Therefore, in the interests of the public, profiteering in such cases alone should be eliminated, or at any rate rendered as low as possible. That is the meaning of public utility service. When we talk of a service as a public utility service, we generally mean that legislation should be so arranged that the public will be mulcted as little as possible in the actual carrying out of that service. That is the meaning of public utility service. It is therefore wrong to use that definition for the purpose of making or passing a piece of legislation in which you want to make a strike illegal and criminal. There is nothing in common between these two ideas, and there is a real misconception of the

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term, "public utility service". There is an entire misconception of the scope of a public utility service from the point of view of profiteering and from the point of view of making a strike therein criminal or illegal. It is the confusion of these two ideas that has led to the present Bill. I want the House to clearly keep in mind these two broad and important distinctions in the public utility services—that is from the point of view of profiteering and from the point of view of making a strike therein illegal and criminal. I shall explain the position very clearly, Sir, in order that the House may not have any shadow of a doubt that this legislation is based on misconception. For instance, Sir, take the case of a tramway company. A tramway company is a public utility service. It is a service which is very convenient and comfortable to the people in the ordinary routine of life. Therefore, when municipalities allow a private company to run a tramway service, the municipality is expected to take care that the tramway service does not degenerate into a profiteering concern and does not raise the rates and fares for the passengers to such a high level that the transport in the city or in that particular area results in profiteering to the private investor. Therefore we find that six per cent. or five per cent. or eight per cent. is made the limit of interest which a public utility service can allow its investors to draw. But that is entirely a different idea from making a strike in that service a criminal thing. If you want to prevent profiteering; I certainly appreciate it; but if you want to make a strike in that service criminal or illegal, I refuse to follow you. Why should a tramway service, for instance, be considered so vital to the existence of society that a strike in that service should be considered criminal? What is there in it? I do not think, in the Select Committee, any answer was attempted to be given or any explanation was attempted to be given in regard to this differentiation between a public utility service from the point of view of profiteering and from the point of view of making a strike therein illegal or criminal. And that is the question which still remains unanswered, that you cannot treat a service as a public utility service both for the purpose of preventing profiteering and for the purpose of making a strike therein illegal or criminal. You may legitimately prevent profiteering in a public utility service, but it is not just for you to try to prevent a strike in that service by making it illegal or criminal. The tramway service, as I said, is a service from which the public derives great comfort and convenience. But why should the tramway men be obliged to serve in a tramway company on pain of being clapped into jail for striking without notice?

The Honourable Sir Bhupendra Nath Mitra: I do not want to interrupt the Honourable Member; but I shall be grateful if he will point out to me that the definition of the term "public utility service" includes the tramway service.

Mr. Jamnadas M. Mehta: I am simply taking an example, Sir. I shall take the railway as an example if you like. Take the railway service, for instance, the Frontier Mail service of the Bombay, Baroda and Central India Railway. Nobody, unless he is moonstruck, will say that a strike on that railway, particularly with regard to the Frontier Mail, should be treated as criminal. What is the utility, what is the public utility, of the Frontier Mail? Perhaps it is this: that a few American globe-trotters

coming every Saturday to Bombay, go in spacious and luxurious saloons with big corridors, and luxuriously furnished compartments, in which they travel. And if there is a strike in that service, this legislation will come to the assistance of the Government, and enable them to launch a prosecution. What is the public utility of the Frontier Mail, I ask? Let the Honourable Member tell me the utility of the Frontier Mail which induces him to treat a strike in that service as a criminal affair?

The Honourable Sir Bhupendra Nath Mitra: There is sufficient public utility in all railways in general, and it is not possible to discriminate one line from another. We discussed that point with the Honourable Member in full in the Select Committee.

Mr. Jamnadas M. Mehta: We discussed it to no purpose; you could not deny that the "Frontier Mail service" is not mainly intended for the globe-trotters' excursions in which the tourists or the pleasure-seekers could go jaunting across the country. And you want the House to believe that the jaunting about of these pleasure-seekers should be made so invulnerable and sacred that people striking in that service should do so only at the peril of their liberty.

Mr. President: Has the Honourable Member travelled by that train?

Mr. Jamnadas M. Mehta: I have travelled in that train, Sir, but I do not want any strike in that service to be made illegal or criminal. Although we travel there in great comfort and convenience and pleasure, I do not wish that any strike there should be made criminal or illegal. I would regard myself as a criminal if I wanted to make a striker on that service a criminal. It may be a pleasant and a convenient and a comfortable journey, it may be a very nice thing; but I deny that that service can, by any stretch of imagination, be considered such a great public utility service that a strike there should be made illegal or criminal. Well, Sir, I certainly fail to see, and I am sure the Honourable Sir Bhupendra Nath Mitra failed to satisfy me, that a strike in that service can, by any stretch of imagination, be treated as criminal. Why should a wage-earner, if he has a serious grievance, if he has been suffering long and continuously, if he strikes work without giving notice, what justification is there for treating that humble individual as a criminal? Is it to be because you have included in the definition of a public utility service a railway service? Similarly, there is the telephone service, there is the telegraph service, there is the postal service. What is the utility in all these services which should make you treat the strikers in these services as criminals? It is true the postal service is very convenient to the people; true it is that because of the telegraph service, you receive news quickly from your relations and friends; so also in the postal service, you have got so many conveniences, you receive your letters, newspapers, etc., in good time; there is also the telephone service, and in cases of urgent necessity you can ring up immediately—true, those are all modern amenities of life which we all welcome and appreciate. But I think it argues a complete misconception of the organisation of society to suggest that, because these things cater to our conveniences and pleasures, therefore the human beings engaged in those services shall not strike, even if they have a grievance. I think such a conception is most primitive and savage and cannot but result in making bond-slaves of workmen in these services. And the House should be the last to countenance any such attempt on the part of the Government. That is my main objection to

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consideration of this Bill on account of this grievous flaw in the definition of public utility services. What the Honourable Member in charge really meant, I think, and what everybody will agree with him if he really meant it, is that strikes should be made impossible in such services as are vital to the existence of society. That is what he really means or ought to mean. There is the water-supply service; there is the light service and suchlike services, without which society cannot ordinarily keep together. In such services I entirely agree with him, and everybody will agree with him, that no individual should be allowed to have any interest against society. That is a proposition which I understand and which I appreciate and which I entirely support—that a service in which the very existence of society is threatened, the very normal life of humanity is interfered with, or is challenged, say, the water-supply, I do not care what the grievances of the workmen may be—they should not cut the water-supply of a community because society will be crushed as a result. But, Sir, do you want the railway service with the same intensity with which you want water? (*An Honourable Member*: "Yes.") I admire your courage if you think that water-supply and railway travel stand on the same footing. I do not think so myself. . . .

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Are you going to travel on foot from here to Bombay?

Mr. Jamnadas M. Mehta: Even if I did not want to do that, I do not want that a man should be made a criminal for my convenience. What Honourable Members who support this Bill forget is this, that these things are comforts, conveniences, pleasures, luxuries; but they are no more vital than the telephone or a typewriter for the matter of that. I do not want to put the railway service on a greater footing than a typewriter. It is a convenience and nothing more. It writes quicker and the railway takes you quicker—that is all. But the water-supply, the light service, the milk supply, the sanitary service, these are things which are absolutely necessary to human existence, and therefore a strike in these services must be prevented legitimately. . . .

Sir Darcy Lindsay: Would the Honourable Member throw some light on the subject as to why light is a necessity?

Mr. Jamnadas M. Mehta: Because without light my friend will grope in darkness.

Sir Darcy Lindsay: I am willing to grope in darkness.

Mr. Jamnadas M. Mehta: I think it is obvious that, without light, everybody must grope in the darkness: we cannot carry on our ordinary, normal human existence. I do say, Sir, this misconception, this confusion of a public utility service with what are really social security services is at the bottom of this Bill, and makes the Bill mischievous and entirely unacceptable; and the judgment of Honourable gentlemen is so much warped by the pleasure and comforts that they have enjoyed, that they forget that water-supply and sanitary services cannot be placed on the same footing as telephones or telegraphs. They do differ. The difference is vital and fundamental. Of course it is no use arguing with people who cannot appreciate the difference between social security services and public utility services; and therefore unless the Honourable Member in charge is prepared to stick only to those services which are vital to the existence

of humanity and to nothing more, he cannot possibly have our support. Clause 15 runs as follows:

"Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike, or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both."

Sir, here comes the real objection. If you really think that these so-called public utility services should be discouraged, by all means try to do so. But why make them criminal? There is the legal remedy. If there is a breach of contract, you can always sue for damages. Why should you brand the striker further as a criminal? Sir, some of us by sheer force of habit come to regard workers as our bond-slaves. They think that the rest of mankind is born simply to administer to their pleasures and their wants, and to look after themselves only after these pleasures and luxuries are satisfied. It is this fatal mentality, this wrong conception of human relations, this entirely reactionary idea about the mutual obligations of mankind in society, it is this perverted notion of what workers should be treated like that has led to this Bill, and particularly clause 15 and subsequent clauses. You must disabuse your minds of this, that because a man is your servant, he is therefore bound to be your slave. Unless you do that, you will regard clause 15 as ordinary and natural; but if you regard your fellow human being as entitled to equal rights and equal opportunities of doing good to himself and to his family, to work or not to work as he likes or not, unless you bring to bear that kind of mentality, it is impossible for society to retain the respect of those who are today trying to bring social justice into our present perverted social system.

But, Sir, let us take it for granted that Government are right. I have already submitted that it is entirely unnecessary, it is entirely wrong, unjust and iniquitous to treat strikers in these so-called public utility services as criminals—I say it is entirely wrong and we should not do so; but supposing you regard that it is necessary, even then, this clause 15 is entirely unnecessary. Justice Wort of the Patna High Court has clearly said, in the opinions which have been received in the course of circulation, that in section 43, read with section 120(a) of the Indian Penal Code, you have a complete protection against such strikes. Why do you want this Bill at all? Sir, the punishments that are provided in the Indian Penal Code are even more rigorous and more stern—not that I agree that this should be so, but Justice Wort points out that you have no case for fresh legislation.

Mr. K. Ahmed: What about the conciliation boards for settlement?

Mr. Jamnadas M. Mehta: Then the difference between clause 15 and the conciliation boards in earlier clauses is as fundamental as that between heaven and hell; and if you confuse clause 15 with the earlier clauses, I cannot argue with you. It shows a complete misconception or ignorance of the Bill that is now before the House. (Mr. K. Ahmed: "Hear, hear".) Clause 15 makes certain strikes illegal and criminal, and Justice Wort says that it is entirely unnecessary for you to do so, because section 43 and section 120(a), read together, will amount to a complete protection against any such strikes because they will amount to conspiracy to do an illegal thing, and therefore criminal.

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For all these reasons, Sir,—firstly, that it is absolutely iniquitous to make strikes in the so-called public utility services criminal; secondly, that, even if you think that they should be made illegal, they should be confined not to the so-called public utility services, but only to such services as are indispensable to the existence of humanity; and thirdly, that, under the Indian Penal Code, they are already illegal, and rigorous punishment is provided—more rigorous than you need—and therefore for all these reasons, clause 15, at any rate, is entirely unnecessary and should therefore be deleted.

Then, Sir, I shall come to clause 16, because even more objectionable than clause 15 is clause 16. No doubt, in the Select Committee, some slight amendment has been made, and, to that extent, the rigour of that clause, has been slightly softened. But that does not touch the real objection to the clause as it stands. The real objection to the clause is that it takes within its purview political propaganda; it wants to discourage political propaganda under the garb of suppressing what are called general or sympathetic strikes. I ask, Sir, why should a measure calculated to promote the settlement of industrial strikes take into account political propaganda or political agitation and try to kill political propaganda under the ostensible garb of settling or preventing trade disputes? That is a fatal objection to clause 16. Sir, if you will read clause 16, the object behind it will be perfectly clear. It says this:

"A strike or a lock-out shall be illegal which (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged; and (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action."

Now, is there anything in this which suggests, even remotely, anything about industrial disputes? And yet, in a Bill which is supposed to settle industrial strikes, clauses are included which are calculated to touch matters which are entirely non-industrial. Why should that be done? If you want these clauses, better include them in your Public Safety Bill, because their object is patently political. "Anything which is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action". Sir, supposing we want to compel the Government to take a particular course of action: supposing we want that the detenus under Regulation III of 1918 shall be released. Now, it will be admitted that this Regulation III of 1918 is a most barbarous and primitive measure. It was put into force at a time when conditions in India were not settled. It was not intended that a civilised Government should apply such a Regulation in times of peace, nearly 110 years after that Regulation was passed, and yet everybody knows, innocent young men in their scores and dozens have been taken away from their homes and clapped into jail in Mandalay or kept under confinement in solitary cells, in prolonged illness, until some of them have gone mad; some of them have become invalids for life, others have died, and homes have been broken and families have been ruined. You have barbarous measures on the Statute-book, which you put into force for the curtailment of public liberty. Now, supposing we want, as a national protest, to organise the workers, to organise society and to organise public opinion against your use of these barbarous and despotic

measures,—and it would be our honourable and most sacred duty to do so, to organise a national strike against the continued use of this barbarous and despotic measure, I mean the Regulation III of 1818,—supposing we want to do that, what will you say? You will come down on the workers under section 16 if this measure becomes law. Supposing we strike in Calcutta and Bombay and elsewhere; supposing we organise a strike of all workers, a strike of dhobies, strikes of tramway men, or strikes of any other industries like the telephone services, postal services, and so on, (*An Honourable Member from the Muslim Party*: “Strikes of scavengers”), simply to compel you to discontinue the use of Regulation III of 1818, you will say that these strikes are calculated or designed to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take or abstain from taking any particular course of action. Therefore, you will treat them as general strikes or as what you call sympathetic strikes, illegal strikes, and make them punishable.

Is this House going to countenance a measure of this character, which is calculated to kill all political agitation? If the nation takes up a movement to make it impossible for Government to use some of their archaic and despotic powers, you will come forward with this Act and then say that this House has passed it, and you will clap thousands of men into jails simply because they have assisted in the enforcement of the fundamental and elementary right. I ask the Honourable Member in charge to say whether this Bill is calculated to do this or whether it is not. Can he deny that this is the only and inevitable result that will follow? He cannot. If an agitation is taken up by the Indian National Congress for the purpose of preventing the use of Regulation III of 1818, will you not come down upon us, under this Bill, if it becomes law? I say, Sir, you will be entitled, under this Bill, if it becomes an Act, to come down upon all organisers and all those who participate in such a movement. The Honourable the Law Member will not deny that Government will be entitled, under this Act, if it becomes law, to come down upon the strikers and demonstrators on the ground that they inflict severe, general and prolonged hardship upon the community and compel Government to take, or abstain from taking, any particular course of action.

Mr. K. Ahmed: Government will be justified in doing so.

Mr. Jamnadas M. Mehta: It is a pity any fellow-Indian should think that Regulation III of 1818 should be allowed to be used to crush a propaganda of the kind I am describing.

Mr. K. Ahmed: Against the demonstrators.

Mr. Jamnadas M. Mehta: Why should it be used against the demonstrators or against anybody? I say that the use of Regulation III of 1818 will continue unabated if this clause 16 is made part of this Bill, and therefore I offer the most determined opposition to it. Take the arrest of a man like Mahatma Gandhi. Supposing you arrest him or any man on a trumped-up or frivolous charge of burning cloth. Supposing you continue to do that on a large scale; supposing public opinion thinks that this is wrong and improper, and supposing a strike of mill workers or tramway workers takes place, then clause 16 will come into operation. Strikes for

[Mr. Jamnadas M. Mehta.]

objects which are not industrial and which are calculated to compel Government to take a particular course of action shall come under the ban of this measure and make people who participate in these strikes, criminals, liable to be clapped into jail. Therefore, Sir, the political object behind this Bill comes out in all vividness, in all nakedness, and I hope every Honourable Member, who values the personal liberty of his fellowmen, the personal liberty of the subject, and everybody who is against the use of these arbitrary powers and archaic measures of the kind I have described, will put his foot down on clause 16 and also on the other clauses of the same kind.

Then, Sir, there is a third objection to clause 16, which I wish to bring to the notice of this House. The protagonists of this Bill have told us that the object of this Bill is to promote a healthy growth of the trade union movement in this country. Now, Sir, their words are at entire variance with their deeds. Clause 16 and the other clauses give the direct lie to the professions of anxiety for the healthy development of trade unions in this country. Can any trade union of a healthy kind foster or grow or develop under conditions which are imposed by clause 15 or clause 16? A healthy trade union is made impossible. This clause 16 is simply a copy of a similar provision in the Trade Disputes Act, 1927, of England. If it could result in the healthy growth of trade unions in England, it was not necessary because trade unions are developed to perfection there, and yet in England a measure of this kind is passed because these trade unions have become a great eyecore to the powers that be. Therefore the legislation of 1927 has been enacted in England for the purpose of putting down trade unions, and not for the purpose of helping the growth or fostering the growth of the trade union movement—for the putting down of trade unions because they become unpleasant to the political imperialists and capitalists. The whole Labour Party were against it, even those who were against the general strike, even men like Mr. Ramsay Macdonald. Mr. Ramsay Macdonald at that time was not in England when the Bill was before the House of Commons. He rushed from across the American continent,—I think he had gone to America at the time. He was an invalid, and yet he was brought to the House of Commons for the purpose of showing that every Labour Member, to a man, was deadly opposed to that attempt of the Government there to interfere with the solidarity of the trade union movement in England. Can it be said that this clause 16 can have the result of fostering the healthy growth of the trade union movement when the entire labour movement in England refused to take it as a healthy thing for the labour movement over there? And as has been pointed out again and again, it has been the avowed object of the Labour Party in England, declared in no ambiguous terms, that the moment the Labour Party comes into power it shall be amongst its first objects to annul and to remove from the Statute-book such a great blemish on legislation. Sir, clauses 15 and 16 and other cognate clauses are political in their aim, political in their purpose, and have nothing to do with the healthy growth of trade unions, or with the settlement of trade disputes, or with anything that has any real organic connection with industries or labour as such; they are wholly extraneous and exotic things with ulterior objects.

Apart from this, there is an essential inherent injustice in some of these clauses, even on the footing that the Bill itself is a necessity. For

instance, it has been provided that the sanction of the Government must be necessary before any action can be taken under clause 15, the idea being that there should be no hasty action, nor any ill-considered false step. That is all right. So far as any action against a worker is concerned, I think it is a healthy provision that, unless the Government sanction the prosecution, there should be no action possible. Against the undue zeal and hurry of the employers this is a healthy precaution. But what about the circumstances where some action against an employer is to be taken? Under this Bill, amongst the employers, figure the various Government departments, Postal, Telegraph, Telephone, the Railway Department, and so on

Mr. President: Order, order. I desire to know how long the Honourable Member will take.

Mr. Jamnadas M. Mehta: Sir, I am fairly half way through my speech.

Mr. President: The Honourable Member is not in a position to finish by five o'clock?

Mr. Jamnadas M. Mehta: Then, Sir, there is this clause that when an employer is to be put in the dock, the sanction of the Government must be obtained. That is certain to stand in the way because amongst the employers are, as I said, the Postal Department, the Telegraph Department, the Telephone Department, the railway services. And the railway services are such a huge organisation, seven lakhs of people or even more are employed by the various railway services. The oppression and tyranny of the petty officials over these poor ill-paid people are notorious, and whenever they have a grievance, unless the Government sanction the prosecution, no Court can take cognisance of it. Now, I ask whether it is possible to expect that any sanction will be forthcoming for the prosecution of Government officers when the poor workmen of a trade union in a railway service are the aggrieved party. Is it possible, I ask in all earnestness, that Sir Bhupendra Nath Mitra will sanction the prosecution of a Postmaster-General, or the Director General of Telegraphs, or whether the Honourable Sir George Rainy will sanction the prosecution of Mr. Hayman or Mr. Rau or the Agent of the various railways? Is it conceivable? And yet you pretend that you have treated the employers and the employed on the same footing. You say you are treating strikes and lock-outs on an equal footing. You are the person to sanction prosecution. You are the person to be prosecuted. Is it human, is it even rational to expect that you will sanction your own prosecution? You may try to persuade Honourable Members behind you, but no man outside those Benches will accept your proposition that, when you are to be prosecuted, and you are to sanction the prosecution, you will easily sanction it

The Honourable Sir Bhupendra Nath Mitra: I am not to be prosecuted.

Mr. Jamnadas M. Mehta: What I mean to say is your subordinates, the various Government Departments are to come under this Bill. If you really mean that illegal lock-outs should be treated as criminal, if you really mean that, you must provide such a method for bringing home to these delinquents their own faults and shortcomings and then it should be possible to reach them by an honest, earnest and genuine effort. Otherwise you are giving a right by one hand and taking it away by another. For instance, it was suggested in the Select Committee that if an employer was a Government servant—I will assume that against a private employer—the Government would easily give sanction

Mr. President: Order, order. The Honourable Member is treading now on delicate ground. He is referring to something which happened in the Select Committee.

Mr. Jamnadas M. Mehta: It is already mentioned in the minutes of dissent, and it is also mentioned in the Report. A whole paragraph has been devoted by the Select Committee to this point. Sir, I was saying that I would assume that Government would give permission to prosecute a private employer. There again I have serious doubts. If it happens to be the Assam tea planter or the European jute manufacturer or any important interests which are so dear to Government, then, in the case of illegal lock-outs, any sanction from Government is a thing which is next to impossible. But I will assume that in the case of the private employer the necessary sanction will be forthcoming in a proper case, although it is a great admission. But if it is a Government department like the Railway or the Telegraph or the Telephone, or the Post, I say that sanction is absolutely impossible to obtain unless you provide it by a more simple and a more direct method. Therefore we had suggested that, if any trade union figures in a dispute, and any illegal lock-out is complained of, if that trade union, by holding an extraordinary meeting, comes to the conclusion, by a majority of three-fourths, that the prosecution of the employers should be launched, and if that extraordinary Resolution is confirmed by another extraordinary meeting of the same trade union, then sanction should be deemed to have been obtained. That is what we have proposed in the Select Committee.

Now, Sir, if these unorganised or helpless workers, who are just beginning to learn their rights, are to be given the real right to prosecute an illegal lock-out by an employer, that should be a real right. It should not be a mere farce. It should be such as is tangible, which he can handle and easily put into force and therefore a provision of the kind that we suggested, namely, that an extraordinary Resolution of a trade union affected by a trade dispute or lock-out, confirmed by another extraordinary Resolution should be sufficient to give the sanction requisite under this Bill. That was denied. Further, a great injustice is done to the trade unions by protecting what is called blacklegging. We have brought it out in the minute of dissent where we say that the protection given to blacklegs in clause 17 amounts to an improper interference with the internal administration of trade unions, because the idea is to protect this man by compelling the trade unions to continue him still as a member. If the trade union is going to be treated as a really autonomous organisation, where the powers of management of its own organisation and funds is to be unhampered by any extraneous influence, this kind of right should not be conferred on a blackleg for the purpose of forcing himself on a trade union when he is not wanted by the majority of his own colleagues. That cannot lead to a settlement of trade disputes. It cannot lead to fewer strikes . . .

Mr. President: Perhaps the Honourable Member would like to continue tomorrow morning.

Mr. Jamnadas M. Mehta: Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 3rd April, 1929.