

6th April 1929

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

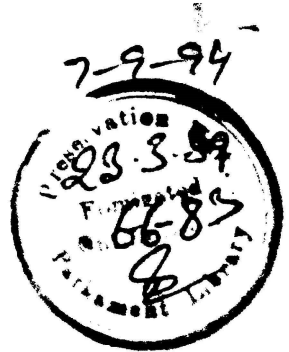
Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



DELHI
GOVERNMENT OF INDIA PRESS
1929

Legislative Assembly.

President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

SIR DARCY LINDRAY, Kt., C.B.E., M.L.A.

SIR PURSHOTAMDAS THAKURDAS, Kt., C.I.E., M.B.E., M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

Secretary :

MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

Committee of Public Petitions :

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

MR. DWARKA PRASAD MISRA, M.L.A.

SIR PURSHOTAMDAS THAKURDAS, Kt., C.I.E., M.B.E., M.L.A.

MR. DHIRENDRA KANTA LAL HIRI CHAUDHURY, M.L.A.

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

CONTENTS.

VOLUME III *21st March to 12th April, 1929.*

PAGES.

Thursday, 21st March, 1929—

Member Sworn	2265
Short Notice Question and Answer	2265-71
Motion for Adjournment—Raids and Arrests in Several Parts of India—Leave granted by the Honourable the President but disallowed by H. E. the Viceroy and Governor General.	2271-77, 2296
The Indian Finance Bill—Motion to consider adopted and discussion on the consideration of clauses adjourned	2277-2322

Friday, 22nd March, 1929—

Questions and Answers	2323-2351
Short Notice Question and Answer	2351-53
Unstarred Questions and Answers	2353-59
Statement of Business	2359
The Indian Finance Bill—Discussion on the consideration of clauses adjourned	2360-2406

Wednesday, 27th March, 1929—

Questions and Answers	2407-46
Unstarred Questions and Answers	2446-79
Message from the Council of State	2479
Statements laid on the Table	2479-86
The Indian Finance Bill—contd.	2488-2528
Message from H. E. the Viceroy and Governor General	2521

Thursday, 28th March, 1929—

Questions and Answers	2529-52
Unstarred Questions and Answers	2552-54
Statement of Business	2556
The Indian Finance Bill—Passed	2555-2600
The Public Safety Bill—Discussion on the Motion to consider adjourned	2601-04

Tuesday, 2nd April, 1929—

Member Sworn	2605
Questions and Answers	2605-45
Short Notice Question and Answer	2645-49
Unstarred Questions and Answers	2649-51
Statement laid on the Table	2651
Message from the Council of State	2652

CONTENTS—*contd.*

PAGES.

Tuesday, 2nd April, 1929—*contd.*

The Indian Coastal Traffic (Reservation) Bill—Presentation of the Report of the Select Committee	...	...	2652
The Public Safety Bill—The Honourable the President advises the Government to postpone the Bill pending the Meerut trial, or to withdraw the Meerut case and then proceed further with the Bill	...	...	2652-54
Motion for the Election of a Panel for the Standing Committee to advise on Questions relating to Emigration—Adopted...	...	...	2655-61
Motion for the Election of a Panel for the Standing Committee to advise on Matters relating to Roads—Negatived	...	...	2662-71
Election of Members for the Governing Body of the Central Council of Agricultural Research	...	...	2671
Election of Members to the Standing Advisory Committee on Emigration and the Governing Body of the Central Council of Agricultural Research	...	...	2671
The Trade Disputes Bill—Discussion on the Motions to consider and to re-circulate adjourned	...	...	2671-2708

Wednesday, 3rd April, 1929—

Questions and Answers	...	...	2709-23
Unstarred Questions and Answers	...	...	2723-40
The Trade Disputes Bill—Discussion on the Consideration of Clauses adjourned	...	...	2740-93
Election of the Panel for the Standing Committee for Emigration	...	...	2770

Thursday, 4th April, 1929—

The Public Safety Bill—Statement made by the Honourable the Home Member that Government are unable to accept either of the alternative suggestions made by the Honourable the President	...	...	2795-97
The Trade Disputes Bill—Discussion on the consideration of clauses adjourned	...	...	2797-2852

Friday, 5th April, 1929—

Short Notice Question and Answer	...	...	2853
Election of a Panel for the Standing Committee for Emigration	...	...	2854
Election of Members to the Governing Body of the Central Council of Agricultural Research	...	...	2854
The Public Safety Bill—Views of Honourable Members on the Point of Order	...	...	2855-91
The Trade Disputes Bill—Discussion on the Consideration of Clauses adjourned	...	...	2891-2910

CONTENTS—*concl'd.*

	PAGE.
Saturday, 6th April, 1929—	
Question and Answer	2911
Unstarred Questions and Answers	2912-13
The Public Safety Bill—contd.	2913-17
The Trade Disputes Bill—Discussion on the Motion to pass adjoined	2917-62
Monday, 8th April, 1929—	
Questions and Answers	2963-65
The Trade Disputes Bill—Passed	2965-85
Thursday, 11th April, 1929—	
Member Sworn	2967
Bomb Outrage in the Legislative Assembly Chamber ...	2967
The Public Safety Bill—Ruled out of order	2967-91
Message from His Excellency the Viceroy and Governor General	2992
Friday, 12th April, 1929—	
Address by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly ...	2993-95
Short Notice Question and Answer	2996-97
Message from the Council of State	2997

LEGISLATIVE ASSEMBLY.

Saturday, 6th April, 1929.

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

QUESTION AND ANSWER.

Mr. President: Dr. Moonje.

Dr. B. S. Moonje: Question No. 1452, Sir.

Mr. M. K. Acharya: On a point of order, Sir, I wish to submit this. As a result

Mr. President: Order, order; this is question time.

GRANT TO INDIANS OF COMMISSIONS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

1452. ***Dr. B. S. Moonje:** (a) Will Government please state if it is a fact that commissions in the various categories in the Army in India Reserve of Officers have been granted to suitable Indians and if so, to how many Indians and in which categories?

(b) What particular technical knowledge is regarded essential for candidates to be considered suitable for appointment to commissions in any particular category?

(c) Is it a fact that a minimum service of six years in an infantry corps is one of the essential qualifications for eligibility to such appointments?

(d) If so, are Government aware that most of the members of the University Training Corps can put in only four years' service, for after graduating they leave the University and consequently have also to leave the University Training Corps?

(e) To remove this hardship, do Government propose to amend the rule so as to prescribe only four years' service in place of six years' service?

Mr. G. M. Young: (a) Yes. The total number of Indians holding Commissions in the Reserve of Officers is 265. Of these, 9 are for service on staffs, 7 in Cavalry, Tank Corps and Remounts, 2 in Engineers, 12 in Infantry, 35 on Miscellaneous duties, 2 in the Indian Army Service Corps, 1 in Ordnance Factories, 193 in Medical and Dental Services, 3 in Veterinary Services, and 1 in Railways.

(b) Technical knowledge is required for Commissions in the categories of Engineers, Medical and Dental, Veterinary and Railways.

(c) No, Sir; some previous military training is necessary, but no fixed period is laid down.

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

UNSTARRED QUESTIONS AND ANSWERS.

DELAY IN THE GRANT OF TRAVELLING ALLOWANCE TO DUFFRIES AND PEONS OF THE MEDAL SECTION, ARMY DEPARTMENT.

494. **Pandit Nilakantha Das:** (a) Is it a fact that some duffries or chaprasis of the Medal Section applied for their travelling allowance in November, 1926?

(b) If so, when was that application received, and when was the case taken up for necessary action? Will Government be pleased to say whether it is a fact that no action was taken within a year or more from the date of submission of the application? When did the men, and how many of them get the money? Why was the full benefit of the travelling allowance not granted to the men of the Medal Section at the time of the transfer of the office from Calcutta?

Mr. G. M. Young: The information is being compiled, and will be supplied to the Honourable Member when it is ready.

DELAY IN GRANT OF FAMILY TRAVELLING ALLOWANCE FROM CALCUTTA TO DELHI TO TEMPORARY MEN IN THE MEDAL SECTION, ARMY DEPARTMENT.

†495. **Pandit Nilakantha Das:** (a) Is it a fact that, even the temporary men of the Medal Section have recently got their family travelling allowance on account of the transfer of the office from Calcutta?

(b) If so, why were they not given the allowance before when the rules permit?

(c) Did Mr. B. B. Sur and Mr. S. N. Das get their family travelling allowance? If not, why not? Did they not apply for it?

APPOINTMENT OF JUNIOR ASSISTANTS IN CHARGE OF SECTIONS OF THE ARMY DEPARTMENT.

496. **Pandit Nilakantha Das:** Is it a fact that important sections of the Army Department have been placed in charge of junior Assistants? If so, why? Are the senior Assistants considered to be unworthy and incompetent for such posts?

Mr. G. M. Young: The answer to the first portion is in the negative. The rest of the question does not arise.

GRANT TO THE MEDAL SECTION OF LEAVE, HOLIDAYS, ETC., ENJOYED BY THE REST OF THE ARMY DEPARTMENT.

†497. **Pandit Nilakantha Das:** (a) Do the men of Medal Section get all the privileges with regard to leave, holiday, allowances, etc., as the men of the parent office, Army Department?

(b) Was the Medal Section closed in memory of the late Sir Alexander Muddiman? If not, why not? Was not the Army Department closed on that occasion?

(c) Is it a fact that, sometimes in the past, in the summer of 1927 the men of the Army Department used to get holidays on the last Saturdays of the months? If so, was this privilege extended to the men of the Medal Section who were suffering from the extreme heat of New Delhi? If not, why not?

† For answer to this question, see answer to question No. 494.

CONFIRMATION OF DUFFRIES AND CHAPRISIS OFFICIATING IN THE MEDAL SECTION, ARMY DEPARTMENT.

†498. **Pandit Nilakantha Das:** (a) Is it a fact that permanent posts of duffries and chaprasis in the Medal Section have not yet been filled in although sanction for such posts was obtained about two years ago?

(b) If so, why are the men who are officiating in these posts not being confirmed? Have they to qualify in any examination?

LIST OF UNQUALIFIED MEN CONFIRMED IN PERMANENT VACANCIES IN THE MEDAL SECTION, ARMY DEPARTMENT.

†499. **Pandit Nilakantha Das:** Will Government be pleased to furnish an up-to-date list of unqualified men entertained and confirmed in permanent vacancies in the Medal Section?

RETRENCHMENT OF CLERICAL POSTS IN THE ARMY DEPARTMENT.

†500. **Pandit Nilakantha Das:** (a) Is it a fact that three Upper Division and three Lower Division posts in the Army Department will not be filled in in the event of vacancies?

(b) Is it in pursuance of any general scheme of retrenchment?

(c) If so, will Government be pleased to state why 10 fresh posts in the Upper and 15 fresh posts in the Lower Division were sanctioned in March last year?

THE PUBLIC SAFETY BILL—contd.

(POINT OF ORDER).

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, may I, with due deference, ask you to let us know when you intend to give your ruling on the matter which was discussed in this House yesterday, because Government is quite anxious to know about your ruling so that they can settle their business for next week?

Mr. President: I should like to know what the business for the next week is; Government have so far not approached me for sitting next week.

The Honourable Sir Bhupendra Nath Mitra: Sir, in the absence of the Leader of the House, I desire to make a statement as to the course of Government business for the rest of the session. I am not at present in a position to say how many days will be required for the completion of our business. I would therefore request you, Sir, to direct that beginning from Monday the 8th the House should sit daily until the remaining Government business is concluded. I have to draw your attention, Sir, to the fact that the Trade Disputes Bill will, if passed by this House today, be laid on the table of the other House on Monday. In view of the possibility of amendments being made by the other House and of the necessity of the Bill being passed by both Houses before we leave Delhi, it will, in any case, be necessary for this House to remain in session here until it is known how the Bill has fared in the other House. The rest of the Government business, as I have already indicated to you, Sir, is dependent on your ruling on the matter which was discussed yesterday.

† For answer to this question, see answer to question No. 494.

Mr. President: That means that this House must be kept going till Thursday next; is that the idea of the Government?

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, that looks probable at the least.

Mr. President: I do not know whether Honourable Members are willing to sit till Thursday.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): Mr. President, I do not think there is really any risk of the Council of State making any amendments in the Trade Disputes Bill. I think it is a mere speculative statement, and I think, as far as I can understand it, Sir, the whole object of the Government is to bring up this Public Safety Bill which depends entirely upon the ruling of the Chair. If the Chair's ruling is one way, there will not be any further Government business; but if the Chair's ruling is the other way, of course there will be. Therefore, as a matter of fact I submit this reference to the Trade Disputes Bill is purely obiter—it is really a cover for something else; I do not think that we need detain the Assembly for a length of time; of course it is not as if we have not come from very far away places. It is all right for the Government to stay at Delhi as long as they please but, Sir, you should consult the convenience of all sections of the House; and it is in your hands, to a certain extent, to see whether the House should sit indefinitely at Delhi for the purpose of such nebulous and theoretical Government business as they may bring forward.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, on the last occasion when Mr. Crerar announced the statement of business before the House, the only statement he made on that occasion was that this House will sit as long as it was necessary to complete the passing of the Trade Disputes Bill and the Public Safety Bill. So Sir, every one of us was given to understand very definitely that, with the ending of that business, our business, at least as far as the present sitting is concerned, would end. I do not see why Government should now seek to say that there is going to be something next week so far as this Trade Disputes Bill is concerned. As our Leader has pointed out, there is absolutely not the faintest chance of the Council of State trying to introduce amendments when any attempt to introduce even the most attenuated amendment on this side of the House has failed to break the strength of the Government. So Sir, that is certainly a wholly theoretical position; and if such an extraordinary contingency occurs, the Government can find a way of getting on with their business. In that state of things therefore I submit that there is no Government business that can be put before the House, or that ought to be put before the House other than those which Mr. Crerar, the Leader of the House, told us last week was the business of the Government pending before this House.

Sir Darcy Lindsay (Bengal: European): Sir, the main point appears to me to be as to what is the decision which you have arrived at in regard to the Public Safety Bill. I also agree with the Honourable Sir Bhupendra Nath Mitra that it is not proper for the House to dissolve before the Council of State have finally disposed of such matters as this House refers to them.

Now, Sir, on the point of order, I, on behalf of my Group, very strongly urge upon you to give that ruling at once. If you have arrived at your conclusions, I maintain, Sir, that it is only just to the House that you should acquaint the Members with your decision. We have got to make our arrangements, Sir; I personally, at very considerable sacrifice, had to cancel my passage to England by the steamer leaving today.

Mr. President: I am very sorry to hear that.

Sir Darcy Lindsay: I, Sir, as one of your panel of Chairmen, thought it my duty to remain in Delhi in order to give you, Sir, such advice as within me lay: whether you accept it or not, it is of course for you to decide.

Mr. President: I am grateful to the Honourable Member.

Sir Darcy Lindsay: But I, with all good intention, have remained to give you that advice. Now, Sir, it is on account of the convenience of the Members, that I ask you to give your decision at the earliest possible moment. But, Sir, there is another point. I am very jealous, Sir, of your good name. We have been good friends all our time, and I do dislike intensely the lobby gossip, the newspaper gossip about you.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Where is the newspaper gossip?

Sir Darcy Lindsay: I have it here in my hand.

Diwan Chaman Lall: Will the Honourable Member read out from the paper?

Mr. President: Order, order; this is all irrelevant.

Sir Darcy Lindsay: Well, Sir, the point I wanted to make was that the gossip of which, Sir, you have taken notice in the Simla session, is to the effect that it is your intention to defer your ruling until all the business of the House comes to an end.

Mr. President: Press gossip is not relevant.

Sir Darcy Lindsay: I wished to bring this point of the gossip to your attention. I for one have stoutly denied any such intention on your part; and I am quite certain that it is farthest from your thought . . .

Mr. President: I think the Honourable Member, in all fairness to the House, will recognise that the Government should tell the Chair what their plans are, in the event of the ruling going against them, in order to enable the Chair to make its statement.

The Honourable Sir Bhupendra Nath Mitra: It is hardly fair for you, Sir, to ask me, nor would it be possible for the Government to make any statement of their intentions in the event of something hypothetical happening.

In regard to the statement of business next week, I should like to remind the House that what the Honourable Mr. Crerar said was that the Government wanted the House to continue to sit until the whole business on the agenda was completely disposed of. Now, the business connected with the Trade Disputes Bill will not be completely disposed of until we know what is going to happen in the other House. (*Some Honourable Members on the Congress Bench:* "No, no".) That is my submission.

[Sir Bhupendra Nath Mitra.]

The next point is this. Government cannot make any statement in regard to the other business, or to matters arising out of that business, until they are in a position to know definitely about your ruling.

Mr. M. Keane (United Provinces: Nominated Official): Sir, as several Honourable Members have spoken on this matter, I should like to say, in a few words, frankly what the position appears to be to some of us, apart from the Government, and apart from any ideas that the Opposition may have. My difficulty and the difficulty of several others here is that, as far as we know at present, the question that was originally proposed from the Chair in regard to this business of the Public Safety Bill, namely, that the Bill be taken into consideration, that question is still before the House. It has not yet been disposed of. I would draw your attention, I am sure you know it, to Standing Order 30, which lays down that every question requiring the decision of the Assembly shall be brought—it is a mandatory thing—shall be brought forward by means of a question put from the Chair on a motion proposed by a Member. That has all been done. The motion has been proposed by a Member, a Member of the Government. (*An Honourable Member*: "And not from the Chair.") A motion has been moved by a Member of the Government. On that motion a question is proposed or is taken to be proposed from the Chair. That question is actually before the House, so far as I know, and the Government of India Act definitely lays down, in the most unequivocal way, section 63 (D) I think it is, that every question proposed from the Chair,—this is entirely apart from your ruling on any matter—that is not a question at all, it is a ruling on a point of order,—I am speaking of a question, the question before the House, and as I was saying, the Government of India Act says in so many words, that every question shall be decided by a majority of the votes of the House. That question is still before us; it concerns the business or the course of business that is before the House. The Honourable Sir Bhupendra Nath Mitra mentioned . . .

Mr. President: The Honourable Member is making a speech which he should have made yesterday.

Mr. M. Keane: I am speaking on the business that the Honourable Sir Bhupendra Nath Mitra has stated is before the House. I am not making a speech on the merits, because if I were to make a speech, I might say, apart from the legal arguments that we listened to so long yesterday, the real point before me and others of my way of thinking was that there is a definite provision of law that the Legislature has power to legislate for every person and every thing in British India. If I were to make a speech, I would simply say that much, but as far as our business is concerned, I want to impress on you that, so far as I know, according to the rules, according to the Government of India Act, there is this business still before the House, namely, the question proposed from the Chair, and under the Government of India Act that question has to be resolved by a majority of the votes of this House. Frankly I must submit that I am in difficulty about it.

Mr. President: I will answer the difficulty of the Honourable Member. Although a question has been proposed from the Chair, if the Chair finds that the motion on which that question is based is out of order, that question falls.

Mr. M. Keane: It seems to me, Sir, that the question was actually proposed and was before the House. If a slip is made, the remedy is, for I take it you would not be against the will of the House if the whole House expressed itself that there should be

Mr. President: The Honourable Member, who was President of a Legislative Council, knows well that very often questions are proposed from the Chair, but points of orders are raised subsequently and then the original motion is ruled out of order.

Mr. M. Keane: I do not wish to argue with the Chair, but the original motion would have to be withdrawn, or be put to the House under the Government of India Act for the majority of the House to decide.

Mr. President: In view of the fact that the Government are not prepared to disclose their plans to the Chair, in order to enable the Chair to make any statement, I refrain from making any statement.

THE TRADE DISPUTES BILL—contd.

Mr. President: The House will now resume consideration of the Trade Disputes Bill clause by clause.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): On a point of order, Sir.

Mr. President: Is it in connection with the Trade Disputes Bill?

Mr. M. K. Acharya: Yes, Sir.

Mr. President: Is it in connection with the amendment that is now before the House?

Mr. M. K. Acharya: Yes, Sir. My point of order concerns the discussion on the Trade Disputes Bill, that is now going on. I do not wish to waste your time or the time of the House but the question now before the House

Mr. President: The Honourable Member will state the point of order and nothing else.

Mr. M. K. Acharya: The point of order is whether we can proceed to discuss a later motion on the agenda while an earlier one has not yet been withdrawn, or otherwise disposed of.

Mr. President: I give the ruling that it is perfectly in order in this case.

Mr. M. K. Acharya: May I know under what rule or standing order?

Mr. President: The Honourable Member will resume his seat. The Chair has given its ruling. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Sir, yesterday, I was submitting that if there is a trade dispute, the extent of which will inflict great hardship upon the community, even then, it is not obligatory upon the Government to refer the matter to a Court of Inquiry, or Conciliation, and the Government may watch the situation sullenly without moving their little finger. The Bill further provides that if

[Pandit Thakur Das Bhargava.]

there is an apprehension of a trade dispute, even then the Government is competent to refer the matter to a Court or a Board. It stands to reason that, when such large powers are being given to the Government, the Government should make for and ordain conditions in which the general strike may become impossible, and if despite conferment of those powers, the general strike is possible or imminent, the Government should be held accountable for losses and injuries to labourers and employers. Instead of a provision like that, which would be a natural corollary from clauses 1 to 14, we have here this provision of clause 16, which arms the Government with still greater powers, and they get a premium for their contributory negligence in the matter. Sir, the other argument that I would place before this House is that this provision in clause 16 is productive of more mischief than good, because, according to it, if there are two disputes in two different trades, then a strike of two sets of workmen in those trades is quite legal. From this it would follow that people would try to manufacture and create disputes in order to justify sympathetic strikes, and in every trade and industry it is not difficult to manufacture disputes. The contingency is obvious and I need not labour the point. Another reason which I would submit for the consideration of the House is that this provision of clause 16 will solidify and stereotype the caste system. Now, if all the shoe makers in India went on strike, their strike would be perfectly legal, but if a goldsmith or an iron-smith went on strike sympathetically then that strike would be illegal, provided other conditions are satisfied. I submit that the spirit of exclusiveness, immobility, and rigidity of the caste system which we want to exorcise from our national life this bill seeks to encourage. In India not unoften inherited caste is a synonym for particular trade.

Lastly, I would submit that it is a class measure of a very pernicious kind. It is plain, if the words community and general have their ordinary dictionary meanings, that unless and until 90 per cent. of the population is affected by the strike, that strike cannot come within the mischief of this clause. It is clearly a measure in the interests of a microscopic minority and against the generality of the workmen. I would therefore submit that this clause should not be passed.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I am sure that this House will feel grateful to my Honourable friend, Diwan Chaman Lall, for having helped it to exhibit to the public eye that the House took a considerable amount of time to deal with this important clause, and did not dispose of it in a somewhat light-hearted manner in a short period of a couple of hours or so, while in the House of Commons a debate on a somewhat similar question lasted for days and days. I am afraid, however, that when the public scan through his speech critically, they will feel that there is little of substance in it, and of relevancy to the present day conditions of India. Any Member of this House, or of the public, who has read, or may care to read, the record of the debates in Hansard, will realise that my friend, Diwan Chaman Lall, was trying to regale this House with a summary of certain speeches made in the House of Commons in connection with the second reading of the Trade Disputes and Trade Unions Act, 1927, overlooking the fact that the circumstances in this country are quite different from those in England. Thus he talked cheerfully of the Transport Workers' Unions,

and the nationalisation of mines, though an experienced trade unionist like him should have realised that those things do not exist in India at the present moment and are not likely to come into existence in the next five years, that being the period for which the Bill before the House will be in operation. He referred, in the course of his speech, to an open challenge thrown out by the Labour Party that, once they came into power, they would throw out the Trade Disputes and Trade Unions Act of 1927 from the Statute-book. I do not know when that state of things will be reached in England; but as I have already said, this Bill, according to one of its provisions, is intended to cover a period of five years only, and after that space of time, it will be open to this House to reconsider the provisions of this Bill. Further, I am afraid that the public, when it has an opportunity of studying closely the speech of my Honourable friend, will be inclined to feel that the prolongation of the debate has resulted only in needless waste of money of the community at large, to whose interests my Honourable friend and his supporters appear to be so blind. At any rate, this is the impression left on my mind, and I do claim to have made the question the subject of serious study, after listening to the speeches with great patience, though the drain on my time thereby entailed does not entitle me to any overtime payment which would be admissible under my Honourable friend's 8 hour day schemes.

Now, Sir, it seems to me that my Honourable friend and many of his supporters have failed to realise the object and the effect of this particular clause 16 and the consequential clauses. Clause 16 makes certain classes of strikes and lock-outs illegal. Now, Sir, as I said the other day, mere cessation of work is the fundamental right of the workman, but a strike does not necessarily mean a mere cessation of work. Strike is accompanied by certain other elements like intimidation, picketing, tortious acts, etc., which, unless they were specifically protected by the community by specific legislation, would come under the mischief of the conspiracy acts. I should like my Honourable and gallant friend, Colonel Gidney, who unfortunately is not here at the moment, to take particular note of that position. I think he said yesterday that all strikes are legal unless they are declared to be illegal. Undoubtedly strikes are legal if the word strike is intended to mean mere cessation of work, but the other elements so painfully attendant on a strike are illegal unless, as I said, they are made specifically legal by a concession from the community. My Honourable friend, Diwan Chaman Lall, in his usual hysteric speech, characterised this clause 16 as slave legislation, because, according to him, if a man refuses, in concert with his fellowmen, to engage in any particular employment for the reason that he wishes to go on a sympathetic strike to help his fellow workers, and thereby to cause hardship to the community, in order to compel Government to do, or not to do, certain things, then his action will be penalised. But, Sir, if he had only read the proviso to clause 17 of the Bill, he would have seen that cessation of work, refusal to continue to work or to accept employment, does not, under the proposed Act, constitute a penal offence. That is the sort of misleading information which my Honourable friend has been trying to place before the House in order to create an atmosphere against this particular measure.

Now, Sir, as I have failed to discover in the speeches of my Honourable friend, Diwan Chaman Lall, and of his supporters any arguments of substance in support of the amendment before the House, or any serious

[Sir Bhupendra Nath Mitra.]

attempt to refute the arguments which I have already placed before it, I do not propose to take much of the time of the House over the matter. I shall simply reiterate and summarise the arguments which I used in the Select Committee, with the result that I brought round a large majority of that body in favour of the principle underlying clause 16, and which have been placed from time to time before this House also. These arguments are:

Firstly, the workman does not possess a natural or inherent right to strike as distinct from the right to stop work. The statement that has been made is not a dictum of my own manufacture but, as I have already stated, it is based on publications of the International Labour Office, Geneva.

Secondly, the right to strike, including an immunity from punishment against cases of conspiracy, where it is conceded by the community, is not an absolute right enjoyed under all circumstances by all workmen without distinction. And in conceding the right, the community and the State, as the protector of its interests, are fully entitled to provide such safeguards as they may consider to be essential for the purpose. With this object, strikes may be prohibited in certain undertakings of an essential character, or even in general where special circumstances exist. Here, again, the statement is based on, and is indeed mostly copied from, publications of the International Labour Office.

Thirdly, I do hold that any measures intended to restrain a workman from taking any hasty action which might alienate from him the sympathies of a substantial part of the community, and might thus impede the achievement of his goal in the matter of improvement of his conditions of living and work, are calculated to be in the best interests of the workmen himself.

Now, Sir, in this connection I should like to refer to a point—a mathematical point if I may so call it—which was raised by my respected friend, Mr. Kelkar. That point struck home to me because in my college days I was a student of mathematics, and was considered to be a distinguished student. (Hear, hear.) I do not want to boast, but I stood first with first class Honours in the B. A. examination of that particular year. My friend said that the factors on the part of the worker were—number, swiftness of action, combination and public sympathy. Now, this particular provision is calculated to array on his side, to the fullest extent, that public sympathy. It is a matter of regret to me that my Honourable friend did not come to help us in the deliberations of the Select Committee, for if he had come, I have no doubt I would have been able to persuade him, as I managed to succeed in the case of others, about the soundness of my case.

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural): I was not put on this Committee.

The Honourable Sir Bhupendra Nath Mitra: That is what I have said. Now, my Honourable friend, Mr. Kelkar, assumed that public sympathy would always be on the side of the workmen because he was the weaker party. With due deference to my Honourable friend, I may say, from the result of actual experience, that that is not the fact in all cases, because there are cases where the strike is actually engineered by men who

have not the interests of the workmen at heart, and the poor workman has to suffer because of the fad of some hot-headed and wrong-headed individual. In cases of that sort the public sympathy always goes against the workman. I shall for the information of my Honourable friend, and of this House, mention two of the incidents of which I have personal experience. It was in March 1922 that I spent, at the holy station of Baidyanath in the Sauthal Parganas, a couple of months' holiday. At that time the *Sivaratri* festival was on, and day after day, when I used to take my morning walks, I used to come across numbers of villagers bound on that pilgrimage and shouting "*Jai Baba Baijnath, Jai Mahatma Gandhi*". That went on for three or four days. One day I was surprised to hear that they were shouting only "*Jai Baba Baijnath*". So I got hold of one of these people and had a talk with him in Hindustani. I shall translate the substance of that talk in English. I asked the man: "Why is it that you have dropped your *jais* for Mahatma Gandhi?" The answer he made was "Sabib. I do not know what the Mahatmaji has done, but he has somehow or other started a strike on the railway, and now we have got to walk for miles before we can reach our place of pilgrimage on an important occasion like this. Therefore, I have decided to place my faith only in Baba Baijnath."

Mr. N. C. Kelkar: And Baba Baijnath, I suppose, remedied his grievances. (Laughter.)

The Honourable Sir Bhupendra Nath Mitra: That is more than I can say. I can mention another instance, of which my Honourable and gallant friend Colonel Gidney is fully aware, though at the present moment he is not in the House. This was in the year 1925. A certain class of employees in a public utility service decided to go on a lightning strike, though they had been guaranteed by their employer relief against the specific grievances they could urge. In spite of that, they decided to go on a lightning strike. The result was—I am pretty certain that my Honourable friends from Calcutta will recollect the incident—that it deprived them of all public sympathy.

Therefore, Sir, it is not in all cases that the sympathy of the community works in favour of the unfortunate workman, and it is with a view to secure the object which is in the heart of my respected friend, Mr. Kelkar, and also in my own heart, that the provision in clauses 16 and 17 has been introduced. As I have already explained, those provisions will not in any way injure or penalise the man who simply stops his work. They will undoubtedly penalise the man who "declares, instigates, incites others to take part in", etc., that strike; and that action, if I may say so, has the support of no less a person than my Honourable friend, Diwan Chaman Lall. He said, in this House on Wednesday, and I took down some of his words immediately, and I have had them checked through the courtesy of the Secretariat, never in his whole experience of the labour movement, lasting over nine years, had he instigated a strike and he said: "I cannot conceive of a man who could go out of his way and act criminally in this fashion, that is, to instigate a strike."

Now, Sir, that is the man we want to catch, and I am pretty sure that I will have the support of my friend, Diwan Chaman Lall.

My fourth argument is that this particular measure, and connected measures, will help to foster the development of trade unions in India on

[Sir Bhupendra Nath Mitra.]

the right lines. We have not in India reached a state of affairs yet, when we can get combined unions of transport workers and things of that sort. Here again, what I am telling the House is the result of experience, and one of my Honourable friends opposite will be able to bear me out that what I am telling the House is the absolute truth. In the city of Calcutta there are numbers of press employees working under different employers, the employers in some cases being Government, and in other cases private individuals, and some of them actually work in a department under my control. If these unfortunate people were allowed to have their own way, they would form—that is those who are working in that press under my control—they would form themselves into their own union, like the Postal people, about whose achievements most of my Honourable friends are aware. If they had done so, and placed their grievances before me, I am sure they would have got reasonable remedies. As a matter of fact, on one occasion, when they did place their case before me, I gave them the relief which to me seemed to be adequate. But that solution did not suit the book of a particular gentleman, who wanted to make his name in the trade union world of India. He said, "No, you must not do this." He got hold of one group of employees serving under one particular employer, another group serving under a different employer, a third group serving under a third employer, and wanted to form them into a big union. Now with whom was that union going to negotiate? I hold that if trade unions are to be formed in India on proper lines, we must start with the small units. That is the only way that a trade union can be formed.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): On a point of order, Sir. Are we dealing with clause 16, or are we dealing with the formation of trade unions?

The Honourable Sir Bhupendra Nath Mitra: I am explaining my fourth argument and I hope you will declare it perfectly relevant.

I think the point I was on was that the proper way of forming trade unions in India is to start from the small units, and after they have developed themselves, you may have your larger unions. This Act will be in operation for 5 years, and if my friend, Diwan Chaman Lall, will, within those five years, have managed to form those small units, he will have earned the eternal gratitude of these unfortunate workmen. The force of my line of argument was recognised by one of his colleagues sitting on those Benches and resulted in his taking a particular line of action, on which I shall not dwell further.

Now, Sir, I want to say a few words about the wording of this clause 16. Honourable Members are aware from the italics in the clause, that the clause as it now stands is not what was originally drafted by me, but was largely amended by the Select Committee. Now in regard to the wording of clause 16 (1) (b), my Honourable friend, Diwan Chaman Lall, made this observation. There was once a very famous writer, who said the devil himself did not know the mind of man, and from that he wanted to draw the metaphor that, in this case, he did not know the mind of Government. My difficulty with my Honourable friend is this, that he can never take things seriously. If he had carefully followed the discussions in Select Committee, he would have realised that this did not disclose the

hand of Government, but that it disclosed the hand of a Member of his own Party, who at the present moment is not in his seat and . . .

Mr. S. Srinivasa Iyengar: Those which are not in the Select Committee Report are not in order.

Diwan Ohaman Lall (West Punjab: Non-Muhammadian): What disclosed the hand of my Party?

The Honourable Sir Bhupendra Nath Mitra: And if there is any metaphor applicable to the case it does not apply to me.

In connection with that clause, my Honourable and gallant friend, Colonel Gidney, asked me two questions. This is his first question. Would the demonstration of displeasure of a certain act on the part of his employer by a railway workman, by calling a general strike for one day, be an illegal strike? Now, Sir, it was really to rule out cases of that sort that the clause was amended and brought into the form in which it now stands, and that is my answer to my Honourable and gallant friend.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians). A day's strike is not included in that and is not an illegal strike?

The Honourable Sir Bhupendra Nath Mitra: A day's strike is not included because that is not designed to "inflict severe, general and prolonged hardship upon the community." The second question which my Honourable friend put to me had something to do with the Welsh system of causing railway strikes. I gave him a provisional answer, and thereafter I listened to the whole of his statement. It left me entirely befogged, because I could not discover that the facts revealed a cessation of work, and as there was no cessation of work, there could be no strike.

Lieut.-Colonel H. A. J. Gidney: If you detain a train at a way-side station for two hours and this is repeated all down the line will it not disorganise and stop the work?

The Honourable Sir Bhupendra Nath Mitra: That is not cessation of work on the part of the workmen.

Now, Sir, various gentlemen have raised various points in connection with the wording of this clause, rather a portion of it, *vis.*, clause 16 (1) (b). I can only say that the wording was very carefully checked by my Honourable colleague the Law Member, and an eminent and learned Member of this House, Mr. Jinnah, and both of them certified that there was nothing wrong with the wording. That being so, I am quite content to take on trust the verdict of these distinguished luminaries of law as against the doubts which have been entertained by some other Honourable Members of this House.

I think, Sir, I have dealt with all the substantive matters which it is necessary for me to deal with, and I must wind up by definitely opposing the amendment of my Honourable friend.

Mr. President: The question is:

"That clause 16 stand part of the Bill."

The Honourable Sir Bhupendra Nath Mitra: Is it that the clause stand part of the Bill. Sir? Or is it the amendment that is put?

Mr. President: It is in the discretion of the Chair to put either. The question is:

“That clause 16 stand part of the Bill.”

The Assembly divided :

AYES—55.

Abdoola Haroon, Haji.
 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.
 Dakhan, Khan Bahadur W. M. B.
 Ghulam Kadir Khan.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Ghazanfar Ali Khan, Raja.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel H. A. J.
 Gour, Sir Hari Singh.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Hussain Shah, Sayyed.
 Ismail Khan, Mr. Muhammad.

Jawahir 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.
 Rahimtulla, Mr. Fazal Ibrahim.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rajan Baksh Shah, Khan Bahadur
 Makhdum Syed.
 Rao, Mr. V. Panduranga.
 Rau, Mr. H. Shankar.
 Rau, Mr. P. R.
 Roy, Mr. K. C.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shillidy, Mr. J. A.
 Singh, Rai Bahadur S. N.
 Suhrwardy, Dr. A.
 Webb, Mr. M.
 Wright, Mr. W. T. M.
 Yakub, Maulvi Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfikar Ali Khan, Nawab Sir

NOES—42.

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

Mitra, Mr. S. C.
 Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Rang Behari Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Roy, Mr. B. O.
 Sarda, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shafee, Maulvi Mohammad.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Kumar Ranajava.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Ratvaranjan Prasad.
 Sinha, Mr. Siddheswar Prasad.
 Tirloki Nath, Lala.
 Yusuf Imam, Mr.

The motion was adopted.

Clause 16 was added to the Bill.

Mr. President: Now, I will go back to clause 2. The question is that 12 NOON. clause 2 stand part of the Bill.

Colonel J. D. Crawford (Bengal: European): Sir, I have an amendment in my name, No. 13, that:

"In sub-clause (g) (i) of clause 2 of the Bill, after the words 'any railway', the words 'or Inland Steam vessel' be inserted."

But I would, with your permission, Sir, put it as "Inland steamer service" instead of "Inland Steam vessel".

The House, Sir, has accepted the principle that workers in public utility services are in a different category from workers in ordinary services; and I think we have to consider very carefully what are and what are not public utility services. It is a matter of surprise to me that Government have not themselves included the inland steamer services. I can understand a railway service being a public utility service, because food supply in big towns like Calcutta is entirely dependent upon the railway service. If that railway service ceases for a week, the population of a big town like Calcutta would be starving. But, Sir, there is a similar position in the mofussil. For instance, take the Brahmaputra valley. There are districts there which are practically entirely dependent for their food supplies upon the steamer services, and again there are steamer services connected with the railway services. Take for instance the steamer service from Goalundo to Chandpur. These are essentially, to my mind, public utility services. They may not be as important as the railway service, but people in the mofussil may be inclined to say that, because the Government of India is fed by railway services, it has nothing to do with the steamer services; it won't care about big mofussil towns, so long as it will make its own position all right. I know, Sir, that the Select Committee came to an agreement after considerable discussion on these questions, and I do not like to upset, in any way, that agreement. But I do want to know whether the Government will consider this matter that the Inland steamer service also is a public utility service and whether they will undertake to introduce a further amending Bill, if they cannot accept my amendment now, at a later stage after due consideration.

The Honourable Sir Bhupendra Nath Mitra: Sir, personally, my feeling is in favour of the amendment moved by my Honourable and gallant friend Colonel Crawford. I am however labouring under a peculiar difficulty in this matter, and I am pretty sure my gallant friend will appreciate my difficulty. The Bill as it emerged from the Select Committee was a sort of compromise, and I feel that I would be failing in my duty to my colleagues on the Select Committee, who helped me in securing this compromise, if now I were to accept and get through this amendment which my Honourable friend has moved with the support of the Government votes. That being so, I must, with regret, oppose the amendment. The Bill now before the House does not give the Government automatic power to declare what is a public utility service in addition to those specified in the Bill. Therefore, any amendment will have to form the subject matter of a fresh enactment by the House. My Honourable friend's

[**Sir Bhupendra Nath Mitra.**]

point will be noted for consideration at the stage when Government are in a position to bring in an amending Bill, of course if the Bill now before the House becomes law.

Colonel J. D. Crawford: Sir, in view of the Honourable Member's statement that he is prepared to consider an amending Bill at a later stage, I would, with your permission, and the permission of the House, like to withdraw my amendment.

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

Diwan Chaman Lall: Sir, I move that:

"In sub-clause (j) of clause 2 of the Bill, after the words 'between employers and workmen' the words 'or between employers and employers' be inserted."

Because, Sir, it is conceivable that a particular dispute may arise not only as a result of dispute between the employers and workmen or workmen and workmen, but also as a result of a dispute between employers and employers.

The Honourable Sir Bhupendra Nath Mitra: Sir, this point was decided in the Select Committee, and we did not feel the necessity for making this amendment, as it is inconceivable that there might be a dispute or difference between employers and employers, which would be connected with the employment or non-employment or the terms of employment or the conditions of labour of any person. We accordingly came to the conclusion that the addition proposed by my Honourable friend, Diwan Chaman Lall, would be superfluous. I adhere to that opinion, Sir, and I must oppose this amendment.

Mr. President: The question is:

"In sub-clause (j) of clause 2 of the Bill, after the words 'between employers and workmen' the words 'or between employers and employers' be inserted."

The motion was negatived.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

***Sir Hugh Cocke** (Bombay: European): Sir, before you put this motion, I desire to make a few remarks on the question of sub-clause (g) which includes the various services which are ranked by the Select Committee as public utility services. As I mentioned the other day, the tramway service has been excluded. I do not know how it is that with all the scholarship and learning of the Select Committee, (*Mr. Gaya Prasad Singh*: "Hear, hear"), a large number of men have come to this decision that a trainway service is not a public utility service. In my view it is much more so in many places than the service which provides light. The working man can get on very well without light because he goes to bed early and he gets up at daybreak; but the working man has got to go to his work many miles by tram car, and if he is deprived of his tram service, he is deprived of what is very distinctly a public utility service. I do not say that every tramway service is necessarily a public utility service. There may be tramway services which run only two miles

and it may be very good for workers to walk two miles, although it is perhaps rather hard at the end of the day when they are tired; but, Sir, you know a place called Bombay, and if you have a job in Crawford Market and have to get to that job from Parel, and the tramway service is withdrawn, and there are no motor buses, you have got to stay at home and give up your wage for that day, or you have got to get to your work by a much more expensive means of transit. Therefore I say I do not understand the sense of the Select Committee who decided to omit tramway service from this Bill. I ask for an undertaking from the Government that the matter will be carefully considered and an early amendment of this Bill produced. The Bombay Chamber of Commerce have sent me a telegram on this matter; they are very distressed that, so far as that city is concerned, tramways are to be excluded, and they consider it a very great hardship on the community.

The Honourable Sir Bhupendra Nath Mitra: Sir, my answer to my Honourable friend from Bombay is the same as that which I gave a little while ago to my Honourable and gallant friend, Colonel Crawford. The inclusion of tramways in that particular clause was not agreed to in Select Committee, and that being so, here is an end to the matter for the present, for reasons which I have placed before the House: here again we shall take up the matter for consideration in connection with the first amending Bill, when the Bill now before the House is enacted into law.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: The question is that Clause 3 stand part of the Bill.

Colonel J. D. Crawford: Sir, I have got a couple of amendments on this clause

Mr. President: I take it that other Honourable Members do not wish to move their amendments?

Diwan Chaman Lal: I have an amendment, No. 14, before the Honourable Member's amendment; but my experience of this Bill today and yesterday has been such that I consider it absolutely useless to move any further amendments; therefore, Sir, I ask leave to withdraw all my amendments.

Colonel J. D. Crawford: Sir, I am therefore left to move my two amendments Nos. 16 and 21 on the agenda paper, both of which are on very much the same grounds. I move the first, if I may, now: and it is that in clause 3 of the Bill the words "or is apprehended" be omitted. The object of both my amendments is to circumscribe the limit of Government interference in trade disputes. So far as I am concerned, as a man in the street, I often have a feeling that I would like to take the employer and the labour leader or like to see somebody take the employer and the labour leader and bang their heads together hard in the interests of the ordinary citizen.

Diwan Chaman Lall: You are used to that.

Colonel J. D. Crawford: They often exceed what is their right in a strike and cause very considerable inconvenience to the ordinary citizen. I have found, however throughout life, that those who interfere in quarrels are apt, instead of succeeding in their object of bringing the quarrel to an end, only to give it greater force. That I think is the experience of a good many people, particularly in regard to trade disputes. I do not think the interference of Government in big trade disputes at home is any indication that they have achieved the object of bringing these disputes to an early settlement. I know in Madras of an occasion where, not only the Government but also a body of public spirited citizens, tried to interfere, and in both cases, the result was a prolongation of the strike. It is on those grounds, Sir, that I would ask Government to remove those words "or is apprehended". It is very difficult to decide whether a strike is or is not coming on, and Government interference at that stage might actually conduce to bring the strike on, and I think it would be preferable for Government to refrain from action at that stage where a strike is only apprehended. On those grounds I move that the words "or is apprehended" be omitted.

Mr. T. A. Chalmers (Assam: European): Sir, it is not often that this House sees the spectacle of my Honourable and gallant friend opposing the Government; and in this case I was surprised at finding him so inconsistent, not only in wishing to oppose the Government, but in wishing to vote in two entirely opposite directions on the two Bills that are before the House or rather ought to be before the House—the Public Safety Bill and the Trade Disputes Bill. In both cases he objects to the word "apprehend". In one case—the Public Safety Bill—he says "Yes: send this white man away anywhere you like: this man, I apprehend, is going to do something bad and therefore I shall give power to the Government to remove the man from India". On the other hand, when it is a case of a strike and Government are going to apprehend it and to take steps to deal with the strike, he says "Oh, no; the same Government cannot be trusted to do anything under this Act". (Laughter from the Congress Benches.)

Colonel J. D. Crawford: Ingenious.

Mr. T. A. Chalmers: He makes a proviso that, in certain cases where there is a registered trade union, then . . .

Colonel J. D. Crawford: I have not moved amendment No. 21 yet; I am only moving amendment No. 16.

Mr. T. A. Chalmers: I understood the Honourable Member to move both together. What it amounts to is this: that he does think that, in certain circumstances, the Government could take action, that is, if a trade union was organised. Now, we all know that industries in this country are at the present moment, so far as the labour population is concerned, not organised as well as they might be; and it is only when somebody comes to start a trade union, that it starts being organised, and the first step in that organising is to register it. The mere fact of registering a trade union does not mean that it has all the characteristics of a trade union. It means only the first step towards combining them,

and therefore I say that is nothing at the present moment and anyway for the next five years, there is no question of these trade unions being organised and formed so strongly that they can come up to the position of organised trade unions in England. For these reasons, Sir, I oppose this amendment.

***Sir Hugh Cocks:** Sir, I am not sure that I agree with either of my Honourable friends. This point of apprehension was considered by us very carefully in Bombay. We, that is to say, the Bombay Chamber of Commerce, have always held the view that it was wrong on the part of Government, to interfere in a strike, unless Government were definitely asked to do so by one of the parties. But it was felt, when we discussed this last year, that times have changed and that Government ought to have a right to step in, even when a strike is apprehended. It might be in the public interests that they should do so, and I sincerely hope therefore that the power will be used very carefully, because I realise that there may be many cases where Government should not walk into a strike which may be apprehended. It may be very much better that they should not do so. The other case also might apply. The mill strike last year started with nothing at all, or I think on some trivial grounds; but within a few days, there were eighteen points of grievances put down on paper, and the issues became very involved and substantial. It is just possible that, had the Government apprehended that strike, and set up a committee before the strike had actually occurred, it might never have occurred—I do not think it might have been the case because I think there were other elements behind which were determined to have a strike. But I do say that, once the point is reached when the strike is about to commence or has commenced, many more points are brought in. If you could only get down to the few points before the strike occurs, it might be of very material assistance in settling the matter in any case.

The Honourable Sir Bhupendra Nath Mitra: My answer in short to my Honourable and gallant friend from Calcutta would be to refer him to the well-known adage that a stitch in time saves nine. I may say at once that a similar provision exists also in the English law. The point is that a trade dispute in the making, if it is not handled in time, may lead to more serious results than a trade dispute already in existence. It is, therefore, important that the Government or the State, in its capacity as the protector of the community, should have power to take action on the lines contemplated in clause 3 in regard to a trade dispute which is apprehended. It does not follow that the State will intervene, except at the psychological moment. But the power must be there. For that reason, I must oppose the amendment proposed by my Honourable and gallant friend.

Mr. President: The question is:

“That in clause 3 of the Bill the words ‘or is apprehended’ be omitted.”

The motion was negatived.

Colonel J. D. Crawford: I rise to move:

“In clause 3 of the Bill, after the proviso, the following further proviso be added: ‘Provided further that where the workmen or any substantial proportion of them belong to a trade union registered under the Indian Trade Unions Act,

*Speech not corrected by the Honourable Member.

[Col. J. D. Crawford.]

1926, no order shall be made under this section unless application in that behalf has been made by the employer or any group of employers who are parties to the dispute, or by such trade union'.

My intention, by this amendment, again is to limit the powers of Government with regard to interference. I have no strong objection to Government instituting a Court of Inquiry on its own initiative, provided it is understood from the beginning by both sides that the Court in no way intends to interfere with the progress of the strike, or with the direct negotiations between the disputing parties. Except for the danger of a misunderstanding on this point, I should not object to Government appointing a Court of Inquiry right at the beginning, or even before the actual outbreak of a strike, since I can well conceive occasions when it would be all to the good that the true facts of the dispute and its origin should be known by the public before the issue becomes fogged by the additional grievances which strike leaders so often evolve as they go along in order to keep the strike going. So long, therefore, as the machinery for a Court of Inquiry is set up, I am not seriously concerned whether it can be called into play on Government's own initiative, or only on invitation by one or both of the parties to the dispute. On the whole, it will probably lead to fewer mistakes if Courts are appointed on invitation only. I feel, however, in the matter of Boards of Conciliation, it would be a grave mistake if Government were in a position to appoint such a Board before the parties were ready for it. Government cannot expect to have its finger on the pulse of the dispute, and the people who can best tell the right moment for Government intervention are the parties themselves. Except at those moments, it would be futile to try to force conciliation on the parties. Compulsory conciliation is a contradiction in terms. Even if the parties agreed when faced by the "public opinion", which the Bill aims at using as a weapon, to discuss the possibility of a settlement, any settlement arrived at would probably be half-hearted and therefore only temporary. The procedure would, in any event, be certain to upset the relations between the employer and the employees, for the latter would get the impression that, if they had a grievance, the authority to put it right for them would be Government and not the employer. I do not think too much stress can be laid on this point, for without relations of mutual confidence between master and men, there will never be peace in industry. Those relations are improving gradually and surely. I do not know about Bombay, but I imagine the troubles there have not really anything to do with the "terms of employment" and "conditions of labour". During the recent Bombay Oil Installation strike, which went on for several months, and I believe it was the same with regard to the Fort Gloster Jute Mill strike, I understand the strikers never formulated a single grievance against the companies. In Burma, as I expect elsewhere, the relations between employers and employees are good at the moment, for both have begun to realise that their interests are interdependent and it would be a thousand pities to do anything now to upset those relations. Sir Victor Sassoon, in his minute of dissent, has strongly pressed this point of view on the Government and I do not think that anybody in this House will deny that Sir Victor Sassoon is an employer who has the interests of his labour at heart, and who does all that he can possibly do for them; and I think his experience is one that the House may very well take. . . .

Mr. T. A. Chalmers: Will the Honourable Member explain what Sir Victor Sassoon does for his labourers? (Some Honourable Members: "Quite right".) (An Honourable Member: "Hear hear".)

Colonel J. D. Crawford: I do not know that I can give full details of the whole of Sir Victor Sassoon's business, but I have the impression that he treats his labour exceedingly well and he has been in close negotiations, I say, with those who seek to be leaders of the labour movement. My Honourable friend, Mr. Chalmers, of course opposes me on this matter. He would like Government interference, because he is one of those people who like to flourish the big stick of Government influence to keep the labour in order. But I do not want to do that. He likes to get the Government no doubt to come along and use its prestige on his labour. I can quite understand his position. (Laughter.) But I do think, in this matter of Boards of Conciliation, it is wiser only to act, and definitely limit the power of Government to act, on the invitation of one or other of the parties except in those cases where the labour is not organised, when I think we should give power to Government to step in on behalf of unorganised labour.

Mr. T. A. Chalmers: Will the Honourable Member always use the big stick when he wishes to conciliate anybody? (Laughter.)

Colonel J. D. Crawford: There is another point. There is grave danger in Government interfering, except on invitation. I may point out that private individuals find that it is sometimes dangerous to interfere in quarrels, and that it is best to keep out of them. If you want an apt quotation on this point, you will find one in Gay's "The Mastiffs":

"Those who in quarrels interpose
Must often wipe a bloody nose."

And I do not want the Government to be in that unfortunate position.

Mr. T. A. Chalmers: Is that a Parliamentary expression, Sir? (Laughter.)

Colonel J. D. Crawford: It may possibly not be parliamentary, but it is very true.

That, I think, is my main contention. It is preferable, in the interests of the settlement of these disputes, to interfere and set up Boards of Conciliation on invitation only. I am not so insistent on Courts of Inquiry, though I am inclined there also to waiting for the invitation, as on Boards of Conciliation. I believe it is in the best interests of the early settlement of disputes, and in the best interests of Government that they should accept my amendment.

The Honourable Sir Bhupendra Nath Mitra: The precise amendment moved by my Honourable and gallant friend refers to both Courts and Boards. I have listened to a most interesting duet between my Honourable and gallant friend and my Honourable friend from Assam, and the impression left on my mind was that we cannot do better than adhere to the decision of the Select Committee. The power which the State want for taking action under clause 8 of the Bill is intended to be exercised in the best interests of the community, and if the best interests of the community are to be the sole criterion, it seems to me important that

[Sir Bhupendra Nath Mitra.]
the State should have unfettered discretion in the exercise of their powers. It follows that the chances of the State interfering at any other than the most psychological moment will be practically nil. If, however, it is found, as a result of the working of the Bill now before the House, that the State are inclined to be hasty in the exercise of their discretion, I submit that the matter may be left over to be dealt with when the Bill is revised on the expiry of its period of five years. Therefore I oppose the amendment.

Mr. President: The question is:

"That in clause 3 of the Bill, after the proviso, the following further proviso be added:

'Provided further that where the workmen or any substantial proportion of them belong to a trade union registered under the Indian Trade Unions Act, 1926, no order shall be made under this section unless application in that behalf has been made by the employer or any group of employers who are parties to the dispute, or by such trade union.'

The Assembly divided:

AYES—20.

Acharya, Mr. M. K.
Ahmed, Mr. K.
Bhargava, Pandit Thakur Das.
Cocke, Sir Hugh.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dutt, Mr. Amar Nath.
Ghuznavi, Mr. A. H.
Kidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.

Kelkar, Mr. N. C.
Lindsay, Sir Darcy.
Mukhtar Singh, Mr.
Rajah, Rao Bahadur M. C.
Roy, Mr. B. C.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Zulfiqar Ali Khan, Nawab Sir.

NOES—32.

Abdul Aziz, Khan Bahadur Mian.
Allison, Mr. F. W.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Costman, Mr. J.
Cosgrave, Mr. W. A.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Mitra, The Honourable Sir Bhupendra
Nath.
Mitter, The Honourable Sir Brojendra.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Rahimtulla, Mr. Fasal Ibrahim.
Rainy, The Honourable Sir George.
Reo, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. K. C.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Webb, Mr. M.
Wright, Mr. W. T. M.
Young, Mr. G. M.

The motion was negatived.

Clause 3 was added to the Bill.

Clauses 4 to 14 were added to the Bill.

Clause 17 was added to the Bill.

Mr. President: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Mr. Fasal Ibrahim Rahimtulla (Bombay Central Division: Muham-
madan Rural): (Sir, I have got an amendment after clause 18.

Several Honourable Members: That clause has been passed.

Diwan Chaman Lall: I rise on a point of order, Sir.

Mr. Fasal Ibrahim Rahimtulla: I have not yet moved my amendment.

Mr. President: The Honourable Member can certainly move his amendment.

Mr. Fasal Ibrahim Rahimtulla: Sir, I beg to move:

"After clause 18 the following new clause 19 be added, and the subsequent clause be renumbered accordingly:

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

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

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

Mr. President: I consider this clause.

Diwan Chaman Lall: Before my Honourable friend gets on to the merits of his amendment, may I draw your attention to a point of order in regard to the admissibility of this amendment. This amendment seeks, in my opinion, to widen the scope of the Bill and therefore it is not within the scope of the Bill as it is presented to this House.

Mr. President: What about "for certain other purposes"?

Diwan Chaman Lall: I intend to deal with that point. The amendment must not be outside the scope of the Bill itself. It must be *ejusdem generis*. The expression "for certain other purposes" cannot obviously mean that the Honourable Member, who wants to move this amendment, can bring in let us say an amendment to prevent people from blowing their noses while the trade dispute is going on. That penalty cannot be inflicted. Standing Order 88 says that an amendment must be relevant to and within the scope of the motion to which it is proposed. I submit for your ruling, Sir, that this amendment, in spite of the term "for certain other purposes", is outside the scope of the Bill, and I ask your ruling on the point whether we can consider this particular amendment or not.

My next point is this, that, this amendment, if it is considered, will create a substantive offence which has nothing whatsoever to do with the scope of the Bill, and in those circumstances I ask your ruling and request

[Diwan Chaman Lall.]

you to rule this amendment out of order. Further, if I may have your permission to say so, this amendment was not accepted by the Select Committee.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, when a notice of an amendment is given, I understand that the Honourable the President sees the notice and admits the amendment and then it is put down on the agenda of the House.

Mr. President: The Honourable Member is wrong.

Mr. K. Ahmed: If that is so, Sir, I ask for your ruling whether your action is in contravention of the Rules and Standing Orders of the Assembly.

Mr. M. K. Acharya: May I have a word upon this point of order? Much as I sympathise with my Honourable friend, Mr. Chaman Lall, and the views that he holds on the subject-matter of the amendment, I am unable to agree with him as to how the amendment is out of order in the sense that it does not come within the scope of the Bill that is before the House. The Bill before the House is to regulate trade disputes and for certain other purposes connected with the trade disputes, and this amendment of my friend, Mr. Fazal Ibrahim Rahimtulla—I am not going into its merits—relates to something connected with trade disputes. Therefore I cannot see how we can, on a point of order, shut out this amendment from a Bill which deals with trade disputes and other purposes connected therewith.

That is my submission, Sir, that, irrespective of its merits, the amendment is quite within the scope of the wide Bill which is now before the House.

The Honourable Sir Brojendra Mitter (Law Member): Sir, it seems to me that this amendment is, strictly speaking, within the scope of the Bill, for this reason. The scope of the Bill is the investigation and settlement of trade disputes. Now the amendment refers to picketing, and the object of the amendment is to prevent picketing. That is certainly right because picketing and other intimidations are connected with trade disputes. If the object of the Bill is to make provision for the settlement of trade disputes, then any provision dealing with picketing would not be outside the scope of that measure.

Mr. President: I think the Title and Preamble of the Bill are wide enough to cover the amendment which the Honourable Member proposes to move. I therefore rule that he is in order.

Mr. Fazal Ibrahim Rahimtulla: Sir, I am very thankful to you for allowing this amendment to be moved. I consider this amendment, Sir, to be of very great importance to the Bill. I have said so in the minute of dissent which I have appended to this Report in my capacity as a member of the Select Committee.

Mr. K. Ahmed: You have been usurping the power of Diwan Chaman Lall!

Mr. Fazal Ibrahim Rahimtulla: I have impressed on the members of the Select Committee, and I wish to impress on the Members of this House, the necessity of embodying this amendment in the Bill. At present, Sir, when a strike takes place there are a certain number of workmen who would like to go to work, but are prevented by threats and unfair methods from doing so. I say, Sir, that no person has any right to prevent a person, who wishes to work, by threats or undue influence, and this is what my amendment seeks to remedy.

My friend, Diwan Chaman Lall, has spoken on this Bill for nearly three to four hours. Now Sir, he has laid great stress on the question of strikes and the question of sympathetic strikes, but after the lengthy speech which was nothing but full of eloquence and amounting to a repetition of the same argument over and over again, which was nothing but a great oppression to this House, (Laughter), without convincing or making out a case, he says "How can you prevent a legitimate strike? Why should Government prevent legitimate strikes?" I will now ask him whether he can, Sir, whether he has any right to prevent an honest worker from going to work, and here he comes and says that Government are behaving in a manner which is not in accordance with the democratic traditions of this House. I want to point out to him that clause 16, which has just been passed by this House, reads as follows:

"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."

This is the clause which the Select Committee has recommended regarding the strikes which are illegal according to them, because it has for its object something other than the furtherance of a trade dispute. If such a strike takes place, what is the remedy for those who do not like to go on strike? Is it right for this House, or for anybody outside, to say, "Because we go on strike, you should sympathize with us, no matter whether your children suffer from hunger; no matter whether you go to ruin"? "A strike means, not only that we are not going to work, but we shall prevent you from going to work." And here my friend Diwan Chaman Lall, who shows great sympathy for the labour movement in India, and who is out to protect labour to the best of his ability, comes forward and tells us that sympathetic strikes should be tolerated and encouraged. I hope, Sir, these are not election speeches that are being delivered in this House, but that speeches should be confined to the arguments that would prove themselves to the bearing of the Bill.

Mr. President: Why does the Honourable Member wish to "bury" the Bill?

Mr. Fazal Ibrahim Rahimtulla: The point that has been made out here, namely the principle whether a person has a right to strike, I say that a person has a legitimate right to strike. There is no denying that fact, provided that he confines himself to the grievances concerning the particular trade in which he is engaged, but if the object is other than the object for which he is employed, and if he not only goes on strike, but prevents others

[Mr. Fazal Ibrahim Rahimtulla.]

who wish to work and who wish to go for their employment, in order to protect their women and children, and in order to carry out their legitimate trade, is it right that any person should have the right of preventing that person from going to work?

My friend, Mr. Aney, was telling this House that Mr. Fazal is very jubilant over the passing of this Bill

Mr. M. S. Aney (Berar Representative): I think I am right?

Mr. Fazal Ibrahim Rahimtulla: You are absolutely right, and I am telling you the reason. The reason we are jubilant is that we want to pass this Bill, which according to the employers is not entirely to their satisfaction, but we want to pass this Bill in the interests of labour to prevent their being exploited (Ironical cheers from Swarajist Benches) by people who all call themselves the leaders of the labour movement in India. We want real labour leaders to take proper charge of the labour movement in India

Mr. President: Please speak to the amendment.

Mr. Fazal Ibrahim Rahimtulla: And we don't want any person to exploit labour by, not only preventing them from going to work, but by preventing others from working. This is the advice from leaders, and this is what I am trying to prevent. I ask the labour leaders to tell me whether they should mislead workmen like this. They not only advise people, who like to go to work, to go on strike, but they go to the extent even of threatening people by telling them, if they go to work, they will be molested or will be done harm to. I say that methods like these should be discouraged. If India wants to be prosperous, and as I have said no political advance can be possible in this country unless India is prosperous, then we should adopt ways and means to make India prosperous. Make your trade and industry flourish and do not devise ways and methods by which you should prevent honest workers from going to work and earning their legitimate dues.

Mr. K. Ahmed: But are they not deprived of their ability to maintain themselves and their families for a few days during strike by
1 P.M. being called upon to put some money in the Swaraj fund?

Mr. Fazal Ibrahim Rahimtulla: My Honourable friend, Diwan Chaman Lall, told us the other day that labour organisations were unanimous in their opposition to the Bill before the House and still he wanted re-circulation. However he accepted the principles underlying this Bill when this Bill was referred to the Select Committee. Now the principles of the Bill are three.

Mr. President: Order, order. The Honourable Member must confine himself to the amendment.

Mr. Fazal Ibrahim Rahimtulla: I am coming to the third principle of the Bill.

Mr. President: We are not now considering the Bill, as a whole.

Mr. Fazal Ibrahim Rahimtulla: Yes, Sir, the amendment deals with strikes which is one of the principles of the Bill.

Mr. President: The Honourable Member would be quite relevant on the third reading.

Mr. Fazal Ibrahim Rahimtulla: I want to impress upon the House the fact that the House, having accepted the third principle of this Bill, it must accept the amendment which is before us now. That is my point. This is a corollary to the third principle which the House has accepted now.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Which is the third principle?

Mr. Fazal Ibrahim Rahimtulla: The third principle is to prevent strikes which have got objects other than the furtherance of the interests of workmen.

Mr. Jamnadas M. Mehta: Nothing of the kind.

Mr. Fazal Ibrahim Rahimtulla: You will not be able to understand it. It is very difficult to make you understand it.

I was referring, Sir, to the strike in general and coming to the amendment in particular. First of all, when a strike takes place, we have found in Bombay and elsewhere that all the people employed in that trade do not desire to go on strike. Some of them even go to the extent of resenting a strike, and they even ask the question why they should go on strike. They do not desire to go on strike at all. But what happens when strikes do take place? We find 5, 10 or even 15 per cent. of those workmen, who would like to go to work, are prevented from doing so, and here my amendment comes in. I say the strikes should be made illegal, and if strikes are made illegal, then this provision is a corollary, namely, you have also to prevent people from getting hold of those honest workers who would like to go to work in spite of the strike.

Mr. M. S. Aney: Is it the Honourable Member's contention that every strike should be made illegal?

Mr. Fazal Ibrahim Rahimtulla: I have not said so. That is not the intention of the Bill. I say only a strike which has an object other than the furtherance of a trade dispute is made illegal under clause 16. So far as my amendment is concerned, it is also restrictive in its character. I say that picketing should be made illegal only where a trade dispute is under inquiry or investigation by a Court or Board. I maintain that I am not moving a general clause for picketing. I say that, whilst the matter is so to say *sub judice*, namely, when it is before a Court or a Board under inquiry or investigation, nobody should compel any workman employed by an employer, who is a party to the dispute, to abstain from doing so, or do any act which such workman has a legal right to do or abstain from doing wrongfully or without legal authority. I think, Sir, if there is any justification for picketing, it has been absolutely proved that it is futile when both sides have agreed to a dispute being referred to a Court or Board, and that Court or Board, as this House has already agreed, consists of independent persons, persons who command the respect and confidence of both sides. My Honourable friend, Mr. Kelkar, the other day referred to the Report of the Fawcett Committee. That Committee is the outcome of a Resolution by the Government of Bombay, and in future such committees will be the outcome of this Bill, because this Bill contains a provision regarding the Court or the Board. I say Sir, that, whilst he

[Mr. Fazal Ibrahim Rahimtulla.]

is praising the Fawcett Committee's Report, he must recognise that committees of that character will hereafter be the outcome of this Bill or Bills like this. I say, Sir, when you have confidence in committees like these, and when you refer a matter of this description to them, I say you have no right—or you should be prevented if you claim to have the right—of resorting to methods by which you would prevent honest persons from going to work.

Sir, my Honourable friend, Diwan Chaman Lall, when he is talking about strikes, always refers to Bombay. I have repeatedly told him, on the floor of this House, that he should leave Bombay alone (Hear, hear), because he knows very little about Bombay, and it would be discretion on his part if he left Bombay alone and confined himself to Rawalpindi, about which he knows a great deal, and he can place those facts before this House correctly. He said that, when the scavenger strike took place in Bombay, Rolls Royce motor cars were waiting for him begging him to come and settle the strike. When people have got confidence in him, they beg of him, they go to him with their Rolls Royce motor cars and ask him to settle the strike. Is it right for anybody, during the time when Diwan Chaman Lall is sitting in judgment, or making an inquiry of that description, is it right to prevent any person who wishes to go to work from doing so? Let the decision of Diwan Chaman Lall be communicated to both parties, whatever the decision may be, I say that, even Diwan Chaman Lall will agree with me that, whilst he is sitting in judgment, whilst people have got confidence in him, which they show manifestly by having Rolls Royces waiting at his door, he must also consider that honest people, who would like to go to work, and who would abide by his judgment or decision, whatever that may be on the particular issue, that such people should not be prevented by deliberate methods, or by undue influence or threats, from going to work, and they should not be asked to continue to remain on strike, even if they desire to resume work. This is the whole point of my amendment. It is a question whether it is right, when a Court or Board is investigating the matter, to prevent honest people from going to work. My Honourable friend asked whether it was possible for Government to take action against 98 per cent. of the population who form the workers. I do not know whether his statistics are correct in this respect. But I maintain that nobody, no individual, has any right to harm anybody deliberately or to prevent him from earning his livelihood. I say, Sir, that if workmen choose to go on strike and choose to put themselves to inconvenience, they are at liberty to do so, because you cannot force people to work; at the same time certainly it is unfair to prevent people from going to work. I hope, Sir, I have convinced the House of the necessity for this amendment. I say that, unless this House accepts the amendment which I have moved, it will be destroying the utility of the Bill which is about to be enacted into law.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Was it not rejected in the Select Committee?

Mr. Fazal Ibrahim Rahimtulla: I was not present when this matter was debated in the Select Committee. I am not one of those who do not write minutes of dissent when they do not agree with a certain Report. When you disagree, you should write a minute of dissent, expressing your point of view. I have made it clear that I was not present, owing to some

pressing engagement in Bombay. I have made it clear that my opinion is this, that unless you enact a clause like this in the Bill, you will destroy the utility of this Bill, and I say that this Bill is brought forward in order to protect both labour and capital, the workmen and the employer. I say, and I maintain, that this Bill is for the protection of labour from being exploited by anybody, and I hope Sir, this House will agree to the amendment which I have proposed, which prevents anybody from forcing his decision on people who would like to go back to work. With these words, Sir, I move.

Mr. K. O. Roy (Bengal: Nominated Non-Official): I have no desire, Sir, like my Honourable friend Mr. Fazal Ibrahim Rahimtulla, to inflict a speech on this House, but I shall simply put the case, as I understood it, of the Bill as it emerged from the Select Committee.

Mr. K. Ahmed: He did not inflict a speech, but his speech was heard by the House with rapt attention.

Mr. K. O. Roy: That may be your view; that is not my view. You keep quiet.

One thing which Mr. Fazal Ibrahim has always impressed on me is this: that he is anxious that labour should not be exploited by certain schools of political thought. I am equally anxious that labour should not be exploited by capitalists; that Mr. Fazal Ibrahim should not be exploited by capitalists; but Mr. Fazal Ibrahim has just shown the mind of the Bombay capitalists. Sir, this amendment was not unknown to the Select Committee; it was certainly before them. It was a proposal made by the Commissioner of Police, Bombay, and was strongly supported by the Government of Bombay. But the gentleman who sponsored it before the Committee, Sir Purshotamdas Thakurdas, is not in the House today. He did not press the amendment at that stage, and the Select Committee dropped it at that. Sir, speaking for myself, I stand by the agreement in the Select Committee, and I support the Select Committee's Report, which is good for the industrialists, good for the capitalists and also good for the Government. I strongly feel that the House has no right to go behind the decision of the Select Committee. Sir, I oppose the motion.

Lieut.-Colonel H. A. J. Gidney: Sir, I rise to support the amendment, and my reasons for doing so are very practical. I have been an eye-witness of a good number of strikes—I think many more than Mr. Roy has witnessed, and I suppose more than most of the Members of this House have witnessed. I endorse almost every word that Mr. Fazal Ibrahim has said. Take, for instance, the recent railway strikes at Lillooah and Kharagpur, more particularly at Lillooah. In that strike, there were a few people who originally went on strike, but a number of people went to work. These workers were molested by the strikers and their sympathisers and some of them were forced to keep in their houses and were not allowed to go to work. A few days afterwards, some of the strikers, under the pretence of working, entered the workshops, and when once in, they downed tools, forced the workers to stop working and were ejected. In this way they not only extended but enlarged the strike. Sir, in my opinion the Trade Disputes Bill will lose in importance and utility unless it has added, to its clauses, a clause like the one which my Honourable friend, Mr. Fazal Ibrahim, has moved. In fact it will be valueless unless amendment 19 is added. I go further and say that, in most cases in the

[Lieut.-Colonel H. A. J. Gidney.]

past, leaders of unions, as also leaders of political thought, and leaders of strikes have been mainly responsible for the present industrial unrest in India and it is they who should be punished more severely than the workers who strike, for after all, they are carrying out the orders of these leaders. Indeed, I think that clause 17 of the Bill should have, included in it, rigorous imprisonment instead of simple. I go further than Mr. Fazal Ibrahim and say that, instead of simple imprisonment, in his proposed amendment 19, rigorous imprisonment should be prescribed. I consider, Sir, that it is these leaders of different schools of political thought who should be penalised more than the workers, especially those who make such preaching a religion and so obtain picketers to go amongst honest workers who want to return to work and persuade them, against their own will and judgment, from going back to work—not merely by moral persuasion but by threats and intimidation. Sir, I support the amendment.

Diwan Chaman Lall: Sir, my friend Mr. Fazal Ibrahim is like Falstaff (Laughter). He is not humourous in himself, but he is the cause of humour in others. His method is never to argue a point. He is a believer in the dictum of a French writer: "Don't argue, repeat your assertion". When he charged me with repeating myself, the House will remember that the Honourable Member was not on the floor of the House to listen to my speech.

Mr. Fazal Ibrahim Rahimtulla: I was present here.

Diwan Chaman Lall: He was absent yesterday when I was making my speech, and if he had been here, he would have profited by that speech.

Mr. Fazal Ibrahim Rahimtulla: I was here.

Diwan Chaman Lall: If he was here and did not go to sleep, he would have profited by it.

Mr. Fazal Ibrahim Rahimtulla: There is nothing to be profited by in it.

Diwan Chaman Lall: My Honourable friend has no need to gain profit by speeches, but he certainly believes in gaining profits by exploitation. Hypocritically he comes to the floor of this House and says: "I want this amendment in the interests of the working class". Which working classes does my Honourable friend want this amendment to benefit? Is there a single labour union that has asked for it? Did my Honourable friend or his organisation dream of it when the Bill was circulated for opinion? No; it was only an after-thought, and one or two organisations of the employers brought this proposition forward which he now wants, at the eleventh hour. And what is the history of it? The history of it is this: that these people who brought forward this proposition, even though they were on the Select Committee, had not the courage to proceed with it. They were challenged by us to bring it forward before the Select Committee and take its verdict. They did not bring it forward, they had not the courage to proceed with it. I am surprised my Honourable

Mr. Fazal Ibrahim Rahimtulla: I was not present then; I made it clear.

Diwan Chaman Lall: If he was not present, it was his business to be present; and even if he was not present, his other colleagues, who did bring forward this proposition, were present.

Mr. Fazal Ibrahim Rahimtulla: Were you present throughout the proceedings?

Diwan Chaman Lall: By these methods, Sir, does my young friend, rather an enthusiastic friend (Laughter) desire to hoodwink the House into believing that he had no opportunity to move the proposition there, that he is now moving before us? What is the proposition? The proposition is that the Honourable Member does not really know what he is talking about. He says he wants to prevent intimidation and threats being levelled against the workers who want legitimately to return to work. Where is there a single word in this amendment that he has moved in regard to the prevention of threats or intimidation? Will the Honourable Member point out to me whether there is a single word in his amendment in relation to the very problem that he is raising, namely the prevention of threats and intimidation?

Mr. Fazal Ibrahim Rahimtulla: I am sorry the Honourable Member does not know the English language.

Diwan Chaman Lall: I am very glad, Sir, I am charged with ignorance by an ignoramus; but does my friend know what those who know something about this subject have said, namely the legal authorities in Great Britain who inserted a similar clause in the Trade Union Act of 1927,—an Act which the Honourable Member has not read? They did actually employ the terms 'threat and intimidation' in sub-section (1) of section 3. I will, for his benefit—since he has not read it, and knows nothing at all about this subject—read the passage.

Colonel J. D. Crawford: Will the Honourable Member amend this amendment?

Diwan Chaman Lall: I am merely saying that those terms are not contained in the provision that he is proposing, and he has no business to falsify this fact by saying that he wants to prevent threats against and intimidation of the working classes. For, this is not his intention. What is the intention behind the desire to prevent any worker from being followed or watched? This is the English law. I shall read it for the benefit of my Honourable friend.

Mr. Fazal Ibrahim Rahimtulla: I do not require to be benefited.

Diwan Chaman Lall: My friend refuses to have his mind improved. I understand why he does not need to be benefited for one can only derive a benefit if one possesses a mind which can be improved. The English Law is this:

"It is hereby declared that it is unlawful for one or more persons (whether acting on their own behalf or on behalf of a trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute) to attend at or near a house or place where a person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace, and attending at or near any house or place in such numbers or in such manner as is by this sub-section declared to be unlawful shall be deemed to be a watching or besetting of that house or place within the meaning of section 7 of the Conspiracy and Protection of Property Act, 1875."

[Diwan Chaman Lall.]

That is what the English Law says. The Honourable Member, not having read the English law, not knowing what legal phraseology means, not knowing what legislation in regard to these matters implies, comes forward with the enthusiasm of ignorance and brings forward an amendment which no lawyer or draftsman would look at. Supposing any person—my Honourable friend Mr. Gaya Prasad Singh for example—happens to be near a particular workman's house, and happens to spend an hour or two contemplating the beauty of the hut in which that workman is living, he is supposed, according to my Honourable friend, to be doing an illegal act and can be sentenced to three months' imprisonment or a fine, which may extend to Rs. 200.

Mr. Fazal Ibrahim Rahimtulla: That is not so.

Diwan Chaman Lall: The words are "beset or watch".

Mr. Fazal Ibrahim Rahimtulla: For what purpose?

Lieut.-Colonel H. A. J. Gidney: With a view to compel.

Diwan Chaman Lall: And supposing that were so: the words are there—"with a view to compel"—but has he not the right to do so? Cannot he go down and persuade that man not to adopt a particular course of action? Has he no right to do so? Are you preventing employers from intimidating workers during the course of a strike? It is one-sided action that you are employing. You want to prevent the working classes from being watched or their houses beset in order to permit them to go to work when they want to go to work; but what are you doing *qua* the employer? The employers can use their money

Sir Darcy Lindsay (Bengal: European): Whom are you addressing?

Diwan Chaman Lall: They can bribe; they can intimidate, they can use threats and they do occasionally use threats and intimidation and they use their powers, magisterial, political, social, economic against the workers. What are you doing to prevent that?

Colonel J. D. Crawford: Will the Honourable Member tell me whether the employer would come under the term "who is a party to the dispute"?

Diwan Chaman Lall: Sir, the Honourable Member knows perfectly well that the word picketing is being aimed against the working classes

Colonel J. D. Crawford: Against intimidation of the working classes.

Diwan Chaman Lall: No, Sir; not intimidation; where is the phraseology which makes him say that it is intimidation? Where is it? Read it carefully and see where the intimidation comes in. Point it out to me. Where is the threat in it? The Honourable Member is over-enthusiastic about this matter, because he knows really nothing.

Colonel J. D. Crawford: And rightly so, for I have seen the position in Bengal.

Diwan Chaman Lall: My Honourable friend has seen a large number of things in his life and he will live to see very many more things in his life; but I must confess that the one thing he does not see is the obvious, and the obvious that stares him in the face in this amendment is that

it is not a question of intimidation or threat; it is a question of watching and besetting or following.

Now, Sir, the Honourable the Law Member will bear me out when I say that we people today, every one of us who is in the political field, is being watched and followed about by the police; and not only are we closely followed about but every letter that we receive is opened by the police, and yet I have not heard the Honourable Member wanting to send these people who are the henchmen of the Government, who are sent by the Government to spy upon us and to follow us about from place to place and open our correspondence and watch our houses, I have not heard of him bringing forward any legislation to send those persons to prison: on the contrary they get their rewards and they get their titles. Why should class legislation of this nature be brought forward by my friend, who ought to know,—and if he does not let me inform him,—that in the Select Committee this matter was broached and dropped—dropped like a hot potato? Why? Why was it dropped? Because even the employers who brought it forward realised that it was a matter which they could not tackle. They thought possibly it might be outside the scope of the Bill. But since your ruling, Sir, it has to be considered as inside the scope of the Bill; and they themselves would be the first, I imagine Mr. Birla or Sir Purshotamdas Thakurdas would be the first to confess that they are not anxious about this particular clause

Mr. Fazal Ibrahim Rahimtulla: Question.

Diwan Ohaman Lall: Has my Honourable friend got any authority for saying so?

Mr. Fazal Ibrahim Rahimtulla: Yes; the Indian Merchants Chamber and Bureau have told Sir Purshotamdas Thakurdas definitely to move this amendment.

Diwan Ohaman Lall: My Honourable friend having been told by the Merchants Chamber, did not move this amendment. When he first broached it in the Select Committee he withdrew it and he dropped it; he did not proceed with it

Mr. Fazal Ibrahim Rahimtulla: He dropped it for reasons other than the merits of the Bill.

Diwan Ohaman Lall: My reply to the Honourable Member is that he had better listen to those other reasons and realise that, since Sir Purshotamdas Thakurdas, whom he acknowledges as his leader, thought it wise for him to drop this matter and not proceed with it any further, he should do so. I want my Honourable friend to remember that the Government themselves, when they drafted this Bill, would have brought in legislation of this character if they had really thought it absolutely necessary to do so. But in the draft that they have presented they have left this thing completely out and I cannot conceive Government accepting an amendment as worded by my Honourable friend in the phraseology in which it is to be found on this paper today—I cannot conceive that the Government or the Law Member would be willing to give their consent to the acceptance of this amendment as it is upon the paper this morning. I understood my Honourable friend Sir Bhupendra Nath Mitra to say that in regard to this matter he stood by the Report of the Select Committee. Now, if he stands by the Report of the Select Committee, then I ask him

[Diwan Chaman Lall.]

how can he square that statement with the action which I hope he is not going to take, of supporting the amendment moved by Mr. Fazal Ibrahim Rahimtulla. I confess that there is no necessity for action of the nature that my friend is suggesting; again, that if any such necessity had been shown action would have been taken earlier; further that the gentleman who himself moved it in the Select Committee dropped it himself and lastly that the Government are pledged to accept the Report, or compromise, or whatever they like to call it, of the Select Committee, as it stands and cannot now go and accept the amendment moved by my young and enthusiastic friend to please his young and enthusiastic heart (applause).

Sir Darcy Lindsay: Sir, a good deal has been said by my Honourable friend, Diwan Chaman Lall, about what happened in the Select Committee and what did not happen. My Honourable friend, Mr. K. C. Roy also gave us information about the happenings in Select Committee, and perhaps I, as Chairman of that Select Committee, may be permitted to make a few observations on the comments of those two Members. Sir, this particular picketing clause was pressed, I believe, by the Bombay Government as very necessary to the Bill as a whole and it was felt that, as my Honourable friend, Mr. Fazal Ibrahim Rahimtulla has told the House, without this clause, the Bill would not be as effective as it should be; and the Select Committee took this matter into consideration. Reference has been made to Sir Purshotamdas Thakurdas, and I must admit, Sir, that the proposal did come from Sir Purshotamdas Thakurdas

Mr. Fazal Ibrahim Rahimtulla: Hear, hear.

Diwan Chaman Lall: I said so.

Sir Darcy Lindsay: The Select Committee considered the matter, and a draft was put up very similar to the wording of this amendment. A question arose, which I did not decide as it did not happen to be put to me, as to whether the proposal was strictly in order—as to whether this dealing with picketing was within the scope of the Bill; and possibly wiser counsels prevailed and the matter was not pressed.

Diwan Chaman Lall: That is not correct.

Sir Darcy Lindsay: Partly for that reason and partly, Sir, because, if such an addition were made to the Bill, it would so change the scope of the Bill that it would necessitate re-circulation

Diwan Chaman Lall: Hear, hear; that is right.

Sir Darcy Lindsay: On those grounds the matter was not further discussed, and I put it to my Honourable friend that the proposal was not dropped like hot potatoes.

Diwan Chaman Lall: On a point of personal explanation, may I say one word, if the Honourable Member will permit? It was dropped, and I assert it again, it was dropped, and it was I who pressed the Honourable Member and other Members of the Select Committee to bring this matter forward and take a vote on it and they refused to take it.

Mr. President: I think all this discussion as to what happened in Select Committee is out of order.

Sir Darcy Lindsay: I am in entire agreement with you, Sir; but it appeared to me you allowed my Honourable friend Diwan Chaman Lall to make references to what had happened and did not happen and I thought it only just

Mr. President: It is therefore that I allowed the Honourable Member to go so far.

Sir Darcy Lindsay: I thank you, Sir; I think I have sufficiently dealt with the point.

Now, Sir, on the merits of this particular amendment, I personally am sympathetic with my Honourable friend the Mover. I know, as Colonel Crawford interjected, the miseries that have occurred in Calcutta in connection with certain mill strikes, and my friends, the employers of labour, have pressed this point upon me, that very serious injury is done to the willing workers by these intimidations and picketings of their houses. They are afraid to go to work for fear of what may happen to their wives and children. As far as I understand it, that is the true position. On those grounds I am disposed to support my friend's amendment.

It is very strange to me, after the long speech made by my Honourable friend Diwan Chaman Lall yesterday, that today he does not come forward and press home the points he tried to make in his speech. I have before me the list of amendments put forward both by himself and Mr. Jogiah, and every one of them has been dropped. Why this should be so I am unable to say. (*An Honourable Member:* "It is useless to press them in such a House as this.") But he does get up and oppose strongly the very reasonable amendment moved by my Honourable friend, Mr. Rahimtulla. For my part I wish to support the amendment.

(At this stage Mr. M. K. Acharya rose in his place.)

Mr. President: Does the Honourable Member wish to speak on this amendment?

Mr. M. K. Acharya: Yes, Sir. I am very keen to speak on this amendment.

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

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

Mr. M. K. Acharya: In my best wishes to the cause of labour, I yield to none, not even to my good friend Mr. Chaman Lall. As an old man, I cannot lay claim to his stout and sustaining lungs, nor to his beautiful accent; but in my own humble old way, I wish to help the labour movement in India as ardently as I can, and to make it thrive as exuberantly as it possibly can. I wish however that we should give that help to the cause of labour not under any false impression in our minds; and I am very anxious, Sir, on this occasion, as indeed on every occasion when we have to deal with any important legislation, that we should try to look at it as dispassionately as we can, and I wish that my friend Mr. Chaman Lall had said more on the subject matter of the amendment and

[Mr. M. K. Acharya.]

less on other subjects. He was indulging more in abuse and less in arguments. However he is my friend, and I wish to say he would help the cause of labour materially if he would espouse the cause of labour with sound arguments. I am not concerned, as Mr. Chaman Lall was concerned, with the intention of the Mover. I am more concerned with the purport of the amendment. I am glad, Sir, you ruled out references to what did take place in the Select Committee. We in this House, Sir, can do what the Select Committee would not do, and if we find good reason, we may, at the same time undo what the Select Committee did.

Now, Sir, there is a good deal of force in the argument that workmen desiring to strike work have very many kinds of influences brought to bear upon them by persons in power, wealth, position and so on and so forth, to dissuade them from going on strike. There is also no doubt some force in the argument that, especially in the present conditions of labour, in India, a large class of workmen desiring to go on strike do not find it very easy to bring about anything like a unanimous opinion among the large masses of their fellow workmen. It is very true that, in the present conditions of Indian labour, and in the present conditions of any large mass movement in India for that matter, a few individuals have to think out the plans and to see them carried out by the rest. It is the same case in political and social movements also. The initiative must come from a few thinking people, and the execution of these plans of the few thinkers will have to be naturally transferred to a large number of those who are concerned in the result. That is inevitable everywhere under the sun, whether it is India, or Russia or any part of the world. Unfortunately, in this world of ours, there is exploitation. It may be politicians exploiting labour, capital exploiting labour, or labour exploiting politicians. Unfortunately, I cannot help, being the philosopher that I am, old as I may be. In this world made by the great God above, there is exploitation of some people by some other people. Until we make this world a perfect Heaven that we wish it to be, this exploitation will go on to the end of the world. Therefore all these arguments seem to me to be beside the mark. We are trying to find some way out of this, to provide as many safeguards as we can, to provide for as many contingencies as possible, especially when we are enacting a new piece of legislation with regard to trade matters. Nobody in any side of the House claims that this Bill is going to be perfect in its working.

I am saying this because my friend maintained it was exploitation carried on by the politicians of the capitalists. That is an argument which my friend Mr. Fazal Ibrahim Rahimtulla used. I think he would have been better advised not to have used that argument. The politicians are also Indians, and he must know that very many politicians are also capitalists. Very many politicians are landlords and very many politicians are men with a large stake in the country. The fact that they are also politicians does not disqualify them from going to the labourers and giving them such advice as they want to give them. In India I do not believe it is possible, in the present day conditions, to have such a strict demarcation as pure labourites or pure capitalists or pure politicians. I am glad that it is not so. These differences are marked in those countries where people live an artificial life. There the capitalist carries on his

business in his own way, calculating his income in 7, 8, 9 or 10 digits, and the workman carries on his business in his own way, earning a few shillings per day. These large artificial divisions do not obtain in the greater part of India; except perhaps it may be with regard to the fabulous millionaires of Bombay or Calcutta or some other places. But we are not concerned with them.

Now, the whole question where a strike is being organised, or where a strike has been declared, is whether those who want to go on strike cannot be peacefully persuaded to refrain from doing so, by bringing to bear on them moral persuasion and intellectual persuasion. I for one feel that, in the present day conditions of Indian labour, moral persuasion and intellectual persuasion may be allowed, and this is not prohibited by the amendment of my friend, Mr. Fazal Ibrahim Rahimtulla. What he says is that, when the limit of these moral and intellectual persuasions is exceeded, and when they become physical, and when a workman is being followed persistently from place to place, or is watched, or his house is beset, then, the amendment seeks, so far as I have been able to understand it, that such external acts of compelling the other workmen to co-operate should, to some extent, be curtailed. That is how I understand this amendment. To that extent it declares that, whoever goes beyond the measure of peaceful persuasion, and violently adopts physical methods, ought to be punished. This point was also considered to some extent in the Select Committee. But I do not care whether it was considered there or not; it is perfectly open to you, Sir, to allow the House to consider the subject-matter of the amendment on its own merits. I use the word "subject-matter" very deliberately because I am afraid I cannot congratulate Mr. Fazal Ibrahim Rahimtulla upon the wording of his amendment. But now I am more concerned with the subject-matter of it, and not the language of it. I am not ready to clasp hands with Mr. Chaman Lall when he says that there is nothing in the subject-matter of the amendment which may be said to have legitimately arisen out of labour interests. In my opinion the subject-matter of the amendment does affect labour interests. Mr. Chaman Lall is certainly the last man not to know what generally happens in the case of strikes by workmen. Surely they do not require Mr. Chaman Lall's oratory. He knows well what kind of oratory is used in persuading the other workmen to join the strike. It may not be known to Sir Darcy Lindsay or to Sir Bhupendra Nath Mitra, but it certainly ought to be known to Mr. Chaman Lall, who claims to be well acquainted with the labour conditions in India. I do not believe that if I were to go to the workmen and talk my philosophy to them, they would listen to me. What they want is half a dozen words to the effect, "Let us join together and do the work". Of course, if a workman is going to play false to others they will surround his house. They will not probably use logical arguments, but something more convincing, perhaps the logic of the fist. It does not require great imagination to think that these strikers will tell those workmen, who do not wish to join them, that their houses will not be safe. Surely they will not use the logic of my friend Mr. Chaman Lall. Therefore all these points are quite out of the question.

Now, my friend was referring to the English law as it was some time back and as it is now. Mr. Chaman Lall should be in a position to know how far the present day labour conditions in India tally with the present

[Mr. M. K. Acharya.]

day labour conditions in England. I do not know the present day labour conditions of England and I do not regret that I do not know them. The labour conditions of England, like the political conditions of England, have had their own history behind them, just as our labour conditions have had their history behind them. I have more than once declared in this Assembly that I will not blindly follow the lead of England, I will not follow the lead of America or Russia. We want our own labour legislation concerning the people of India who are destined to be the spiritual leaders of the world.

Lieut.-Colonel H. A. J. Gidney: What lead will you follow?

Mr. M. K. Acharya: I will follow the lead of the Light that shines from Above. For as a great English poet put it "Heaven's light for ever shines; Earth's shadows fly." I will follow that, for it is the philosophy of the *Vedanta*. I will follow the great poet Shelley, who was not a church-going man. I take whatever is good in English poetry. I certainly say that there are very many good things in England. Let us take them, not blindly, but after due scrutiny; let us assimilate them and imbibe them and make them part and parcel of our national being; and so let us build and grow. I will not care to appear in the dress of my friend, Mr. Chaman Lall; I wish we were all Indians both outwardly and inwardly. In the past England and other countries had taken a lot from us, which they are now returning in some other form; just as the rays of the sun drive the vapours up, which, during the monsoon come down as rain. My friend, Mr. Chaman Lall, compared the English law, as it stood some years ago, and as it stands now, and he said that there is no such clause in the English law at present. That is how I understood him. There was some provision in the English law some time ago but at present

Diwan Chaman Lall: The Honourable Member did not follow me at all and it is no use his referring to this point because he has not understood it.

Mr. M. K. Acharya: And because there was not much that was good to be followed in Mr. Chaman Lall's speech, and to be understood.

3 P.M. I thought I was complimenting him by what I was saying, but if he says that I did not understand him it does not matter. It does not matter to me whether there is an English law or not, whether there is a foreign precedent or not. The whole question is whether, taking Indian conditions, among the labourers especially, and considering their poverty, their ignorance—not that they are themselves responsible for this to any very large extent—taking all things as they are, is it desirable to permit a few workmen to go and tyrannise over others? This is a condition of things that is also found in bigger matters like politics, where people try to impose their ideas upon you. I do not know whether my friend, Diwan Chaman Lall, thought of this when he tried to oppose the amendment of my friend, that there are people who assume the position of dictators to others, who not only try to persuade them by honourable means, but transgress the bounds of honourable means and persistently follow those who do not agree with them or go about interfering with them. If this outward act of molestation is resorted to

under cover of trade disputes, and the labourer is not protected by the draft Trade Disputes Bill, then certainly we ought to take care that we do give him protection. However, that is a point for the lawyers over there. Not having had the misfortune to be a lawyer, I cannot say whether such going about and watching and persisting and following and thereby annoying, whether all that comes at present within the purview of the Penal Code or not. I do not know. But if any acts are done in pursuance of any strike, either actually going on or about to come, protected by any clause in this section, and likely to give legal colouring to such acts which are wrong from the moral point of view, then I say some provision like the one that has been proposed by my friend, Mr. Fazal Ibrahim Rahimtulla, is very necessary. Therefore my position is a very difficult one here today. It is not that I want Diwan Chaman Lall not to take up the position he has taken; but as a friend of labour, as a friend of the workmen, as one who wishes to be as good a friend of the workmen as anybody else, I do wish to protect the humble and non-aggressive workman against the more aggressive workmen; to that extent that I am in favour of this amendment. At the same time, there may be cases in which this protection may be abused. It is very difficult to draw a line between peaceful persuasion and non-peaceful persuasion. Supposing I go to a man's house for the purpose of peaceful persuasion, I may be charged with persistently following such workman from place to place. There seems to be much vagueness in the language. I may go half a dozen times with my friend Chaman Lall in order to persuade his brother voters to vote for Diwan Chaman Lall. Then I may be taken as coming within this clause as persistently following my friend from place to place with a view to making him do something. Therefore the question is with respect to the language. And as for intention, nobody knows what the intention of any man is. I may go there for good or bad purposes. Only God may know for what purpose, or perhaps also my friend, Diwan Chaman Lall, who seems to know the intention of every mover of every motion under the sun.

Thus, while I feel there is some necessity for an amendment of the kind, I feel the difficulty that the language of this amendment presents. It is somewhat vague and wide and troublesome. I wish this amendment had had the benefit of the official draftsman, who seems to have done the other clauses very well. Any way, taking this new clause as it comes from my friend, I find, there are words which do not well fit in. But because the language is not as good as it might be, I don't see how we can reject it. If the language is found to be very defective, it will be for the Industries and Labour Member to set it right. Perhaps Diwan Chaman Lall, who will be the Member in Charge of Labour, soon will bring in an amendment to rectify the language of the proposed amendment; or in some way to remedy the defect in the situation. I feel the language difficult. I repeat, though there is the need in the present condition of labour for an amendment of the kind. Therefore it seems to me that between the language and the substance, I am rather at a loss to decide what I should do.

I want to make my position clear so that my vote may not be misinterpreted by the large number of labourers and workers in the country, for whom I wish to render as much service as I possibly can.

I thank you, Sir, for listening to me.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have no doubt in my own mind that the amendment proposed by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, is a desirable one on its merits, for it seeks to introduce in the Bill before the House a provision which it is desirable to incorporate in it. I fully agree with what has been said on the merits of the case by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, Sir Darcy Lindsay and Mr. Acharya. I do not want to add to the various arguments which have been used in support of this amendment, except just to quote a passage again from this book, "Freedom of Association", Volume I, published by the International Labour Office, Geneva. On page 138 of that book, it is stated:

"The right to work, however, implies that those willing to work have the right to be protected against strikers, and that picketing is prohibited."

That, Sir, is fundamental on the merits of the case. I was rather surprised to find that my friend, Diwan Chaman Lall, who was stressing on that right to work in the course of his speech earlier in connection with this particular Bill, is now taking quite a different view. At the same time, I am labouring under a peculiar difficulty in this matter. My recollection of what happened in Select Committee was stated to this House, I think either yesterday or the day before, and my difficulty with my friend, Diwan Chaman Lall, is that he is never serious. He never realised what was happening in the Select Committee; he never took a serious part in the deliberations; he took no heed of what I said in regard to what happened in the Select Committee in regard to this particular matter. The point really was that the Select Committee did not want to put into the Bill a measure which might give Diwan Chaman Lall an opportunity of asking for a re-circulation of the Bill. That was the real point, and I made it perfectly clear when I was dealing with his motion for re-circulation of this Bill. At the same time, to the best of my recollection, no definite conclusion about this matter was arrived at in the Select Committee. Nevertheless, I find that, at least among three Members of the Select Committee, there is a feeling that it was part of the understanding in the Select Committee that this matter should not be proceeded with in connection with the present Bill.

Lieut.-Colonel H. A. J. Gidney: Why not?

The Honourable Sir Bhupendra Nath Mitra: If three of my Honourable colleagues in the Select Committee now present here have that feeling, my view of the matter is that my word, or my word as it is interpreted to be, must remain as my bond. I would beg of my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, to help me out of this difficult situation. My original idea undoubtedly was to support this amendment, which, on its merits, is perhaps a good amendment. But I do feel that I must have some regard for the feelings of my Honourable colleagues on the Select Committee (Hear, hear); and if at least three of them definitely hold the view that this matter should not be brought forward now, without dishonouring the compromise in Select Committee.

Mr. Fazal Ibrahim Rahimtulla: The Chairman does not say so.

The Honourable Sir Bhupendra Nath Mitra: If three of them hold that view, I think I must refrain from pursuing the matter. I would beg of my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, not to pursue this matter. Later on, as I have already told my Honourable and gallant friend, Colonel Crawford, we shall note it down as one of the items to be dealt with in connection with the first amending Bill, if the Bill before us is enacted into law. Sir, it is with the greatest regret that I must oppose this amendment. I have made my position perfectly clear.

Mr. President: The question is:

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

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

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

The Assembly divided:

AYES—13.

Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Chalmers, Mr. T. A.
Crawford, Colonel J. D.
Dakhan, Khan Bahadur W. M. P.
Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
Ghuznavi, Mr. A. H.

Gidney, Lieut.-Colonel H. A. J.
Jowahir Singh, Sardar Bahadur
Sardar.
Lindsay, Sir Darcy.
Rahimtulla, Mr. Fazal Ibrahim.
Suhrawardy, Dr. A.
Yamin Khan, Mr. Muhammad.

NOES—56.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Maulvi.
Allison, Mr. F. W.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Bajpai, Mr. G. S.
Bhargava, Pandit Thakur Das.
Chaman Lal, Diwan.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Hussain Shah, Sayyed.
Ismail Khan, Mr. Muhammad.
Iyengar, Mr. A. Rangaswami.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. V. V.
Kartar Singh, Sardar.
Kelkar, Mr. N. C.
Kidwai, Mr. Raff Ahmad.
Lahiri Chaudhury, Mr. D. K.
Lall, Mr. S.
Melaviya, Pandit Madan Mohan.
Mehta, Mr. Jannadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Mitra, The Honourable Sir Bhupendra
Nath.

Mitter, The Honourable Sir
Brojendra.
Mukharji, Rai Bahadur A. K.
Munshi, Mr. Jahangir K.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rang Behari Lal, Lala.
Rao, Mr. V. Panduranga.
Rau, Mr. H. Shankar.
Rau, Mr. P. R.
Roy, Mr. B. C.
Roy, Mr. K. C.
Sarda, Rai Sahib Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Schuster, The Honourable Sir George.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Renanjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

The motion was negatived.

Clause 19 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, I move that the Bill, as amended, be passed.

Mr. M. K. Acharya: On a point of order, Sir. I want to have your ruling once again, whether we can pass on to motion No. 2 on the second page on the List of Business, while there is an earlier motion on page one standing undisposed of before the House. I want only your ruling on the point.

Mr. President: Yes, we can pass on.

The Honourable Sir Bhupendra Nath Mitra: Sir, I am glad to find that my anticipation has been realised so far, that the clauses of the Bill as amended by the Select Committee have been adopted by this House without any change. I have only one observation to make at this stage. I do not remember having stressed that point at any earlier stage. In the course of the debate on the second reading and on the clauses of the Bill, questions have been asked on several occasions as to why provisions like those contained in clauses 15 and 16 did find a place in this Bill. Now, Sir, all the provisions in this Bill constitute restrictions in some form or other on the right to strike. That right to strike, as I have stressed on several occasions in this House, does not exist to an unlimited degree. It is within the rights of the community to impose any limitations that it may desire on that right to strike, which may be considered necessary in the interests of the community as a whole. The provision for conciliation comes within the category of restrictions of that class; and that point too has been brought out fully in this very valuable publication issued by the International Labour Office, from which I have quoted on several occasions—I refer to the "Freedom of Association", Volume I. I hope that the House will now pass this Bill without further delay. Sir, I move.

Mr. S. Srinivasa Iyengar: Mr. President, I rise on behalf of my Party to register our protest on the third reading of this Bill, which affects the welfare of the working classes so materially, and in such an intimate degree. I do recognise the sincerity of motive on the part of the Honourable Member in charge of this Bill, and I wish to acknowledge in particular the straight lead which he gave to the Government on the amendment which was moved by my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, in spite of the very considerable pressure which must have obviously been put upon him. Speaking for myself, if anyone could have persuaded me to accepting this measure, undoubtedly my Honourable friend, Sir Bhupendra Nath Mitra, would have succeeded. But it is a wholly impossible measure, one to which no reasonable or patriotic man, no sincere well-wisher of the working classes of this country can at all accord his support. We have stated our position clearly while speaking on the clauses in detail as well as on the second reading and earlier stages. It is quite sufficient, therefore, if I say a brief word of protest on this occasion. I would take advantage of this opportunity mainly to reply to what just fell from the Honourable Member in charge of this Bill, and

also when he replied to Diwan Chaman Lall's opposition to clause 16 of the Bill, on which I had no reply. Sir, the Honourable Member claims that this right to strike does not exist to an unlimited degree. Sir, I have with me the Labour Year Book for the year 1928, and there is a very accurate and well-informed article there written by Arthur Henderson, Barrister-at-Law, on the Trade Unions Act, 1927. It is quite obvious that at common law, these strikes were not illegal:

"Lord Justice Fletcher Moulton has stated that strikes *per se* are combinations neither for accomplishing an unlawful end nor for accomplishing a lawful end by unlawful means; and the object of the Conspiracy and Protection of Property Act, 1875, and section 1 of the Trade Disputes Act, 1906, was to provide complete statutory immunity from both civil and criminal liability so far as strike action is concerned."

That was the state of the law—both common law and Statute law in England—before the recent Act of 1927 was passed. Now, Sir, authority undoubtedly exists for the view that a general strike for purely political purposes, that is purposes which are not treasonable or seditious, is not illegal, although such a strike might not be a trade dispute within the meaning of the Trades Disputes Act, 1906. In *Regina v. Cooper 4 State Trials*, New Series, at p. 1250, the view was expressed by Mr. Justice Erskine that, "Honestly and peaceably to persuade the working classes to cease their work for the purpose of obtaining the charter is not in itself criminal". Therefore it is quite plain that the right of general strike for political purposes, for the purpose of obtaining the workmen's charter is a perfected right and there is no illegality attaching to that. Now, Sir, what is it that this clause—this most mischievous, dangerous and pernicious clause—clause 16 of the Bill seeks to do? Sir, we heard a great deal of sympathy in favour of clause 15. Now, in addition to clause 15—the so-called public utility services and the restriction on the freedom to strike without notice—we have got this clause 16 which superimposes this very grave disability upon the workers. It says that a strike will be held to be illegal if it has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers are engaged, and is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government to take, or abstain from taking, any particular course of action. It is clear that this clause 16 will apply, not only to strikes in other trades or industries, but also to strikes even after due notice, given in accordance with clause 15—that is in the public utility services. Therefore you have got this position: you have got two disabilities in respect of public utility services, and you have got one disability in respect of all trade disputes which are not within clause 15 of this Bill.

Now, I think the course of the debate which has been pursued in this Assembly must, to any disinterested observer, produce a profound conviction that there has been a great deal of sophistication, conscious and unconscious, on the part of us all. The working classes are really not represented in the Assembly. That is the one abiding conviction that comes to one as the result of the debates; they are simply made the plaything of this side or that side—fine words are used; fine sentiments are expressed; and appeals to prejudices and passions are made—"Oh, you must not exploit labour; you must look to their interests only; you must not exploit labour for Swaraj; the right to strike must be exercised only in furtherance of a genuine and *bona fide* trade dispute, and so on and so forth". But what does it really come to? It all comes to this, that we have not got the welfare of the working classes at heart. As they stand at present,

[Mr. S. Srinivasa Iyengar.]

if they cannot get adequate and-real representation in the Legislatures of this country, is it not the right and duty of the working classes to better their lot by agitating for their political advancement? I am not talking of Swaraj advancement: I am not talking of this particular constitution or that particular constitution, though I do not see why they should not agitate for Swaraj or a particular constitution. They are entitled, for instance, in any change of the constitution of the country, to have their grievances given effect to, and their particular rights safeguarded, and a charter of workmen to be adopted: and what possibility is there of doing that if their right to strike is prohibited? As I have already pointed out, the only right which the poor working classes have is this right to strike: there is no other right. They have not got the power of wealth, which is more than the power of Governments, which can influence men of all descriptions, even people who fight or profess to fight for Swaraj: they have not got the power of physical coercion, and they have not got the power of the Government and police at their back. In that state of things, what is the only power or remedy which they can resort to? The only remedy consists in the exercise of their right to strike. Take it away either completely, or in such a fashion as to make it an illusory right—why, then, you deprive them of their very right to existence. Are they merely to exist as starving cattle? Therefore, Sir, I do consider that any interference with that right by the Legislature at the present stage of the industrial development in this country, and of the most inefficient organisation or unorganised condition of the working classes in India, at the present stage of the most unsatisfactory and cruel wage level and of the hopelessly disgusting conditions of labour in this country, it is wholly improper, and it is really cruel and oppressive on the part of any Government, on the part of any Honourable Member of the House, on the part of this Assembly, as a whole, to assent to a measure of this description, making such a catastrophic change in their rights. That, Sir, is my main objection.

Then, Sir, look at it from an administrator's point of view also; look at it from the point of view of the magistrate or judge who has got to decide these cases, because, as legislators, we have to look at it from all points of view. Let us see whether this clause 16 has any adequate meaning. It is really a most futile and unworkable clause. It is stated that a strike is illegal if it is for—"an object other than the furtherance of a trade dispute. . . . and is calculated to inflict severe, general and prolonged hardship upon the community." Now, how is this prolonged hardship to be found out except after the strike has been in progress for a long time and after prolongation of the hardship? How is a magistrate, who is called upon to decide a case, as soon as a person has declared a general strike of this description and is prosecuted before him, going to decide it? Does he know whether it is going to be prolonged or not; the notice of intention to make it a prolonged strike may not be available. The pious insertion of a threat in this section 16 can never be properly put into operation if it is honestly worked by the magistracy and the judges or by the Government. Clause 16 is an absurdly and grotesquely drafted provision. Then it is stated, "If thereby the Government is compelled to take, or abstain from taking, any particular course of action." Supposing the infliction of severe, general and prolonged hardship upon the community is brought about by a general strike, and that for the purpose, not of compelling the Government to take or abstain from taking any particular course of action, but simply

for an improvement in their wages and in their labour conditions, for the purpose of influencing the community and public men, then it does not come within the mischief of clause 16. I do not know what the intention of the framers of this clause was; but undoubtedly, if the object of it was to prohibit general or sympathetic strikes in a clear manner, that object has certainly not been achieved, and to the extent to which it has not been achieved, I congratulate myself that the clause is so defective and so unworkable that it is really of no use whatever, and the sword will break in the very hands of the persons who seek to use it against the working classes.

Sir, even after making a strike illegal, there is a proviso in clause 17 which says that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or accept employment. So that the result is this: the actual workmen who stop work are not punishable, notwithstanding the fact that the strike is declared illegal; and the only result of it is that those who instigate and those who incite others to take part in the strike, as well as those who declare it are only hit by these clauses 16 and 17. The real object of clause 16, in making a strike illegal, appears to me to be to take summary action against the trade union leaders, against the labour leaders, and even against the political leaders, who, themselves not being members of the trade union, ask the labouring classes to strike. If any person—for instance my Honourable friend, Pandit Madan Mohan Malaviya, as he is bound to—were to go about and ask the working men to improve and better their lot and, if need be, to strike for that purpose, then undoubtedly he would come under clause 17. It is not confined to the trade union officials. "Any person" is the phraseology that is employed. Then, again, it does not stop there. Sub-clause (2) of clause 16 says:

"It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out." That is perhaps the real motive of the whole clause. They do not want that any money should be obtained for the purpose of supporting those on strike, and they consider naturally the economic position of a workman is the most vulnerable position and should be most assailed. The Honourable Member in charge of the Bill pointed to the fact that, though a general or sympathetic strike is made illegal under clause 16, under clause 17 penalty is not imposed upon the workmen, but only upon the leaders. But he forgets that, by making it illegal, sub-clause (2) prevents the possibility of either collecting funds or of applying funds in supporting those who are on the so-called illegal strike, a callous provision.

Then, again, there is the mischievous clause 18, which seeks to divide the working classes, and which makes it impossible for them to have any loyal or well-knit organisation of working classes. Therefore, I submit that the Bill is really a shrewd blow, aimed at the trade union organisations in this country, the labour organisations in this country. The Government think that they may be a political danger to them or an economic danger to the capitalists, and they want, both on political grounds and in favour of capitalism, that the trade union organisations in this country should have short shrift given to them by means of this Bill. That is the reason why these ruthless and drastic provisions have been specially put in. Of course, we know what the majority in the Assembly have thought fit to do, and therefore I can only register, on behalf of my Party, and I hope of such of my friends outside who agree with me, a most emphatic protest against this most sinister piece of legislation. The Honourable

[Mr. S. Srinivasa Iyengar.]

Sir Bhupendra Nath Mitra says that this measure is only for a period of five years. What does that show? It is not legislation which is really necessary as a permanent piece of legislation. There are no conditions in this country which require such an enactment as this now or in the future. Why is it necessary to enact it now for a period of five years? Is it because in the infancy of the trade union movement in this country, the organisations are so very strong as to be a Government by themselves, and this Government find themselves unable to cope with the difficulties of the situation? That is certainly not the case. The truth is, they think, in five years, they will have rounded up all the labour leaders and will have made the labour movement in this country altogether an impossibility. In these days whether a man is for Swaraj or not, whether a man is for Dominion status or not, whether a man is merely for an instalment of reforms or not, whether a man is for communal electorates or joint electorates,—whatever our political differences may be—it is impossible for us to agree that the working classes are not the common problem of us all, and, to the extent to which we neglect their cause, to the extent to which we help the Government to impose fresh fetters upon them and to prevent their natural development, to the extent to which we prevent the working classes in this country from becoming a first class political party, as they should become, to the extent to which we prevent the emergence of a Labour Party, and in fact, a Labour Government in this country, to that extent we are really doing the greatest disservice, not only to ourselves and to India, but to our posterity. With these words, Sir, I oppose the passing of this Bill.

Mr. M. S. Aney: I rise to oppose the motion on the third reading of the Bill, and my grounds are practically the same as those that have been so ably put forward by my Honourable friend, the Deputy Leader of the Swaraj Party. On account of the existence of certain pernicious clauses in this Bill to which reference has been made by the previous speaker, the whole piece of legislation appears to me as an attempt by which the Government is seeking to isolate labour from the rest of the Indian population, and to treat labour as a problem in itself, detach from the other Indian population, with whom their lot is so intimately and closely connected. It is against this sinister attempt on the part of the Government to isolate labour from the rest of the Indian population that we want to register our protest. It appears to me that the Government are thinking that the labourer must always be a labourer. "Once a labourer, always a labourer and never a citizen," is the underlying principle on which Government seem to have based these three or four clauses which begin with clause 15 and end with clause 19 of the present Bill. These clauses virtually mean this, that the labourer cannot organise a sympathetic strike, that is to say, he cannot fraternise with the members of his fraternity employed in another place; he cannot organise a strike in furtherance of the improvement of his own status as a citizen. Supposing if he wants to go on a strike because certain fundamental rights, such as franchise, are denied to him, these clauses will come in his way. So, he cannot even aspire to the status of equality as a citizen with the other citizens of the Indian population. Thirdly, he cannot join the general movement in the country for the sake of winning liberty. So, all the three principles in vindication and as an embodiment of which the Western democracies have come into existence, and which they stand to vindicate even now, *viz.*, the principle

of fraternity, equality and liberty, are denied in his case, and he is called upon meekly to submit to his lot as a labourer, and nothing but a labourer, never to have any aspiration other than as a labourer, or a wage-earner or a coolie from life's beginning to life's end. That is the position created by these clauses, and it is that reactionary spirit underlying this legislation which requires the strongest protest from those who feel that labour is, after all, a part and parcel of the body-politic of the Indian nation. Sir, we cannot think of the entire Indian problem without our labour as an integral part of the same. Those who believe in the totality of Indian manhood as an indivisible whole cannot allow labour to be isolated in this way, and therefore any attempt on the part of the Government to isolate labour, and to treat it as a separate problem, untouched and untouchable by others, and as a matter of sole care and exclusive concern of the Government of India alone—such an attempt we are bound to resent, and for that purpose we must register our protest against it. The worst and the most objectionable feature of these clauses, in addition to what has already been said above is this. If the Government happen to declare a strike for one reason or another as an illegal strike under sub-clause (1) of clause 16, then they can prevent any person from expressing towards those strikers even ordinary sympathy in the form of pecuniary help which every man has a right to show to any sufferer in the world. We find that now-a-days societies are started for the sake of giving some sort of help even to people who are ex-convicts or convicts undergoing sentences of imprisonment in jail. Such kinds of societies are even encouraged by officials; but we find in sub-clause (2) of clause 16 a regular provision laying down that nobody can give any kind of pecuniary help to the workers. They are not only not allowed to fraternise amongst themselves, but people who very naturally feel some sort of sympathy for suffering humanity are precluded from extending their charity, their help and their generosity towards them if they are suffering; simply because the strike they happened to have organised has been dubbed by Government as an illegal strike. Again, this is not all. The second condition which is added on to sub-clause (1) of clause 16 for bringing a strike under the category of illegal strikes is that it should be "designed or calculated to inflict severe, general and prolonged hardship upon the community". That appears to me to be a terrible weapon in the hands of Government to treat any strike as an illegal strike whenever it chooses to regard a strike to be so. A strike might have been very legal at the beginning; it might be prolonged simply because efforts at settlement of that strike have failed as the employer and the labour concerned in the strike have not been able to come to any terms at all. As it is prolonged, it would necessarily be taken as causing general and severe hardship. Because a strike is prolonged, it could easily be construed as involving hardship to the community, and, therefore, it will be declared as illegal. Government, on account of its failure to bring about a conciliation through the Court of Inquiry or the Conciliation Board constituted under this law will have an excuse to say that it is an illegal strike and therefore the action of the striker is criminal. In that way they will forcibly break up that strike, rather than make another honest attempt to settle the strike on honourable and just terms to both parties. That is the danger that lies in that little provision. The failure of Government to bring about a reconciliation to the satisfaction of both parties will be in itself a ground for them to treat the strike as illegal, by saying that it is causing general and prolonged hardship to the community concerned. This is another serious danger.

[Mr. M. S. Aney.]

Lastly, I say, why is it that the people of this country should not be in a position to utilise labour for the sake of furthering their political aspirations? I do not understand it. Labour combinations or strikes for the sake of getting their own labour grievances redressed are no doubt allowed or permitted within certain limits under this Bill. But I maintain that inserting these retrograde clauses in this Bill, Government are not doing any thing to further the cause of labour or to give them any help. But they are most unjustly trying to utilise this opportunity of labour legislation for the sake of a sinister purpose, *viz.*, forging a new weapon of repression with a view to disarm the politically minded people of a very powerful weapon which every civilised nation has used for the realisation of their legitimate aspirations, and to win and preserve the liberty of their countrymen. Why should the Indians not legitimately expect the Indian labour to join the struggle? In my opinion, it is, if not the only, at least a very indispensable and potent weapon in the hands of the Indian people. Armless as they are, I venture to say that they have no weapons in their fight against the alien political power as powerful as some kind of organised mass movement such as direct action to strike any effective blow. They cannot at all afford to ignore labour, in their colossal effort to win their political rights and liberties. When the people are virtually planning a campaign and intending to make a supreme effort for the sake of asserting their rights, and compelling the powers that be to grant them the political rights and concessions which are certainly overdue, Government are meeting that demand by forging weapons of this kind. Concerted labour action is one of the most potent weapons in the hands of the public which they have a right to and can effectively use against the powers that be, and that weapon is sought to be snatched away from them by enacting clauses 16, 17 and 18. It is not right and proper, therefore, for Honourable Members with any sense of patriotism in them, whether they sit on the unofficial Benches or on the official Benches, to give their assent to a measure of this nature. One could understand it if measures of this kind are forged in the factory of the Home Member. But what pains me most on this occasion is the humiliating spectacle that one for whom we have very great respect and regard, and one, who has undoubtedly to his credit many achievements and solid services to the cause of Indian labour, has to pilot a Bill of this description. The only thing we can do is to record our protest by voting against the third reading of the Bill as a whole. For these reasons I have to oppose the motion with utmost regret and reluctance.

Sir Hugh Cooke: The Honourable Mr. Srinivasa Iyengar, in his long tirade against the Bill, and its lack of principle, utility and so on, seemed entirely to forget that no trouble has been taken, at any rate today, to improve the Bill. Bad as it is, at least some time might have been devoted to improving it, but the thunderstorm last night—whether it was the thunderstorm or not I do not know—has brought about a different atmosphere over the Opposition Benches, and the attempts, by way of amendments, which they put down to improve the Bill, have gone by the board. We on these Benches support the final reading of this Bill with some diffidence, because we do not approve of the course the Government elected to take with reference to two or three amendments on the paper. When the Bill goes to a Select Committee, the Government

Member ought to reserve the right to put down any amendments he likes on the paper and to support any amendments that other Members might put down. I gather from the Honourable Member that he has approved, in principle, all the amendments in regard to the steam vessels and the tramway services, but that he could not support these very desirable amendments, because there was a compromise in the Select Committee. That, Sir, was bad enough, but then we got on to Mr. Rahimtulla's amendment this morning and this afternoon. It was an amendment which was most strongly pressed by the Bombay Government and the Government of India did not see their way to support that amendment, and went into the lobby against us. We do not think that treatment is correct or sound. The Provincial Governments should have a more direct knowledge of strikes than the Government of India, and when you get a Provincial Government making a very strong recommendation on the subject of picketing, supported by the Commissioner of Police, to the effect that the existing law is not effective in practice, I think the Government of India should think long before refusing to listen to those recommendations, and in any case I think that the general principle of being bound to accept the Select Committee's Report is a bad one, and I hope it will not be followed in future. When a contentious measure like this goes to the Select Committee, it must be obvious that there would be certain amendments which, from the Government point of view, ought to be put down on the paper, and also the amendments of private Members, which ought to be supported by Government. Here we have a most desirable amendment, and the Government would not support us because they were bound down by some compromise. Therefore I support this final reading with considerable diffidence and some measure of regret.

Diwan Chaman Lall: With equal diffidence and a great deal of regret as shown by the Honourable Member who has just spoken, I rise to oppose the third reading of this Bill. I shall say, in passing, that I agree with the Leader of my Party, Mr. S. Srinivasa Iyengar, who paid a compliment to Sir Bhupendra Nath Mitra for having acted today in a manner which is worthy of him and worthy of a great cause, and I join my friend, Mr. Aney, in saying that one who has done so much during his tenure of office for the cause of labour should unfortunately be called upon to pilot a Bill of this nature. It has been said that there are two tragedies in life. One is to get your heart's desire and the other is not to get it and I can only compare the Honourable Member's success in piloting this Bill through this Chamber as a tragedy, because he has got his heart's desire. The end of it, Sir, will be tragic. Talking about the Bill the Honourable Member said that it is within the competence of a community to limit or restrict the right to strike if it discovers that it is in the interest of the community. Which community, I want to ask the Honourable Member—is it the community as represented by Members sitting on the Government Benches or is it the community as represented by the elected Members of this House, or is it the community who will be affected by this measure or the general public at large which has denounced this Bill in no uncertain terms. If we are going to restrict our interpretation of the word "community" to a vote of nominated and official Members, with a sprinkling of elected Members, then the Honourable Member is perfectly right. It was a point which I raised originally on the second reading of the Bill, when I said that

4 P.M.

[Diwan Chaman Lall.]

it was up to us to demand a verdict of the country as a whole on a measure of this importance. And if there had been a better system of Government, if the Honourable Member had been an elected Member of this House, chosen by the people, in charge of his portfolio, I am absolutely convinced that he would have taken this step, namely, he would have gone to the country and demanded a verdict on the provisions of this Bill, before coming to the floor of this House and asking us to pass it. I say that particularly because the provisions of this Bill are of a very far-reaching nature. The Honourable Member does not seem to realise sometimes that, in matters of this kind we are really serious. I have taken great pains (my labours extending over several days) in regard to the provisions of this measure. The Honourable Member knows in his heart of hearts, what pains I have taken to study the problem that is facing us. I assert that in spite of all the pains that I have taken and in spite of the meticulous care with which I have examined, not only the policy behind this Bill, but the procedure adopted by the Honourable Member and the words and the phraseology of the measure before us, I have not had any sympathetic consideration from the Honourable Member. I am sorry to say that not a single argument has been advanced by the other side which can refute any of the arguments that I have advanced from this side. I do not intend, Sir, to go over this ground again; that is a matter of public record. If an impartial reader were to examine that record, he would come to no other conclusion but this, that the measure before us is in the nature of a speculative doctrine. I think it was Thomas Aquinas who defined what a speculative doctrine was by saying whether one calls it an unknowable or unrevealed mystery, or an unexplained or inexplicable fact, makes little difference. This measure may be considered as an unknowable mystery or an unrevealed mystery or an unexplained or an inexplicable fact. I would much rather consider it to be an inexplicable fact, having regard to the fact that the arguments advanced by this side have not been met by the other side. I give the Honourable Member, Sir, every credit, for he wanted to do the right thing, but at the same time there is a machinery of which he is a part and of which unfortunately we are also a part, which machinery works in ways that are different to the ways in which that machinery would have worked if it were controlled by public opinion and by the people of this country.

Now, Sir, I want to ask the Honourable Member who demands this Bill, what was the necessity for bringing forward this Bill? Who prompted the Government to bring this Bill forward? I can understand the Honourable Member, or the Government of India bringing forward a measure of this nature if they could have shown an emergent necessity that had arisen in regard to this measure. Where is the urgent and emergent necessity for proceeding with this measure? May I ask, on whose prompting have the clauses of this measure been drafted? Is it because the Government of India or the Local Governments of their sweet will demanded a measure of this nature? Has any body of public opinion, apart from the interests of the employers, demanded that a measure of this nature should be passed and placed on the Statute-book? I know perfectly well that as far as the first part of the Bill is concerned, there has been a demand, but where is the demand on the part of the public for the second and third parts of it? And if there has been no demand, and if the Honourable Member can show me no necessity for

proceeding with this measure, a very contentious measure, a measure that has elicited unmeasured contempt and unmeasured opposition from the working classes of this country, then, may I ask the Honourable Member, why he should proceed with it?

Sir, my objection to this measure is not an objection based on a rhetorical argument, nor is it based upon a sense of injury that I myself might feel as being one of the parties involved in the passing of this measure. My objection to this Bill is based upon a fundamental principle, and that is this. You are, by making penal something which you have no business to make penal, imposing a restriction upon the liberty of the working classes, which you have neither the mandate nor the authority to impose on the working classes. I could understand it if the working classes had been represented or if you had consulted them and they had said that they wanted a measure of this kind. But when your fundamental aim and object is to provide for the settlement and prevention of trade disputes, why should you go beyond that one fundamental object and seek to prevent strikes under certain circumstances? Why should you try to make strikes illegal in certain circumstances? The Honourable Member said when I was discussing clause 16 that my remarks did not apply to those who were actually laying down their tools and going on strike and he read out the proviso to clause 17. Now, the proviso to clause 17 says:

"Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment."

That is all right, but the Honourable Member must remember the other portions of clause 17 which says:

"If any person declares, instigates, incites others to take part in or otherwise acts in furtherance of a strike or lock-out."

They are very comprehensive words. It is perfectly true that as far as his laying down of the tools is concerned, he will not be proceeded against, but the very fact of his laying down his tools and being a party to the Resolution that everybody else also should lay down his tools comes under the category of inciting others to lay down their tools. I submit that my reading of the clause is perfectly correct. I submit that my reading of the phraseology of this clause and of the whole Bill is that it is a very comprehensive measure which gives altogether unlimited powers within the ambit of this Bill to the police or the magistracy to proceed against the working classes whenever they indulge in a sympathetic or a general strike. I do consider that it is a hardship that the Honourable Member is inflicting upon the working classes for which he has absolutely no justification, and that if he were free he would probably have taken a similar course as the one he took in regard to the amendment moved by Mr. Fazal Ibrahim Rahimtulla. I submit that in the interests of the working classes, in the interests of the liberty of the subject, in the interests of the movement for freedom both amongst the working classes and the public at large, and in the interests of a fair deal for the working classes, this measure should be opposed by every elected Member in this House. (Applause.) But I feel that this measure savours, as it undoubtedly does, of class prejudice and class hatred and class revenge, and if the employers, as my friend said the other day, are at the back of this measure, if it is they who demand this measure, then it is all the more necessary why the Honourable Member should have proceeded warily and protected the interests of the working classes, rather

[Diwan Chaman Lall.]

than to have inserted clauses which are penal and which would make sympathetic strikes penal. I ask the Honourable Member once more at this late stage that he should listen to what I have got to say on the ground of justice, although I doubt if he would be converted by what I have to say. I therefore appeal to him to take the first opportunity to declare to this House that he will oppose the penal clauses so that we may accept the first part of the Bill. If this appeal that I am making is listened to by him, I can guarantee to him that the working classes would welcome the first part of the Bill. But if this appeal is not listened to, he knows, and I know, and the country knows, that the working classes will have to adopt every measure they can in order to protect their own liberty, their right to strike, and their right to offer their work and withhold it *whenever they like*. That is a right which they intend to exercise. I am not issuing a threat, but merely informing the Honourable Member that, if this measure is proceeded with against the working classes, then it leaves them no choice but to so protect themselves as to adopt measures which will lead to the defeat of these provisions in actual practice. How they will do this I am not in a position to say, but I do fear that it will lead not to the growth of Trade Unionism in this country, but to the disappearance of existing trade unions, because any trade union which comes within the purview of this Act will be afraid to organise itself and would rather not come within the provisions of this measure and refuse to form itself into an association.

I want to ask one question and that is this. Does not the Honourable Member consider that when the aim and object of the Bill is merely to prevent disputes, that he should have confined himself to that particular part of the Bill and not gone on to the penal clauses, and if he has now gone on, will he not inform the House and me and the working classes as to what the policy is that is behind this measure, as to what were the promptings that the Government of India received and what were the sources of these promptings, in order that the position may be clarified as to what the real intention of the Government of India has been, not, as my Honourable friend over there said, for the protection of the working classes, but for the hardships inflicted on them for the purpose of benefiting employers, and certainly not the workmen? If the latter is the purpose, I am sorry to say that I shall have to register my vote against the Honourable Member, and this Bill and the policy of the Government which has prompted this Bill. Speaking on behalf of the working classes, I can say no more than this that it is for the first time in the history of this movement that a measure of this kind which has been deliberately designed to inflict serious hardship on the working classes has been brought on the floor of this House with the consent of the Government. I consider it a very serious menace to the liberty of the working classes and to the liberty of the people of India. And, Sir, with all the vehemence I can command, I oppose this measure. (Applause.)

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I support the motion of the Honourable

(At this stage Messrs. Acharya and Ranga Iyer stood up in their places and, in reply to a question from the President, signified their desire to speak.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th April, 1929.