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THE LEGISLATIVE ASSEMBLY DEBATES

Official Report

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NINETEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1943



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LEGISLATIVE ASSEMBLY

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Mr. N. M. JOSHI, M.L.A.

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LEGISLATIVE ASSEMBLY

Saturday, 13th November, 1943.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PRESERVING FOOD FOR EAST AFRICAN FORCES.

123. *Mr. Govind V. Deshmukh: Will the Honourable Member for Food please state:

(a) if he has to procure food for the East African Forces which arrived in India a few months ago; if so, what the various kinds and quantities of food are that he has to procure; and

(b) if he made any representations to His Majesty's Government to make arrangements for food for these East African Forces?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes. Foodstuffs are provided by the Food Department for African troops in this country, of the same kinds and on the same scales as for Indian troops. It is not in the public interest to disclose the quantities.

(b) No, Sir.

Mr. Govind V. Deshmukh: May I ask why no representations were made in view of the fact that there is scarcity of food in this country? Did not the Honourable Member realise that it was a most opportune moment to make representations?

The Honourable Sir Jwala Prasad Srivastava: Well, Sir. The quantities are very small and it was not worth while.

Mr. Govind V. Deshmukh: What are the quantities so that the House may have an idea?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that they are small.

Mr. Govind V. Deshmukh: The quantities may be small, but we want to have an idea of what the Honourable Member means when he calls it small or big.

Mr. K. C. Neogy: Is it not a fact that the Foodgrains Policy Committee have made a recommendation that a question allied with this one should be taken up for serious consideration with the parties concerned, namely, the question of feeding overseas troops in India?

The Honourable Sir Jwala Prasad Srivastava: The matter is under consideration. I will go into it further, but as I have stated, the quantities are so small and the troops are doing such useful work here that we thought it was not worth bothering about.

Mr. K. C. Neogy: Do I take it that that recommendation of the Foodgrains Policy Committee is not going to be implemented?

The Honourable Sir Jwala Prasad Srivastava: No. It is being implemented, but there can be exceptions to every rule.

NOT ALLOWING SCINDIA STEAM NAVIGATION COMPANY VESSEL TO CARRY FULL LOAD OF FOOD TO BENGAL FROM KARACHI.

124. *Mr. Govind V. Deshmukh: Will the Honourable Member for Food please state:

(a) if he is aware that a vessel of the Scindia Steam Navigation Company was berthed in the last fortnight of September, 1943, or in the first week of October, 1943, to carry food to Bengal from Karachi;

(b) whether this steamer was not allowed to carry its full load of rice and foodgrain; if so, why;

(c) whether representations to the Government of India were made by the Company or by Dr. Shyama Prasad Mookherjee to be allowed to carry the full load; if so, what reply was given by the Government; and

(d) why the cargo was consigned only to the Director of Civil Supplies, Bengal, and Ramakrishna Mission, Calcutta, and no bags were allowed to be consigned to Dr. Mookherjee to whom the vessel was offered?

The Honourable Sir Jwala Prasad Srivastava: (a) Yes.

(b), (c) and (d). It is not a fact that the steamer was not allowed to carry its full load of rice and foodgrain. On the contrary, the facts are that the Scindia Company was unwilling to carry foodgrains to Calcutta, which were consigned on Government account, or any foodgrains except free gifts. The value of the shipload of foodgrains would have been about 20 lakhs of rupees, and since that amount was not forthcoming as a free gift, the vessel loaded about 5,000 tons of commercial cargo for Calcutta and other ports, even though the Sind Government offered to fill the ship with foodgrains consigned to the Bengal Government. Representations were received by the Government of India from Dr. Shyama Prasad Mookherjee and instructions were issued to the Sind Government to permit all charitable exports. In accordance with general instructions issued by the Government of India on the subject, all consignments for charitable organisations were to be sent formally to the Director of Civil Supplies, Bengal; on account of the charitable organisation concerned. No representation was received from the Scindia Steam Navigation Company itself.

Mr. Govind V. Deshmukh: Will the Honourable Member explain if his statement is true that the Scindia Company was unwilling to carry food except what happened to be free gift; why it was eventually made to carry food that was supplied by Government and other bodies?

The Honourable Sir Jwala Prasad Srivastava: As far as my information goes, the ship carried 1,000 tons consigned by and to the Ramakrishna Mission, and at the last moment took 350 tons of Sind Government's consignment, after it loaded 5,000 tons of commercial cargo.

Mr. Govind V. Deshmukh: It did carry some grain which was free gift. Then it is not true to say, or it is not a correct answer that the Scindias were unwilling to carry food which was free gift?

The Honourable Sir Jwala Prasad Srivastava: They were unwilling to carry in the beginning as I have said, but when they found that they had that much of space left, they carried small quantities of Sind Government's grain.

Mr. K. C. Neogy: Is it not a fact that the Scindia Company had actually made an announcement of free shipping for the benefit of such charitable cargo?

The Honourable Sir Jwala Prasad Srivastava: Yes. It made an announcement, but the quantities were not there. They did not get the free gifts.

Mr. K. C. Neogy: But why? I wonder if the Honourable Member has given a definite answer to part (d) of the question. I am afraid I could not catch his answer.

The Honourable Sir Jwala Prasad Srivastava: That I will explain quite simply. When I was in Calcutta last September, I arranged with the Bengal Government that all such consignments on behalf of charitable institutions will be sent to the Director of Civil Supplies so that he might pass those on to the charitable organisation concerned. This was done in order to avoid abuse. There were very many Local Governments who were very doubtful, suspicious, and in order to reassure them I arranged that the Director of Civil Supplies will check up so that in case a consignment is sent to a bogus institution it won't be delivered at all to it.

Mr. K. C. Neogy: Do I take it that, though an exception was made to this particular rule in favour of Ramakrishna Mission, Calcutta, Dr. Shyama Prasad Mookherjee was presumed to be a bogus institution?

The Honourable Sir Jwala Prasad Srivastava: Dr. Shyama Prasad Mookherjee himself wired to me and I was prepared to make an exception in his favour, but there were no free gifts to fill the ship.

Mr. K. C. Neogy: With regard to another statement that the Honourable Member, has made that the Scindia Company refused to carry Government cargo, is the Honourable Member aware that this statement has been contradicted by the Scindia Company in a statement which they issued and also in a letter which they addressed to Sir C. C. Corbett, Regional Commissioner, Area No. 1?

The Honourable Sir Jwala Prasad Srivastava: Well, Sir. My information which comes from the Sind Government is that they refused.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

POSITION CONCERNING NEWS ROLL AND OTHER PAPER.

†125. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state if news roll and other papers for printing had been imported from abroad? If so, is it proposed to release another 20 per cent. of paper reserved for the use of Government, for the use of the public?

(b) Is the Honourable Member aware of the fact that paper is being still sold in the black market at very high rate? If so, what steps has the Honourable Member in view to stop such a black market trade?

(c) What tonnage of paper has been manufactured in India in excess over the normal production of all the paper mills in India? Was that extra production allowed to be sold in the market, or was it monopolised by Government for their use? What was the total tonnage of paper produced month by month in 1942 and up to the 30th September, 1943?

The Honourable Sir M. Azizul Huque: (a) Yes. The question of releasing a greater percentage of the Indian mill production of paper for non-Government use is at present under the consideration of the Government of India.

(b) Yes. Government have under examination certain measures calculated to ensure a reasonable degree of control over the distribution of paper among non-Government users.

(c) 51,000 tons during the twelve months ending September 1943. The extra production was shared in the same proportion as the rest, namely, 70 per cent. for Government and 30 per cent. for non-Government use. I lay on the table of the House a statement showing the total tonnage of paper produced month by month in 1942 and up to the 30th September 1943.

Statement showing the total tonnage of paper produced by Indian Mills month by month in 1942 and up to the 30th September, 1943.

Month.	Tonnage.	Month.	Tonnage.
April, 1942	7,412	January, 1943	8,750
May, 1942	8,324	February, 1943	8,981
June, 1942	8,459	March, 1943	8,863
July, 1942	8,825	April, 1943	8,906
August, 1942	8,179	May, 1943	8,850
September, 1942	8,145	June, 1943	8,957
October, 1942	8,439	July, 1943	9,040
November, 1942	8,410	August, 1943	8,892
December, 1942	8,925	September, 1943	9,022

EXPENDITURE ON "GROW MORE FOOD" CAMPAIGN.

†126. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Secretary for Education, Health and Lands be pleased to state the cost of advertisements for the "Grow More Food" Campaign by the Government of India since its inception up to the 15th October, 1943?

(b) What amount was advanced by the Central Government to the different Provincial Governments for the purpose of growing more food during 1941-1942 and up to the 15th October, 1943?

(c) Is the Honourable Member aware of the plans and methods adopted by each province to grow more food, and how have the amounts advanced by the Central Government to the Provincial Governments been utilised for making the efforts effective?

(d) What acreage of fallow land was made arable, province by province, what crops were produced, and what was the quantity during 1942 and up to the 15th October, 1943?

Mr. J. D. Tyson: (a) The expenditure incurred is as follows:

1942 about Rs. 85,000
 1943 (up to 15th October 1943) about Rs. 81,200

(b) No grant or loan was sanctioned by the Central Government in 1941-42 but grants totalling Rs. 28 84,000 were made from the Central Cotton Fund in

* Answer to this question laid on the table, the questioner being absent.

1942-43. The loans and grants sanctioned during the current budget year (1943-44) up to the 15th October amount to,—

	Ra.
Loans	1,33,44,000
Grants from the Cotton Fund to assist the cotton growers to divert lands from short staple cotton to food crops	10,39,000
Grants from Central Revenues	61,15,000

(c) Yes. Every scheme sent up by a Provincial Government is scrutinized and approved by the Government of India before any financial assistance is sanctioned from Central Revenues. The Government of India are kept informed of the progress of such schemes by periodical returns regularly submitted by the Provincial Governments.

(d) Separate figures for fallow lands brought under cultivation are not available, but compared with 1941-42, the area under food crops increased by 80 lakh acres during 1942-43. A statement showing the quantities of principal foodgrains produced during 1942-43 in British Indian Provinces is laid on the table. Definite figures of production for the current budget year are not yet available.

Production of principal foodgrains in British India during 1942-43

Provinces	(Thousand tons)								Total
	Rice	Wheat	Jowar	Bajra	Maize	Barley	Gram		
Bengal	6,916(a)	53	3	1	39	33	108		7,153
Madras	4,575	(h)	1,031	562	25	(h)	(h)		6,193*
Bihar	3,252(a)	581	19	22	558	416	468		5,316
C. P. & Berar	2,378(b)	521(b)	1,140	29	77	2	183		4,330
United Provinces	1,852(c)	2,742(f)	656	646	941	1,508	1,765		10,116
Assam	1,622(a)	—		Not available		—			1,622*
Orissa	1,247(a)	1	8	1	7	(g)	2		1,266
Bombay	1,155(d)	332(f)	1,041	542	35	4	77		3,286
Sind	324(e)	470(e)	128	130	(h)	(h)	(h)		1,052
Punjab	384	4,807(f)	(h)	644	443	273	1,074		7,625*
Coorg	60	—		Not available		—			60*
Delhi	(h)	12	—	Not available		—			12*
N.-W. F. P.	(h)	325	—	Not available		—			325*
Ajmer-Merwara	(h)	7	5	5	8	17	1		43*
Total British India	23,771	9,851	4,031	2,682	2,133	2,253	3,678		48,399*

* Incomplete.

- (a) Including autumn, winter and summer rice. (d) Including autumn, and spring rice and also Indian States.
- (b) Including Eastern Agency States, formerly C. P. States. (e) Including Khairpur (Sind).
- (c) Including autumn, winter and summer rice and also figures for Rampur State. (f) Including Indian States.
- (g) Less than 500 tons. (h) Not available.

Source.—Final Forecast (Rice & Wheat) Indian Trade Journal. Special enquiries for other crops.

RECOMMENDATION OF THE GREGORY COMMITTEE CONCERNING SUPPLY OF GOODS WHICH THE CULTIVATOR NEEDS.

127. *Mr. Govind V. Deshmukh: Will the Honourable Member for Industries and Civil Supplies please state:

(a) if his attention has been drawn to the recommendation of the Gregory Committee as one of the means for procurement of food supply, "that the problem of procurement is thus intimately linked up with the problem of increasing the supply of goods which the cultivator needs";

(b) what efforts Government have made or propose to make to increase this supply of goods; and

(c) the number and nature of goods which Government wish to supply to the cultivators by increasing the manufacture thereof?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) and (c). I would draw the Honourable Member's attention to the full statements on the subject of consumer goods which my Honourable Colleague, the Finance Member, and I made in this House the other day.

Mr. Govind V. Deshmukh: Has the Honourable Member supplied the number and nature of goods which the Government wish to supply to the cultivator?

The Honourable Sir M. Azizul Huque: We communicated this to all the Provincial Governments. A list of such consumer goods as ought to be available in larger quantities has just been prepared.

Mr. Govind V. Deshmukh: Will that be laid on the table of the House?

The Honourable Sir M. Azizul Huque: If the Honourable Member will put a question I will certainly do it.

Mr. Govind V. Deshmukh: There is hardly time. Will the Honourable Member accept a short notice question?

The Honourable Sir M. Azizul Huque: The Honourable Member might put it.

PARTS OF INDIA WHERE FAMINE PREVAILS.

128. *Khan Bahadur Mian Ghulam Kadir Muhammad Shahban: Will the Honourable the Food Member be pleased to state:

(a) in which parts of India famine conditions prevail at present;

(b) what is the number of deaths due to starvation in various provinces and States;

(c) what measures have been adopted to relieve the distress and suffering caused by such a catastrophe; and

(d) what steps are being taken to prevent a recurrence of a similar situation in future?

The Honourable Sir Jwala Prasad Srivastava: (a) There is serious distress in many districts of Bengal; in parts of the coastal districts of Crissa; in the States of Travancore and Cochin; in the Districts of Bijapur and Dharwar of Bombay Province and in the Deccan States adjoining these districts; and in the Ceded Districts of the Madras Province. There is shortage of foodstuffs in certain other parts of the country as well.

(b) There are at present no reliable figures available. Reports so far received indicate that outside Bengal very few, if any, deaths can be directly attributed to starvation, but deaths have occurred from disease which might have been avoided if the shortage of food had not resulted in malnutrition. Similarly, it is clear from the District Officers' reports that of the high death roll in several districts of Bengal, many are due to disease combined with malnutrition.

(c) and (d). The maximum quantity of foodgrains possible is being despatched to those areas where there is distress and more efficient measures of procurement and distribution are being devised to prevent a recurrence of similar conditions in the future. In addition, imports are being arranged from abroad and steps are being taken to control prices and to introduce rationing.

Mr. K. C. Neogy: Is it a fact that the position in Orissa is very very serious and that it is deteriorating very fast?

The Honourable Sir Jwala Prasad Srivastava: I am aware that the position was serious. I would not call it 'very very serious'. But since then relief has been provided and is being provided. I am in close touch with Orissa.

Mr. Kailash Bihari Lal: Are there any reports of deaths from starvation from Bihar?

The Honourable Sir Jwala Prasad Srivastava: No deaths are reported from Bihar.

RECOMMENDATIONS OF THE GREGORY COMMITTEE CONCERNING SUPPLY OF NECESSARY GOODS AND PRECIOUS METALS TO THE CULTIVATOR.

129. *Mr. Govind V. Deshmukh: Will the Honourable Member for Food please state:

(a) if he is aware of the following recommendations of the Gregory Committee:

(i) 'the problem of procurement of foodgrain is thus intimately linked up with the problem of increasing the supply of the goods which the cultivator needs'; and

(ii) 'it would be advisable for Government to secure supplies of the precious metals for sale to the cultivator'; and

(b) if he intends to give effect to these recommendations; if so, in what way; if not, why not?

The Honourable Sir Jwala Prasad Srivastava: (a) and (b). I am aware of these recommendations and have already brought them to the notice of the departments of the Government of India whose concern it is to implement them.

Mr. Govind V. Deshmukh: May I know if any recommendations have been made by the Civil Departments in connection with these subjects and whether plans are ready?

The Honourable Sir Jwala Prasad Srivastava: The Government of India fully realise the importance of the recommendations. They have accepted the recommendation referred to in (a) (i) and steps are being taken by the Industries and Civil Supplies Department to increase the supply of the goods which the cultivator needs. With the help of the Cotton Cloth and Yarn Control Order and the Cotton Cloth Movement Order, Government have made arrangements for the distribution of cloth throughout the country at reasonable prices. The prices of kerosene oil and matches have been controlled for several months and steps are being taken to ensure suitable distribution of available supplies to the civil population. Steps are also being taken to control the prices and regulate the distribution of drugs and medicines; arrangements are being made to increase the supply of building materials and agricultural implements. Prices and distribution of other less essential commodities are controlled through local orders through the provisions of the Anti-Hoarding and Prevention of Profiteering Ordinance.

Mr. Govind V. Deshmukh: Has the Honourable Member realised the urgency of decreasing the inflation in the country. What time does the Honourable Member think his steps will take to mature into the particular result that is desired?

The Honourable Sir Jwala Prasad Srivastava: I am unable to indicate the time. I know my Honourable Colleagues in these departments have got the matter under active consideration.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that the cultivator needs very little of the several articles which he has mentioned, such as standard cloth, kerosene, etc. What he needs is iron particularly and such things as are necessary for his agricultural implements.

The Honourable Sir Jwala Prasad Srivastava: I have mentioned these.

Mr. Govind V. Deshmukh: I do not think the Honourable Member has mentioned iron.

The Honourable Sir Jwala Prasad Srivastava: 'Agricultural implements' means iron. The cultivator makes his own agricultural implements.

Mr. Govind V. Deshmukh: Besides the agricultural implements, the agriculturist wants tyres for the wheels and so on. Will Government release iron for such purposes, in addition to agricultural implements such as plough, etc.

The Honourable Sir Jwala Prasad Srivastava: Much larger quantity of iron is being released now.

Mr. Lalchand Navalrai: May I know if after these recommendations the condition of the cultivator has been better actually?

The Honourable Sir Jwala Prasad Srivastava: It is difficult to assess but I hope it is improving.

CERTAIN IRREGULARITIES IN THE WORKING OF THE PAYMENT OF WAGES ACT.

130. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Labour be pleased to state the number of irregularities detected by the Conciliation Officer (Railways) and Supervisor of Railway Labour, during the years 1939-40 and 1940-41, in the working of the Payment of Wages Act? If there is an increase during the latter year, what steps do Government propose to take besides reporting to Railway administrations concerned to remedy this? If none, why?

(b) Will the Honourable Member please give a reference to the specific provision of the Payment of Wages Act, or rules framed thereunder, sanctioning the course of reporting irregularities to Railway administrations instead of to the authorities set up under Section 15 of the Act?

(c) If there is no such provision, why is not action taken under Section 15(3) of the Payment of Wages Act by Labour Inspectors?

The Honourable Dr. B. R. Ambedkar: (a) The number of irregularities detected during 1939-40 and 1940-41 were 3,012 and 4,158, respectively, Railway Administrations have recently been directed to take suitable steps to obviate the recurrence of these irregularities. If the irregularities continue to increase, the question of making formal applications under Section 15 of the Act will be considered. Government does not consider it necessary to proceed formally

under the provisions of that Section when satisfactory settlement in the individual cases can be otherwise achieved.

(b) There is no such provision in the Payment of Wages Act or the rules framed thereunder.

(c) The provisions of Section 15 (3) are not mandatory and there is nothing in the Act to prevent an Inspector from making reports to Railway Administrations and getting any claims settled amicably.

Mr. Lalchand Navalrai: Have these Inspectors enough power to make recommendations?

The Honourable Dr. B. R. Ambedkar: Yes.

Mr. N. M. Joshi: May I ask if these irregularities are found on the Company-managed railways or even on the State-managed railways?

The Honourable Dr. B. R. Ambedkar: I must have notice of that question.

ACTIVITIES OF THE CONCILIATION OFFICER (RAILWAYS).

131. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Labour be pleased to refer to his reply to Mr. N. M. Joshi in regard to starred question No. 147 asked by me on the 19th February, 1943, stating that he would consider extending the field of activities of the Conciliation Officer (Railways), and state whether any action has been taken in the matter? If so, is it proposed to make a brief statement on the subject?

The Honourable Dr. B. R. Ambedkar: The question is still under consideration and I am not at present in a position to make any statement.

Mr. Lalchand Navalrai: What is delaying the consideration so much?

The Honourable Dr. B. R. Ambedkar: I said that the matter is under consideration.

Mr. Lalchand Navalrai: Why is it taking so long?

The Honourable Dr. B. R. Ambedkar: I do not think it has taken a long time.

Mr. Hooseinbhoj A. Lalljee: When will it reach the stage of active consideration?

The Honourable Dr. B. R. Ambedkar: The stage of consideration is now complete.

Mr. Govind V. Deshmukh: Since when has the matter been under consideration?

The Honourable Dr. B. R. Ambedkar: For a long time and particularly since the time when Mr. Joshi asked his question.

DEATHS IN BENGAL.

†132. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the number of deaths in the whole Province of Bengal during the months of August, September and October, 1943, separately; and

(b) the number of deaths during corresponding months of 1940, 1941 and 1942?

Mr. J. D. Tyson: (a) The statistics for the months referred to have not yet been received in the office of the Public Health Commissioner from the Director of Public Health, Bengal. The information has been called for and will be laid on the table on receipt.

(b) A statement is laid on the table of the House.

Statement showing the number of deaths in the province of Bengal during the months of August, September and October of 1940, 1941 and 1942.

Year	No. of deaths in the months of		
	August	September	October
1940	81,202	83,940	94,069
1941	81,316	77,217	98,930
1942	82,947	91,934	118,886

PROVINCES HAVING STATUTORY PRICE CONTROL AND CITIES HAVING RATIONING.

†133. ***Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) in which provinces the statutory price control has been introduced so far; and

† Answer to this question laid on the table, the questioner being absent.

(b) in what cities rationing has been introduced, and what the general ration per head of *atta*, rice, sugar, etc., is?

The Honourable Sir Jwala Prasad Srivastava: (a) Statutory price control has been introduced in Bengal, Bihar, Bombay, Assam, Sind, Orissa and Coorg.

(b) Of cities and towns in British India comprehensive rationing schemes have so far been introduced in Bombay, Poona, Madras, Coimbatore and Quetta.

No uniform scale has been adopted but the general scale of ration is one pound of foodgrains per adult per day. Children between 2 and 12 years get half of this quantity. Certain classes of manual labour get supplementary rations which, in some places, is as much as 50 per cent. of the basic ration. The constituents of the ration vary from place to place.

The scale of ration of sugar ranges between 8 to 12 oz. per head per week.

FOODGRAINS POSITION.

†134. *Sardar Mangal Singh: Will the Honourable the Food Member please state:

- how many tons of foodgrains were produced during the last crop;
- how many tons were imported from other provinces;
- what the normal requirement of foodgrains is for the whole of Bengal;
- what amount of foodgrains was exported from Bengal; and
- what the present stocks of foodgrains are?

The Honourable Sir Jwala Prasad Srivastava: (a), (b), (c) and (d). On the assumption that the Honourable Member is referring to Bengal throughout his question, statements are laid on the table.

(e) The figures are not readily available.

STATEMENT (a).

Estimated Production of Foodgrains in Bengal during 1942-43.

Foodgrain.	In tons.
Rice	6,918,000
Milletts (Jowar and Bajra)	3,000
Wheat	53,000
Gram	108,000
Barley	33,000
Maize	39,000
Dals	299,000
Ragi	2,000
Total	7,453,000

Source.—All figures except for Rice and Wheat are specially obtained from the Province. Rice and Wheat figures are taken from the Forecasts published by the D. G. C. I. & S., Calcutta.

STATEMENT (b).

Quantities of different foodgrains despatched to Bengal from December 1942 to October (28th) 1943—from other Provinces and States of India.

Period.	Wheat including Products.	Rice.	Gram.	Milletts.	(In tons). Total.
December '42 to October '43 (up to 28th)	213,422	243,619	6,756	58,631	522,428

Note.—Gram figures relate to the period April to October, 1943.

STATEMENT (c).

Estimates of requirements of the Bengal Province for 1942-43 on a ration basis.

(A) Population	Adult Population (80% of total population).	Requirements (at the rate of 1 lb. cereals per day per adult head).
60,306,525	48,245,220	7,900,000 tons
<i>(B) Bengal's 'Normal Requirements' of foodgrains (i.e., normal production plus normal net imports).</i>		
Rice	.	8,118,000
Milletts (Jowar and Bajra)	.	3,000
Wheat	.	291,000
Gram	.	120,000
Barley	.	27,000(b)
Maize	.	24,000(b)
Dals	.	N. A.
Ragi	.	N. A.
Total		8,583,000

N.A.=Not available in the absence of trade statistics for these commodities.

(a) Not given. (b) the figure does not include net imports by rail, which is not separately recorded.

†Answer to this question laid on the table, the questioner being absent.

STATEMENT (d).

Showing exports of foodgrains from Bengal from April, 1943 to September, 1944.

	Sea.	Rail.*	Cost.	(In Tons.) Total.
Rice	121	651	Not available	772
Millets . . . . .	..	212	Do.	212
Wheat . . . . .	..	2,297	Do.	2,297
Gram	535	198	Do.	733
Other sorts	4,843	N.A.	Do.	4,843
TOTAL	5,499	3,358	N.A.	8,857(a)

* Exports by Rail relate to April and May 1943 only.

(a) Incomplete.

ICE FOR MILITARY REQUIREMENTS OUT OF PROVINCIAL RESERVE IN CENTRAL PROVINCES.

135. *Mr. Govind V. Deshmukh: Will the Honourable Member for Food please state:

(a) if a demand was made for rice for military requirements out of the provincial reserve of rice in the Central Provinces, and that rice was sent out of the province in October 1943; if so, how much; and

(b) if there is a military reserve of food in this province; if so, why there was an inroad on the provincial reserve of rice?

The Honourable Sir Jwala Prasad Srivastava: (a) At the end of July last the Government of Central Provinces were asked to supply certain quantities of rice which were urgently needed for deficit areas and for military requirements, by improving their purchases or, if necessary, by advancing a proportion of the amount required from their reserve. The Central Provinces Government were able to supply the amount required, including about 7,700 tons for the Defence Services in October and without having to encroach upon their reserve.

(b) Does not arise.

Mr. Govind V. Deshmukh: Is the Honourable Member aware that when these different stocks—military reserve or provincial reserve or the Central Reserve—are being built up, every province is told by the Military Department to give a definite quota with that idea. If so, why was the extra demand made upon this province for the provincial reserve?

The Honourable Sir Jwala Prasad Srivastava: It was not an extraordinary demand so far as I am aware.

Mr. Govind V. Deshmukh: If the military reserve was there, why was it necessary to make an inroad on the provincial reserve?

The Honourable Sir Jwala Prasad Srivastava: It was towards the fulfilment of their anticipated quota.

Mr. Govind V. Deshmukh: May I know in anticipation of whose quota the need had arisen?

The Honourable Sir Jwala Prasad Srivastava: The Provincial Government had to supply that quantity and they were quite agreeable to give it. The military needed it and so they gave it.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

INSTITUTION OF ENGINEERS.

136. *Mr. Ananga Mohan Das: Will the Honourable the Labour Member be pleased to state:

(a) whether the Institution of Engineers is an examining body whose diploma of A.M.I.E. is recognised by the Government of India as being equivalent to degree standard in Engineering;

(b) whether the Government (Central or Provincial) financially help this Institution; if so, the amount of aid granted;

(c) whether it is not a fact that the Institution has for its patrons and Honorary Members, Their Excellencies the Viceroy and the Provincial Governors;

(d) whether Government are aware that this Institution has obtained the Royal Charter;

(e) whether it is a fact that sister Institutions in England, e.g., the Institute of Mechanical Engineers, the Institute of Civil Engineers, the Institute of Electrical Engineers, have not yet recognised the examinations conducted by the Institute of Engineers, India; and

(f) if the Government of India propose to move His Majesty's Government to request these British institutions to accord recognition to this Indian Institution?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) The Central Government do not render any financial help to the Institution, but I have no information whether Provincial Governments do so or not.

(c) His Excellency the Viceroy and Provincial Governors are Honorary Members of the Institution.

(d) Yes.

(e) Government have no information.

(f) It is for the Indian Institution itself to raise the question, if necessary. I would, therefore, suggest to my Honourable friend that he addresses that Institution in the matter.

REPRESENTATIONS IN RESPECT OF SLAUGHTER OF YOUNG AND PRIME CATTLE.

†137. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state:

(a) how many representations (and from what institutions) have been received by him in respect of slaughter of young and prime cattle during the last six months; and whether replies were sent to these representations;

(b) if any penalty is provided for the breach of instructions not to purchase prime cattle for slaughter, or not to slaughter prime cattle; if not, how these instructions are enforced; and

(c) if Government propose to introduce such legislation as to effectively prevent the slaughter of prime cattle?

Mr. J. D. Tyson: (a) Representations have been received from 38 institutions listed in the statement laid on the table of the House. Not all were received in the Department of Education, Health and Lands but I understand all have been acknowledged.

(b) The Honourable Member is presumably referring to the recommendations made by the Central Food Advisory Council alluded to in the Press Note issued on the 18th November, 1942. The Defence Services have accepted these recommendations and the restrictions on slaughter of prime cattle recommended therein are being enforced by a proper system of inspection. No question of penalty, therefore, arises. So far as the needs of the civil population are concerned the matter is one which primarily concerns the Provincial Governments and their attention has been drawn to the restrictions recommended by the Central Food Advisory Council and they have been requested to take such action as they consider necessary to enforce them as far as practicable.

(c) No.

List of institutions from whom representations have been received regarding the slaughter of prime cattle in India.

1. The Federation of Indian Chamber of Commerce and Industry, New Delhi.
2. The Karachi Indian Merchants' Association, Karachi.
3. The Indian Chamber of Commerce, Desi Beopar Mandal, Lahore.
4. The United Provinces Chamber of Commerce, Cawnpore.
5. The Indian Chamber of Commerce, Calcutta.
6. The Marwari Association, Calcutta.
7. The Prem Vegetarian Society, Jandiala Guru, Distt. Amritsar.
8. The Prem Vegetarian Society, Pati (Lahore).
9. The All India Cow Conference Association, Calcutta.
10. The Indian Merchants' Association Chittagong.
11. Shri Vijayarand Jain Swetamber Committee, Gujranwala (Punjab).
12. Shri Atmanand Mahasabha Punjab, Lahore.
13. Shri Atmanand Mahasabha, Punjab Shahkot (Jullundur).
14. Shri Atmanand Mahasabha, Punjab Khanqah Dogran, District, Sheikhpura.
15. Shri Atmanand Mahasabha, Nainali, District Meerut, U. P.
16. Shri Atmanand Mahasabha, Kalabagh, Distt. Mianwali, Punjab.
17. Shri Atmanand Mahasabha, Bannu, North West Frontier Province.

†Answer to this question laid on the table, the questioner having exhausted his quota.

18. Shri Atmanand Mahasabha, Kohat, North West Frontier Province.
19. Shri Atmanand Mahasabha, Patti, Lahore.
20. Siri Mahavir Jain Sabha, Lyallpur.
21. Shri Amar Singh Jain Sabha, Ambala.
22. Sanatan Dharam Pratinidhi Sabha, Punjab, Lahore.
23. Shri Atma Nand Jain Sabha, Rupar District, Ambala.
24. Shree Jain Shwetamber Sabha, Multan City.
25. Shri Atma Nanda Jain Sabha, Jhelum, Punjab.
26. Shri Atma Nanda Jain Sabha, Sialkot Punjab.
27. Shri Jain Shwetamber Sabha, Dera Ghazi Khan, Punjab.
28. The Karnatak Chamber of Commerce, Bagalkot.
29. Shri Atma Nand Jain Sabha, Sandhra, District Sialkot, Punjab.
30. Shri Atma Nand Jain Sabha, Ahmedgarh, Distt. M. Kotla, Punjab.
31. The Jain Reform Society, Ludhiana.
32. Shri Atma Nand Jain Sabha, Patiala.
33. Calcutta Yarn Merchant's Association, Calcutta.
34. All India Marwari Federation, Calcutta.
35. The Indian Merchants' Chamber, Bombay.
36. The Indian Produce Association, Calcutta.
37. The Gau Rakshni Sabha, Ludhiana.
38. Shiri Prani Rakshak Sabha, Pipri Bazar, Indore.

SCHEME FOR DISTRIBUTION OF FOODGRAINS IN BENGAL.

138. ***Mr. K. C. Neogy:** (a) Will the Honourable the Food Member be pleased to state whether any scheme for distribution of foodgrains, particularly in the district towns and rural areas, has yet been drawn up by the Government of Bengal to the satisfaction of the Food Department? If so, what are the principal features of the scheme, and when was it drawn up or enforced?

(b) Is it a fact that Justice Braund, the Regional Food Commissioner, has from time to time addressed the Food Department, adversely criticising the Government of Bengal for the absence of any rational scheme for distribution of foodstuffs, besides expressing disagreement with various specific measures adopted by that Government in dealing with the food situation?

(c) With reference to the statement made by the Honourable Member at the Food Conference on the 13th October last to the effect that the Central Government will not hesitate to exercise whatever degree of superintendence and control at every stage as may be necessary, or invoke the use of whatever powers are essential to ensure success, have any directions been given, formally or informally, by the Food Department to the Government of Bengal in the matter, particularly of the maintenance of an adequate supply and satisfactory system of distribution of foodgrains, as well as methods and standards of gratuitous relief in the rural areas, in the exercise of superintendence and control referred to above?

The Honourable Sir Jwala Prasad Srivastava: (a), (b) and (c). The Government of Bengal have continually under review their arrangements for the distribution within the province of foodgrains (i) from surplus to deficit districts in the province, (ii) from outside the province in Calcutta and the districts (iii) from Calcutta by rail and river, (iv) for urban rationing and (v) for relief purposes. A copy† of the Bengal Government's instructions to District Officers in connection with the latter is placed upon the table. With these arrangements the Government of India, in the Food and War Transport Departments, have been closely associated, and, recently, a senior military officer has been appointed to be Controller of Movements with the Government of Bengal, in which task he is being assisted by military formations in the affected areas working in close touch with District authorities.

Regular reports are received from the Regional Food Commissioner, on all aspects of food administration in the Eastern Region, and suggestions for the improvement of their measures have been conveyed to the Government of Bengal, from time to time by the Government of India.

Sir Abdul Halim Chuznayi: The Honourable Member has not replied to part (b). I want a definite reply to that part of that question.

The Honourable Sir Jwala Prasad Srivastava: I have referred to it. We receive regular reports but as many of these reports are confidential, I am sorry I am unable to discuss their contents.

†Not included in these Debates; but a copy has been placed in the Library of the House.—Ed. of D.

Sir Abdul Halim Ghuznavi: Sir, part (b) of the question runs as follows:

"Is it a fact that Justice Braund, the Regional Food Commissioner has, from time to time, addressed the Food Department adversely criticising the Government of Bengal for the absence of any rational scheme for distribution of foodstuffs, besides expressing disagreement with various specific measures adopted by that Government in dealing with the food situation?"

I want an answer to that question.

The Honourable Sir Jwala Prasad Srivastava: He has made constructive suggestions; I would put it like that.

CHARGES *re* PROFITEERING IN RESPECT OF FOODSTUFFS SUPPLIED TO BENGAL

139. *Mr. K. C. Neogy: (a) With reference to certain charges and counter-charges made by some of the Provincial Governments against each other regarding profiteering in respect of foodstuffs supplied to Bengal, will the Honourable the Food Member be pleased to make a comprehensive statement in respect of each such allegation, explaining the correct position on the basis of such statistical information as may be available?

(b) Was any formal or informal enquiry made on behalf of the Government of India into the aforesaid allegations? If so, what procedure was adopted for such enquiry, and what results were yielded thereby?

(c) What were the average prices paid for rice by the agents of the Government of Bengal, month by month, since August last, to the primary suppliers in the different Indian States in the Central Provinces and Orissa areas as well as in the districts of the Central Provinces, Orissa and Bihar, and what were the prices charged by the said agents to the Government of Bengal in respect of the supplies of the said stocks of rice? How much approximately represented the cost of transport and the agents' profits, separately, in respect of these transactions?

(d) Is it a fact that in several instances the purchases referred to in clause (c) above were made at rates considerably above those prevailing in the localities concerned for the time being? Has any such allegation attracted the notice of Government? Was any enquiry made by any authority into these allegations? If so, with what result?

The Honourable Sir Jwala Prasad Srivastava: (a) and (b). Yes, Sir. Certain allegations have been made (a) that Sind Government were making a profit on their export of foodgrains to Bengal by purchasing at controlled rates in Sind and selling at the corresponding Punjab prices, (b) that the United Provinces Government had been charging Rs. 16 per maund f.o.r. Howrah for wheat supplied to Bengal and had also been levying an export permit fee of Rs. 3-2-0 per maund on export of *gur* and Rs. 4-0-0 on export of edible oils, and (c) that the Bengal Government had itself been making a profit on its imports of foodgrains from other Provinces by selling them at prices higher than the prices paid for such imports. As regards Sind, that Government has controlled prices within the Province at a figure which gives the producer a comparatively low return. In order to enable the Province to plan for the future welfare of the producer and in consideration of their successful price control, the Government of India have agreed that, pending the establishment of regional price parities all over India, they may charge for their exports prices higher than the controlled prices in Sind. As regards the United Provinces enquiry has revealed that the allegation was incorrect. In fact the prices charged by the United Provinces vary between Rs. 14-10-0 and Rs. 15-4-0 per maund, including bags f. o. r. station of despatch and the United Provinces Government have stated that there is no element of profit in these prices. Further enquiries are being made regarding edible oils and *gur*.

The results of the enquiry made from Bengal are contained in the Press Note of the 9th of October, a copy of which is placed on the table. Attention is also invited to the Government of India's Resolution of the 2nd of November, 1948, setting up a Committee of enquiry consisting of (1) Honourable Mr. Justice H. B. L. Braund, Regional Commissioner (Food), Eastern Region and (2) Mr. A. L. Cooke, Chief Cost Accounts Officer, Supply Finance Department. A copy of the Resolution is also placed on the table.

(c) and (d). Matter for complete reply to these parts of the question is not available with the Central Government. Enquiry has been made from the Government of Bengal and their reply is awaited.

PRESS NOTE.

Wheat Prices in Bengal—Central Government explains position.

The attention of the Government of India has been drawn to the anxiety prevailing in the two main wheat exporting provinces lest the Government of Bengal may have derived, or should henceforth derive, an undue addition to Provincial Revenues from the sale of wheat exported or to be exported from those provinces to Bengal under arrangements made by the Government of India. The Government of India have accordingly obtained from the Government of Bengal a statement of position which is as follows:—

2. All wheat imported from other provinces under arrangements made by the Government of India is held in Government custody. Since the first of May last wheat is being sold to mills at a fixed price. Consignments received prior to that date were made over to the mills direct at cost price. The mills are allowed to sell their wheat products at ex-mill prices fixed under the Defence of India Rules corresponding to the retail rates for such products, which are also fixed statutorily. The schedule of rates in force from the first May is as follows:—

Period.	Rate for sales of wheat to Mills.	Ex-Mill prices, atta and flour respectively.	Retail prices, atta and flour respectively.
1st May to 1st August	Rs. 15/8/0 per Md.	Rs. 19/0/0 per Md. Rs. 19/0/0 " "	Rs. 20/0/0 per Md. Rs. 20/0/0 " "
1st August to 20th September	Rs. 14/4/0 " "	Rs. 16/8/0 " " Rs. 19/0/0 " "	Rs. 17/8/0 " " Rs. 20/0/0 " "
20th September onwards	Rs. 12/12/0 " "	Rs. 14/0/0 " " Rs. 19/0/0 " "	Rs. 15/0/0 " " Rs. 20/0/0 " "

3. During the four months May to August 1943 inclusive the Bengal Government have derived a gross revenue of Rs. 33.44 lakhs on a turn-over of 19.84 lakhs maunds of imported wheat. This has been derived solely from sales of wheat to mills. The Bengal Government are not concerned in any of the subsequent transactions. In considering this revenue figure it has to be conceded that the Government of Bengal fixed their selling prices of wheat to the mills having regard to a number of estimated charges for handling storage, delivery, etc., which in view of the poor deliveries of wheat in most of the months in question were never actually incurred. It will be noticed that the Government of Bengal effected a reduction of Rs. 1.40 per maund in their sale price of wheat with effect from the 1st August when it became apparent that receipts were accumulating. The price now in force is Rs. 12.12-0 per maund which, regard being had to the f. o. r. prices current in the Punjab and the United Provinces respectively, will represent an actual loss to the Bengal Government. On the footing that the quantities still due under the Basic Plan are exported to Bengal in an even monthly flow, it is estimated that the Bengal Government's loss on sales of imported wheat to mills over the remaining period of the revised Basic Plan will amount to Rs. 40.3 lakhs which after deducting the accumulated revenue of Rs. 33.44 lakhs will leave a net loss to the Bengal Government of Rs. 6.86 lakhs. The Government of India are satisfied that the selling price of wheat now fixed by the Government of Bengal is reasonable.

4. As regards the 'Milling Differential' allowed to the mills the Government of India have decided that the question should be gone into by the Regional Commissioner, Eastern Region, Mr. Justice Braund, with the aid of a Cost Accounts Officer of the Government of India, with a view to ascertaining whether the "Differential" allowed to the mills, and the consequential retail prices to the public are reasonable.

5. The above calculations do not include imported wheat products, which the Government of Bengal have been selling at the statutory prices fixed for ex-mill sales detailed in paragraph 2. The gross revenue received by the Government of Bengal on re-sales of imported wheat products up to the end of August 1943 amounts to Rs. 6.32 lakhs. In regard to this revenue, it would be undesirable and unworkable in practice to fix different sets of wholesale and retail prices for local and imported wheat products. The question of wiping out the accumulated revenue on wheat products is, however, under the active consideration of the Government of Bengal.

FOOD DEPARTMENT;

New Delhi, October 9, 1943.

Government of India, Department of Food, Resolution No. F-10 (1)-Secy./43 New Delhi, the 3rd November, 1943.

The Government of India have had under consideration measures for ensuring that the retail cost of wheat and wheat-products sold to the public in Bengal is reasonable and that no undue element of profit is included in those prices. It has been recently announced

publicly that the Government of Bengal have reduced their selling price of wheat to the millers by Rs. 1-4-0, and the Government of India are satisfied that the reduced price fixed by the Bengal Government of Rs. 12-12-0 per maund of wheat sold to the flour mills in Calcutta is reasonable.

2. In order to satisfy themselves that there is no excessive element of profit in the prices charged for wheat-products at subsequent stages, the Government of India have decided to appoint a Committee of Inquiry, consisting of (1) Honourable Mr. Justice H. B. L. Braund, Bar.-at-Law, Regional Commissioner (Food), Eastern Region, and (2) Mr. A. L. Cooke, Chief Cost Accounts Officer, Supply Finance Department.

3. The terms of reference to the Committee are as follows :—

(I) To enquire

(a) whether the profit accruing to the flour mills from the production and sale at the ex-mill statutory prices of wheat products made from wheat purchased from the Government of Bengal is reasonable, having regard to such variations in output and other conditions as may from time to time arise and, if not, what adjustment ought to be made so as to secure a reasonable rate of profit in the interest of the public and all parties concerned;

(b) whether the profit accruing to retailers in the sale at the statutory retail prices of wheat products purchased from the mills is reasonable.

(II) To make recommendations as to the proportions in which atta, flour and bran should be produced by the mills in Calcutta out of wheat bought from Government, and the respective prices at which they should be sold to the public.

W. H. J. CHRISTIE,

Deputy Secretary to the Govt. of India.

Mr. Hoosainbhoy A. Lalljee: Are the Government aware that the Bombay Government does not charge any profit on the standard cloth that is being supplied to Sind?

The Honourable Sir Jwala Prasad Srivastava: It is not my Department, but perhaps it is so.

Mr. Hoosainbhoy A. Lalljee: Is it not a fact that large imports from Sind have been made to Bombay Province as well and the Sind Government have made profits thereon?

(No answer.)

Mr. K. O. Neogy: With regard to the answers to parts (c) and (d), may I know whether the attention of the Honourable Member has been drawn to the statement made by the Development Minister of the Punjab, dated October 24, in which among other things he stated that on one occasion, an official agency on behalf of two private firms in Bengal offered prices for rice at Rs. 28 a maund, whereas the local ruling price was Rs. 17 and that this transaction was prohibited by the Punjab Government?

The Honourable Sir Jwala Prasad Srivastava: My attention was drawn to it and the Food Department advised against it.

Mr. K. O. Neogy: Has the Honourable Member enquired into the circumstances that led the Bengal Agent to offer this high price in spite of the low prices ruling at the time in the Punjab?

The Honourable Sir Jwala Prasad Srivastava: It was a private purchase, so far as I know. It was not a purchase on behalf of the Bengal Government.

Mr. K. O. Neogy: It was mentioned that this was purchased by the official agency. I do not know what that means. 'Official agency' on behalf of two private firms?

The Honourable Sir Jwala Prasad Srivastava: That was not correctly reported. The purchase was on behalf of two private firms and they chose to pay that price.

Mr. K. O. Neogy: Has the Honourable Member's attention also been drawn to a letter which appeared in the Press some time ago from a Rai Bahadur Retired Deputy Commissioner and a Retired Dēwan of one of the Eastern States in which the allegation was made that the price of rice in those States varied between Rs. 8 and Rs. 12 and that considerable purchases were made from these States at these rates, but that the price charged in Bengal about that time represented a profit of about 200 per cent.?

The Honourable Sir Jwala Prasad Srivastava: My attention was not drawn to that particular letter. I do not generally read the correspondence appearing in the newspapers.

Mr. K. C. Neogy: Is the Honourable Member also aware that unlike some other Provinces which pay their Agent a commission on the basis of weight of foodgrains purchased, the Bengal Agent is paid a commission on the basis of price paid and that therefore there may be an inducement on the part of the Bengal Agent not to insist upon a low price being charged by the sellers?

The Honourable Sir Jwala Prasad Srivastava: I hope many of these things will be remedied in the future.

Sir Cowasjee Jehangir: May I ask the Honourable Member whether it is a fact that the Sind Government is negotiating with the Government of India to pay off part of its Sukkur barrage debt out of the profits made on the sale of foodgrains to other Provinces?

The Honourable Sir Jwala Prasad Srivastava: That question ought to be addressed to the Honourable the Finance Member.

Sir Cowasjee Jehangir: I will put the question this way. Is it a fact that the Sind Government have made a profit of something like two crores of rupees from the sale of foodgrains to other Provinces which they are now trying to invest in directions known to the Government of India?

The Honourable Sir Jwala Prasad Srivastava: What the Sind Government told us was that they would use the money which they made on these deals for the good of the cultivator. I am not aware of any specific schemes of the Sind Government.

Sir Cowasjee Jehangir: May I know whether paying off the Sukkur barrage debt is for the good of the cultivator?

The Honourable Sir Jwala Prasad Srivastava: I am unable to judge. I never even saw the Sukkur barrage.

Sir Cowasjee Jehangir: The Honourable Member need not have seen the Sukkur barrage to be able to answer this question.

DEATHS DUE TO STARVATION IN BENGAL.

140. *Mr. K. C. Neogy: (a) Will the Honourable the Food Member be pleased to make a statement, month by month, since January last, giving the number of reported deaths directly or indirectly attributable to starvation in Bengal, in the City of Calcutta and the different districts, separately?

(b) With reference to the statement recently made by Mr. Amery, the Secretary of State for India, to the effect that he had asked the Central Government to furnish him with periodical returns of deaths from starvation, what is the substance of any such returns that may have been supplied to the Secretary of State from time to time? Do the Government of India depend entirely upon the Government of Bengal for supplying information to the Secretary of State on this point? Do the Government of India accept full responsibility for the general accuracy of these statistical statements?

(c) Is the Honourable Member aware of the public impression that no systematic attempt is made, particularly in the rural areas of Bengal, to ascertain the number of deaths directly or indirectly ascribable to starvation, and that the statistical statements that may be issued by official sources represent gross under-statements of the actual situation in this matter?

The Honourable Sir Jwala Prasad Srivastava: (a) A statement is laid on the table showing the total number of deaths reported in Calcutta, week by week from the beginning of this year till 16th October 1943. No information is available as to what proportion of these deaths is directly or indirectly attributable to starvation. Information regarding deaths in the different districts in Bengal outside Calcutta is not available with the Government of India.

(b) The Provincial Government is responsible for the collection of vital statistics. The Government of India have no organisation of their own for the purpose in the Province. Information supplied by the Government of

India to the Secretary of State is based on such approximate estimates as are given from time to time by the Government of Bengal and are described as such.

(c) I am aware that the administrative difficulties in classifying the cause of death and collecting the statistics referred to preclude the possibility of mathematical accuracy.

Weekly total mortality occurring in Calcutta during 1943.							
Week ending	1943	Weekly average during the 5 years from 1938 to 1942 (both inclusive).		Week ending	1943	Weekly average during the 5 years from 1938 to 1942 (both inclusive).	
2-1-43	571	721		5-6-43	496		570
9-1-43	534	682		12-6-43	540		558
16-1-43	446	694		19-6-43	400		589
23-1-43	488	683		26-6-43	621		574
30-1-43	468	675		3-7-43	684		558
6-2-43	518	713		10-7-43	769		566
13-2-43	548	709		17-7-43	787		590
20-2-43	475	676		24-7-43	952		596
27-2-43	490	722		31-7-43	891		590
6-3-43	532	632		7-8-43	939		598
13-3-43	461	676		14-8-43	1,057		586
20-3-43	519	771		21-8-43	1,129		578
27-3-43	461	704		28-8-43	1,159		633
3-4-43	473	758		4-9-43	1,183		591
10-4-43	442	690		11-9-43	1,292		589
17-4-43	470	685		18-9-43	1,319		596
24-4-43	501	686		25-9-43	1,492		577
1-5-43	560	635		2-10-43	1,636		615
8-5-43	483	590		9-10-43	1,967		573
15-5-43	524	588		16-10-43	2,154		588
22-5-43	459	566		23-10-43	2,155		605
29-5-43	587	572		30-10-43	2,214		604

Maulana Zafar Ali Khan: With reference to part (c), may I ask whether the Honourable Member's attention has been drawn to the statement made by the Honourable Pandit Hirday Nath Kunzru that the average death rate due to starvation was 50,000 a week? Is that true?

The Honourable Sir Jwala Prasad Srivastava: Well, Sir, these are all guesses. I can also indulge in a lot of them, but I consider it safer not to do so.

Mr. K. C. Neogy: With regard to the Honourable Member's statement that he is not in a position to give the proportion of deaths that can be ascribed to starvation, directly or indirectly, has the Honourable Member considered the possibility that deaths which are at present being ascribed to starvation may really be due to heart failure brought on by sudden exuberance of joy while contemplating the benefits of British rule in India?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

INCREASED DEATH RATES IN CALCUTTA AND OTHER DISTRICTS OF BENGAL.

141. ***Mr. K. C. Neogy:** (a) Will the Secretary for Education, Health and Lands be pleased to state whether there has been in the City of Calcutta as well as in the districts of Bengal, an abnormal increase in the number of deaths, apart from those which are officially admitted to be due to starvation? If so, does the Honourable Member propose to make a statement, indicating the increased death rates in the City of Calcutta as well as in the respective districts of Bengal, comparing them, if possible, with the average figures of the previous quinquennium or any other period? Has any enquiry been made into the causes of this heavy mortality? If not, is it proposed to institute such an enquiry at an early date?

(b) Has the attention of the Honourable Member been drawn to an editorial article in the *Statesman*, dated the 20th October last, under the heading "Facts Wanted"? Is it proposed to clarify the position in this connection as invited in the said article?

Mr. J. D. Tyson: (a) The vital statistics returns received by the Public Health Commissioner from the Director of Public Health, Bengal, show that

there has been an abnormal increase in mortality in Calcutta. Up to date information regarding mortality from all causes in the districts outside Calcutta has not been received from the Government of Bengal but the mortality figures for cholera show an abnormal increase. A statement giving the figures available for the week ending the 16th October in respect of Calcutta and for the week ending the 3rd October in respect of the Province as a whole, together with the average figures for the corresponding period in the previous five years, is laid on the table. The institution of any special enquiry necessary to ascertain the cause of the abnormal mortality, in so far as it is not disclosed by the vital statistics returns, is primarily a matter for the Provincial Government. No special inquiry as to the cause of the abnormal mortality has been or is proposed to be made by the Central Government.

(b) Government have seen the article in question. The article relates to information published by the Provincial Government and it is for the Provincial Government to issue any explanation which may be necessary.

Statement showing the number of deaths in Calcutta City in the week ending 16th October 1943 and the average number of deaths for the corresponding period in the previous five years.

Disease.	Number of deaths in week ending 16-10-43	Average of previous five years for corresponding period.
1. Cholera	117	3
2. Fevers	114	38
3. Bowel complaints	334	82
4. *Other diseases	1,552	449
5. Total number of deaths due to all causes.	2,154	580

*Note.—Total deaths less deaths from cholera, small-pox, plague, Typhus, Cerebrospinal fever, influenza, measles, fevers and bowel complaints.

Total number of deaths from cholera and small pox in the Bengal Presidency in the week ending 3rd October 1943 compared with the average number of deaths due to these diseases in the corresponding period of previous five years.

Disease.	Number of deaths in week ending 3-10-43.	Average of previous five years for corresponding period.
Cholera	3,758	460
Small pox	103	15

NOTE:—Detailed information regarding mortality due to other causes in districts outside Calcutta is not available for any period later than December 1942.

POSSIBILITIES OF UTILISING CERTAIN UNITED STATES OF AMERICA TROOP CARRIERS FOR CARRYING AUSTRALIAN WHEAT TO INDIA.

142. *Mr. K. O. Neogy: (a) Will the Honourable the Food Member be pleased to state whether it is a fact that troop carriers and ships from the United States of America to Australia, which carry troops, munitions and other supplies for the American armies in Australia, return to America via the Indian Ocean, and in most cases carry very little cargo on the return voyage?

(b) If the answer to (a) be in the affirmative, have the Government of India explored the possibility of these ships being made available for carrying Australian Wheat to India?

The Honourable Sir Jwala Prasad Srivastava: (a) and (b). It is not in the public interest to give the information relating to shipping movements which the Honourable Member has asked for. I can assure the House that I shall neglect no effort to use every opportunity that offers of shipping foodgrains to India. As the Honourable Member is, probably aware, several ship-loads of grains have already arrived in this country from abroad.

EXPENDITURE ON FACILITIES FOR MUSLIM HAJ PILGRIMS.

143. *Mr. Ananga Mohan Das: (a) Will the Honourable Member for Indians Overseas be pleased to state the expenditure incurred by Government

for giving facilities to Muslim pilgrims performing the Haj?

(b) Do the provinces with a Muslim majority contribute anything to this expenditure?

The Honourable Dr. N. B. Khare: (a) Rs. 2,00,000 in 1941-42 and 1,47,000 in 1942-48.

(b) No.

Maulvi Muhammad Abdul Ghani: What is the total amount collected from the pilgrims?

The Honourable Dr. N. B. Khare: I submit that that question does not arise.

CINCHONA CULTIVATION AND YIELD OF QUININE.

144. ***Sir Abdul Halim Ghaznavi:** (a) Will the Honourable Member for Education, Health and Lands please state the present total area of land under cinchona cultivation, and the total yield of quinine per year in India?

(b) What was the total area of land under cinchona cultivation in India in 1939, and what is the increase in area of land under cinchona cultivation since the cessation of import of quinine from Java?

(c) Is it the policy of the Government of India to try and make India self-sufficient in the matter of quinine manufacture, having regard to the present experience of severe shortage?

(d) Is it a fact that the Government of Bengal have refused to provide facilities to the private manufacturers of quinine for increasing cinchona cultivation in the country?

(e) Is it not the responsibility of the Central Government to see that all possible efforts are made by the Governments—Central and Provincial—to increase the area under cinchona cultivation? If not, why not?

(f) If the answer to (e) is in the affirmative, what steps have the Government of India taken to increase the cultivation of cinchona in the country?

Mr. J. D. Tyson: (a) and (b). The area under cinchona cultivation at present is as follows:

Madras.—3,429 acres, which is 756 acres more than when supplies from Java stopped and 1,358 more than in 1939.

Bengal.—7,200 acres, when is 100 acres more than when supplies from Java stopped and 200 acres more than in 1939. The Bengal Government have also adopted a system of close planting which will give a larger yield per acre. The total average annual yields of quinine are respectively,—

Madras, about 27,000 lbs., and Bengal, 65,000 lbs.

(c) The question what steps should be taken to prevent a recurrence of the present difficulties is a matter which will be considered by the Government of India in the light of conditions likely to prevail after the war and of developments in the production of synthetic anti-malaria drugs.

(d) It is understood that the Government of Bengal refused a request by a commercial concern for the allotment of land for the purposes of cinchona cultivation on the ground that all the suitable land available was required by the Government of Bengal for extension of their own cultivation.

(e) and (f). The Government of India have taken steps to increase the cultivation of cinchona for production of quinine under a short-term method in the Provinces of Bengal and Madras and have undertaken to meet the cost of the scheme.

CONSTRUCTING A LARGE HOTEL FOR INDIAN CLERKS IN NEW DELHI.

145. ***Sardar Sant Singh:** (a) Will the Honourable the Labour Member please state whether Government have considered the advisability of constructing a large several storeyed building in New Delhi in the form of a big hotel in order to provide lodging and boarding facilities for Indian clerks who are

†Answer to this question laid on the table, the questioner being absent.

otherwise put to considerable difficulties in obtaining these at present?

(b) Is it a fact that many buildings have been constructed for the accommodation of European single Non-Commissioned Officers, etc., and that these are being run as hostels?

(c) Are Government prepared to provide similar facilities for the Indian single clerks? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) Government are considering the possibility of erecting a hostel for clerks.

(b) Yes.

(c) Government have already provided chummries of Orthodox and Un-orthodox types for Indian single clerks and they are considering whether there will be an adequate demand to justify the erection of a hostel.

WANT OF DAIRIES OR COW BYRES IN THE AREA BOUNDED BY IRWIN ROAD, MARKET ROAD AND LADY HARDINGE ROAD IN NEW DELHI.

†146. *Sardar Sant Singh: (a) Will the Education Secretary please state whether it is a fact that there are no dairies or cow byres in the area bounded by Irwin Road, Market Road and Lady Hardinge Road in New Delhi?

(b) Are Government aware—

(i) that the residents of this area have either to go very long distances to get their milk supplies or to take the supply given by *gwalas* coming from distant villages;

(ii) that the milk brought by the *gwalas* is generally not of good quality; and

(iii) that their staff residing in the said area are generally unable to get good quality milk?

(c) Have Government ever considered the advisability of constructing cow byres in that area? If so, why have these not been constructed? If it was not considered, are Government prepared to do so now? If not, why not?

(d) Is it a fact that Government have placed a ban upon the keeping of milch cattle in the orthodox types of clerks quarters below classes A and B? If so, are Government prepared to lift this ban for the duration of the war in order to enable the residents of this area, and/or of any other area, to keep milch cattle in their quarters and thus ensure good supply of milk? If not, why not?

(e) Are Government aware—

(i) that very few residents of A and B classes of orthodox quarters to whom permission for keeping milch cattle was given, are availing of this concession; and

(ii) that all residents of C, D and E types of quarters are not likely to keep milch cattle in their quarters, and that the question of localities becoming dirty cannot arise?

Mr. J. D. Tyson: (a) Yes.

(b) Complaints of this nature have been made from time to time.

(c) The question of constructing additional cow byres in certain localities has lately engaged the attention of the New Delhi Municipal Committee but owing to the high cost of construction at the present time and the need for deferring all escapable works the Committee has not so far found itself able to undertake any scheme of this kind.

(d) The keeping of milch cattle is not permitted in the case of C class orthodox quarters and all D and E class quarters. To lift this ban would have undesirable consequences, but the New Delhi Municipal Committee is examining other means of augmenting the milk supply.

(e) (i) and (ii), No.

DELAY IN ATTENDING TO THE COMPLAINTS MADE TO MINTO ROAD AND HAVELOCK SQUARE ENQUIRY OFFICES, NEW DELHI.

†147. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state whether Government are aware that complaints made to the Enquiry Offices at Minto Road and Havelock Square regarding repairs, etc., to

† Answer to this question laid on the table, the questioner being absent.

orthodox clerks' quarters in those neighbourhoods are attended to generally after considerable delay?

(b) Are Government aware—

(i) that some of these complaints are not attended to at all; and

(ii) that letters sent on the subject to the Executive Engineer, Construction III Division, or to other authorities in 'B' Division, remain unacknowledged and without any action being taken on them?

(c) Are Government prepared to issue instructions to the authorities concerned to acknowledge all letters sent to them, and to take appropriate action thereon? If not, why not?

(d) Are Government aware—

(i) that a lot of inconvenience is being caused to their tenants by the irregular method adopted by the contractors regarding white-washing, etc.;

(ii) that they send men round to the quarters and the tenants are asked to keep their rooms clear of furniture on a certain day, and then white-washing labour is not sent for several days later; and

(iii) that when white-washing is finished the cleaning of doors and glass panes is not done at once, and the tenants are unable to arrange their houses for several days?

(e) Are Government prepared to take action to redress these grievances of their tenants? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) No.

(b) (i) No.

(ii) Action on letters received by Executive Engineers is taken at once and necessity is not felt of acknowledging all letters.

(c) Yes.

(d) (i), (ii) and (iii). No.

(e) Yes, Government intend issuing instructions to Executive Engineers to make frequent personal inspections.

NEWLY-CONSTRUCTED E TYPE ORTHODOX QUARTERS IN THE OPEN SPACE BETWEEN BAIRD SQUARE EAST AND IRWIN ROAD IN NEW DELHI.

†148. *Sardar Sant Singh: (a) Is the Honourable the Labour Member aware that a number of E-type orthodox quarters have been constructed in the open space lying between Baird Square, East and Irwin Road in New Delhi?

(b) Is he aware—

(i) that this area now looks very much like a congested portion of the city, containing small *gallies* and lanes; and

(ii) that the present officials of the Central Public Works Department have totally ignored the original idea of the layout of New Delhi, and have made the said area very congested?

(c) Is it a fact that it is proposed to construct more E-type orthodox quarters?

(d) Are Government prepared to consider the advisability of constructing new quarters in such a manner that the "Clerks' residential areas" do not become more congested than they are at present, and that provision is made for lawns and open spaces near these quarters?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) (i) and (ii). No.

(c) Yes.

(d) Government have always acted in this manner.

DESIRABILITY OF CLOSING CERTAIN PASSAGES IN HAVELOCK AND BAIRD SQUARES NEW DELHI.

†149. *Sardar Sant Singh: (a) Will the Honourable the Labour Member please state whether it is a fact that all the squares of D-type orthodox clerks' quarters in the D. I. Z Area of New Delhi had their four corners open as passage?

(b) Is it a fact that these passages were closed later?

+ Answer to this question laid on the table, the questioner being absent.

(c) Was one of the reasons to protect the lawns in front of the quarters in those squares?

(d) Are Government aware—

(i) that in Havelock and Baird Squares, B and C-types of quarters, there are passages after every two quarters except at the corners; and

(ii) that coolies and labourers use these passages regularly, and cross the lawns at different places with the result that the lawns in these two squares are disfigured by foot tracks?

(e) Are Government prepared to have these passages closed and grass relaid on these tracks? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) and (b). Yes.

(c) No.

(d) Yes.

(e) Government will examine the suggestion

GROWING OF MORE VEGETABLES IN ORTHODOX QUARTERS IN NEW DELHI.

†150. ***Sardar Sant Singh:** (a) With reference to the general appeal of Government to grow more food and vegetables, will the Honourable Member for Labour please state whether the Government of India staff living in New Delhi in orthodox type of quarters can grow vegetables in large quantities?

(b) Is it a fact that the courtyards of D-type particularly, and of E, C and B-type orthodox quarters generally, are very small in size, and cannot be used to produce any large quantity of vegetables, etc.?

(c) Are Government prepared to allot some extra land outside their quarters to such members of their orthodox staff who may ask for it for the purpose of growing vegetables, etc., and to have such land duly enclosed? If not, why not?

The Honourable Dr. B. R. Ambedkar: (a) Vegetables may be grown in small quantities for the domestic consumption of the staff occupying these quarters.

(b) Yes.

(c) No. The proposal if accepted would soon result in destruction of lawns. Fencing is expensive and cannot be provided by Government, and it is unlikely that the staff living in these quarters will be able to make adequate use of such extra land.

STOPPAGE OF PILGRIM SHIPS FROM CARRYING PILGRIMS TO THE HEJAZ.

151. ***Mr. H. M. Abdullah:** (a) Will the Honourable Member for Indians Overseas please state whether Indian Muslims have been aggrieved by the decision of the Government of India in regard to the stoppage of pilgrim ships from carrying pilgrims to the Hejaz?

(b) Is he aware that Muslims have asked Government to reconsider their decision, and to allow pilgrims to perform the pilgrimage this year?

(c) If the answer to part (b) is in the affirmative, what action have Government taken?

The Honourable Dr. N. B. Khare: (a), (b) and (c). The Honourable Member is referred to the reply given on the 9th November, 1943, to Nawab Siddique Ali Khan's starred question No. 52.

STOPPAGE OF PILGRIM SHIPS FROM CARRYING PILGRIMS TO THE HEJAZ.

152. ***Mr. H. M. Abdullah:** (a) Has the Honourable Member for Indians Overseas seen the following passage in the speech given by the Honourable the Defence Member on the floor of the Assembly on the 12th August, 1943:—

“Yes, this year if the route becomes safe and the lives of Hajis are not in danger. I give my promise that I shall be the first person to raise this question in the Executive Council and with the Member for Indians Overseas. And there is no question of future”?

†Answer to this question laid on the table, the questioner being absent.

(b) Can the Honourable Member inform the House whether he himself or the Honourable the Defence Member has been ascertaining the condition of the sea route from month to month from the 12th August, 1948?

(c) When was the last inquiry made and with what result?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) and (c). The Honourable Member is referred to the reply given on the 9th November, 1948, to clauses (c) and (d) of Nawab Siddique Ali Khan's starred question No. 52.

ARRANGING A FAST BOAT FOR HAJ PILGRIMS.

153. *Mr. H. M. Abdullah: Will the Honourable Member for Indians Overseas consider the question of arranging a fast boat for pilgrims even at this late date if the sea route is now safe from enemy danger?

The Honourable Dr. N. B. Khare: I regret that the reasons for which the proposed pilgrim sailings were cancelled still subsist.

RECOMMENDATIONS re NEW *Musafirkhana* AT CALCUTTA.

154. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Indians Overseas please refer to recommendation No. 46 of Mr. Rahim's Report regarding the new *musafirkhana* at Calcutta and state if it will be ready for occupation by pilgrims when ships sail from Calcutta for the next pilgrimage; if not, when Government propose to give effect to this recommendation?

The Honourable Dr. N. B. Khare: Recommendation No. 46 regarding the construction of a *musafirkhana* at Calcutta is still under consideration, in correspondence with the Government of Bengal.

RECONSTRUCTION OF THE PILGRIM CAMP, KARACHI.

155. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Honourable Member for Indians Overseas please refer to recommendation No. 47 of Mr. Rahim's Report and state whether the reconstruction of the Pilgrim Camp, Karachi, has been commenced; if not, when Government propose to complete the whole scheme?

The Honourable Dr. N. B. Khare: (a) No. Proceedings under the Land Acquisition Act are being taken to acquire two plots of private land for the expansion of the camp.

(b) I cannot say when the whole scheme will be completed. Government do not propose to undertake construction work until after the war.

CONFERENCE OF REPRESENTATIVES OF PORT HAJ COMMITTEES, ETC.

156. *Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Is the Honourable Member for Indians Overseas aware of a Conference of the representatives of the Port Haj Committees, shipping companies and members of the Central Haj Committee held in Bombay in May, 1948, under the chairmanship of the Honourable Mr. G. S. Bozman?

(b) When does he intend to hold the next conference?

The Honourable Dr. N. B. Khare: (a) Yes.

(b) About the middle of December 1948 in Bombay.

MOGUL LINE SHIPS GIVEN TO SHIPPING COMPANIES OF EGYPT FOR CARRYING PILGRIMS TO JEDDA.

157. *Mr. T. T. Krishnamachari: Will the Honourable the Commerce Member please state:

(a) if the steamers of the Mogul Line come within the control of the Government of India for the purpose of requisition;

(b) if the answer to (a) be in the affirmative, did that line give on charter or on hire their steamers to the Shipping Companies of Egypt or any other country for the carriage of pilgrims to Jedda during the last three years, and if it is a fact that such steamers given either on charter or on hire carried over 10,000 pilgrims each way; and

(c) if the answer to (b) is in the affirmative, whether the steamers thus given on charter or on hire were given with the consent of the Government of India, and, if so, whether such steamers were not required for the trades in which the Mogul Line usually plies or for other requirements of the Government?

The Honourable Sir M. Azizul Huque: (a) Yes.

(b) The Mogul Line did not give on charter or hire any of their steamers for the carriage of pilgrims from Egypt to Jedda in 1941, but they did so in 1942 and are again doing so this year. The number of pilgrims carried each way by their steamers was over 10,000 in 1942. It is too early to state the position for this year as the pilgrimage is still in progress.

(c) The steamers were given in 1942 as well as this year with the knowledge of Government. It has generally been the policy of Government to leave the ships on the Indian Register, except where they are required for Government's purposes, to be employed by their owners in their normal trades. The practice of the Mogul Line of lending their ships for the Egyptian pilgrimage dates back to the year 1926. Government allowed the steamers to be made available for this purpose after satisfying themselves that this would not interfere with either their own requirements or the requirements of the trades in which the steamers were normally employed.

Mr. Hoeseinbhoj A. Lalljee: Could not these steamers be utilised for carrying grains from Karachi to Calcutta, which was the main business of that Company?

The Honourable Sir M. Azizul Huque: I have specifically said that we are perfectly satisfied that the trade in which they would have been employed did not suffer, and other means were taken.

Mr. N. M. Joshi: Are Government aware that there is great difficulty for passengers going by steamer from Bombay to Konkan districts and could not Government utilise these steamers which have been lent to the Egyptian Government for carrying passengers from Bombay to the Konkan?

The Honourable Sir M. Azizul Huque: I am quite aware of the passenger traffic in that section; but, as I have made clear, these are two ships of the Mogul Line and we took steps to see that the cargo or passengers that would have been carried by these two ships did not suffer in any way.

Mr. Hoeseinbhoj A. Lalljee: Then may I take it that there are sufficient ships to carry cargo from Karachi to Calcutta?

The Honourable Sir M. Azizul Huque: That is a question for the Honourable Member for War Transport to answer.

ADDITIONAL QUOTA FOR NEWSPRINT GIVEN TO CERTAIN NEWSPAPERS.

158. ***Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies please state:

(a) whether additional quota for newsprint has been given to certain newspapers in India for the purpose of circulation amongst non-Indian troops stationed in India; if so, the newspapers to which additional quota has been given; and

(b) whether the request for additional quota came from the newspapers concerned, or whether the recommendation has been made by the military authorities stationed in the areas where these newspapers circulate?

The Honourable Sir M. Azizul Huque: (a) Additional ration of newsprint has been allowed to the following newspapers for printing copies for supply to services personnel, on specific indents from military authorities—

The *Mail*, Madras.

The *Times of India*, Bombay.

The *Illustrated Weekly*, Bombay.

The *Statesman*, Calcutta.

The *Pioneer*, Lucknow.

The *Daily Gazette*, Karachi.

The *Aur-e-Jadid*, Calcutta.

No allowance is made in respect of copies which may be purchased in the ordinary course in the open market by services personnel.

(b) The additional allotment has been made at the request of the Military authorities.

Mr. T. T. Krishnamachari: Is the Honourable Member aware that responsible officers of the Southern Command have told pressmen that have not asked for any additional quota?

The Honourable Sir M. Azizul Huque: I am not aware of that.

SUPPLY OF WIRELESS SETS TO THE TRADE AT COST.

159. **Mr. T. T. Krishnamachari:** Will the Honourable Member for Industries and Civil Supplies please state:

(a) whether Government are supplying wireless sets to the Trade at cost; and

(b) what percentage of profit is allowed to the Trade?

The Honourable Sir M. Azizul Huque: (a) Yes, cost includes the usual insurance, departmental and other miscellaneous charges.

(b) The trade is allowed to charge to the consumer a price equal to the issue price plus 142.5 per cent. This margin includes the cost of the distribution organisation besides the profit margin. It is understood that the normal trade practice is to allow a profit margin of 200 per cent.

Mr. T. T. Krishnamachari: Does the Honourable Member's answer to part (a) with reference to departmental costs include a sum which is equal to 100 per cent. of the landed cost?

The Honourable Sir M. Azizul Huque: I am not aware of that. We had successive conferences with the trade and the trade satisfied us that in normal times the charge for profit is much more than that. We have tried, therefore, so far as this transaction is concerned, to come to an understanding with them; but I can assure the Honourable Member that this question will be looked into again when subsequent transactions take place.

Mr. T. T. Krishnamachari: That was not my question. What I asked was whether departmental costs were not more or less equal to the landed costs of these wireless sets.

The Honourable Sir M. Azizul Huque: I have said that the cost includes departmental costs, insurance and other miscellaneous charges.

Mr. T. T. Krishnamachari: The House would like to know what percentage these charges bear to the landed cost.

The Honourable Sir M. Azizul Huque: I shall require notice of that.

Mr. K. C. Neogy: May I know whether the departmental charges are intended to include a proportion of the Honourable Member's own salary?

The Honourable Sir M. Azizul Huque: I cannot say that, but there may be money more which can similarly be said.

Mr. T. T. Krishnamachari: May I know if these sets were obtained through lease-lend agreement and the Governments concerned were not allowed to make any profit on these sets?

The Honourable Sir M. Azizul Huque: Government have not made any profit.

Mr. T. T. Krishnamachari: What do 'departmental cost' mean?

The Honourable Sir M. Azizul Huque: Departmental cost is not profit.

UNSTARRED QUESTIONS AND ANSWERS

COMMISSIONED OFFICERS IN CIVIL PIONEER FORCE, UNITED PROVINCES.

29. **Mr. Piaré Lall Kureel:** Will the Honourable Member for Labour be pleased to state:

(a) the total number of commissioned officers (different ranks) so far recruited in the Civil Pioneer Force, United Provinces;

(b) how many of them are Hindus, Muslims and members of the Scheduled Castes;

(c) how many of these commissioned officers have been promoted to higher ranks;

(d) if any scheduled caste commissioned officer has so far been promoted to the higher rank; and

(e) if the answer to (d) be in the negative, if Government propose to make such promotion now?

The Honourable Dr. B. R. Ambedkar: (a) and (b). Twenty-five officers of commissioned rank have been appointed. The ranks and communities of the officers are—

	Muslims.	Scheduled castes.	Others.
Commandants . . . . .	...	...	2 (One Christian).
Captains . . . . .	...	...	2 (One Christian).
Lieutenants . . . . .	...	...	7 (Two Christians).
2nd Lieuts.	4	3	7

(c) Two Commandants and two Captains were appointed in those ranks on first commission. Seven 2nd Lieutenants have been promoted to the posts of Lieutenants.

(d) No.

(e) Promotion to higher rank can only be made within the authorised establishment of those ranks as vacancies become available. Subject to the authority of the Central Government, the power to make promotions is entrusted to the Provincial Government. Except to prevent positive injustice, it is not considered desirable to interfere with the discretion of the Provincial Government in this matter, particularly as regards the higher posts. Promotions are regulated by two considerations (1) Efficiency and (2) Seniority. Since efficiency of the Unit must depend on the efficiency of its officers, efficiency must be the basis of promotion. But in cases where efficiency is equal, seniority of service in the Force is also taken into account in making promotions.

COUNTING OF SERVICES OF COMMISSIONED OFFICERS IN CIVIL PIONEER FORCE AS WAR SERVICES.

30. Mr. Piare Lall Kureel: Will the Honourable Member for Labour be pleased to state:

(a) whether the services of the commissioned officers in the Civil Pioneer Force will be counted as war services; if not, why not; and

(b) if the answer to (a) above be in the negative, if Government propose to revise their decision?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) Does not arise.

Mr. Hoosainbhoy A. Lalljee (Bombay Central Division: Muhammadan Rural): Sir, we appealed to the Chair yesterday that in view of the general consensus of opinion that more time may be available for the food debate, the questions on Monday and Tuesday may be dispensed with. Of course, the questions may be put down as starred questions. I find, Sir, that the same feeling exists in the House today, and we appeal to the Chair to accede to our wishes.

Mr. President (The Honourable Sir Abdur Rahim): There is no question of appealing to the Chair. It is a question of appealing to the Members of the House. If they all agree that the questions should be dispensed with next Monday and Tuesday, I have no objection.

Some Honourable Members: No, Sir. We don't.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): There are some Members who do not agree.

Mr. President (The Honourable Sir Abdur Rahim): Then the questions will go on.

The Honourable Sir Sultan Ahmed (Leader of the House): May I take it, at any rate, that Leaders of some Parties have agreed and members of those Parties will accept that position.

Mr. Hoosainbhoy A. Lalljee: So far as my Party is concerned, I agree.

Sir, Muhammad Yamin Khan (Agra Division: Muhammadan Rural): We have agreed on the point that answers may not be given orally but in writing.

Mr. President (The Honourable Sir Abdur Rahim): Those who do not want to put any questions need not do so, but without general agreement I cannot lay down that there shall be no questions on those days.

MOTIONS FOR ADJOURNMENT.

ARREST OF MR. PARDIWALLA, BARRISTER OF LAHORE.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Deshmukh has given notice of his intention to move the adjournment of the business of this Assembly in order to discuss a definite matter of urgent public importance, namely, the arrest of Mr. Pardiwalla, Barrister, in Lahore High Court and his removal to an unknown destination thus depriving Jai Prakash Narain of the legal help for which he was engaged.

Why was this gentleman arrested? Under what law was he arrested?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): We do not know, but it must be under the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): Was he arrested here in Delhi?

Mr. Govind V. Deshmukh: No, Sir. He was arrested in Lahore High Court.

Mr. President (The Honourable Sir Abdur Rahim): You ought to have mentioned that.

Mr. Govind V. Deshmukh: I have mentioned that, Sir.

Mr. President (The Honourable Sir Abdur Rahim): You have said "Mr. Pardiwalla, Barrister in Lahore High Court". I suppose the Punjab Government ordered his arrest.

Mr. Govind V. Deshmukh: My information is that he was arrested under the orders of the Government of India. I have in the past pointed out instances, on the floor of this House in which though action is taken by the Provincial Government it is done really on the authority of or instructions issued by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable the Home Member got anything to say on this?

The Honourable Sir Reginald Maxwell (Home Member): No orders whatever have been issued in this matter by the Government of India, nor has any action been taken under their instructions.

Mr. President (The Honourable Sir Abdur Rahim): In view of the statement made by the Home Member that no orders have been issued in this matter by the Government of India, it must be assumed that the Provincial Government is responsible for the order. I therefore rule that the motion is out of order.

ALLEGED INHUMAN TREATMENT TO MR. JAI PRAKASH NARAIN.

Mr. President (The Honourable Sir Abdur Rahim): The next one is also from Mr. Deshmukh. He wishes to move for the adjournment of the business of the Assembly in order to discuss a definite matter of urgent public importance namely, the tortures and inhuman treatment to which Jai Prakash Narain is being subjected by Government agents in whose custody he is.

Who are these Government agents, and which Government's agents?

Mr. Govind V. Deshmukh (Nagpur Division: Non-Muhammadan): The arrest was made under the orders of the Government of India. The Government agents are the police as well as the military officers in whose custody he is.

Mr. President (The Honourable Sir Abdur Rahim): And what tortures has he been subjected to?

Mr. Govind V. Deshmukh: He is made to sit on ice blocks for a considerable time, he is made to sit in a chair without any back, he is not allowed to sleep, he is not properly fed, and so on.

The Honourable Sir Reginald Maxwell (Home Member): How does the Honourable Member know all this?

Mr. Govind V. Deshmukh: I know it and, therefore, I have said so.

Mr. N. M. Joshi (Nominated Non-Official). May I ask the Honourable Member whether Mr. Jai Prakash Narain was arrested under the orders of the Government of India.

The Honourable Sir Reginald Maxwell: Sir, Mr. Jai Prakash Narain is the prisoner of the Punjab Government, and this adjournment motion is really directed against the Punjab Government and not against the Central Government. We have had no hand in this affair whatever. The matter has already, as I see from a copy of the *Tribune* of Lahore, been before the Punjab Legislature, and has been under discussion there. It is not a matter which concerns this Government at all.

Mr. N. M. Joshi: May I ask whether Mr. Jai Prakash Narain was arrested on the warrant issued by the Government of India or by the Punjab Government?

The Honourable Sir Reginald Maxwell: He was arrested because he was a fugitive offender.

Dr G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Is not justice and humanity the concern of this Government?

Mr. President (The Honourable Sir Abdur Rahim): It is also the concern of the Local Governments. And there is no proof whatever that any sort of inhuman treatment or tortures have been given so far as this gentleman is concerned. Therefore I rule that the motion is out of order.

THE VICTORIA MEMORIAL (AMENDMENT) BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I move:

"That the Bill further to amend the Victoria Memorial Act, 1903, be taken into consideration."

Sir, I need offer very little explanation to this House beyond what has already been stated in the Statement of Objects and Reasons. The Victoria Memorial Act was passed in 1903, at the time when the Governor General had his residence in Calcutta. It was therefore possible to dispose of the business of the Trustees in the presence of the Governor General on the spot. Since, then, as the House is aware, the Governor General has shifted his residence to Delhi and the practice has grown up by which the business of the Trustees is determined by circulation amongst the members. The object of this short Bill is merely to authorize that practice. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Victoria Memorial Act, 1903, be taken into consideration."

Sir F. E. James (Madras: European): I have no objection whatever to this Bill which has to do with the Memorial dedicated to the blessed memory of Queen Victoria. But I would like to ask the Honourable Member what is the urgency behind this measure? I understood that it had been the policy of the Government of India during war time that they would not include in their legislative programme measures which either were not directly connected with the prosecution of the war or were not regarded as urgent from the point of view of public interest. Of course the Honourable Member may say: "Well, this is a very small Bill". But that makes no difference. He will recollect the story of a domestic servant who after giving birth to an illegitimate baby said in extenuation that it was only a very small one. The principle is the same, and after all this Bill presumably must have taken up the time, or some of the time, of the over-worked Legislative Department. I should, therefore, like to know why it is so urgent. The position has been the same, as it is at present, since the Government of India removed itself from Calcutta to Delhi—that, I believe, was in 1912 or thereabouts. Ever since that time it has been inconvenient for the Governor General and other Trustees outside Bengal to attend meetings of the Trustees. Apparently the Memorial still stands and the Trustees have been able, all those years, to discharge their duties, faithfully. Therefore, why is it that the Honourable Member in the middle of the war on the eve of the greater operations in the East has

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introduced this measure? Is it desparately urgent? If not, then why should it be included in the legislative programme?

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is it a war measure, or not?

The Honourable Sir Reginald Maxwell: It is a war measure in the sense that it is undertaken during the war. I can assure the Honourable Member that it would not have been undertaken had it involved any large expenditure of time. In fact, the irregularity of practice which now obtains in view of the explicit terms of the Victoria Memorial Act has only recently come to notice, and the secretariat labour, at least, that was involved in the matter all took place in the discovery of this fact that there was technically an irregularity about the method by which the business of the Trustees was carried on. And

since that point had already come to notice, there was nothing more to be done except draft this short Bill in order to get the position regularised and in order that there may be no further question about the legality of acts transacted by the Trustees. I think that is a sufficient reply to the point raised.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill further to amend the Victoria Memorial Act, 1903, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Reginald Maxwell: Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL.

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1896 (*Second Amendment*) be taken into consideration."

The provisions of this Bill are fully explained in the Statement of Objects and Reasons. I would only add that the project was initiated on a representation by the Punjab Government that a deleterious effect was likely to be produced on the morale of the soldier on active service if having received information of a matrimonial offence by or against his wife he had no means of causing a complaint to be lodged. Other Provinces have been consulted and there is general agreement that the proposals are appropriate. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1896 (*Second Amendment*) be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move that the Bill be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

THE INDIAN TRADE UNIONS (AMENDMENT) BILL.

The Honourable Dr. B. R. Ambedkar (Labour Member): Sir, I move:

"That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon."

The motion is merely for circulation for the purpose of eliciting public opinion on this measure. That being so, it seems to me unnecessary to take the time of the House to deal in any detailed manner with the provisions which

are embodied in this Bill. It is enough, I think, to tell the House what are the main features of the Bill and what has led Government to undertake this particular piece of legislation.

The Bill has three important features. In the first place, the Bill seeks to compel an employer to recognise a trade union. In the second place, the Bill imposes certain conditions on a trade union in order to make the trade union, if I may say so, worthy of recognition by an employer. The third feature of the Bill is to make non-recognition by an employer of a trade union, which has observed all the conditions prescribed in this measure and which has therefore qualified itself for recognition, an offence which is made punishable by law.

As I said, it is unnecessary to discuss the merits of this measure. The motion is for circulation which obviously means that the provisions embodied in the Bill by the Government at the present stage are only tentative. There is no finality about it, and Government do not propose to make these provisions final unless they have received the opinions of leaders of labour, employers, Provincial Governments and other parties who are concerned in this measure. The Bill may therefore be quite different from what it is now, when Government has applied its mind to the various suggestions that it hopes to receive as a result of circulation.

Mr. N. M. Joshi (Nominated Non-official): I hope it will be better.

The Honourable Dr. B. R. Ambedkar: I hope so from everybody's point of view. All that therefore I propose to say is to tell the House what has led the Government of India to take this responsibility upon its shoulders.

The House will recall that this matter was considered at great length by the Royal Commission on Indian Labour. A great deal of attention was devoted to the question of the recognition of trade unions by employers, and all those Honourable Members who have read the Report of the Royal Commission on Labour will realise what great emphasis the Royal Commission laid on the recognition of trade unions as a measure for the healthy growth of trade unions and for amicable relations between employers and workers. The House will also remember that the Royal Commission at that stage stated that they would very much desire if the recognition was achieved voluntarily by the consent of the employers without any legal obligation upon them. The House will also remember that the Royal Commission reported in 1929,—practically 12 years have elapsed—and there has been no willingness on the part of employers to recognise trade unions voluntarily. Indeed the objections which the employers made before the Royal Commission for opposing the recognition of trade unions are still the objections which the employers are pressing for non-recognition. Consequently the situation has certainly not improved.

As Honourable Members will remember, this question was taken up after 1937 when provincial autonomy came into being, by most of the Provincial Governments which came and took office under the new Act. There were both private measures and measures introduced by the Ministries in order to bring about recognition of trade unions by employers. For instance, in Madras there was a private Bill brought in, there was also a Government measure brought in by the Ministry of the day. In Bombay Government brought in a measure called the Bombay Trade Disputes Act. In C. P. an Act was contemplated and a draft was prepared and the same was done in the province of the U. P. Unfortunately, except in the case of Bombay, the Ministries in other provinces resigned before their projects could assume a statutory character. However, the Government of India, after provincial autonomy had come into existence, had inaugurated a system of collaboration between the centre and the provinces and one of the means adopted for collaboration was to inaugurate what were called Labour Ministers' Conferences. The First Labour Ministers' Conference was held in 1940 when this subject was discussed between the Provincial Governments and the Central Government. It was then decided that there was not enough material before the Conference to come to any definite conclusion on the matter, and the Conference gave instructions to the Central Government that the matter should be referred to the Provincial Governments in

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order to elicit opinion from the Provincial Governments as well as leaders of labour and employers and that the material should be placed at the second session of the Labour Ministers' Conference which was proposed to be held in the year 1941. Accordingly the Government of India addressed a letter to the Provincial Governments asking them to collect the opinions of the different parties relating to this measure, and a very large body of opinion was collected by the different Provincial Governments and forwarded to the Central Government with the opinions of the different provinces on them. The whole of this was placed before the Labour Ministers' Conference held in 1941 and the conclusion reached then was that the Central Government should undertake legislation, that that legislation should not be purely provincial and that draft should be prepared on the basis of the replies that were received from the Provincial Governments and from the various parties which were concerned with this matter. As a result of this the Government of India undertook the task and the present Bill is really the result of the sifting of the information which the Central Government received and the opinions which were expressed by the various parties concerned. This is the origin of the measure. This will explain why, although labour legislation is a provincial subject, the Central Government has come in with this measure.

I do not think that it is necessary for me to say anything further on this measure. As I have said, the proposals are tentative, there is no finality, and there cannot be any finality unless and until we receive opinions on the draft Bill as it stands. All that I say is that it is one of the most important measures which this Legislature has been invited to undertake. It is also a unique measure. Except in the case of the United States and Sweden, recognition of trade unions in other countries has been left to voluntary effort. I hope this will not be a controversial measure. In any case I do not wish to say more than what I have said in view of the fact that I prefer to submit the Bill to public scrutiny before I undertake to make myself responsible for any of the provisions contained in the Bill. Sir, I move:

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon."

Mr. P. J. Griffiths (Assam: European): Mr. President, the motion at present before the House is that this Bill be circulated for eliciting opinion thereon, and we trust that our support of that motion will not be taken to indicate that we regard this as being either a good Bill or a well thought-out Bill or a statesman-like Bill. We are prepared to support circulation because we recognise that this subject is one of the most vital subjects about which India will have to think from now onwards, and we recognise therefore the importance of stimulating public thought and of calling attention to the many pitfalls into which Governments may fall with regard to the question of trade unions and into several of these, we believe, they have already fallen, in drafting this Bill.

The subject is one of paramount importance to the State, to employers and to labour. For every State under modern conditions, it is of importance to encourage the growth of sound labour organisations, organisations which will be strong enough to protect the true interests of labour, organisations which will ensure for them fair pay and decent conditions of living, and organisations which will enable us in this country to avoid those evils of ruthless exploitation of labour by capital, which formed one of the worst blots on English history in the corresponding phase of industrial development. For all these reasons the State is profoundly interested in seeing that sound, strong labour organisations come into being. But the State is equally interested in seeing that those organisations grow up imbued with a due sense of responsibility, that they grow up in such a way that while the workman will demand a fair share, he will not demand an impossible share in the products of the industry, that these unions function in such a way that, just as the employer is not allowed to become a tyrant, so likewise the labourer is not allowed to

become a tyrant. From the point of the State, therefore, nothing can be more important than the balanced healthy development of the trade union movement. When we come to the case of the employer we find that he too is equally interested in this balanced, healthy development. It is not necessary for me, speaking in the year 1943, to say that every wise, intelligent, far-sighted employer recognises the advantages of healthy, sound, trade unions. He recognises that it is far easier to deal with one sober body than to deal with several hundreds of several thousands of unthinking, irresponsible individuals. The employer has nothing to gain by the growth of weak trade unions; he has everything to gain by the growth of strong trade unions, provided that with that strength, is coupled soundness. It is, therefore, of importance to the employer, as well as to the State, that legislation regarding trade unions should keep the right balance and the test which we apply to this as to every similar measure will therefore be, is the Bill such as to facilitate the growth of healthy unions and to discourage the growth of unhealthy unions? Is the Bill such that it will tend to improve relations between employers and employees? When we examine the Bill from this angle, I am afraid, we cannot congratulate the Honourable the Labour Member on his achievement. We feel that he began by grasping impulsively at the tempting principle of compulsion, that half way through the Bill his courage failed him so that when he had to consider exactly what he was to compel, he either did not know or could not face the issue and therefore left us without definition, left us in a nebulous state regarding the crucial point of the Bill. That as he went on further towards the end of the Bill he looked round the Treasury Benches and saw the angry faces of those of his colleagues who actually have to handle labour and he said "at all costs I must keep myself from being embroiled in difficulties with these practical employers of labour" and so he put in section 28J, the effect of which is, at any rate for the present, to leave out large classes of labour from the purview of this Bill. I want to consider these three points as briefly as possible one by one.

First, the principle of compulsion with which my Honourable friend starts this Bill so bravely. Do not let us confuse this question of compulsory recognition, with the quite separate question of the desirability of the trade union movement. There is nobody here in this Group—and I imagine there is nobody in this House—who still has to be convinced as to the desirability of the trade union movement; but that conviction must not let us gloss over the main point which is—will the principle of compulsory recognition make for sound trade unionism or not. Compare the position contemplated under this Bill with the position as it exists and has for long existed in Great Britain. I suppose there are very few countries in the world in which trade unions have won more respect, more honour, have ensured for themselves a more definite place as one of the pillars of society than has been the case in Great Britain and I suppose there are very few countries in which the effective practical power of the trade union is greater than it is in that country. But in that country, trade unions have reached their position, not under the shelter of compulsory recognition, but they have reached it because they have had to earn that recognition by their merits. They have had to satisfy employers, and they have had to satisfy the public, firstly that they could be reasonable and see that to any industrial question there are two sides and that there must be give and take between the employers and the employed in settling all these matters. Then they have had to go on and convince employers and the Government, not only that they were reasonable but that they were representative. For after all, it is no use an employer making a settlement with a union, if that settlement is to be rejected afterwards by 80 to 90 per cent. of the workers concerned. The representative character of the unions is an essential element in the path along which they have risen to power and respect in Great Britain. Thirdly, after having satisfied the employer and the public that they were reasonable and representative, they had to go on and prove that they were efficient, that they could collect their funds and pay strike pay at the time of strike, that they were so well organised, that if the employers proved unreasonable, it was possible for these

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unions to force their will upon the recalcitrant employer. And so, I say that, throughout the course of the last 100 years, unions in England have had to convince the public that they were reasonable, that they were representative and that they were efficient and they have attained their present status in British economic life simply because they succeeded in those three points. There have been phases in their history when they have not succeeded, when they were not reasonable, when they were not representative and not efficient and in those phases employers refused to deal with them. Some unions went wild in the early days and were broken against the refusal of the employers to deal with a union which had not yet proved itself reasonable, representative and efficient. Those unions were broken, but others learnt their lesson from them and their place was taken by unions which, thanks to this past experience, could claim to be so well ordered that they were entitled to be heard as the representatives of the labourers. Note the whole process. There was no question of suddenly forcing on employers recognition of something unformed, undeveloped and unthought out. The process was that the Union showed itself capable of doing a responsible job and then the recognition came inevitably when that stage had been reached. I venture to suggest that if those unions had grown up under the shelter of compulsory recognition, if they had not been under the necessity of becoming reasonable, representative and efficient, you would not have had, as you have in Britain today, a sound and healthy movement, welcomed alike by the State and the general public. It seems to me therefore that in laying down that once a union has been given a certain status the employer must deal with that union, irrespective of the behaviour of that union, irrespective of its sense of responsibility or of whether it represents the workers or not, by laying down a thing like that, you are taking away the greatest incentive which a union could have to put its house in order and to turn itself into a sound and responsible body. I can quite understand the frame of mind of my Honourable friend the Labour Member in dealing with this matter. He is impatient. We all know the sincerity of his desire to improve the lot of labour but we also know that in practical life sincerity and over-zeal very often lead to impatience. My Honourable friend sees this plant, in which he takes so much interest, growing slowly and he says to himself 'I cannot tolerate this slow growth. Something must be done about it. Let me put it in the hot house and do something to force its growth'. Let me remind my Honourable friend that though he may succeed in forcing it to early maturity, the chances are that the plant will be sickly or will turn out to be a monstrosity and in any case will pass away and die. Let the plant stay in the open. Let it contend with the elements and fight for itself. Let me remind my Honourable friend too that trade unions have many enemies.

The Honourable Dr. B. R. Ambedkar: Employers are one of them.

Mr. P. J. Griffiths: In this, as in so many matters you are misinformed as to the views of the employers. Let me tell my Honourable friend that this temporary protection will weaken the unions and their ultimate growth, and increase the power of their enemies to destroy them. As I went through this Bill, I felt, as I said before, that the Honourable the Labour Member had not the courage of his convictions. He started bravely with the principle of compulsion. When he came on to details as to the classes of unions with respect to which compulsory recognition should apply, his courage failed him. He began by laying down certain obvious conditions with which I shall not trouble the House. Then he came to the main point, that a union is not to be recognised unless it is representative. This is a most excellent principle but I wish my Honourable friend had tried to tell us in the Bill roughly what he meant by 'representative unions'. "Representative" is not one of those dictionary words that you can take for granted. Opinions differ from time to time and from place to place as to what is representative. Some people might say that the Honourable Members on the front bench were representative of India, but

it seems to me very unlikely that Honourable Members sitting on the Opposition benches would accept that point of view. It is no use telling me that you will not recognise a Union unless it is representative, unless you give me some idea of what you mean by representative. My Honourable friend knows that, in the many discussions that have taken place during the past few years on this whole question of recognition, the crux of the matter has always been as to how you should define a representative Union. My Honourable friend will remember that that was so in Bombay. He will remember that in every discussion that has taken place this has been one of the main issues. I have looked through this Bill in vain for any sign of what the Honourable Member means when he talks about representative Unions. In other words, the Honourable Member is asking us to make the recognition of something compulsory; but that something is nebulous, indefinite and unknown. But, hope springs eternal in the human breast and my Honourable friend, the prince of optimists finding himself, his Department and the Draftsman, barren of ideas as to how they can define the term 'Representative Union' says to himself, "in a few months' time, when we have to draft the rules, the wells of inspiration will have filled again and we shall know then what we do not know now, what we mean by a representative Union." So, my friend says that the representative Union should be left to be defined in the rules. Sir, quite apart from the merits of this particular Bill, this seems to me a fundamentally unsound principle. Government comes to this House with what we take to be considered proposals. How can we pass judgment on those proposals when we are told, in effect, that the definition upon which the meaning of the whole of this Bill turns will be settled later. I claim as a Member of this House the right to judge Government's legislative proposals in their reasonable entirety and I say that when the Honourable Member takes a point, which is the crucial point of the Bill, and says airily "We will deal with it in the rules", I say that this House is not being treated with proper respect. He is putting us in a position where we cannot express any intelligent opinion on the merits or demerits of the most important part of his Bill. It will not do for my Honourable friend to say that these proposals are not final and they have been just put forward for discussion, that they will go to the country and then Government will re-shape them in the light of the opinions received. Of course, Government will have to consider what the country says, but that does not absolve the Government from the duty of putting before us detailed proposals. We cannot accept the principle that Government can throw on the table of this House something that is half-drafted and half-formed, and say it does not really matter because the public will tell them where they are wrong. In other words, the public will do the work that the Draftsman has not done and then Government will give us a carefully framed and well-thought out Bill. If this Government were a responsible Government, my Honourable friend would not dare to put forward a proposal of that kind, and I say that respect for this House demands that we should be told exactly what is in Government's mind. We should be asked to vote, not on vague and nebulous abstractions, but on specific and concrete proposals. The function and scope of rules is to implement the purpose of a Bill. The definition of a 'representative Union' is part and parcel of the whole purpose of this Bill. With that left out, it is impossible for this House to take a well-considered and reasoned view of the matter. It leaves me with the feeling that the Labour Department wants to do something but does not quite know what it is. We are not blaming them for that, for they have many other pre-occupations, but let them at least wait until they do know what they want to do and then come forward with the specific and concrete proposals.

Then, again, it was not only at this stage in the Bill that my Honourable friend's courage failed. Towards the end of the Bill, I find in clause 28-J what I call his complete collapse, out of fear of his colleagues on the Treasury Bench. His position is different from theirs. He can afford to be a theorist whereas some of them are large-scale employers who have to do the practical

[Mr. P. J. Griffiths.]

job of making labour work. They know that these theories, thought out in the comfortable rooms of the Secretariat, look very differently when they filter down to the places where the work has to be done. I have no access to the secrets of the holy places in which the Members of the Executive Council deliberate, but I can only assume that clause 28-J means that some of the Labour Member's Honourable Colleagues regard this as a dangerous Bill. At the same time, they knew his reputation for pertinacity and they thought that the best method of dealing with the matter was to make an illogical compromise to demand exemption of those large bodies of labour for which they are responsible. Frankly, I do not pretend to understand the logic on which clause 28-J is based. The effect of that clause is, to take out of the purview of this Bill, for the present, labour employed by the Crown, labour employed by the Railways and labour employed in major ports. We have not yet heard a word from the Honourable Member as to why these exemptions were considered necessary. Is this Bill intended to promote harmony or friction? If it is intended to promote harmony, then why should not that harmony be vouchsafed to labour in those particular fields of employment? Does the Honourable Member think that this Bill will make for better relations or worse relations between employers and employed? If it will make for better relations, does my Honourable friend think that the relations between employers and employed in major ports, in time of War are of no importance? Frankly on the assumption that this Bill is sound and that Government approve of it, I cannot understand why my Honourable friend, the War Transport Member, could have acquiesced in being deprived of the great protection which this Bill is supposed to afford. I presume that he is just as anxious to preserve harmony amongst Railway labour as my Honourable friend is to preserve that harmony in other fields of labour. But the illogicality inherent in this Bill with the inclusion of clause 28-J, goes much further than this. We are told, in effect, that these provisions must not apply to major ports. They must not apply to railways because there is a war on and we cannot run any risks. But what about the hundreds and hundreds of contractors all over the place who are doing war work? Does my Honourable friend think that the work which is being done by labour contractors on aerodromes is any less important than some of the works that are being done on major ports? If my Honourable friend wants to be logical, or if he feels not quite certain about this Bill and he wants to treat it as an experiment, then he will have to go very much beyond major ports in his exemptions. I say this with the greatest respect for the Honourable Member himself. I accuse not him, but his Department of either confusion of thought or lack of courage in dealing with this matter.

This is not the stage for the discussion of details. At a later stage, we shall have many other points to discuss and many other defects to point out and I, in particular, shall have occasion to point out how the Bill in its present form departs from some of the assurances given by my Honourable friend's predecessors, particularly in regard to plantation labour. But this is not the time for details. Those will be dealt with at a later stage.

I will sum up by saying this, firstly that the Bill itself is bad because it embodies an unsound principle, a principle which will not make for the healthy growth of trade unions. Secondly, the Bill is nebulous, not in a fit state for presentation to this Assembly because it fails to define a representative Union. Thirdly, the Bill bears upon itself the hall mark of confusion of thought and illogicality and exempts, from what is supposed to be a useful and beneficent measure, the most important labour forces at work in this country today. For these reasons, although we are prepared to support the motion for circulation so that public attention may be called to the dangerous channels along which Government's mind is travelling; yet we do so with the firm reservation of our right to oppose or criticise every portion of this Bill at any later stage.

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Sir, I must congratulate my Honourable friend, Mr. Griffiths, on his able speech; although that speech is really in opposition to this Bill. The line of opposition is twofold. One is that the Bill is too bad because it is premature, and secondly that the Bill is bad because it is overdue. I am surprised at the inconsistency of the argument, which I shall presently show could not stand. Before I do so, I wish also to congratulate the Government on their bringing forward this measure. I do hope that Government will get the best assistance from Trade Union organisations in shaping it into an acceptable measure. We have long asked for it, not because we want any hothouse growth as my Honourable friend suggests, but because my Honourable friend and his supporters refused to learn the lessons of a century. Does he want that Indian labour should pass through all those travails and struggles which the British workers passed between 1825 and today? Does he not want to learn any lessons from the experience of one century which has led to the firm establishment of Trade Union Movement in Great Britain? Does he not realise that at the end of 1919, the Governments of all the countries which met together for the Peace Treaty issued a Charter for Labour in which they recognised that the lessons of the past must be understood, appreciated and applied and they laid down in the opening paragraph of the establishment of the International Labour Organisation at Geneva, the lessons which the world had learnt during 100 years of Trade Union movement? My Honourable friend and his supporters are either not acquainted with the Preamble to the establishment of the International Labour Office or they are still not in agreement with it. Otherwise, he would not have propounded the extraordinary principle that Indian labour should go through all those travails which labour in Europe and America has gone through, and that we in India should not benefit by it and that the employers should learn no lesson. Does he know what the struggle was? Bitter fights, violence, stoppage of work, exploitation of children of 8 and 10 years of age who were torn from their beds by employers at a very early part of the dawn and made to work till very late in the evening. This is the experience through which western labour has passed and the lesson which they have learnt is laid down in that Chapter or the Preamble to the establishment of the International Labour organisation at Geneva. I ask my European friends that they should not shut their eyes to the lesson which is embodied in that Preamble and which practically negatives all the precautions which my friend has advised us. The experience has been that Government should take a hand in the matter as a representative of all interests: unless Government take a hand, the bitterness and struggle and stoppage of work will continue. It is therefore more for the benefit of the employers and for the better conduct of industries that this Bill has been brought forward. Of course, the Bill is not a perfect measure; nor is the case that it does not stand in need of any improvement. I shall presently show that there are many features which need improvement.

I wish to make one or two further points regarding the need for this measure. The employers as a whole are not still willing to recognise Trade Unions voluntarily. In spite of all that has happened, the lip homage, that is paid to Trade Unionism on the floor of the House and outside, has no reality behind it. They are at bottom hostile, the recognition which we get is due to the fear they entertain, not to the love which they have for us. They are afraid, but they build their fortifications as strongly as they can, even after they give recognition. There is no will honestly, and straightforwardly to recognise Trade Unions. Even the Government cannot be absolved from blame in this matter. Governments are, after all, employers of labour and they have all the mentality of employers, except that they feel they owe a duty to the public, some explanation, some justification for the wrongs they do to Trade Unions. I have sufficient experience of labour and of Government's attitude towards it. The Royal Commission on Labour which was appointed in 1929 and which reported in 1931 enjoined upon the Government to give increasing recognition without raising artificial pleas of opposition. Although there has since been some slight improvement, I cannot say that the lesson has been learnt. I can speak with greater

[Mr. Jamnadas M. Mehta.]

confidence of railways than I can speak of other industrial labour. I say it has taken us ten years or 12 years of consistent pressure on the Railway Board and even now the success which we have achieved is very very small indeed. People think that railway labour is greatly favoured. I ask them not to believe it. Railway labour, while it is sometimes listened to, is suffering from all the disabilities, from the inherent hostility of the employer to any recognition of the rights of labour. I will give you one instance of the implacable hostility of Government Departments towards labour in another department. I had the privilege of presiding at the all-India Conference of the Posts and Telegraphs Department in 1931. I pointed out in my Presidential speech that the large earnings of the Postal Department were being diverted into other channels and the postal employees were suffering from disabilities both in point of wages and conditions of work.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. K. C. Neogy one of the Panel of Chairmen.)]

I gave figures and I challenged the Department to disprove it. What then happened was this. The Director General of Posts and Telegraphs wrote to the Secretary of this Union to remove Mr. Jamnadas Mehta from the President's office, otherwise recognition of that Union will be withdrawn. This was in 1931.

An Honourable Member: You have changed since then.

Mr. Jamnadas M. Mehta: No, I am the same good boy as I used to be. In 1931, the Director General of Posts and Telegraphs threatened the postal union with withdrawal of recognition unless they removed their President. Why? Because he was alleged to have made mis-statements regarding the financial side of the running of the postal department. I am glad to say that the Committee of the Union met together and challenged the Director General to show where Mr. Jamnadas Mehta had made the mis-statements and told him that they could not remove him unless Government showed where the statement was wrong. The Postal Department could not muster up courage to give counter figures—as the Honourable Sir Jeremy Raisman could not muster up courage to give counter figures to mine the other day on the denial of services and goods which India had sacrificed during the last four years,—but came out with another order. The order was that unless they removed Mr. Jamnadas Mehta from the Presidentship not only would their Union be disrecognised,—if I may use that word,—but that if thereafter any postal employees continued to be members of that Union their services would be dispensed with. That would involve the dismissal of 1 lakh and 10,000 postal people if they did not remove their President. The workers still refused to do that; but Mr. N. M. Joshi and the Director General talked together and came to an understanding that Mr. Jamnadas Mehta should not be dismissed but that no meeting of the Executive Committee should be held during his Presidential regime and that the next conference should be held before the end of one year to elect a new President. Poor Mr. Joshi was faced with the dismissal of 1 lakh and 10,000 employees and he simply did this under compulsion. So I was not dismissed but no meeting was held after this and a new conference was held before the expiry of 12 months and a new President was elected. But the workers avenged themselves by showing their resentment against this treatment by unanimously resolving that Mr. Jamnadas Mehta should go as their delegate to Geneva next time. That was their loyalty to their creed and to their convictions, and that is the attitude of Government towards these trade unions. I do not say that things have remained there; they have slightly improved, and my Honourable friend, Sir Edward Benthall, will not impose a condition that the recognition of the all-India Railwaymen's Federation would be withdrawn unless their President was dismissed. But even so, I do not absolve the Railway Board from the extreme reluctance with which they yield even an inch of ground in favour of trade unions.

The Governments of the provinces are no better. The Bombay Government under the Congress regime brought a measure to recognise trade unions, but it was an attempt to dissolve the trade union movement in the province. It was such a reactionary measure that one would be surprised that such a measure could be described as one for the benefit of trade unions. My Honourable friend, Dr. Ambedkar, opposed it on the floor of the Bombay Legislative Assembly tooth and nail; Mr. Joshi was behind us in opposing it; and I opposed it for a number of days and days until even the President was tired and he introduced martial law methods by sitting from morning till night without interruption, and the Bill was forced through but not without many admissions of its serious defects and without many changes. And this "representative union" to which my Honourable friend referred was one of the bones of contention in that measure of no blessed memory in the Bombay Assembly. It excited the most violent opposition from labour in Bombay and there was a terrific strike in which workers were injured and several were killed by the Congress Government in 1938. I will tell you this. A union was to be called representative only if a very large percentage of the workers in an industry belonged to that union; and if there was a stoppage of work except on the conditions laid down which were impossible, not only would the workers be punished but any one who gave milk to the children of the strikers would be a criminal.

That was the measure of the Congress Government's sympathy for trade unionism in Bombay in 1938. It appears that they had previously obtained the sanction of Pandit Jawaharlal Nehru for their Bill. Poor Pandit Nehru in the midst of a very busy life did not read it; so he said that as it was for the welfare of labour they could go ahead. When the agitation came to the front the Pandit went through the whole Bill and he wrote on the same lines as the opposition in the Bombay Assembly. By some accident I have got the whole correspondence with me, in which the Pandit goes for the Bombay Government and the Bombay Government goes for the Pandit for having approved of it in advance and later on repudiating it. I can show that correspondence to any inquirer. The Governor of Bombay also was impressed by the intensity of the opposition at every stage to the Bill. I think we took two months in opposing it and but for martial-law methods the Bill would not have been passed in 1938. That is only intended to show that Governments are still behind the times.

Sir, there are two more points that I wish to state. I agree with my Honourable friend, Mr. Griffiths, that "representative" is not defined. I thought it was the pressure of the employers which induced the Honourable Member not to define it because I am sure that in whatever he did they would oppose him and say that that is not representative. And from his experience in Bombay where the word "representative" created a lot of trouble he was wise in not defining it now. But that does not mean that we shall allow him to go back over the real object of the Bill by defining "representative" as something impossible, because I will immediately confront him with his speech on the Bombay Bill where "representative union" was defined in a very reactionary manner and he opposed it. So I am sure that when eventually he comes to lick the Bill into shape the word "representative" will be brought within reasonable limits and it will not be made impossible for a union to get recognition on account of the hard conditions. The conditions in the Bombay Act were such impossible conditions that not one single union since 1938 could be recognised under the provisions of that Act. My Honourable friend has learnt the lessons of that Bombay measure and I am sure he will not define "representative" in an impossible manner. I am sure my Honourable friend has not defined it here because whatever he may have said my friends on that side would have opposed it. Therefore I am not at all perturbed by the fact that the word "representative" has not been defined. I am here to see, as far as it lies in my power, that the word "representative" is not made difficult of attainment by us. I am not therefore prepared at this stage to charge the Honourable Member with any designs on us because he has not used the word "representative" more clearly.

[Mr. Jamnadas M. Mehta.]

There is one important flaw in this Bill. It provides that the Union shall be allowed to make representations about matters of common interest. My objection to this is that the words "common interest" are likely to be a pitfall unless my Honourable friend is careful. These two words immediately exclude individual grievances and one of the commonest disputes between the railways and the railway trade unions and other trade unions,—I am also responsible for the Dock Labour Union in Bombay,—is about this "common interest" which has often proved a bone of contention between us. I will not allow this exclusion of individual matters. Very often individual matters are a breach of accepted policy. The matter may refer to one man but it represents a breach of accepted policy. For instance, in railways after a certain number of years a man cannot be discharged unless he is given an opportunity for explaining his conduct; and if he is found to be inefficient on grounds of health he is to be given a softer job but not to be discharged. Still the railway magnates are often guilty of disregarding their own provisions and they have discharged many people who for reasons of health should have been given a softer job because they had committed no fault. If we complain the General Manager says "this is an individual matter", but I maintain that these are questions of accepted policy and the individual grievance is only an illustration of a breach of accepted policy. So I very much request my Honourable friend to remember that when he goes into this matter of "common interest" he will make it clear that the words do not exclude the consideration of a matter of accepted policy.

Lastly, this 28-J to which my Honourable friend referred; there I am in complete agreement with him because I am excluded from the protection of the measure unless 28-J goes. And I entirely echo the ground on which my friend

has opposed that clause, because if you exclude the most material and the most essential labour from the benefits of this measure because the war is on, you yourself are not convinced of the usefulness of the measure. I think the objection is cogent and on that ground I will support Mr. Griffiths. Subject to these observations, I support the circulation of the Bill. I assure the Government that labour will do its very best to secure public support to the principles of the Bill, will try its best to improve it during the stages of circulation and after, and it will be possible as a result of a full and prolonged deliberation to pass a measure which will be of real and substantial benefit to the workers and to employers.

Sir, I support.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): No doubt there are great difficulties in the recognition of Unions, particularly in the case of Muslim unions. Sir, I will at once come to the point in view and refer to clause 28D of the Bill, part (c). It is stated:

"(c) that its rules do not provide for the exclusion of members on communal or religious grounds."

It is good, but in case any union is not joined by members of other communities because that union started with a majority of its members belonging to certain communities, it is no fault of that particular union, and on this very ground the Muslim Unions are not given recognition. They do not bar any other community from joining that union, but simply because it is almost composed of members of the Muslim community it is not joined by non-Muslim employees and it is very unfair on the part of particularly the Railways and the Post and Telegraphs Departments not to recognize the Unions organized by the Muslim employees under them. If you look at the figures of the Muslim employees in the Railways—the latest figures available to us are for the year 1941-42—You will find:

Total number of employees in all the Railways	7,57,674
Muslim employees out of this number	1,72,519

Similarly in the case of Posts and Telegraphs Department, the figures for the year 1940-41 are:

Total number of employees excluding extra departmental persons	88,677
Muslim employees out of this number	19,758

From these figures it will be seen that there is a fair number of Muslim employees and if they form their own associations or say unions, recognition should be given. But it is denied.

An Honourable Member: Pakistan.

Maulvi Muhammad Abdul Ghani: There is no question of Pakistan. Why do some Honourable Members resent when the word 'Muslim' is used here; it apparently pinches my friend. It is the misfortune of this country that only the Mussalmans are the targets.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Why do you get excited? Let them resent.

Mr. Chairman (Mr. K. C. Neogy): Order, order.

Maulvi Muhammad Abdul Ghani: I think the provisions of 28D are ambiguous. Part (c) should be made clear, and it should lay down that if any association is not joined by members of other communities then there should not be any bar in its recognition. If Muslim unions are formed and if they do not debar other communities from joining it, I do not think anything should stand in their way of recognition.

An Honourable Member: Why do you call 'Muslim unions'?

Maulvi Muhammad Abdul Ghani: I am a Muslim and shall remain for ever a Muslim; I have to call myself a Muslim. This is the mentality which forces people to have their own unions. As I was saying, this Bill is going to be circulated for opinion and I think the opinion should be had on the amendment of clause 28D in a way so that the Muslim unions may not be denied their recognition. I have just pointed out that there is a fair number of Muslim employees under the two departments. Similarly in factories also, where there is a fair number of Muslims. If these Muslims, being tired of the hardships and of their failure to get redress of injustices done to them, form their own unions, I think such unions should not be denied recognition. It is said that Muslims can join these so-called national unions and can have their grievances redressed there. The fact is that when Muslim employees raise their voices against injustices done to them, in the first instance it is not heard in such common unions; and in the second place the misfortune is that those voices are not heard because the injustices done to that particular class most often had been done by the members dominating that association. The majority of the members are such that if some of them do any injustice or wrong no grievance can easily be heard. So the Muslim employee generally suffers, and hence they do not like to take part in the common unions. If they do not take part in the common unions, it does not mean that if they form their own unions and air their grievances through that union that union should not be heard because those unions are denied recognition. This is the right time when we should urge the Government that the Act should be so amended as to give opportunity for the recognition of unions formed by Muslims; and this is a very opportune moment, when fortunately the matter is in the hands of the Honourable Member in charge who knows what are the grievances of Muslims particularly, and of the depressed classes as well.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. K. C. Neogy (one of the Panel of Chairmen) in the Chair.

Mr. Chairman (Mr. K. C. Neogy): The House will resume consideration of the motion that the Bill further to amend the Indian Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon.

Mr. N. M. Joshi: Like Mr. Griffiths I propose to support the motion that the Bill be circulated for the purpose of eliciting opinion thereon, but at the same time I wish to make it quite clear that I have some criticisms to offer on the Bill and I have not made up my mind yet as to what my final attitude will be towards this measure.

Mr. Griffiths in his speech assured the House that wise and good employers welcome sound, representative and responsible trade unions. He also said that they welcome strong trade unions. If the employers in this country had

[Mr. N. M. Joshi.]

welcomed the trade union movement then the necessity for this measure would not have arisen at all. The employers in this country not only did not encourage the starting of trade unions but proved themselves hostile towards that movement. It is an elementary right of an employee to discuss the conditions of his employment with his employer either individually or through an organisation. That I consider to be what is called recognition of trade unions. But the employers not only in this country but outside are autocratic, they want to impose the conditions of employment upon their employees without any consultation with the employees. Not only that, but workers generally are anxious to co-operate with the employers in fixing the conditions of service, but the employers who believe in the principle of competition and rivalry have greater faith in struggle. They even struggle with their employees in fixing the conditions of employment of their employees. It is on account of this difference between the workers and the employers that the need for this Bill has arisen. There is one more difference. An employer says that if the employees do not like the conditions they should leave the employment. It is very easy for an employer to say that; although he may suffer some loss if all the employees leave, the employer is not going to starve. But the worker cannot take up that attitude very lightly. He knows that if he gives up his employment it may not be very easy for him after serving in one industry to go to another industry and get employment. Therefore, the employer can easily take up an attitude that he need not discuss the conditions of employment with his employees, but the employees cannot take up that attitude. On account of this reason the tendency on the part of the employers has been to oppose the starting of trade unions. This question was gone into very thoroughly by the Royal Commission on Indian Labour, and the Commission has stated the various reasons given by the employers for not recognising trade unions, and they are summarised in the Statement of Objects and Reasons of this Bill.* The House will be surprised to know how unreasonable those excuses have been which have been pleaded by the employers. Some employers oppose the recognition of trade unions on the ground that outsiders are office bearers of the trade union. All the organisations of the employers, at least most of them have got officers who are not members of their organisation. They do not mind employing outsiders as Secretaries of their organisations.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): What sort of organisations?

Mr. N. M. Joshi: Take, for instance, the Bombay Millowners' Association. Its Secretary is not a member. They do not mind employing outsiders as their office bearers, but they object to the employees having outsiders as their office bearers. Then Mr. Griffiths said that the unions are not representative.

Mr. P. J. Griffiths: On a point of personal explanation, Sir. I never said that. I wanted to know what was meant by a representative union and I said that unions must be representative.

Mr. N. M. Joshi: I feel that an employee has a right to form an organisation and every such organisation has a right to represent the views and opinions and the grievances of its members. I hold that the representative character of a trade union does not arise unless that trade union seeks to negotiate an agreement which will be binding upon even non-members. So long as the organisation represents the views of its members and so long as the organisation only seeks to negotiate an agreement on behalf of the members, the question of the representative character of the organisation does not arise at all. The employees may have a small organisation. So long as the organisation represents the views of the members, I feel that the organisation has every right to make representation to the employer and the employer should be bound to accept the representation on behalf of the members. I can understand, again I repeat,— if the union seeks to make an agreement with the employers on behalf of the whole body of employees, a large number of whom are not members, then alone the representative character of the union has some relevance. I feel, Sir, ordinarily speaking, the conditions of service for all employees are common, and

from that point of view, the representative or unrepresentative character of a union should not really make any difference even though the union may seek to represent the views of the whole body.

I, therefore, feel that the employers in this country are responsible for this Bill. Some of them went much further than insisting upon the union being representative. They want the trade unions not to have any politics. Some of them do not like particular kinds of politics of the trade unions. I do not know whether the Government of India have insisted upon the various organisations of the employers having either no politics or having particular kinds of politics. I do not know why the employers should insist upon the trade unions either having no politics or having only particular kinds of politics but the employers insist upon doing that. I know several employers who have done that. The Bombay Mill Owners Association did not recognise a trade union in Bombay on the ground that the office bearers of that trade union are communists. I know some employers in Cawnpore who did not recognise a union on that ground. I can read to you from the Standing Order of a mill in Madura—"the management will recognise only a union of the workers devoid of any social or political views". I, therefore, feel that the employers in this country had shown hostility towards the trade union movement. It is for that reason the Bill has become necessary. This question of the recognition of trade unions was given great importance, as the Honourable the Labour Member has said, by the Royal Commission on Labour. They felt that not only for the protection of the interests of the workers in this country but generally in the interests of the industry itself, there should be a spirit of co-operation between the employers and the employees and therefore everything should be done to encourage the growth of the trade union movement so that by the method of discussion and argument the differences between the employers and the employees should be resolved and settled. This question of compulsory recognition was also discussed by the Royal Commission. They felt at that time that what is of great importance is not formal recognition but the spirit underlying the recognition. There must be the co-operative spirit between the two parties. There must be a spirit of giving justice to the employees, the spirit of giving fairplay to them.

Therefore the Royal Commission felt, and I agreed with the Royal Commission, that we should not attach great importance to recognition by Legislation or by statute. What the statute and legislation can give is formal recognition. It cannot give the real spirit behind that recognition. At that time the Royal Commission felt that if the Government would insist upon the employers recognising the trade unions not by legislation but by persuasion, the necessity for legislation may not arise and legislation itself really could not give what was of great importance. Although I personally still remain of the opinion which I had expressed in the report of the Royal Commission, with which I agree, I realise that in the trade union movement in this country there is a large section of persons taking part in the movement who feel that although the legislation may give only formal recognition still it is better to have some recognition than to have no recognition. There are many people in this country who have worked in several unions and after conducting the unions for a number of years they find that the unions are still not getting recognition. There is a limit to the patience with which people can work in those organisations. Naturally they feel that although they cannot expect to infuse the proper spirit among the employers by legislation it is better to have legislation. That is the view of the general trade union movement in this country at present. When the Government of India circulated the draft of a Bill last year, the All-India Trade Union Congress welcomed the intention of the Government of India to secure recognition from the employers by legislation. In this Bill the Government of India is empowering the Provincial Governments to secure recognition from the employers to trade unions and the Provincial Government is authorised to appoint a Board of Recognition. The Board of Recognition will consider the conditions which are laid down in this Bill and some other conditions and make recommendations to the

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Provincial Governments and the Provincial Government is given discretion either to accept the recommendation or not. This Bill also lays down certain conditions. In the first place, I do not understand why the Government of India should provide for the appointment of a Board to go into the question of the fitness of a trade union to be worthy of recognition and then leave it to the Provincial Government to accept the recommendation of the Board or not.

Then, Sir, I would like to say a few words as regards the conditions which Government of India have laid down. They insist that before a union is recommended for recognition the union must be in existence for one year. Such a condition is unnecessary. Then the Government of India have laid down that only a representative union shall be recognised. I have stated my view on this subject. What I have to say on this occasion is this. Under what conditions the union will be regarded as representative is not stated in the Bill. It is left to the rules and it is only after the rules are made that we can say how far this condition can be fulfilled or not, but, Sir, the Government of India does not stop there. The Government of India also has laid down in the Bill that the Provincial Government may lay down any further conditions by rules. We do not know what further conditions will be laid down. Mr. Griffiths did not refer to this. He seems to have confidence in the Government that the Rules will lay down conditions which the employers will accept. Unless we know therefore what are the further conditions which the Local Governments propose to lay down for the recognition of a union, we do not know whether this Bill is likely to be of much use or not. The Government of India also provide that the Board of Recognition may ask for any further information on any points which the Board of Recognition think fit. And if the union is unable to furnish that information, that Union will be regarded as being unfit for recognition. The union will try generally to give to the Board of Recognition whatever information the Union can reasonably be expected to give, but it is wrong to provide that if a union cannot give any information which the Board of Recognition wants, then the Board of Recognition has discretion not to recommend that union for recognition.

Then, Sir, this Bill provides that under certain conditions the recognition of a trade union may be withdrawn. Among other conditions, the Government of India have laid down two further conditions. One of them is that if the members of a trade union take part in an illegal strike, then the recognition of that union shall be withdrawn. Similarly, if the office bearers of the executive of a trade union take part in an illegal strike, on that ground the union's recognition will be withdrawn. I feel that the Government of India seem to believe that the workers in this country are so rash that they very light-heartedly take part in illegal strikes. The workers know very well the consequences of taking part in an illegal strike. They expose themselves to being either fined or, generally speaking, being sent to jail. When they take part in an illegal strike, they do it because there is absolutely no other way of securing justice for them. Therefore, if a Government lays down a condition that if the members of a trade union take part in an illegal strike their recognition shall be withdrawn, I feel that it will have a very harmful effect upon the trade union movement and upon conditions of the working classes in this country. I ask the Honourable the Labour Member to consider what will happen today when under the National Service Ordinance and under the Essential Services Ordinance every strike is illegal if the employees want their conditions to be improved and if the Provincial Governments do not take adequate steps to see that their conditions are improved. I am connected in Bombay with a union which comes under the Essential Services Ordinance. I know about two years ago or a little less than two years ago there was an illegal strike. The workers wanted their conditions so to be improved and the Local Government did not improve their conditions and there was an illegal strike. The workers knew the consequences of taking part in an illegal strike. But they took the risk because there was no other way of securing the im-

provement in their conditions or securing even justice to them. I, therefore, feel that this condition will reduce the usefulness of this measure.

Then, Sir, the Government of India provide that recognition of a trade union will be taken away if the office bearers or the executive of that trade union make propaganda which will retard the war effort. Now, Sir, I do not know what propaganda is likely to be considered as retarding the war effort. A trade union generally likes to secure proper conditions of work for the employees and one of the ways in which the trade union likes to improve the conditions of its members is to ask for more wages or sufficient dearness allowance. I do not know whether asking for sufficient dearness allowance will be regarded as retarding the war effort or not, but I know of several cases in which the representatives of workers, the executives of the trade unions and the leaders of workers were sent to jail simply because the workers had gone on strike for securing improvement in their conditions and the Governments thought that the strike in that particular industry was retarding the war effort. A large number of industries in this country are today making production for war and any strike in any of these industries will be regarded as retarding war effort. I, therefore, feel that laying down such a condition in this Bill will reduce the usefulness of this measure.

Then, Sir, my Honourable friend, Mr. Jamnadas Mehta, has already pointed out that if this Bill puts on the employer the obligation to consider only what are known as common grievances, then the utility of the trade union will greatly suffer.

One more point as regards the duties to be imposed upon trade unions. The Government of India is proposing that if an employer on the representation of the workers once comes to a decision on a point, that point cannot be re-opened again. I do not know whether the Government of India want to stabilise the conditions of employment for all time. I can understand the Government of India saying that if the employer has come to a decision, the same question need not be opened for about a month or so. But if you say that once the employer comes to a decision that point cannot be re-opened, then we have to face stabilisation of conditions in the industry of this country. I do not like that the Government of India should exclude themselves from the operation of this measure. If an obligation is to be placed upon private employers to recognise a union, I do not know why the Government of India should exclude themselves from the operation of this Bill. I do not attribute to the Honourable Member the motive which Mr. Griffiths had attributed to them, but I would like the Government of India to take upon themselves the obligation which they are prepared to place upon others.

There is one more remark which I would like to make. The Government of India is securing for the employees the right of being able to make representations to the employers by means of this measure. I would have liked the Government of India to have gone a little further and provide protection for the workers against victimization to which the employers resort on the ground that the workers belong to a trade union or on the ground of their trade union activity. Such protection is provided in the legislation of this kind in several countries. For instance, the American legislation, the Bombay Trade Disputes Act also enables the worker if he is discharged or dismissed wrongfully to take up this question to an industrial court. I would like the Government of India to provide this protection against victimization to members of the trade union and for taking part in the trade union movement.

One word more. Sir, this Bill has left several important points to the rule-making power of the Provincial Government. I would like the Government of India to consider whether they cannot themselves take

3 P.M. decisions and provide in the Bill after it is circulated and opinions are obtained and put in these provisions in the legislation itself. For instance, the Bill provides that representatives of trade unions and the employers will be appointed in accordance with the rules made. Sir, much will depend upon how the representatives are appointed. I have said that the question of the representative character of the trade union shall also depend upon the rules

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made. Similarly they have also provided that further conditions laid down will also be according to the rules made. I would like the draft rules made before the legislation is passed so that we can understand whether the measure will be of sufficient use or not. We can judge the character of the measure by seeing the rules. I do not wish to say anything more. I am glad that the Government of India have brought forward this measure and they are circulating it for eliciting public opinion. I hope the Government will benefit by the suggestions made by the trade unions in this country and introduce such changes as are necessary in the interest of the workers so that this Bill might be useful to them and they may wholeheartedly welcome the improved measure.

Sir Gurnath Bewoor (Secretary, Posts and Air Department): Sir, my only excuse in getting up is to deal with certain remarks which were made by my Honourable friend, Mr. Jamnadas Mehta. He rather conveyed the impression that of all the Departments of the Government, the Indian Posts and Telegraphs Department was harsher with its unions, and he had a particular word of love or tolerance for the Railway Department. I have been in the Department for over 20 years and have had the pleasure of dealing with Indian Posts and Telegraphs Unions. I think, we in the Posts and Telegraphs are probably one of the first to have recognised Unions. I remember that we had recognised Unions before the last war—the Indian Telegraph Association. One of the reasons why the Government employees are excluded from the provisions of this Bill is probably—I do not pretend to reveal the intention of the Honourable Member in charge of the Bill—because there are well established rules for the recognition of Associations of Government servants. There are rules for the recognition of Associations of Government servants in industrial as also in non-industrial establishments. There are in fact at the present moment a very large number of recognised Trade Unions of Government servants. In the Posts and Telegraphs Department itself, there are 13 All-India Unions which have been recognised. Many of these All-India Unions have their provincial branches, divisional branches and district branches and every one of these has access to the proper officer with whom correspondence is carried on and with whom interviews are given from time to time. The particular instance or incident which Mr. Jamnadas Mehta mentioned, I think, requires clarification. He seemed to give the impression that the then Director General and the then Member in charge had a particular objection to Mr. Jamnadas Mehta. I do not think that was the case at all. I have here the circular which was then issued by the Director General reproducing the letter written by the Director General to the General Secretary of the Union. A meeting of the All-India Postal and R. M. S. Union was held in 1931 and they were rather exciting times, because those were days of retrenchment and pay cuts and I believe the feelings of Government servants were a bit excited. We were also one of the victims of that kind. At that time there was a meeting held and Mr. Jamnadas Mehta, as President of the Union, made a speech and also Mr. N. C. Sen Gupta, the then Secretary also made a speech. The Director General referring to the statement made and the article issued by Mr. Jamnadas Mehta under the heading "Clarion Call" which was published in one of the Departmental Magazines, said that it was plain that the office bearers of the Union and others were responsible for the issue of most misleading statements to the body of the postal staff and for direct and indirect incitements to the staff to be false to their duties. The circular went on to mention certain statements made therein, that the General Secretary asserted that, whereas the Government held the revisions of pay as responsible for the deficit, the real fact was that there is a surplus of eight crores of rupees which is taken away by the Government for the maintenance of the Army and the Police Department. He represented the Government as maintaining the I. C. S. at the sacrifice of the mail runners, and he stated that the cut in pay was not graded but that the same amount was to be contributed by a postman drawing Rs. 19 per mensem as by the highest paid I. C. S. officer.

The Members of the Retrenchment Committee [including such public men as Sir Cowasjee Jehangir, the Honourable Mr. Basu, Mr. Muhammad (now Sir) Yamin Khan, Mr. F. C. Annesley, Mr. Amar Nath Dutt, with only one ex-Government servant, Mr. N. V. Raghavan] were represented as being 'men of the Government' and their recommendations belittled accordingly.

Now, Sir, Mr. Jamnadas Mehta said that his statements were not challenged. I say, they were challenged. The letter to the General Secretary said:

"The whole of the foregoing statements are manifestly untrue. As regards the accounts of the Department these have been recast and revised on the advice of expert official and unofficial advisers. The suitability of the accounting system and of the principles on which it is based has, as your Union is aware, recently been the subject of an impartial review by an expert Committee presided over by Sir Cowasjee Jehangir and comprising as Members Mr. Gangaram Kaula, officiating Controller of Civil Accounts, and Mr. F. Pearson, late Deputy Comptroller and Accountant General of the General Post Office, London. To represent the presentation of the departmental accounts, in such circumstances, as Mr. N. C. Sen Gupta is reported to have done, as being in effect a device designed to injure a particular stratum of the postal service, and to conceal a real profit designed to benefit other particular services or officials is a scandalous attempt to inflame and mislead the members of the postal staff."

Sir, it was not merely the speech which Mr. Jamnadas Mehta or Mr. N. C. Sen Gupta made that caused the action to be taken. The Union issued a referendum to its Members and in this referendum they called upon the members to agree to "no work beyond the hours prescribed by the time test", "no work more than eight hours a day", "attending office with a minimum of dress", and "wearing of a black badge". Mr. Jamnadas Mehta in his "Clarion Call" called upon the Members to support the proposal for passive resistance embodied in the referendum.

Sir, after such action was taken by the President of the Union on these lines, it was obviously impossible for the Postal Department or for any Department of the Government of India to support the continued recognition of the Union. Actually what happened was that this letter of the Director General and later on the reply from the General Secretary to which a detailed reply was given were all published in the Director General's general circular and were sent over to every member of the staff, because I believe at that time many people felt including myself that the general body of the staff had really no sympathy with the movement, but it was only a few members who were creating mischief.

Mr. Jamnadas Mehta spoke of 1 lakh and 10,000 postal employees. Sir, the number who formed members of this particular Union which is the All-India Postal and R. M. S. Union and excluded therefore the whole of the telegraph and telephone staff could hardly be 1 lakh and 10,000. However, the matter was negotiated; there was a good deal of discussion, and at the intervention of Mr. S. C. Mitra,—not Mr. Joshi,—who was then President of the provincial branch of the Bengal and Assam Association, the matter was finally settled. It is true that the Director General and the Government of India felt that Mr. Jamnadas Mehta's presence was a disturbing factor in the Union. It must be remembered that we in this House are accustomed to Mr. Mehta's violent and exaggerated statements and we all take them with a ton of salt; but the members of the Postal Union who are people to whom Mr. Jamnadas Mehta is a great leader are more inclined to take his statements exactly as they are and not with any salt at all. And though the Director General then said that he felt that Mr. Mehta's presence was a disturbing factor, he did not insist upon his removal. After Mr. S. C. Mitra had interviewed the Honourable Member, Government agreed that—

"they do not desire to insist upon the complete and unqualified observance of the requirement that no non-officials shall be employed as office-bearers of the Union so long as they can feel satisfied with the general conduct of the Union and in particular so long as they are satisfied as to the character of the influence exercised by non-officials."

It was a very happy ending to an unfortunate incident. Eleven years have mellowed my Honourable friend Mr. Jamnadas Mehta and we do not any longer hear the speeches that he used to make in those old days, and I think it is all to the good that Mr. Mehta has come to appreciate that there is another side to all our problems and that employees of Government have a particular

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responsibility. They are there to render 'public service'; the Government of India have an enormous number of provisions to protect Government servants,—measures which I do not think you will find in any private employment. The Government of India have always considered that well-organised associations of Government servants are a positive help; in fact we look to them to enable us to give to the public an efficient service. To us and to the Unions as well, service before self is the motto. I am all in favour of well-organised associations and it would be entirely wrong to think that the Posts and Telegraphs Department are not encouraging them. On the other hand we welcome well-organised associations of our Government servants.

Sir Cowasjee Jehangir: Sir, I think the House has now got some idea of the difficulties of such legislation as has been brought before us and which it is proposed to circulate for public opinion. And I can prophesy with some certainty that when we get those opinions they will be of a very conflicting nature, and to pick out what is right and what is wrong will be no easy task either for the Honourable Member or for this House. Both points of view have been put before this House, perhaps not very fully; but the House has now some idea that there are two sides to the question. My Honourable friend, Mr. Griffiths, very rightly pointed out that the most important factor in all Bills of this kind,—and this is not the first one that many of us have had to consider,—is as to what constitutes the representative character of a trade union. But I may point out that I consider it much more important to define clearly the representative character of a trade union *leader* in India, for trade unions in all parts of the world are made by their leaders. And if you have a really representative trade union leader, one who is really anxious to serve his people and to look to the interests of the workers, then that trade union will be a representative trade union. But if you get professional trade union leaders who are there not for purposes which are legitimate but which are in my opinion completely illegitimate, then however representative that trade union may be, it will be a source of mischief not only to the employers but much more to the employees.

Sir, Mr. Griffiths talked about trade unionism in England. The important point to remember is that trade unions in England are led by working men of a character of which any country can be proud. John Burns, when I was a boy, was the first trade union leader to enter the House of Commons, and when he came in with a bowler hat instead of a top hat he prided himself on being a working man, a man who had worked with his own hands, a man whose father had done the same, a man who had received the recognition of all his fellow workmen and who had been sent as the first representative of labour to the House of Commons. That is the class of trade union leaders that will make trade unions successful. Sir, I am not casting any reflections. The two gentlemen who sit here are worthy leaders of trade unions, but all trade union leaders in India,—my experience is only confined to Bombay,—are not of the calibre, the sincerity and honesty of purpose and with the consistent record of hard work in the interests of labour, as my Honourable friends Mr. Joshi and Mr. Mehta. And therefore I would beg the House not to believe that all so-called trade union leaders are of the calibre of these two gentlemen, although they may not have been labour workers themselves. I believe my Honourable friend, Mr. Mehta, is an eminent lawyer; he is also interested in trade and commerce but is still a trade union leader. And I believe, as my friend, Sir Gurunath Bewoor, said, in latter years he has mellowed down, as we see him today, and during at least this war, let it be said to his credit, he has led labour aright. Although he is a Barrister-at-Law, although he is a commercial man let us give him credit, that is due to him. About the Honourable friend to my left, Mr. Joshi, whom I have had the pleasure and honour of knowing for about 40 years and with whom I have dealt on more than one occasion, let me tell the Honourable Members in this House that no more honest leader of trade unions exists in India. Of most of the others, the less said the better. That is why I insist that there should be a proper definition as to what a trade union leader should be.

Now, Sir, we have been told that the employers of labour are against trade unions. I can speak with no authority for all parts of India, but I do claim to have had a little experience of the Province of Bombay, a little experience both as an employer of labour, also as a Member of Government in charge of labour during some of the worst strikes we have ever had when my Honourable friend, Mr. Joshi came on many an occasion to plead on behalf of labour, in company that was sometimes very doubtful. My mind goes back to those days,—and I remember having warned Mr. Joshi to leave such company or else his independent character would be doubted in the future. But I am glad to say that notwithstanding the company he kept Mr. Joshi remained the dear N. M. Joshi of old. That is why I maintain most firmly that it is the leadership of these unions that we have to guard against. Sir, we have been told that employers of labour are against trade unionism. I do not think Mr. Joshi has been fair to the employers of labour. I have known of instances where employers have tried to start trade unions on proper lines so that they may assist . . .

Mr. T. T. Krishnamachari (Tanjore *cum* Trichinopoly: Non-Muhammadan-Rural): Rival trade unions?

Sir Cowasjee Jehangir: No. Proper trade unions. If my Honourable friend knows a great deal about it, he can speak about it later.

Mr. T. T. Krishnamachari: I shall.

Sir Cowasjee Jehangir: I know instances where employers of labour tried to start trade unions on proper lines with leaders who were really interested in labour and who would see that labour gets a fair deal. And I think I can conscientiously echo what Mr. Griffiths said that the accusation that employers of labour are against trade union is not true today. Much water has passed under the bridge since the report of the Royal Commission on Labour and conditions of labour in Bombay have considerably changed since those days and what may have been correct then cannot be said to be true today.

Then, Sir, Mr. Jamnadas Mehta referred to the legislation which was brought forward in the Bombay Legislative Council—mark you, by a Congress Government—which he so strenuously opposed. If it had been done by a Government in which I had been unfortunately a Member, or if it had been a Government in which some of these Honourable Members sitting here had any part, one would have said that there might have been something in Mr. Jamnadas Mehta's vigorous opposition. But I would again repeat that that legislation, which is on the Statute-book today, was introduced by a Congress Government and was pushed through the legislature by methods perhaps unknown to us, but, notwithstanding Mr. Jamnadas's long and persistent and obstructive eloquence the Congress Government with their majority knew how to deal with him by methods which I trust he will never experience again.

Mr. Jamnadas M. Mehta: They accepted many amendments.

Sir Cowasjee Jehangir: At any rate, having accepted some amendments, they pushed through that legislation, and it is on the Statute-book today.

An Honourable Member: What is it about?

Sir Cowasjee Jehangir: Trade Dispute Bill for the Textile industry of Bombay. If my memory serves me aright, one of the objects that tempted the Congress Government to insist on this legislation was to prevent labour trouble in the textile industry in Bombay, because they felt that that great industry was being paralysed by so-called trade union leaders . . .

Mr. T. T. Krishnamachari: Were you in the confidence of the Government at that time?

Sir Cowasjee Jehangir: It was an open secret. Where ignorance is bliss it is folly to be wise. If you will keep quiet and listen, you will learn something.

At any rate, it was a fact, repeated in the Legislative Council of Bombay by the Congress Home Member while giving reasons for bringing forward that legislation: It was to prevent unnecessary strikes, and above everything else to give them some peace of mind. I do not maintain that that piece of legis-

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lation was perfect, but I do say honestly that if I ever agreed with the Congress Government I did on that occasion. And let it be said to the credit of those members of the Congress Government, who pushed through that Bill that they did it in the interests of their province, in the interests of labour and in the interests of the employers of labour.

Mr. Jamnadas M. Mehta: That latter statement is true.

Sir Cowasjee Jehangir: No wonder there was such opposition from Mr. Jamnadas. He has related to what extent that opposition went, but it also is a very clear illustration as to what we shall be up against when this Bill comes before us after circulation. There is bound to be difference of opinion, and I do hope and pray that this House will take a balanced view in the interests of labour itself, for the interests of both the employers of labour and the employees are identical in maintaining peace and harmony in trade and industry. You must make the measure such that men will not get power and influence in these trade unions for political reasons alone, men who are out to serve some other object, political or otherwise, who can find no method of doing so or attempting to do so unless they take advantage of innocent labour. Prevent that by any legislation you can, and you will be doing a service to this country. Build-up, if you can, a set of real trade union leaders, men who come from the lowest rung of the ladder, men who know inside out the work that has to be done, men who have suffered themselves and realised what the sufferings of the workmen are, and demand remedies for such sufferings. Prevent men from taking a prominent part in trade union matters, men who, to say the least, can be described as despicable because, in order to serve their own ends, they are prepared to see thousands of men and women starving for some length of time without the slightest compunction and without the slightest ability to feed them, and sustain them in their time of trial; and in the end when the labourer has to yield what happens to these so-called leaders? They disappear; they disappear not to be found again for a year or two or more, when they start their nefarious work again. Such men, I am sure, are well known to my friend who sits behind me and my friend to my left, and if both of them will help this House to frame legislation which will prevent such men from getting power they will have done a service to labour and to this country. It is no easy matter but an attempt can be made and is worth making: as my Honourable friend, Mr. Joshi said, legislation may not be effective. You may recognise a trade union by law, but very much will depend on the trade union itself. In some parts of the world trade unions get power without legislation; they get power because they deserve it. If a trade union does not deserve it, it will not get power merely because this House chooses to recognise it. It will be a failure. It will do the damage that many trade unions have done and are doing to labour today.

Then Mr. Joshi gave us a most extraordinary comparison. He said that the secretary of the Millowners Association is a paid man

Mr. N. M. Joshi: I said he is an outsider.

Sir Cowasjee Jehangir: Every man in any association, in any trade, in any industry, who does the administrative clerical work, who carries out orders and merely orders, is a paid man.

Mr. N. M. Joshi: Why should not the secretary of a trade union be an outsider?

Sir Cowasjee Jehangir: Because the Secretary of a trade union is not merely a clerical or administrative man who carries out the orders of the President. There is a very great difference. I do not object to him being a paid man; there is a very great difference between a man who does the administrative work and carries out orders and the man who gives the orders. The secretary of the Millowners Association, a most qualified man, a man we have had for many many years, Mr. Maloney

Mr. N. M. Joshi: An outsider!

Sir Cowasjee Jehangir: and no better man the Millowners Association ever had—he had to work under a committee and under a chairman.

He guided them perhaps; but final orders were the chairman's and the committee's. There is no objection to the trade unions having paid presidents. By all means let the trade unions pay those officers; there can be no objection. Every man must live and if the president of a trade union devotes his whole time to the work of the trade union it is only right that the trade union should pay him properly and maintain him and his family. There is nothing wrong in it; but where the objection comes in is that the head of the trade union is not a workman himself; he has never been a workman, he becomes the chairman of a trade union for purposes other than to serve the interests of the trade union. Nobody objects to a man being paid. In England all trade union officials are paid by the trade unions. Do they live on air? They are all full time men, paid and paid liberally by the unions; they are returned to the House of Commons at the cost of the Unions; nobody objects to that. What I am objecting to is the class of men that become chairmen or presidents. By all means Mr. Joshi must be paid for the work he does; how can he live otherwise? I would be the first to vote that he should be paid; I am not objecting to that; but I am objecting . . .

Mr. N. M. Joshi: To my being the president!

Sir Cowasjee Jehangir . . . to being the president and taking advantage of trade union funds surreptitiously and not openly; take a salary openly by all means, but do not put your hand into the pockets of the trade union members surreptitiously. That is what I am objecting to. To be an honorary trade union worker and to pilfer funds from its treasury is a criminal act. Take a salary openly by all means. Who objects to that? But to make a comparison between the secretary of the millowners association—why we have even had a paid chairman for years, a distinguished Member of this Honourable House—there is nothing wrong in that. The man is a full time man and he must be given his wage.

There was just one point raised by Mr. Joshi which was of considerable importance. He said that a few labourers or a few working men who might be members of a trade union should have the right to represent the whole of the trade union; and that in his own words, if they represented the views of all the members they should be recognised. Amongst its members there may be 5 per cent. of all labour; they may be only 10 per cent, not very much more; and yet they should be recognised because according to Mr. Joshi they represented the views of labour in that industry. But what is the guarantee that that ten per cent. do represent the views of all? That is the point. The point is that it does not matter who it is, but if he represents the views of all the labour in that industry, he has a right to be heard; but if he merely pretends to represent their views, it is objectionable, and that is what is happening. You have a trade union with 10 per cent. of labour as members. You pretend that it represents the labour; what guarantee is there that it does? The only guarantee is that a large number of the industrial labour are members of that trade union; that can be the only guarantee. That is the point that makes a representative trade union—a large number being members, helping out of their small salaries to support that union. That makes the union representative and that must be provided for in the Bill. It is not easy to define in India what is a representative trade union. Mr. Griffiths well knows perhaps that there are trade unions in India with only 5 per cent. of the whole labour as members, who have clamoured for representation and who have not represented the views of labour, who have misled labour rather than led labour. Therefore, what is a representative union is difficult to define, but in general terms it must have as a minimum a certain percentage of the whole labour as its members. There must be on each occasion a fair unanimity on the point they are fighting, then it becomes a representative trade union.

I do not want to take the time of the House any longer. I will only apologise to my Honourable friend Mr. Jamnadas Mehta, for having been indirectly responsible in any way for having him removed from the Presidentship of the Post and Telegraph Union. I was not aware of it, but I can assure him of one thing, that the Committee over which I had the honour to be Chairman worked

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for many months, and the conclusions we came to were arrived at by honest conviction. I greatly regret that I should have had even an indirect hand in having my Honourable friend removed.

Mr. Jamnadas M. Mehta: You were not responsible.

Sir Cowasjee Jehangir: That is all I have got to say. In conclusion, I would beg that this House do take a real interest in this piece of legislation, and that when it is being considered we shall see a few more occupants or those benches opposite, that they will not be empty. Where they have all disappeared to-day on an important Bill of this sort I do not know, but when it is before us again, I do express the sincere hope that they will be here to assist us in this most important legislation.

Mr. T. T. Krishnamachari: The provocation of my rising to-day has been furnished by my Honourable friend, Sir Cowasjee Jehangir. I must say that I was not amused by all that he said. It is not an unexpected exhibition in this House either. My Honourable friend gave this House the benefit of much of nineteenth century wisdom. He told us about what should be done, about what should not be done, what are the right things to do, and his own particular affiliation to that country six thousand miles away made him draw parallels from what has happened in that country. But, Sir, the whole object behind Sir Cowasjee Jehangir's speech is merely to tell us that employers do not trust labour leaders that they are the best custodians of labour interests and that they would have to approve whether a particular individual is the fit person to be a representative labour leader or not. All these things were very good when people looked to benevolent employers in times back, but to-day that does not happen to be true. I am not concerned, Sir, with the fact that he is free with his bouquets of praise of the leadership of my Honourable friends Messrs. Joshi and Jamnadas Mehta, but objects generally on principle to non-worker-leading the labour movement. That does not alter facts. I am not concerned either that he condemned the late Congress Government of Bombay roundly, but at the same time he is quite satisfied that they did the right thing by his class what to-day happens is this. Labour wants its right to be recognised. Division cuts across the whole population—those who have and those who have not. Sir Cowasjee Jehangir, if he has got any representative capacity at all represents those that have, and it does not lie in his mouth to speak of the class that is opposed to his own.

Sir Cowasjee Jehangir: Whom do you represent?

Mr. T. T. Krishnamachari: I certainly do not represent your class.

Sir Cowasjee Jehangir: You represent yourself!

Mr. T. T. Krishnamachari: I do not feel disposed to respond to Sir Cowasjee Jehangir's jibes, particularly when he did not want other people to interrupt him.

Sir Cowasjee Jehangir: I won't interrupt him again.

Mr. T. T. Krishnamachari: My Honourable friend attempts to be humorous but I cannot see any humour except in his appearance, and I do not propose to take him seriously. There is no denying the fact that many Members of this House represent much larger constituencies than my Honourable friend who chooses to interrupt me. The fact really is that he has come here as an avowed representative of one class, a class which does insist on its right to be preserved. It is understandable, but it nevertheless remains that the arguments that he put forward were nineteenth century arguments and he now rises like a Rip Van Winkle and demands the rights of people who have lost their rights in the eyes of the world.

I have been listening with very great attention and respect to the statements made by my Honourable friend, Mr. Joshi. I must say that I agree with his objections to this Bill. This particular impending Bill—a hesitant halting attempt brought forward by the Government of to-day which cannot bring forward a bolder measure because of the very nature of its composition—arouses the criticism of my Honourable friend, Sir Cowasjee Jehangir. He says that labour leaders should be people who have done some manual work, but employers' Secretaries, Chairmen of employers' Associations need not be

people who have worked. They must be men with money, with a large bank balance and above all plenty of 'Readymoney'. And it would not be proper for a labour organisation to say what should be the nature and type of employers organisations. But my Honourable friend, the representative of employers, will say, such and such a person should be a labour leader; if labour would not come together, no outsider must come and bring them together, to see that justice is done to them to see that they get a living wage. If an outsider comes into the labour movement, in very many cases it happens that people who have come in, have done so because they desire to see justice to be done to labour, he should be forbidden from doing so. I must say here that I am not a labour leader but I have seen scores of instances in my own province where every time there is a strike or an attempted strike it was because the just demand of labour was opposed by employers and these outside leaders saw to it, that justice was done to labour. My Honourable friend, Mr. Joshi, mentioned the instance of an employer in Madura refusing recognition to a labour union. And why? Because the employer has got under his thumb another labour union, whose leaders are perhaps extremely docile and he does not want any trouble in his industry. If the definition of a representative trade union is left as it is in this Bill to-day, labour has got to face a great deal of risk. What does it matter whether a union is represented by ten per cent. of the workers or more or less? The workers have got only one voice and one set of views and that is always opposed by the employers. If it be that there is only one worker who constitutes a union, that worker's right to represent labour is much more sacred than the right of any employer to refuse to recognise his representative character. That is why labour interests will look askance at this rather loose definition of representation—leaving the definition open by saying, subject to such conditions as may be prescribed by the Provincial Government and by the Tripartite Board which this amending Bill seeks to create.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

There is also another aspect which my Honourable friend, Mr. Joshi, touched on, to which I would like to add my support and that is the question of rights of a union to negotiate with the employers. Such rights have been defined in this Bill but some rights have been taken away also. Labour's rights have been limited by the definition. I think the rights of a trade union to negotiate with the employers should be unlimited. I have seen myself that such restriction of rights will only lead to labour unions being completely left to the tender mercies of the employers. I have known an occasion in my province when a union representing 13 to 14 thousand people could not get near the employers and they had to approach the Government which acted as a post office, sending letters from the Union to the employers and from the employers to the union. The net result was that 13 to 14 thousand people were kept locked out for a couple of months and ultimately they had to accept the employers' terms. These rights must be unlimited so far as the approach to the employer is concerned and that is why I feel that the Bill does not really go far enough. It is halting and hesitant and, even this Bill, with so many safeguards, would not find acceptance from that interest which my Honourable friend, Sir Cowasjee Jehangir, represents. I think today, Sir, in any elected legislature there can only be one view. The preponderant majority in an elected legislature can only take one view, that is the view of the workers and not the view of the employers. (*An Honourable Member*: "Not very much chance"). If they don't then bad luck to them. That is all I can say.

I would like before closing to add my meagre measure of support to what has been said by my Honourable friend, Mr. Joshi. This Bill will have to be examined with a bias in favour of the worker rather than in favour of the employer. The employer has got this safeguard—that there is money which is behind the employer. There is no denying that as politics can be influenced today by the employer so labour unions also can be influenced by the

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employer. The labour unions are every day running the risk of rival labour unions being started or their own leader's loyalty being split and the union disintegrated. That risk is there. A powerful employer can do whatever he likes to do. With this in the background, the amending Bill will have to be shaped and I would like every elected member to bear this in mind, that he is expected to do justice to the man in the street and who happens to be a worker and not an employer.

An Honourable Member: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

The Honourable Dr. B. E. Ambedkar: Sir, the Bill which I have the honour to move for circulation has given rise to controversy. This is, of course, not unexpected. As I said in my opening observations, this Bill is undoubtedly a controversial measure but I also stated in the course of my opening observations that I do not propose to enter into the controversy today and to reply to the various points that have been made. I do not do so in any spirit of discourtesy to Honourable Members who have taken part in this debate and presented their point of view. I assure them that I will bear their points in mind and consider their validity on the occasion when such occasion will arise.

If I rise at this stage, as I said, it is not to reply to the various points that have been made but I do feel that I am bound to meet certain points of criticism which were made by my Honourable friend, Mr. Griffiths. There is one point which he made which, if he will permit me to say so, I think was very unfair. He said that I have brought in a measure which was vague in some way and which contained, if I may use the phrase, empty clauses. His criticism was that I was not justified and that it was unfair on my part to ask the House to consider a Bill which contained such vague and empty clauses. I do not accept that criticism and I do say that it was entirely misconceived and unfounded. I do not admit in the first instance that there are any clauses in this Bill which are vague or that there are any clauses in this Bill which are empty, so empty as not to enable anybody to understand what the Bill aims at. But assuming for a moment that there are certain clauses which are vague and other clauses which require content to be put in I do not think that the criticism was valid. If I asked the House to proceed to enact the measure in the form in which it was presented, I could have understood the point of the criticism but that is not what I am doing. I am asking merely the permission of the House that this Bill, such as it is, may be circulated for the purpose of eliciting further opinion, so that Government may have guidance from such parties as can give guidance and Government in the end may be able to fill in the gaps and make definite what is vague. I therefore submit that there was no point in that criticism which Mr. Griffiths made.

Mr. Griffiths then said that the Bill in his opinion was unsound in principle. Well, that is a matter of opinion. We have heard people on the other side saying that there is a perfectly sound principle in the Bill and that it ought to be embodied in an Act. Therefore I shall not dwell on that point of his criticism.

The second point that he made was that I have somehow not stated what a representative trade union was. Without meaning any offence, if I may say so, he has either not read the clauses of the Bill, or if he has read them he has not understood them. It is perfectly clear from the provisions that are set out in this Bill that there are two principal conditions laid down. One is this—that a trade union before it can be recognised must fulfil certain conditions. The second condition which has been laid down is this—that mere fulfilment of the conditions laid down is not a qualification enough for recognition but that the trade union, in addition to fulfilling these qualifications, will have to undergo the test of a certification by a Board. In fact, if I may say so, the principle of the Bill—the fundamental part of it—is that the representative character of the Union will depend primarily subject to

other conditions on the certificate that a tripartite board, representing Labour, Government, and the Employers, will be able to give. My friend then made great play of sub-clause (g) of clause 28D which says: any further conditions that may be prescribed. I cannot understand how Mr. Griffiths could have so completely misunderstood the purport of that clause. The position of the Government is

Mr. P. J. Griffiths: On a point of personal explanation. I did not refer to sub-clause (g) at all.

The Honourable Dr. B. R. Ambedkar: I am very sorry if I misunderstood the Honourable Member. That is what I took down. What I would like to say is this. The position of the Government is perfectly plain and may be stated briefly. On the basis of the views that were communicated to us in 1941 and on the basis of the views that were communicated to us from the various organisations representing labour and capital, Government came to the conclusion that the positive conditions which they have laid down ought to be sufficient. But Government does not wish to dogmatise about it and Government does feel that there might be certain conditions which either

4 P. M. the Provincial Government or the employers of labour or capital may find to be necessary to be introduced in this Bill before recognition is granted. It is to make provision for a contingency of that kind that we have introduced these clauses wherever it is stated that further conditions may be prescribed. It is a loophole, it is an opportunity which we have left and designed to take to ourselves the benefit of any advice that we might receive. There is certainly no vagueness and no uncertainty with regard to the provisions of the Bill as to what a representative character means.

Mr. P. J. Griffiths: On a point of information. Would you explain to the House the meaning of the new clause 28D, sub-clause (e) "that it is a representative Trade Union"?

The Honourable Dr. B. R. Ambedkar: It means a Union which has been certified by the Board as a representative Trade Union.

Mr. P. J. Griffiths: Of their own free will?

The Honourable Dr. B. R. Ambedkar: The Board will make an investigation and that was the point of comment of my friend, Mr. Joshi, who said that the Board is authorised to ask for all sorts of information including the views of the private members.

Mr. P. J. Griffiths: Is it the intention that the Board shall have some guidance as to what is meant by "representative"?

The Honourable Dr. B. R. Ambedkar: We propose to. On that point we would like to have a suggestion from various parties as to what sort of instructions they would like us to give to the Board.

Mr. P. J. Griffiths: So, you have a blank mind on the subject.

The Honourable Dr. B. R. Ambedkar: It is not a blank mind; it is an open mind. That is the way I would like to define my position correctly.

Mr. Griffiths as well as other Members who spoke on the Bill said that the Government was not justified or rather, to use their own words, Government was illogical in applying clause 28J by exempting Government undertakings from the operation of this Bill.

Now, Sir, the first point that I would like to make in reply to the contention is that logic is certainly not always life. There are many occasions when illogicality would reduce ourselves to extremism and I do not think any man would prefer extremism to illogicality. Personally myself I think if anything could be said with regard to clause 28J, it could be said that Government is not timid, Government is not illogical; Government is wise and Government is cautious. I think that this clause has been somewhat misunderstood. There is no intention to exempt Government from the provisions of this Bill. All that is said is this that a date will be fixed when the provisions of this Bill will be applied to Government undertakings. Therefore, if there is any discrimination made in favour of the Government, it is not with regard to the application of the Bill but with regard to the date on which it will become applicable to Government.

Mr. P. J. Griffiths: Why is that made?

The Honourable Dr. B. R. Ambedkar: There may be necessity for it.

Mr. P. J. Griffiths: What is it?

The Honourable Dr. B. R. Ambedkar: As I said, I do not want to enter into controversy at this stage and as the Secretary of the Posts and Telegraphs Department said, Government feels that, at any rate for the present, the Government Departments who are employers of labour have made sufficient provision for the recognition of their trade unions. And in view of the fact that Government has certainly been far more ready to recognise Trade Unions than private employers, I do not think that the interests of labour will suffer if the date for the application of this Bill is postponed. Sir, I have nothing more to say.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Trade Unions Act, 1926, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE CRIMINAL PROCEDURE AMENDMENT BILL.

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction, as reported by the Select Committee, be taken into consideration."

In principle, this Bill has been warmly welcomed throughout and at this stage I need add no more than invite the attention of the Honourable Members to the changes made by the Select Committee. These are fully explained in the Report and Honourable Members will have seen that the changes made are altogether unobjectionable. The Report of the Select Committee is unanimous and I feel sure that Honourable Members will agree that, in the language of Mr. Lalchand Navalrai, a very satisfactory Bill has come out of the Select Committee. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to make certain provision for appeals in criminal cases tried by a High Court exercising original criminal jurisdiction, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move that the Bill, as amended, be passed.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

[AMENDMENT OF SECTION 508, ETC.]

The Honourable Sir Asoka Roy (Law Member): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

Sir, I gave the House a full explanation of the Bill when I moved for its consideration on 29th July last. On that occasion, I readily accepted the amendment moved by my Honourable friend, Mr. Essak Sait, for referring the Bill to a Select Committee. Honourable Members will observe from the Report of the Select Committee that the Committee has unanimously approved the Bill with one trivial change. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Asoka Roy: Sir, I move that the Bill, as amended, be passed.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill, as amended, be passed."

Mr. Lalchand Navatrai (Sind: Non-Muhammadan Rural): Sir, I think I must say a word before this Bill is passed into law. This is a Bill which remained in abeyance for a very long time. It was a useful measure, but there were some objections taken a long time ago and the Bill remained in abeyance. The Bill has now been considered sufficiently and it was considered from all points of view in the Select Committee. I think I should say nothing more except to congratulate the Honourable the Law Member who has come into this office and who has seen this Bill through and the other Bill which has just been passed into law. I congratulate him.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th November, 1943.