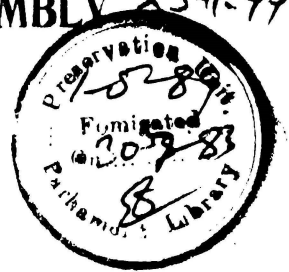


THE
LEGISLATIVE ASSEMBLY DEBATES
Official Report

Volume II, 1947

(20th February, 1947 to 5th March, 1947)

THIRD SESSION
OF THE
SIXTH LEGISLATIVE ASSEMBLY 23-11-94
1947



LEGISLATIVE ASSEMBLY

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Deputy President :

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Shri SRI PRAKASA, M.L.A.

Mr. C. P. LAWSON, M.L.A.

Sardar MANGAL SINGH, M.L.A.

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LEGISLATIVE ASSEMBLY

Friday 21st February, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

MEMBER SWORN:

Mr. H. G. Russell, O.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

OVERCROWDING ON G.I.P. RAILWAY TRAINS FROM DELHI TO BOMBAY AND MADRAS

†429. *Pandit Sri Krishna Dutt Palwal: Will the Honourable Member for Railways please state:

(a) if Government are aware that there is great overcrowding on the Great Indian Peninsula Railway from Delhi to Bombay and Madras;

(b) if any new train has been started between Delhi and Jhansi since the cessation of hostilities uptil now; and

(c) if Government propose to consider the advisability of starting a new passenger train on the Great Indian Peninsula Railway between Delhi and Jhansi as soon as possible to relieve overcrowding?

The Honourable Dr. John Matthai: (a) Government are aware that there is overcrowding on the G. I. P. Railway from Delhi to Bombay and Madras.

(b) No Sir.

(c) The provision of additional train services between Delhi and Jhansi will receive due consideration but it must be emphasized that the question of priority in restoration of trains has to be considered with due regard to the sections which require the most urgent relief and the limited amount of coaching stock and engine power available.

MANUFACTURE OF TELEPHONE MACHINES AT JUBBULPORE

430. *Seth Govind Das: Will the Secretary of the Communications Department please state:

(a) whether it is a fact that the Government Telegraph Workshops at Jubbulpore used to manufacture a particular type of telephone machines during the War and that the manufacture of these has now been stopped;

(b) whether orders for the said machines have been placed with foreign manufacturers;

(c) whether it is a fact that a considerable part of the staff of the said workshop which was employed in the manufacture of the said machines is at present retained without work and that Government are thinking of retrenching these workers in the near future; and

(d) whether Government propose to take steps to cancel these orders with foreign manufacturers and to restart the manufacture of the said machines at Jubbulpore?

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

Sir Harold Shoobert: (a) No. The Telegraph Workshops at Jubbulpore continue to manufacture the types of telephone equipment which were manufactured during the war.

(b) No.

(c) Work has decreased at the Jubbulpore Workshops due to the completion of wartime orders, but the Workshops will now be undertaking the manufacture of supplies for postwar development and as far as can be foreseen it is not expected that the need for retrenchment will present itself.

(d) Does not arise.

Seth Govind Das: Is it a fact that even now very few people who had applied for telephones have been able to get them and there is a great dearth of telephone receivers in the country? Under these circumstances will the Government see that this workshop is improved so as to increase the output of this workshop?

Sir Harold Shoobert: Sir, we have in hand the improvement of all our workshops and we do wish most sincerely to be able to meet all the demands for telephones in India. It is rather a slow business but I can assure the Honourable Member that Government has the matter well in hand.

Seth Govind Das: By what time does the Honourable Member expect that the needs of this country would be met?

Sir Harold Shoobert: I am afraid that will be a matter of several years, because throughout the world the same difficulty now arises. There are thousands of people even in the U. S. A. and the United Kingdom waiting for telephones.

Mr. Sasanka Sekhar Sanyal: May I know whether this workshop is a temporary or permanent proposition?

Sir Harold Shoobert: As far as we know it will be a permanent workshop.

Mr. Sasanka Sekhar Sanyal: What is its connection with the Calcutta workshop?

Sir Harold Shoobert: It is not manufacturing exactly the same things as the Calcutta workshop. The Jubbulpore workshop was actually opened as a wartime measure partly because the Calcutta workshop was very vulnerable and partly because the Calcutta workshop was not capable of meeting all the demands. But in our postwar development the demand for telephone equipment and telegraph equipment will be so great that there will be room for both these workshops.

Haji Abdus Sattar Haji Ishaq Seth: With regard to the available telephones have the Government any quota system for provinces? I am asking this because the complaint is that outlying provinces like Madras get very few telephones.

Sir Harold Shoobert: If the Honourable Member had happened to be in the Standing Finance Committee (I believe he is not a member) he would have found that we have a scheme for Madras City, which provides for very considerable expansion, and for which we took financial approval. And as far as quotas are concerned Government's policy is to try and provide telephones everywhere according to the demand. We are trying to supply the full demand.

Haji Abdus Sattar Haji Ishaq Seth: The Honourable Member is referring to the future policy but I am talking of the present and I must say that he has cleverly avoided answering my question whether there is a quota system and if so, whether all the provinces are being treated equally.

Sir Harold Shoobert: I do not quite understand what the Honourable Member means by a quota in this case, because what we do when there is a

demand for telephones is to try and meet it. For instance, as far as I can remember when our scheme materialises, it is a matter of Madras City getting about 2,000 more lines. There is no question of penalising Madras or providing its needs at the expense of anybody else. It is a matter of planning and obtaining our apparatus or in manufacturing it as the case may be and, I repeat, Madras is not being penalised nor do other places get their telephones at the expense of Madras.

Seth Govind Das: How many workshops are in India where these instruments are being manufactured?

Sir Harold Shoobert: There are three Government workshops and another a company workshop, where certain items of telephone equipment are being manufactured.

Shri Sri Prakasa: How is it that hundreds of telephones are available overnight to equip unnecessarily the Constituent Assembly House, while people in other places are being starved for telephones?

Sir Harold Shoobert: I feel that the answer to that question is that Government regards the Constituent Assembly as of primary importance.

431. ***Seth Govind Das:** Sir, In view of yesterday's debate I do not want to ask this question.

FOOD SUPPLIES IN INDIA

†432. ***Pandit Sri Krishna Dutt Paliwal:** Will the Secretary of the Department of Agriculture please state:

(a) the steps Government have taken or propose to take to make India wholly self-sufficient in the matter of our food supplies;

(b) the progress made so far in this direction; and

(c) whether there is a five-year or ten-year plan for the purpose, if so, what?

Sir Pheroze Kharegat: (a) and (c). The steps which are being taken and which it is proposed to enlarge and intensify are mentioned in the statement of Agriculture and Food Policy. The plan for the five years 1947-52 provides for an increase of four million tons of foodgrains a year by the end of that period, towards which irrigation facilities will provide for 13.55 lakh tons from 27.44 lakh acres, land reclamation and improvement for 6.62 lakh tons from 20.49 lakh acres, seed multiplication and distribution for 8.16 lakh tons from 155.09 lakh acres and the distribution of manures and fertilizers for 11.53 lakh tons from 87.85 lakh acres. In addition to helping provinces with finance and advice, it is proposed (i) to expand the Central Ground Water Organisation to construct tube-wells and train men, (ii) to set up a Central Agricultural Machinery Organisation for maintaining and making available tractors and implements for land reclamation and training men in their proper use, (iii) to continue the Central Fertiliser Pool for distributing fertilisers and (iv) to improve the existing arrangements for the supply of iron and steel, coal and cement to provinces.

Further increase in production in the long-term period will be secured by large irrigation works which several provinces have under construction or consideration.

(b) A statement on the progress made with the grow more food campaign for the year 1945-46 has been placed in the library and similar action will be taken in due course about the progress in 1946-47.

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

IMPORT OF FARMING MACHINERY AND FERTILIZERS

433. *Pandit Sri Krishna Dutt Paliwal: Will the Secretary of the Department of Agriculture please state:

- (a) the steps Government have taken, or propose to take (i) to import and (ii) manufacture modern farming machinery and fertilisers;
- (b) the success achieved upto now; and
- (c) the names, value and quantity of the machinery (i) imported and (ii) manufactured?

Sir Pheroz Kharegat: Sir, I will deal separately with farming machinery and fertilizers.

Farming machinery.—(a) Indents for tractors and tractor-drawn agricultural implements were placed in the United Kingdom and North America in 1945. An order for the manufacture within India of 1,250 additional tractor-drawn agricultural implements was placed with a firm in Bombay in 1946. If the implements made in India are found satisfactory, it is proposed to arrange for the manufacture of more such implements in India. It is not considered feasible to manufacture tractors in India at present.

(b) and (c). Statements showing the quantities received so far and giving the required information in respect of the farm machinery indented from abroad and to be manufactured in India respectively are placed on the table. The small numbers received are due mainly to the global shortage prevailing after the War, unsettled labour conditions in manufacturing countries and raw material difficulties. The delivery of tractor-drawn implements which are to be manufactured in the country, is spread over the period February 1947 to April 1948.

Fertilizers.—(a) and (b). Fertilizers are subject to world allocation by the Fertilizer Committee of the International Emergency Food Council on whom indents are placed by each importing country. A statement showing the annual allocations made to India and the local production of fertilizers year by year is placed on the table. The fertilizer requirements of India for the next five years have been formulated and, on its basis, it is proposed, if possible, to secure the importation of 315,000 tons of fertilizers in 1947-48.

The Government is establishing a factory at Sindri in Bihar to manufacture 3,50,000 tons of Sulphate of Ammonia per annum. The establishment of a second factory in South India to manufacture 100,000 tons of Sulphate of Ammonia is contemplated. The Sindri factory is expected to start production early in 1949 and to reach full production in the middle of 1949. A factory with an annual output of 40,000 tons of Sulphate of Ammonia has been set up at Travancore and is expected to start operating in March, 1947.

The production of Superphosphate has increased from nil in 1943-44 to 25,000 tons per year at present. The immediate target for production proposed is 50,000 tons and the ultimate target 100,000 tons.

I.—Statement showing the names, value and the quantity of power-operated farming machinery, indented from overseas countries.

Name	Nos. Ordered	Nos. Received	Approximate Price
			Rs.
1. Tractors	143	34	56,58,000
2. Disc Ploughs	128	Nil	1,52,600

* Answer to this question laid on the table, the questions being about.

Name	Nos. Ordered	Nos. Received	Approximate price
3. Disc Harrows and Disc Plowing Harrows.	399	94	11,17,200
4. M. B. Ploughs	503	23	8,04,800
5. Field Cultivators	89	Nil	62,300
6. Combined Harvestors	1	1	8,000
7. Mowers	9	Nil	5,400
8. Grain Drills	10	Nil	18,000
9. One-Way Disc Ploughs	87	5	1,04,400
10. Middle Buster	1	Nil	600
11. Feed Grinders	10	Nil	3,000
12. Soil Pulverisers	4	Nil	2,400
13. Spike Tooth Harrow Sections	60	Nil	18,000
14. Spring Tooth Harrow Sections	3	2	15,000
15. Sub-Soil Ploughs	10	Nil	20,000
16. Power Sprayers	11	Nil	9,000
17. Ditchers and Terracers	9	Nil	34,000
18. Leaning Wheel Graders	2	Nil	40,800
19. Potato Planter	1	1	400
20. Potato Digger	1	Nil	500
21. Threshers	11	Nil	22,000
			80,99,600

II.—Statement showing the name value and the quantity to be manufactured in the country, of tractor-drawn implements.

Name	Value	Quantity to be manufactured
1. Five-furrow Mould Board Ploughs . . . . .	...	250
2. Six-furrow Disc Ploughs		250
3. One-Way Ploughs		250
4. Tractor Cultivators		250
5 10-ft Double Gang Tractor Disc Harrow		250
	Total	1,250

Total Value of 1,250 Implements Rs. 20 Lakhs approximately

III.—Statement showing the annual allocation made to India and the local production of fertilisers year by year

Year	Allocated quantity	Local production	
		(a) Sulphate of Ammonia	(b) Superphosphate
July 1943 June 1944	Tons 40,000	Tons 15,000	Tons ...
July 1944 June 1945	70,000	20,000	500
July 1945 June 1946	1,64,000	20,000	10,000
July 1946 June 1947	1,72,000	25,000	25,000
		10,000 (rock phosphate to be imported by private firms for the manufacture of superphosphate)	

SUPPLY OF CLOTH IN INDIA

†434. *Pandit Sri Krishna Dutt Paliwal: Will the Honourable Member for Industries and Supplies please state:

- whether Government intend to make India self-sufficient in respect of cloth;
- the steps Government have taken or propose to take in that direction;
- the progress made so far;
- whether Government intend to encourage hand-spinning (*charkha*) and hand-weaving (*khadi*) for the purpose; and
- whether Government have or propose to have any *khadi* plan, if so, what?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir, that is our aim.

(b) and (c). The attention of the Honourable Member is invited to the Report of the Post-War Planning Committee (Textiles) which will be found in the library of the House. Government have in pursuance of the Plan issued licences for the import of about 2·85 million spindles to expand India's textile manufacturing capacity. Efforts are also being made to encourage the manufacture of spinning machinery in India. One firm is already manufacturing spinning machinery on a small scale, and one or two others should shortly go into production. It is expected that machinery will be received and set up for at least ten new mills during 1947.

(d) and (e). In the estimate of the Government of India mill-production will for some years fall short of demand, and the more handspun yarn and handloom cloth are produced and consumed, the better. Many Provincial Governments are taking steps to encourage the production of *khadi*. There is no advantage in the Central Government stepping into what is primarily a programme for local effort.

FIXATION OF PRICE OF WHEAT

†435. *Pandit Sri Krishna Dutt Paliwal: (a) Will the Secretary of the Food Department be pleased to state if the Government have fixed the price of wheat for the next financial year; if so, what?

(b) Do Government propose to consider the advisability of suggesting to the Provincial Governments concerned to take into consideration the different local conditions while fixing the price of wheat and adjust them accordingly?

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

Mr. K. L. Panjabi: (a) The price has not yet been fixed.

(b) Provincial Governments are consulted by the Government of India before prices are fixed and may be presumed to take local conditions into consideration.

MANUFACTURE OF AIR-CONDITIONING UNITS IN INDIA

436. *Mr. C. P. Lawson: (a) Will the Honourable Member for Industries and Supplies please state what steps, if any, are being taken to promote the manufacture of air-conditioning units in India?

(b) What factors render such manufacture difficult and what attempts are being made to overcome these difficulties?

(c) Are Government aware that in India there is a considerable unsatisfied demand for Air Conditioning Units for factories, offices and private accommodation which might well be met by indigenous production?

The Honourable Sri C. Rajagopalachari: (a) Government have made efforts to promote the manufacture of Air Conditioning Units by placing an experimental order with an engineering firm. The order was placed in 1944 but the results are not yet satisfactory.

(b) The design and manufacture of the component requires a high degree of technical skill which apparently is not yet available in sufficient quantity in the Indian Engineering Industry. The units produced so far in response to Government's experimental order are unsatisfactory mainly on account of excessive noise and low thermal efficiency.

(c) Government are aware that in India there is a considerable unsatisfied demand for Air Conditioning Units for factories, offices and private accommodation which might well be met by indigenous production if the difficulties could be overcome.

Mr. C. P. Lawson: Is it a fact, Sir, that the main component of the air conditioning machine is a compressor engine, and would it be possible to import this engine leaving the rest of the machinery to be manufactured in this country?

The Honourable Sri C. Rajagopalachari: That technical suggestion will be duly considered, Sir, but that is not the only difficulty.

NATIONALIZATION OF INDUSTRIES IN INDIA

437. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Industries and Supplies please lay on the table of the House a statement showing the number of industries in British India which it is proposed to be nationalised at an early date?

(b) On what basis is compensation to be calculated and paid to owners of stocks, etc.?

The Honourable Sri C. Rajagopalachari: (a) There is no decision or concrete proposal of the nature referred to in the question.

(b) Therefore does not arise.

PRODUCTION OF MATCHES IN INDIA

438. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable Member for Industries and Supplies be pleased to state the precise cause of the present match famine?

(b) Is this match famine general all over India?

(c) Is it due to the special measure taken by Government to restrict distribution of the ingredients required for the manufacture of matches; or is it due to a 'racket' on the part of Match Factories?

(d) Have Government increased restrictions on the import of matches into India?

(e) What steps have Government taken to increase the production of matches in order to relieve the public of much inconvenience?

The Honourable Sri C. Rajagopalachari: (a) The recent shortage of matches is primarily due to the fall of about nine per cent in the production of matches in November 1946 resulting from labour unrest, communal riots in centres of production and the introduction of eight hours' work a day in the factories. It is probable that retailers and vendors hoarded stocks when the shortage became apparent.

(b) The shortage has been felt in Rajputana States, C. P. and Delhi. There has also been some shortage in Bihar and Bengal due to distribution difficulties arising out of riots.

(c) There is no statutory control over any of the ingredients which go into the manufacture of matches. Government, however, exercise informal control over the distribution of two ingredients, namely, potassium chlorate and phosphorous. The shortage is not believed to be due to this as these are being made available to all match factories. Nor is it due to any 'racket' on the part of the factories.

(d) No, Sir. On the contrary Government have withdrawn all restrictions on the importation of matches and have included this item in the Open General Licence No. VIII published in the Commerce Department Notification No. 19-I.T.C./46, dated the 12th September 1946. Thus matches can now be imported into India freely from all sources without individual licences.

(e) The production capacity of the established factories in India is quite adequate to meet the internal requirements of the country and even to leave an exportable surplus. Steps have, however, been taken to reserve certain species of wood in some parts of India and the Andaman Islands exclusively for the match industry.

Seth Govind Das: Just the other day when a question was answered by the Honourable Member regarding matches I wanted to know whether it is a fact that this match famine is also due to the *beedi* merchants taking a large quantity of matches from the producers themselves. Have the Government made any enquiries in this respect and have they been satisfied that the match famine today is not due to that also?

The Honourable Sri C. Rajagopalachari: If the Honourable Member would definitely put down which *beedi* factories have taken matches from the producers directly I shall have an enquiry made.

Mr. Sasanka Sekhar Sanyal: What is the legal or administrative sanction behind what the Honourable Member describes as informal control over the distribution of the ingredients?

The Honourable Sri C. Rajagopalachari: I take it that the Honourable Member is referring to potassium chlorate and phosphorus. There is no statutory sanction behind the informal control, but as Honourable Members know the supply of things like that depends greatly on Government help and therefore through that the distribution is sought to be manipulated equally.

CULTIVATION OF VEGETABLES IN LAWNS NEAR KINGSWAY IN NEW DELHI

439. ***Seth Govind Das:** Will the Secretary of the Department of Agriculture be pleased to state:

(a) the cost of cultivation of some newly cultivated fields under the "Grow More Food Campaign" in the lawn on both the sides of the Kingsway in New Delhi;

(b) the value of the produce from these fields during the last year; and

(c) whether Government propose to turn other public lawns of the city and various public gardens into such 'arable' vegetable fields in order to enhance the vegetable produce of the country?

Sir Pheroze Kharegat: (a) 55 acres were ploughed up, trenched, manured and prepared for cultivation, but only 25.3 acres were actually cultivated due to acute shortage of labour and water. The total expenditure incurred was Rs. 10,178, which includes Rs. 3,000 for fencing and Rs. 4,815 for preparing 29.7 acres of land not brought under cultivation. The cost in respect of the 25.3 acres actually cultivated was Rs. 2,358 plus the cost of the fencing.

(b) The total value of the *Kharif* produce of 1946 was Rs. 3,805/13/9 (Rs. 3,100 being the income from maize and Rs. 705/13/9 the income from vegetables grown). The value of the produce from the land during the winter of 1946-47 is not known as the land has been leased out to a contractor for a sum of Rs. 2,600 as rent.

(c) It is not considered feasible to grow vegetables on more such land, because of inadequate water supplies and labour shortage.

Seth Govind Das: May I know what is the recurring expenditure, besides the capital expenditure, on that land these days?

Sir Pheroze Kharegat: In the *rabi* there is no recurring expenditure because the whole of the land has been leased out to a contractor on rent.

Seth Govind Das: What about the remaining land which could not be cultivated on account of less labour and inadequate water supply?

Sir Pheroze Kharegat: That portion has also now been included in the area leased out to the contractor.

Shri Sri Prakasa: May I know whether the Grow More Food campaign consists only of this function, namely the handing over of government lands to contractors?

Sir Pheroze Kharegat: No, Sir. The Grow More Food campaign has many other items. But in this particular case it was found that the most satisfactory way of dealing with the matter was to hand it over to a contractor because the local authorities were not able to provide the necessary labour.

Sardar Mangal Singh: May I know what is the rate of lease per acre?

Sir Pheroze Kharegat: The total rent is Rs. 2,600 for 55 acres.

Shri Sri Prakasa: Is water supplied free to this contractor?

Sir Pheroze Kharegat: I am afraid I have no information, Sir.

Shri Sri Prakasa: The Honourable Member is surely aware of the fact that there are various water spouts all over the place. May I know if the contractor will pay for the water that he will consume or not?

Sir Pheroze Kharegat: I am afraid I must ask for notice as I have not got the information as to whether the rent includes water charges or not.

Shri Sri Prakasa: Will the Honourable Member take notice now and place the information before the House?

Mr. President: Next question.

CIVIL AVIATION IN INDIA

440. *Sardar Mangal Singh: (a) Will the Secretary of the Communications Department please state whether Government have considered the question of Civil Aviation in the light of the debate which took place in this House on the 8th and 16th November, 1946 during the last Session?

(b) Whether Government propose to make a comprehensive statement on the subject setting out the programme regarding Civil Aviation, internal as well as external?

(c) Whether Government propose to lay on the table of the House a copy of the terms and conditions of contracts arrived at between Government and the Companies for operating different air lines?

(d) Will Government give names of those companies to whom the contracts for Civil Aviation have been given?

Sir Harold Shoobert: (a) The Honourable Member is, I presume, referring to the question of nationalisation of air transport. After the debate in the House the question was discussed at the Civil Aviation Conference which was held on the 1st February 1947 consisting of representatives of the Government of India, Provincial Governments, the Indian States, the Central Legislature, Air Transport operators and the Chambers of Commerce. The views put forward during the debate in the House and at the Conference are now under the consideration of Government and I hope it will be possible for a decision on the question to be reached at an early date.

(b) I regret I shall not be in a position to make a statement on the subject until Government have taken a decision. Copies of Government's programme of development of civil aviation are in the Library of the House.

(c) There are at present no agreements between Government and air companies for operating air services.

(d) It is presumed that the Honourable Member is referring to the companies to whom licences have been granted for the operation of air transport services. The Air Transport Licensing Board have so far issued only provisional licences and I lay on the table a statement giving details of those licences.

List of the Provisional Licences Granted by the Air Transport Licensing Board *vide* Reply to Part (d) of the Question.

Serial No.	Applicant	Route	Licence No.	Frequency	Remarks
1	Air India, Ltd., Bombay House, Bruce St., Bombay.	Bombay-Ahmedabad-Delhi	1 of 1946	14 services a week	Rule 147.
2	Do.	Karachi-Ahmedabad-Bombay-Hyderabad-Madras-Colombo.	2 of 1946	Karachi to Bombay 14 services a week Bombay to Colombo 7 services a week	"
3	Do.	Bombay-Nagpur-Calcutta	3 of 1946	7 services a week	"
4	Indian National Airways Ltd., Scindia House, New Delhi.	Lahore-Bikaner-Jodhpur-Ahmedabad.	8 of 1946	2 services a week	"
5	Do.	Delhi-Lucknow	9 of 1946	7 services a week	"
6	Do.	Delhi-Jodhpur-Karachi	10 of 1946	7 services a week	"
7	Do.	Calcutta-Allahabad-Cawnpore-Delhi-Lahore-Kawalpindi-Peshawar.	11 of 1946	Calcutta to Delhi 14 services a week Delhi to Lahore 5 services a week Lahore to Peshawar 3 services a week	"
8	Do.	Karachi-Quetta-Lahore	12 of 1946	2 services a week	Rule 146.
9	Ocean Airways, Ltd., Begumpet Airport, Begumpet (Deccan).	Delhi-Bhopal-Nagpur-Hyderabad-Madras.	4 of 1946	7 services a week	"
10	Do.	Hyderabad-Banglore	5 of 1946	2 services a week	Rule 1946

Serial No.	Applicant	Route	Licence No.	Frequency	Remarks
11	Air Services of India, Ltd., Scindia House, Dougall Road, Bombay.	Bombay-Jamnagar-Bhuj-Karachi	6 of 1946	7 services a week	Rule 147.
12	Do.	Bombay-Bhopal-Cawnpore-Lucknow	7 of 1946	6 services a week	"
13	Do.	Porbandar-Jamnagar-Ahmedabad	13 of 1946	Porbandar to Jamnagar 3 services a week, Jamnagar to Ahmed- abad 2 services a week	Rule 146.
14	Mistri Airways, Ltd., Wavell House, Ballard Estate Bombay	Bombay-Nagpur-Calcutta	14 of 1946	3 services a week	"
15	Air Services of India, Ltd., Scin- dia House, Dougall Road, Bombay.	Bombay-Bhavnagar	15 of 1946	3 services a week	"
16	Air India Ltd., Bombay	Madras-Bangalore-Cochin Trivandrum.	1 of 1947	3 services a week	"
17	Ambica Air Lines, Bombay	Bombay-Baroda-Ahmedabad	2 of 1947	2 services a week	"
18	Deccan Airways, Ltd., Begumpet Airport, Begumpet (Deccan).	Hyderabad-Bombay.	8 of 1947	7 services a week	"

Sardar Mangal Singh: May I know if it will be possible for the Honourable Member to make that statement before the Budget is discussed in this House?

Sr Harold Shobert: I have already said 'as soon as possible'.

SANCTION FOR TEXTILE MILLS IN MADRAS

441. ***Sardar Mangal Singh:** (a) Will the Honourable Member for Industries and Supplies please state whether it is a fact that the Madras Government have not given sanction to put up textile mills allotted to that province?

(b) How has, the quota of 325,000 spindles allotted to Madras, been dealt with by the Government of India, whether the same will be redistributed to the other Provinces and States, or whether the Madras Government is likely to reconsider the matter and utilise the quota allotted to it?

The Honourable Sri C. Rajagopalachari: (a) and (b). The Madras Government informed the Government of India that they proposed to surrender the quota of spindles allotted to them under the Textile Expansion Plan. The Government of India informed the Madras Government in reply that in view of commitments involved they could not see their way to cancelling licences for spindles already issued to the applicants. Redistribution of the Madras Government's quota to other Provinces and States does not therefore arise.

Sardar Mangal Singh: May I take it that these textile mills will be opened in spite of the decision of the Provincial Government?

The Honourable Sri C. Rajagopalachari: Whether they will open or not depends on their own intentions. The Government here cannot answer that question.

Sardar Mangal Singh: Will the Government help them to import the necessary machinery? That is the whole point?

The Honourable Sri C. Rajagopalachari: The Government of India have allowed them to import the machinery. They gave them the license and the Government of Madras seem to be against it but we do not know exactly how the position stands from time to time.

Haji Abdus Sattar Haji Ishaq Seth: Have all the spindles allotted to Madras been taken up?

The Honourable Sri C. Rajagopalachari: Practically all.

Shri Sri Prakasa: Will the Government of India help these contractors with their troops in order to enable them to open the factories despite the opposition of the Madras Government?

Mr. President: That question is not permissible.

Shri Sri Prakasa: How do the Government intend to enforce their decision?

Mr. President: That will be a different question altogether. The Honourable Member wanted the help of troops.

Shri Sri Prakasa: All Government is based on force . . .

Mr. President: Order, order. Next question.

PURCHASE OF PADDY AND RICE IN BURMA

442. ***Sri T. A. Ramalingam Chettiar:** (a) Will the Secretary of the Food Department be pleased to state the arrangements made for the purchase of paddy and rice and other foodstuffs in Burma:

(b) at what price are these purchases made and who fixes the prices;

(c) what is the profit added either in Burma or in India on the purchase price to meet administrative charges or as trade profit; and

(d) what is the net financial result of the transactions for purchase of foodstuffs in Burma and sale in India?

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

Mr. K. L. Panjabi: (a) The whole of the exportable paddy and rice surplus from Burma is bought by the Ministry of Food of the United Kingdom and is held at the disposal of the International Emergency Food Council for allocation. The supply of rice or paddy allocated to India by the International Emergency Food Council is arranged for by His Majesty's Government. About 5,000 tons of maize was also imported from Burma on the basis of a Government to Government transaction.

(b) and (c). A statement giving the prices of foodgrains imported from Burma is laid on the table of the House.

Rice and paddy prices during 1946 were fixed by H.M.G. and were made up of the internal price of paddy in Burma, normal milling and transport charges, and an element to cover Agricultural loans, acreage subsidy, repair of mills and other measures to rehabilitate Burma's economy, *plus* 15 per cent. profit for the Government of Burma. Prices for the current year have been fixed by His Majesty's Government in consultation with the Government of Burma on the basis of their procurement price to which an element has been added on account of rehabilitation contribution. The Government of India have protested against this addition but owing to world shortage of rice have no alternative but to accept the prices fixed by the Government of Burma.

No profit is added in India to the prices charged by the Burma Government. On the contrary the sale of Burma rice is subsidised by the Government of India to enable it to be sold at the existing internal prices.

(d) The subsidy on the sale of Burma rice and maize during 1946 is estimated to be Rs. 4.87 crores. During 1947 on an estimated import of 600,000 tons rice the subsidy is likely to be 18.6 crores.

Statement showing the prices of foodgrains imported from Burma

Rice

(i) Shipped prior to 1st April 1946.

Old Rice	...	£ 17/17	per ton f. o. b.	Burma ports
Good Quality Paddy	£ 19	"	"	"
Poor	"	£ 4/15	"	"

(ii) Shipped after 1st April 1946

Old rice	...	£ 20/7/6	per ton f. o. b.	Burma ports
New rice	...	£ 28	"	"

Maize. Rs. 210/ per ton f. o. b. Rangoon

Prices for 1947 crop.

White rice	...	£ 33/6/8	per ton f. o. b.
Milohar boiled	...	£ 34/6/8	"
Broken rice	...	£ 21	"
Paddy	...	£ 21	"

STATEMENT re INDIA BEING SELF SUPPORTING IN THE MATTER OF FOOD AT THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, PARIS.

443. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Department of Agriculture please state whether the statement made by India's Chief Delegate at the United Nations Educational, Scientific and Cultural Organisation in Paris that India will be able to be fully self-supporting as regards food in 10 years time and will further be able to export foodstuffs to other countries represents the view of Government?

(b) Have Government any plans on hand to implement the above statement?

(c) Are Government aware of the statement made on the same occasion that every person in India will receive food amounting to 3,000 calories per head as against the present starvation diet of 1,500 calories?

(d) Are Government aware that according to food experts raising the number of calories to the above extent to each person would mean that 115 million would die of starvation?

Sir Pheroze Kharegat: (a) The Government of India have no information about any such statement by any of India's delegates to the United Nations Educational, Scientific and Cultural Organisation. One delegate (not the Chief Delegate) is, however, reported to have said that "it was hoped that malnutrition in India would disappear within ten years". The Government share this hope.

(b) Every effort is being made to grow more food in India so as to make India self-supporting as regards food in as short a time as may be found possible.

(c) No such statement was made. What was stated was that "the number of calories desirable was 3,000 while the average Indian received only 1,750 calories".

(d) No, Sir. The raising of the number of calories consumed per head will not cause death by starvation.

Mr. Ahmed E. H. Jaffer: With reference to the reply to part (d), is it not true that production and supplies being what they are today, if the ration were raised to 3,000 calories there would be no food for 115 millions?

Sir Pheroze Kharegat: That is theoretical. It is possible that if some people get too much others will get too little.

IMPORT OF FOODSTUFFS IN INDIA

444. *Mr. Ahmed E. H. Jaffer: (a) Will the Secretary of the Food Department please state if it is a fact that famine in India has now been averted?

(b) Do Government propose to lay on the table of the House a statement showing the amount of cereals imported from abroad during the year 1946 from the 1st January, 1946 to the 31st December, 1946?

(c) What stocks are held in reserve against an emergency?

(d) What is the approximate cost of foodstuffs imported during 1946, and the amount spent by Government on subsidies to agriculture to stabilise prices?

Mr. K. L. Panjabi: (a) The Honourable Member's attention is invited to the Memorandum on the food position circulated to the Members of the House. It has been stated therein that the rice deficiency will continue throughout 1947. As regards other foodgrains the prospects of the *rabi* crop are still indeterminate. In fact, news has been received of damage to the wheat crop in Central India, Bombay, Hyderabad and Central Provinces owing to recent heavy rains. A period of severe austerity appears to be in sight. Every effort however is being made to secure maximum imports of foodgrains from abroad.

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

(c) Owing to lean crops and insufficient imports of foodgrains, it has not been possible for the Government of India to build up central reserves.

(d) The approximate cost of foodstuffs imported in 1946 is Rs. 77.43 crores. In respect of these the Central Government agreed to charge to the Provincial Governments such prices as would enable them to maintain the existing prices to the consumers. The cost involved in such subsidies was about 15½ crores in 1946. During the period from the 1st April 1946 to the 15th January 1947 the Central Government sanctioned grants totalling Rs. 4,74,82,128 to the Provincial Governments out of the Grow More Food Fund.

Imported Food Grains Received During 1946

Food Grains	Australia	U.S.A.	Canada	Turkey	U.K.	Burma	Indonesia	Brazil	Siam	Saigon	Argentina	Egypt	Iraq	Abyssinia	Total
Wheat	364,911	490,260	293,480	14,512				...							1,183,163
Flour	124,294	23,624			4,000			...						...	161,918
Rice						227,638	29,108	39,192	25,700	3,890				...	325,528
Maize		95,422				5,230			...		205,195			...	305,847
Barley	1,050			61,538				...	...			6,866	62,292		131,746
Millets	1,100							...			16,955	39,752	2,170	1,816	61,793
Milo		55,558						...		...		...	...	...	55,558
Oats			24,453					...					...	...	24,453
Grand Total	221,355	604,884	317,933	76,050	4,000	232,868	29,108	39,192	25,700	3,890	222,150	46,618	64,462	1,816	2,250,006

Mr. P. B. Gole: What is the allotment for C. P. and Berar so far as wheat is concerned?

Mr. K. L. Panjabi: I have not got the information on hand at the moment. I will supply it to the Honourable Member.

Mr. P. B. Gole: May I know whether the *rabi* crops in C. P. and Berar has been totally destroyed?

Mr. K. L. Panjabi: I have already said that news has been received of heavy damage to the wheat crop in the Central Provinces.

Mr. P. B. Gole: I want to know whether any arrangement has been made for the allotment of wheat to C. P.

Mr. K. L. Panjabi: The matter will be considered.

Sri V. C. Vellingiri Gounder: What is the subsidy granted to Madras in 1946?

Mr. K. L. Panjabi: I have not got the figures by provinces.

Sardar Mangal Singh: May I know whether any portion of the loss incurred in the supply of foodgrains will be borne by the Provinces or the whole thing will be borne by the Centre?

Mr. K. L. Panjabi: I have already said that the prices recovered from the Provincial Governments are such as to enable them to maintain the existing price level; as grains are imported at a higher price, the difference is borne by the Government of India.

Mr. Tamisuddin Khan: May I know if any loss was incurred by the Central Government in 1946 and if so how much?

Mr. K. L. Panjabi: I have already mentioned that the cost involved in such subsidies was about 15½ crores during the last year.

Sri V. C. Vellingiri Gounder: May I know whether the Government of India objected to the grant of subsidy by the Provincial Governments?

Mr. K. L. Panjabi: No, Sir. Our information is that the Provincial Governments subsidised the sale of grains procured from other provinces with the same object, that is to maintain the existing price level.

RECONSTRUCTION OF G. I. P. RAILWAY STATION AT JUBBULPORE

445. *Seth Govind Das: Will the Honourable the Railway Member be pleased to state:

(a) whether there is a proposal to reconstruct the Great Indian Peninsula Railway station at Jubbulpore;

(b) if so, the amount that has been sanctioned for this purpose; and

(c) whether the contract for reconstruction has already been given and if so the name and address of the firm to which it has been given?

The Honourable Dr. John Matthai: (a) Yes; the provision of a new station at Jubbulpore has been included as one of the items in the post war programme of the G. I. P. Railway.

(b) The work proposed is expected to cost about Rs. 12 lakhs and is programmed for 1948-49. It has not yet been sanctioned.

(c) No.

ALLOTMENT OF TEXTILE MILLS TO PROVINCES AND STATES

446. *Sardar Mangal Singh: Will the Honourable Member for Industries and Supplies please state:

(a) whether all the proposed textile mills allotted to different Provinces and States have actually been allotted to the industry, or whether some of them still remain unallotted; if so how many, and in what Provinces and States; and

(b) whether Government propose to cancel the quota of spindles of the defaulting Provinces and States and redistribute the same to such other Provinces and States as have utilised theirs?

The Honourable Sri C. Rajagopalachari: (a) The quotas allocated to Provinces and States have all been distributed to industrialists in the relevant areas, and nothing remains for distribution.

(b) Does not arise.

Sardar Mangal Singh: May I know whether the Government of India is satisfied that this distribution has been fair and there have been no cases of undue favouritism and jobbery?

Mr. President: That will be a matter of opinion, I am afraid.

Sardar Mangal Singh: I am asking whether the Government of India have satisfied themselves that the distribution of this quota has been fair and there has been no complaint about its distribution?

The Honourable Sri C. Rajagopalachari: The Government of India have in all cases followed the recommendations of the provinces and they are not in a position to discover any better method of distribution than accepting the recommendations of the Provincial Governments.

GERMAN PLANT FOR MANUFACTURE OF AGRICULTURAL MACHINERY

447. *Sardar Mangal Singh: Will the Secretary of the Agriculture Department please state:

(a) whether any plant for the manufacture of Agricultural machinery and tools have been brought from Germany into India recently; and

(b) if so, when it will be installed and when it is expected to commence operations?

Sir Pheroze Kharegat: (a) Government have no information about any such plant.

(b) Does not arise.

SHORTAGE OF TICKETS ON BENGAL AND ASSAM AND E. I. RAILWAYS

448. *Mr. Sasanka Sekhar Sanyal: Will the Honourable the Railway Member be pleased to state:

(a) the reasons for shortage of tickets and blank forms in stations on the Bengal and Assam Railway and the East Indian Railway;

(b) whether Government are aware that in many cases tickets are issued for stations nearer than those where the passengers intend to go and that thereby the Railway is put to loss of fare and that passengers are also harassed; and

(c) whether Government propose to remedy the above, if so, when and how?

The Honourable Dr. John Matthai: (a) The shortage of tickets and blank forms on the B. A. and E. I. Railways is due to the following causes: (i) enhanced demands from stations on account of the heavy increase in passenger traffic, whereby all spare capacity existing in the Printing Presses of the Railways concerned has been entirely absorbed; (ii) the scarcity of ticket boards and paper in the country for the printing of tickets and blank forms; (iii) difficulties in the replacement of the existing worn out Printing Machines in the Railway Presses and in obtaining spare parts in the past due to war conditions and the inevitable time lag in obtaining this equipment at the present time; and (iv) the strike of the workers of the E. I. Railway Press (where tickets for the B. A. Railway are also printed) in October 1945 and the 'GO SLOW' tactics adopted by the staff thereafter.

(b) Instances of the issue of tickets for lesser distance stations than those to which passengers intend to travel are infrequent but in such cases the passengers concerned are requested to have their tickets extended up to their destination by the Ticket Checking Staff on the train. While inconvenience to passengers on this account is inevitable and is much regretted Government cannot accept that the methods

adopted by the Railway Administrations to combat the shortage of tickets and blank forms in order to enable passengers to perform journeys has caused harassment to them. As regards the loss of fares to Railways, this can arise when passengers fail to get their tickets extended *en route* by the Ticket Checking Staff, in trains and at stations or the staff concerned are unable to detect them.

(c) All possible steps are being taken by Government to remedy the situation and these include the following: (i) introduction on local sections of a few Railways of tickets of half the usual size, two of which can be printed on one card in one operation thus increasing the output of Railway Printing Presses, cent. per cent.; (ii) the ordering of additional Ticket Printing Machines from U. K. for Railway Presses; (iii) the ordering of a large supply of blank tickets from indigenous sources which will not only cover both Railways' requirements in 1947-48 but also for the balance outstanding for 1946-47; and (iv) ordering of 60 million printed tickets from the U. K. for the E. I. Railway at the rate of five million per month.

All these arrangements will, it is considered, materially ease the situation in the future.

Shri Sri Prakasa: Is the Honourable Member aware that on the E. I. Railway the booking clerks give a joint pass for 40 passengers who are unknown to each other and who plan to be travelling to the same destination and that these passengers get separated in the various compartments and some are left behind with the result that they suffer a great deal of inconvenience and even harassment afterwards? If so, what steps the Honourable Member intends to take to obviate this evil?

The Honourable Dr. John Matthai: Irregularities of that kind could possibly have happened, but I think the steps that Government have taken now will considerably ease the situation.

Mr. K. C. Neogy: Is the Honourable Member satisfied that the shortage of tickets has not resulted in any appreciable loss to the two Railways?

The Honourable Dr. John Matthai: There has been a certain loss of fares, but it was not considerable as far as I know.

Mr. K. C. Neogy: Is the Honourable Member in a position to give an approximate idea of the loss thus incurred so far?

The Honourable Dr. John Matthai: I will have it examined and if I can make an estimate, I will give it to the Honourable Member.

Mr. Sasanka Sekhar Sanyal: Is the Honourable Member aware that by far the large bulk of the travelling public being illiterate they cannot read the tickets and find out what they have been charged for their destination by the booking clerks? They are often given tickets for a lesser distance and they have to pay at the destination when they reach there the difference between the station mentioned in the ticket and the station of their destination.

The Honourable Dr. John Matthai: I must admit that that is a possibility, but it is one of those things which we hope to surmount by the arrangements that we are proposing now.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member consider the desirability of having somebody at the counter to see that malpractices do not happen?

The Honourable Dr. John Matthai: I will have the question examined.

Mr. Hafiz M. Ghazanfarulla: Have the railway authorities made an effort to inquire from the printing presses in India whether these tickets can be printed here or whether they placed an order in the U. K. without making such inquiry?

The Honourable Dr. John Matthai: My information is that the printing presses as a whole are fully booked at present.

SUPERSESSION OF N. W. RAILWAY GUARDS IN KARACHI.

449. *Seth Sukhdev: (a) Will the Honourable Member for Railways be pleased to state if he has received a telegram from senior railway guards, North Western Railway, Karachi relating to their supersession, which is published in the combined issue of the 'Railway Herald' of Karachi, dated the 14th and 21st October, 1946? If so, what action was taken in the matter?

(b) Are Government aware that the selection referred to in the telegram has caused much resentment? What steps are proposed to be taken to restore confidence of the employees in such selections?

(c) What is the necessity of a formal selection in the case of candidates who have already passed qualifying examinations and have gained satisfactory practical experience in officiating posts?

(d) Do Government propose to stop such further selection? If not, why not?

The Honourable Dr. John Matthal: (a) Yes, but as it related to a matter which was entirely within the competence of the General Manager, N. W. Railway, it was forwarded to him for disposal.

(b) Government are informed that apart from the telegram referred to in part (a) of the question, which is obviously from those who have not been successful in the Selection, no other complaint expressing resentment against the Selection has been received by the Railway Administration. Government do not agree that there is a general lack of confidence in such selections and accordingly do not consider that any action is called for.

(c) It is not merely the success at the qualifying examination which is the deciding factor of an employee's promotion to the posts referred to in the telegram mentioned in part (a) but other factors such as personality, self-confidence, alertness, initiative and power to control have also to be taken into consideration. It is, therefore, highly desirable to fill these posts by a process of selection. Moreover these posts form the avenues of promotion eventually to higher and more responsible posts such as Station Superintendents and Transportation Inspectors, and it is necessary that the selection of men is done with due care.

(d) In view of the position explained in the reply to parts (b) and (c) above, Government do not propose to stop further selections.

NON-PRIORITY AIR PASSAGES TO U.K. FOR CIVILIANS

450. *Mr. O. P. Lawson: (a) Will the Secretary of the Communications Department be pleased to state how many non-priority Air Passages to the United Kingdom will be available for civilian booking from January 1947, onwards?

(b) How many priority Air Passages are being retained and for what purposes?

(c) Whether it is a fact that air priorities are being granted to military and other officers to attend courses or other duties in the United Kingdom when sea passages would meet the need?

(d) Whether Government would recognise urgent commercial and industrial needs on the same degree as Government traffic now that the war is over?

(e) Whether Government now propose to remove Air Priority control completely?

Sir Harold Shoobert: (a) As from 1st January 1947, a considerable proportion of the seats on westbound air services from India to the United Kingdom operated by the British Overseas Airways Corporation, has been released from priority control and is held by the operating company for booking, through the normal commercial agencies. The number of such seats available during January and February is estimated to be approximately 200 each month. From March onwards their number will continue to increase steadily.

(b) As from January 1st, 1947, 300 seats a month have been retained under priority control for essential Government traffic comprising Government officials travelling on duty and non-official civilians travelling on Government business. Priorities for the Armed Forces have similarly been restricted to essential traffic only.

(c) No.

(d) It is a question of opinion.

(e) The question is under constant review by Government. Priority control will be removed completely as soon as adequate capacity becomes available on all routes which will permit important passengers who are required to travel at short notice, being accommodated without delay.

Mr. C. P. Lawson: With reference to the Honourable Member's reply to part (a) of the question, is it the case of Government that so long after the end of the war, the ratio of necessity for air travel between officials and non-officials is in the ratio of 3: 2 in favour of officials?

Sir Harold Shoobert: I have already said in reply to a similar question that it is a matter of opinion.

Shri Mohanlal Saksena: Is the ratio a matter of opinion?

Sir Harold Shoobert: Precisely the ratio of necessity.

INDIANS AS GENERAL MANAGERS OF RAILWAYS.

451. ***Sri R. Venkatasubba Reddiar:** Will the Honourable Member for Railways be pleased to state:

(a) if all the vacancies in the posts of General Managers have been filled up by Indians in the year 1946-47; and

(b) if not, why?

The Honourable Dr. John Matthai: (a) The reply is in the negative.

(b) As the claims of non-Indian officers already in service, and eligible for promotion to higher posts, cannot be overlooked, all the posts in question were not filled by Indians.

Sri R. Venkatasubba Reddiar: How many Indians have been appointed?

The Honourable Dr. John Matthai: There were five vacancies in 1946-47. Three Indians were appointed.

Shri Sri Prakasa: Have Government assured themselves that these posts are necessary?

The Honourable Dr. John Matthai: Obviously, Sir.

Shri Sri Prakasa: What is obvious to the Honourable Member is not obvious to me.

RESERVATION OF BERTHS BY MEMBERS OF THE CONSTITUENT ASSEMBLY TO MADRAS BY GRAND TRUNK EXPRESS.

452. ***Sri R. Venkatasubba Reddiar:** Will the Honourable Member for Railways please state:

(a) whether Government are aware of the fact that eight members of the Constituent Assembly reserved berths by the Grand Trunk Express leaving Delhi on the 24th December, 1946 and that all the eight were put in a four berth compartment and eventually had to go in the same compartment; and

(b) if so, whether Government propose to enquire into the matter and take suitable action against those responsible for it?

The Honourable Dr. John Matthai: (a) Enquiries show that the mistake which led to the unfortunate occurrence referred to by the Honourable Member was made by a Travel Agency in New Delhi. This Agency booked the accommodation

in two parties of three but subsequently cancelled the reservation for one of the parties in error.

The mistake was not discovered until a short time before departure of the train when it was not possible to arrange additional accommodation. There was no alternative therefore but to accommodate all six passengers in one compartment together with two other passengers who had also reserved accommodation.

(b) The matter was reported by the Railway Administration to the Travel Agency concerned, who have replied that suitable disciplinary action has been taken by them against the staff at fault.

Mr. Ahmed E. H. Jaffer: Was any refund given to the other four persons for having been put in a compartment which was meant only for four, but where actually eight people were put?

The Honourable Dr. John Matthai: Not, so far as I know.

Mr. Ahmed E. H. Jaffer: Will the Honourable Member consider the question of giving refund?

The Honourable Dr. John Matthai: No, Sir.

Sri R. Venkatasubba Reddiar: Will the Government consider the advisability of cancelling the agency of those who were responsible for this muddle?

The Honourable Dr. John Matthai: The matter is not of sufficient importance for such a drastic step.

IMPORT OF RICE FROM INDONESIA.

453. *Shri D. P. Karmarkar: Will the Secretary of the Food Department be pleased to state:

(a) the quantity of rice imported from Indonesia from the last April, 1946 to the 31st December, 1946 and at what rate;

(b) whether Government propose to import rice from Indonesia during the next year and if so, what is the quantity anticipated to be imported; and

(c) whether Government have had consultations with the Indonesian Government in this matter and with what result?

Mr. K. L. Panjabi: (a) The total quantity of paddy shipped from Indonesia up to the 31st December, 1946, is 48,979 tons at the rate of Rs. 10-13-4 per hundred kilos or about Rs. 4-0-8 per maund f.o.b. Indonesian ports.

(b) and (c). The Indonesian Republic has offered to supply 645,000 tons of paddy, the balance of the quantity to be delivered under the agreement, provided the paddy crop during 1947 is normal. The Government of India have accepted this offer and are making necessary arrangements. The north eastern monsoon in Java is fairly regular and unless it fails, it is hoped to import the entire quantity to be supplied by the Indonesians.

SUPPLY OF UNIFORMS AND PANTS TO GUNNERS, ETC., IN RAILWAY YARD, HOWRAH.

454. *Mr. Nagendranath Mukhopadhyay: (a) Will the Honourable Member for Railways please state why the Gunners of the Howrah Passenger Yard and other stations on the East Indian Railway are not getting pants and why the carriage and wagon staff of Howrah Goods and passenger yard and yards of other stations of that railway are not getting uniforms?

(b) Do Government propose to consider the question of providing pants to the Gunners and uniforms to the carriage and wagon staff of the East Indian Railway who are doing duty in the railway yard?

The Honourable Dr. John Matthai: (a) The supply of uniforms or separate items of uniform to railway staff is governed by Dress Regulations which the

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

General Manager of each Indian Government Railway is competent to frame. The duties which the staff have to perform, the climatic conditions of each locality, etc., are taken into account in drawing up the Regulations. For climatic reasons, the provisions which exist in the Dress Regulations for staff of the three upper Divisions of the Railway, *viz.*, the Moradabad, Allahabad and Lucknow Divisions, are different from those applicable to corresponding staff of the three lower Divisions. *viz.*, Howrah, Asansol and Dinapore. Thus, the Regulations permit the supply of trousers to the Gunners employed on the three upper Divisions, but not to those of the three lower Divisions. The Regulations referred to also do not provide for the supply of uniforms to categories of staff of the Carriage and Wagon Department other than the following: (i) Head Train Examiner; (ii) Train Examiners of all grades; (iii) Assistant Train Examiners; (iv) Carriage Fitters; and (v) Carriage cleaners. I would add that, for some time past, the East Indian Railway like other railways has been experiencing difficulty in providing uniforms in many cases to the staff entitled to it due to short supply of clothing materials.

(b) This is a matter of detailed administration which is within the competence of the General Managers of Railways to decide and Government see no reason to interfere.

SUBMISSION OF EXPLANATIONS BY THE LOCOMOTIVE STAFF OF HOWRAH DIVISION.

455. *Mr. Nagendranath Mukhopadhyay: (a) Will the Honourable Member for Railway please state if the Government of India are aware of the fact that the Locomotive staff of the Howrah Division, on the East Indian Railway are forced to have their explanations written by the clerks of the Running sheds in reply to chargesheets?

(b) Do Government propose to take steps to put a stop to this practice?

The Honourable Dr. John Matthai: (a) It is not a fact that the staff in question are forced to have their explanations in reply to charge sheets written by the clerks of the Running sheds. Government are informed that since a large number of staff concerned are not capable of submitting, without assistance, their explanations to the charge sheets issued to them, the East Indian Railway Administration have allowed them the privilege of having their explanations written by the Shed Clerk free of cost, and the staff are quite free either to make use of this privilege or to get the help of outsiders of their own choice.

(b) Does not arise in view of the reply to part (a). As, however, there appears to be some misunderstanding on the part of the staff concerned, the General Manager is being asked to make the position clear to them.

SUNDAY ALLOWANCE TO TRANSPORTATION AND SHUNTING STAFF OF HOWRAH AND OTHER STATIONS ON E. I. RAILWAY.

456. *Mr. Nagendranath Mukhopadhyay: (a) Will the Honourable Member for Railways please state if the Government of India are aware of the fact that the Transportation shunting staff of Howrah and other stations on the East Indian Railway are not getting the Sunday allowance for working on Sundays?

(b) Do Government propose to consider the advisability of sanctioning the Sunday allowance for the above staff? If not, why not?

The Honourable Dr. John Matthai: (a) I presume the Honourable Member is referring to stationary Shunting staff such as Shunting Jamadars and Shunting Porters as distinct from Shunters and Firemen, who come under the category of running staff. If so, the reply is in the affirmative except that ex-Company staff working in the Howrah Goods Yard are paid, under the former East Indian Railway Company Rules, Sunday allowance if called upon to work on a Sunday.

(b) The proposal involves the extension to staff who are not classed as running staff, of certain allowances which are given under the State Railway Rules to

running staff only. As the conditions of duty of the two classes are different Government are unable to agree to the suggestion made by the Honourable Member.

FIXATION OF MINIMUM PRICE OF AGRICULTURAL PRODUCE.

457. *Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Department of Agriculture be pleased to state:

(a) the steps Government have taken or intend to take in the matter of (i) fixation of a minimum price for agricultural produce, and (ii) fixation of minimum wages for agriculturists;

(b) whether Government are aware of the position obtaining in such matters in other countries where a vast portion of the population lives upon agriculture; and

(c) whether there is any expert or authoritative Committee to advise Government in such direction; if so, the nature and composition of such Committee?

Sir Pheroze Kharegat: (a) (i) The Government of India appointed a Committee to report on the principles on which producers' prices of agricultural produce should be fixed and the means by which such prices can be made effective and an assured market provided for agricultural produce. The Summary of the report of this Committee has been circulated to Honourable Members. This Summary was discussed at a Conference with Provincial Ministers and representatives of Indian States. A copy of the unofficial note issued on the subject is placed on the table.

(ii) The Minimum Wages Bill, 1946, which is now before the House, provides for the fixation of minimum wages for employment in different occupations including Agriculture.

(b) Yes, Sir, particularly in respect of the U. S. A., Canada, Australia and U. K.

(c) The question of setting up a Price Determination Commission will be considered along with the whole scheme of price stabilisation. In the meantime Government have set up a Commodity Prices Board. Government in the Labour Department have under consideration the institution of an enquiry to ascertain the average earnings, standards of living and opportunities of employment in agricultural labour.

GOVERNMENT OF INDIA

PRESS INFORMATION BUREAU

AGRICULTURAL PRICES CONFERENCE CONCLUDES

GENERAL AGREEMENT ON KRISHNAMACHARI COMMITTEE PROPOSALS

The Conference of Provincial Ministers, representatives of Indian States and representatives of the Government of India held in New Delhi to consider the recommendations of the Krishnamachari Committee on agricultural prices concluded its discussions today (January 18).

There was a free exchange of views as the conference was of a purely exploratory nature and did not therefore commit the respective Governments in any way.

Fair Price.—Subject to this, there was general agreement at the conference that steps should be taken to fix a fair price and that a stable agency should be established for determining and enforcing the same. This will be a necessary complement to the Grow More Food Campaign. Arrangement should be made, for this purpose, to collect the necessary data relating to costs of production. The prices fixed would be different for different regions, depending upon normal price differentials.

There would be, for each area and commodity selected, a maximum price and a minimum price to be fixed each year, though where monopoly procurement is in operation, a single purchase price might be fixed. In addition, there should be a rock-bottom limit below which the minimum price should not be permitted to drop.

Agricultural Prices Council.—The conference in general agreed that there should be an all-India Agricultural Prices Council on which the Centre, Provinces and States should be represented for co-ordinating an agricultural price policy. It was also suggested that regional bodies might be established by Provinces and States where deemed necessary. There should be a semi-judicial body (like the Tariff Board, but a standing body) for recommending the prices to be fixed and a Commodity Corporation for holding reserve stocks and making the minimum and maximum prices effective by necessary market operations. As the setting up of the Council will take time, the Provinces and States should continue their existing arrangements in the interval. The decisions of the council can only be made effective by the common consent of the Provinces and the States who would themselves have a voice in their making. It was generally realised that the control of imports and exports was fundamental to the proposals and it was suggested that the responsibility for imports and exports should be entrusted to the Council. The maritime Provinces and States would have to consider what legislation would be necessary for the purpose. There was general agreement that the necessary grain storages should be constructed at different centres for at least 1½ million tons of foodgrains and the work of construction should be taken in hand as soon as practicable. The feasibility of holding stocks in villages through Grain Banks should also be explored. It was suggested that the detailed financial implications of the whole programme should be further examined by the Centre and the Provinces and States. The view was expressed by some members that the Central Government might shoulder the responsibility for providing the initial outlay but several of the representatives of the Provinces and States expressed their willingness to examine the feasibility of sharing a part of the burden.

It is expected that another Conference will be called after the full report of the Krishnamachari Committee is made available to the Provinces and States to consider this matter further.

Mr. Sasanka Sekhar Sanyal: Have Government any intention of immediately implementing some of the tentative decisions arrived at in the conference of provinces, States and the Centre?

Sir Pheroze Kharegat: Yes, Sir. We are at present awaiting the full report and as soon as that is received steps will be taken to examine the report in detail and give effect to the recommendations in so far as it is feasible.

Mr. Sasanka Sekhar Sanyal: Is it the intention for the time being of Government to take some of the more important agricultural products for this implementation or to go into the question of all agricultural products on an over all consideration?

Sir Pheroze Kharegat: We are expecting the full report in a couple of weeks now and we would rather wait for it than deal with it piecemeal.

Sri V. C. Vellingiri Gounder: May I know if in the recent conference of Ministers the question of price fixation was considered?

Sir Pheroze Kharegat: Yes, Sir. The conference was called for that particular object, and though they did not go into the details of what prices should be fixed they discussed in general the broad principles that were to be applied.

Sri V. C. Vellingiri Gounder: Is it going to be a final decision?

Sir Pheroze Kharegat: No, Sir. This was merely an exploratory conference and after the full report is received the matter will be further examined by the provinces and the centre probably at another conference.

Sri V. C. Vellingiri Gounder: Is it not a fact that many people wanted to know about this fixation of prices, and without that the GROW MORE FOOD campaign will also be affected?

Mr. President: That is a matter of opinion.

Mr. Sasanka Sekhar Sanyal: Where the Houses of the Central Legislature represented at the conference?

Sir Pheroze Kharegat: No, Sir. This was a conference between the provincial Ministers and the representatives of the Central Government.

Mr. Sasanka Sekhar Sanyal: Is the report of the conference going to be placed before the Standing Committee on Agriculture of this House?

Sir Pheroze Kharegat: Probably a copy of the unofficial note issued on the subject together with the proceedings will be placed before that Committee.

Pandit Lakshmi Kanta Maitra: Did all the provincial Governments participate in that conference?

Sir Pheroze Kharegat: Yes, Sir. There were representatives of all the eleven provinces.

Babu Ram Narayan Singh: Did the conference decide anything finally?

Mr. President: That has already been answered in the negative.

Sri V. Gangaraju: Was there any proposal from the Madras Premier or the Food Minister to raise the paddy prices in Madras province?

Sir Pheroze Kharegat: A suggestion to that effect was made.

COTTON POLICY OF GOVERNMENT.

458. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for Industries and Supplies please state whether Government have seen the report of the address by the President of the East India Association at its annual meeting in Bombay on December 17th last strongly criticising the policy of the Government of India in the matter of trading in new crops for the season of 1946-47?

(b) Do Government propose to make a statement on its cotton policy in the House at an early date?

The Honourable Sri C. Rajagopalachari: (a) Yes, Sir.

(b) The telegram referred to in the address in question urged that the ceiling prices of Indian cotton should be raised by at least Rs. 100 a candy because American cotton had at that time risen very considerably in price. The position was at the time abnormal, but American prices have since fallen, and I am informed that, type for type and allowing for the American subsidy on exports and the Indian export duty, Indian cottons are more or less in parity with world prices now. The Government of India raised the floor prices of fine Jarilla $\frac{1}{4}$ by Rs. 80 per candy in October 1946, and other cottons *pro rata*, reducing the difference between the floor and ceiling from the previous range of Rs. 180 to Rs. 100, and thus reducing the margin for speculation. Government were unable to accept the recommendation regarding ceilings because prices were then generally well below the ceilings, as they are now, and any increase in the margin between floor and ceiling would inevitably have increased the scope for speculation in the market and also tended to raise the price of the types of cloth mostly in demand by the poorer consumer. The price increase would also have had a material effect on the prices of food crops like jowar and hajri which are interchangeable with cotton. Government had also to take into account the substantially inflationary effect of the recommendation.

The letter referred to in the address urges that control over cotton should be removed, and that if it is not removed at any rate the ceiling prices should be raised. I have already explained why the Government of India have decided not to raise the ceilings and, as regards the continuance of cotton control, it is difficult if not impossible to control the prices and production of cotton cloth without controlling the sale and prices of raw cotton.

The Association in the same letter also protest against the imposition of the export duty on cotton. The justification for this moderate duty is that cotton merchants make handsome profits on exports.

The Association also urged in their letter that some exports of cotton stapling more than 11/16" should be permitted. The Government of India have agreed to this Proposal.

Seth Sukhdev: Is the Honourable Member aware that the prices of cotton have reached the floor?

The Honourable Sri C. Rajagopalachari: They have not reached the floor.

Seth Sukhdev: Are they not near the floor?

The Honourable Sri O. Rajagopalachari: They may be, but it is not a matter for regret.

Seth Sukhdev: Is the Honourable Member aware that even at this low rate millowners are not coming into the market to purchase the cotton?

The Honourable Sri O. Rajagopalachari: The floor is fixed and the ceiling is fixed on a consideration of all matters and it is to be expected that prices may go near the floor sometimes and sometimes the ceiling. As to whether millowners have wickedly refused to buy is a matter very difficult to decide without minute investigation. My information is that they have enough stocks and we cannot compel people to buy when they have enough stocks.

CONTROLLER GENERAL OF CIVIL SUPPLIES, BOMBAY.

459. *Shri D. P. Karmarkar: (a) Will the Honourable Member for Industries and Supplies please state if it is a fact that the Office of the Controller General Civil Supplies was abolished and if so, when?

(b) Who was appointed as his successor and when?

(c) Who is authorised to transfer by endorsement the Government Promissory Notes issued in the name of the Controller General of Civil Supplies, Bombay after the abolition of his office?

The Honourable Sri O. Rajagopalachari: (a) The Office of the Controller General of Civil Supplies was abolished with effect from 1st January 1946.

(b) No successor was appointed to fill this post but in order to wind up the Organization of the Controller General of Civil Supplies and to assist the Centre in the discharge of the residual work arising out of the Hoarding and Profiteering Prevention Ordinance and the Consumer Goods (Control of Distribution) Order, a small staff under Officers known as Liaison Officers (Consumer Goods), was maintained at all major ports including Bombay.

(c) The Liaison Officer (Consumer Goods) of Bombay, in addition to his other duties, is authorised to sign as successor in title to the Controller General of Civil Supplies for the purpose mentioned in the question.

ORDERS OF DIRECTOR GENERAL, POSTS AND TELEGRAPHS *re* DISCHARGE OF NON-MATRICES TEMPORARY CLERKS.

460. *Seth Sukhdev: Will the Secretary of the Communications Department please state:

(a) whether it is a fact that the Director-General Posts and Telegraphs informed the deputation of the All-India Postal and Royal Mail Service Union, which met him at Karachi on the 29th November, 1946, that the existing orders of the Department were that non-matriculates, who were temporarily taken up in clerical appointments should be the first to be removed from service;

(b) whether it is a fact that in spite of this order, the Post Master, Karachi has been discharging all Matriculates and retaining non-Matriculates in the clerical appointments;

(c) whether it is a fact that lowest qualification for clerical appointments in the Post and Telegraphs Department is Matric; and

(d) if the reply to parts (a) to (c) be in the affirmative, do Government propose to recall and compensate such discharged men?

Sir Harold Shoobert: (a) Yes; but, in view of the serious deficiency in the representation of certain minority communities, it has since been decided that in order to maintain the communal balance, and to redress short recruitment of minority communities in the past, unqualified members of those communities already in temporary employment should be retained.

(b) The Postmaster has been complying with the decision that the discharge of temporary employees shall be so regulated as to ensure that the composition of the temporary staff retained is, as far as possible, in accordance with the communal ratio prescribed for recruitment.

(c) Yes, ordinarily, but this requirement was relaxed during the war period.

(d) Does not arise.

Shri Mohanlal Saksena: Are qualified candidates of the communities concerned not available.

Sir Harold Shoobert: No, Sir; not qualified candidates in the numbers required.

FUNCTIONS OF STANDING COMMITTEE OF INDUSTRIES AND SUPPLIES.

461. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Honourable Member for Industries and Supplies please state what are the functions of the Standing Committee of Industries and Supplies?

(b) What items are supposed to be placed before this Committee?

(c) How many meetings of the Committee were held during the year since it was appointed?

The Honourable Sri C. Rajagopalachari: (a) The functions of the Standing Committee of Industries and Supplies Department are to help the department with advice on subjects placed before them:

(b) The attention of the Honourable Member is invited to Rule 7 of the Rules published with the Legislative Department Notification No. F. 179/44-C.&G., dated 5th March 1945, relating to this subject a copy of which is placed on the table.

(c) One on April 6th 1946. Another meeting will be held on 1st March 1947.

No. F. 179/44-C. & G., dated the 5th March, 1945.—In supersession of the Notification of the Government of India in the Home Department, No. F. 49-Pub., dated the 22nd August 1922, and of all notifications amending the same, the following Rules to regulate the constitution and procedure of Standing Committees of the Central Legislature are published for general information:—

RULES

1. Standing Committees of the Central Legislature to advise on subjects handled in a particular Department of the Government of India are constituted as the result of the adoption by each Chamber of a motion for the election to such Committee for the next following financial year of a specified number of non-official members of the Chamber concerned.

Provided that on the dissolution or expiration of either Chamber the motion made in the first session of the new Chamber may propose the election of members to such Committee for the period comprising the unexpired portion of the current financial year and the whole of the next financial year.

2. Subject to rule 3, such motions will hereafter be moved annually in the course of the Budget Session in the case of the following Departments, namely:—

The Commerce Department,

The Labour Department,

The Industries and Supplies Department,

The Food Department,

The Department of Communications.

The Department of Information and Broadcasting,

+The Transport Department.

The Home Department,

+The Committee to be constituted for this Department will advise on the subject handled in the Department other than subjects within the jurisdiction of the Standing Committee for Roads.

The Legislative Department,
 The Department of Agriculture,
 The Department of Education,
 The Department of Health,
 The Department of Commonwealth Relation,
 *The External Affairs Department.
 The Department of Works, Mines and Power.

3. If a Department named in rule 2 proposes to discontinue the Standing Committee attached to the Department, appropriate steps will be taken to bring this intention to the notice of each Chamber in advance of the date on which the motion for the election of members for the next following year would normally be made.

4. Any Department named in rule 2 may at its option move for the election of members to two or more Committees to advise on different categories of subjects handled in the Department.

Provided that where two or more Committees are constituted for a Department the subject-matter assigned to the Committee shall substantially embrace in the aggregate all the subjects handled in the Department.

5. A member of a Committee who ceases to be a member of the Chamber which elected him to the Committee shall cease to be a member of the Committee and if a vacancy occurs in a Committee for this or any other reason during the course of the year for which the Committee was constituted a motion shall be made as soon as may be in the Chamber concerned for the election of a member to fill the vacancy.

6. The Chairman of each Committee will be the Member of the Governor-General's Executive Council in charge of the Department to which the Committee is attached or any officer deputed by him to act as Chairman on his behalf, and an officer in the Department concerned will be Secretary to the Committee.

7. The following subjects will be laid down before the Standing Committees:—

(i) All Bills introduced or proposed to be introduced by non-official members of the Legislature, and legislative proposals which the Department concerned intends to undertake and on which the Member in charge of the Department desires the advice of the Committee.

(ii) Reports of Committees and Commissions (not including unpublished reports of departmental committees) on which the Indian Legislature is not adequately represented.

(iii) Major questions of general policy on which the Member in charge of the Department desires the advice of the Committee.

(iv) Annual Reports.

(v) With the approval of the Member in charge of the Department, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion:—

Provided that:—

(i) in cases of urgency a reference to the Committee may be dispensed with by the Department concerned;

(ii) the following cases shall be excluded from the purview of the Committee:—

(a) cases concerning appointments;

(b) all cases which the Member in charge of the Department concerned considers cannot be placed before the Committee consistently with the public interest.

8. The functions of Standing Committees will be purely advisory and their proceedings will be strictly confidential. No press representatives will be allowed to attend any meeting of a Committee. Brief reports of the activities of each Committee mentioning the subjects discussed and the conclusions reached by the Committee but not the tenor of the discussions will be circulated to all members of the Central Legislature.

9. Meetings of the Standing Committees will be summoned by the Secretary not less than twice a year at such times as may be decided by the Member in charge of the Department. The agenda of the meeting will be drawn up and circulated by the Secretary, together with a Memorandum explaining the nature of each item of business and copies of such papers as the Member in charge of the Department directs to be furnished to the

*The Committee to be constituted for this Department will advise on such subjects only as appertain to British Baluchistan Tribal Areas, and India's membership of the United Nations Organisation.

Committee. Such papers will be returned by members to the Secretary at the close of each meeting. The proceedings of the Committee will be confined to items of business entered in the agenda, and any requests for further information will be dealt with under the orders of the Member in charge.

10. At a meeting of a Standing Committee the Secretary may be requested by the Member to explain each item of business. The Chairman will then invite a discussion and the Secretary will note on the departmental file the general opinion of the Committee.

11. The Committees established under these rules will be in addition to the Defence Consultative Committee, the Standing Committee for Roads, the Standing Finance Committee, the Standing Committee for Emigration, the Standing Committee on Pilgrimage to the Hejaz, the Standing Finance Committee for Railways and the Central Advisory Council for Railways which have been established under other rules, and the procedure of which will continue to be governed by the rules under which they were constituted.

ALLOTMENT OF STEEL TO PROVINCIAL CONTROLLER, UNITED PROVINCES.

462. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Honourable Member for Industries and Supplies please state how much Iron and Steel has been supplied to the Provincial Controller United Provinces since the work of Steel control has been given to the United Provinces Government?

(b) Are Government aware that there are more difficulties in the supply of steel now than there were during the war?

(c) Do Government propose to allot more steel to Provinces to encourage more construction of Buildings?

The Honourable Sri O. Rajagopalachari: (a) The work of Steel Control has not been given to United Provinces Government or any other Provincial Government. Provincial Governments have nominated officers to issue permits to enable small manufacturers and the general public to acquire steel for general purposes including the manufacture of goods on a small scale, house building and agricultural purposes against quotas allotted for these purposes. The allotment to U. P. for Period I is 9,500 tons and for Period II is also 9,500 tons. The amount supplied against Period I will not be known till after the end of March.

(b) Yes. There is less steel for distribution than there used to be during the war.

(c) Government are well aware of the importance of allotting more steel to encourage the construction of buildings and have, therefore, allotted steel to the provinces even at the expense of important development works. It is not possible to allot more steel to Provinces at this stage.

(b) WRITTEN ANSWERS

RECOMMENDATIONS OF THE PRICE SUB-COMMITTEE OF THE POLICY COMMITTEE ON AGRICULTURE, FORESTRY AND FISHERIES.

463. *Prof. N. G. Ranga: Will the Secretary of the Department of Agriculture be pleased to state:

(a) the steps that are being taken to implement the recommendations Nos. 21 and 22 of the Price Sub-committee of the Policy Committee on Agriculture, Forestry and Fisheries known as V. T. Krishnamachari Committee suggesting the collection of information regarding the costs of cultivation and of the agricultural products and also of standard of living of representative peasants and agricultural workers;

(b) if no such enquiries have yet been instituted, when will they be started;

(c) the steps that are being taken by Provincial and Central Governments in regard to this matter; and

(d) whether any permanent steps are being taken as suggested by the Committee?

Sir Pheroze Kharegat: (a) and (b). The recommendations of the Committee were considered at a Conference of Provincial Ministers and representatives of Indian States recently. A copy of the press note issued on the subject has been placed on the table in reply to question No. 457 of 21st February, 1947. A decision will be taken after a detailed examination of the full report of the Committee. In the meantime a pilot scheme to test the methods to be adopted and to form an estimate of the size of sampling that is necessary for undertaking cost of production enquiries on a countrywide scale is under consideration.

(c) and (d) The Central Government have set up on a five-year basis an Economics and Statistics Section in the Department of Agriculture, which will plan and supervise enquiries. The Indian Central Jute Committee, the Punjab Board of Economic Enquiry and the Gokhale Institute of Economics and Politics in Bombay are also carrying out such investigations. Some Provincial Governments have included in their post-war plans, schemes for conducting surveys into the Economics of Agriculture.

CONVERSION OF CANTEENS INTO INDIAN REFRESHMENT ROOMS AT JUBBULPORE, MUTTRA, AGRA AND OTHER STATIONS.

464. *Mr. Sasanka Sekhar Sanyal: Will the Honourable Member for Railways be pleased to state:

(a) whether Government are aware that in stations like Dehri-on-Sone, Jubbulpore, Nagpur, Muttra, Agra, Manikpur etc. there is no Indian Refreshment Room and that at present there are canteens in those stations which are being abolished;

(b) whether Government propose to consider the question of converting these canteens into Indian refreshment rooms; and

(c) whether Government propose to consider the question of abolishing the distinction of Indian refreshment rooms and European style refreshment rooms with a view to having only one consolidated class of refreshment rooms on the Indian style, keeping provision for preparing European style meals on order?

The Honourable Dr. John Matthai: (a) There is no Indian Refreshment Room at any station mentioned but provision exists for an adequate supply of light refreshments to passengers. With regard to the second part of the question, information is being obtained and will be laid on the table of the House in due course.

(b) Generally speaking, canteens being temporary structures are not suitable for Refreshment Rooms. They may be suitable for conversion into food-stalls at certain stations and Railways will consider this possibility as canteens are vacated by the Military.

(c) The whole question of classification of Refreshment Rooms is under consideration of Government in consultation with the Central Advisory Council for Railways. It may be mentioned in this connection that a sub-committee appointed by the Central Advisory Council at a meeting in April last has recommended the retention of refreshment rooms in their present form. Government will take a decision after the matter has been further considered by the Central Advisory Council for Railways at the meeting scheduled for the 15th March, 1947.

SCHEME FOR A RAILWAY BETWEEN DHARWAR AND BELGUM ON M. & S. M. RAILWAY.

465. *Shri D. P. Karmarkar: Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that a scheme for laying a railway between Dharwar and Belgaum on the Madras and Southern Mahratta Railway via Saundathi and Bail-Nayal was considered by Government in the past; and

(b) whether a report was published giving prospects and details of that scheme and if so, whether copies will be placed in the Library of the House?

The Honourable Dr. John Matthai: (a) Yes. The last occasion when such a scheme was considered was when the financial prospects of a railway line from Hubli to Belgaum *via* Dharwar, Saundatti and Bail Hongal were investigated in 1934-35. Traffic and Engineering surveys had been carried out earlier by the M. and S. M. Railway in 1928.

(b) No report was submitted on the 1934-35 investigations as it was just a review of the case based on the current values of the 1928 survey figures. The survey report of 1928 was submitted to the Railway Board. This was an official document and was not published for general information. It is regretted that it will not, therefore, be possible to place copies of this report in the library of the House.

SUPPLY OF WATER AT RAILWAY STATIONS.

466. *Syed Ghulam Bhik Nairang: Will the Honourable Member for Railways please state:

(a) whether his attention has been drawn to a letter headed "Orthodox Water" which appeared in the *Dawn*, dated the 4th December, 1946.

(b) if so, whether the statements contained in the letter relating to classification of water into Orthodox Water and General Water kept at Railway Stations are correct; and

(c) for whom the water labelled as Orthodox and General is kept, or taken about in hand carts on the railway stations?

The Honourable Dr. John Matthai: (a) Yes.

(b) and (c). The position is that the Government of India have directed railways to issue such orders as will lead, at the earliest possible date, to the elimination of the use of the communal adjectives such as "Hindu" and "Muslim" in all cries uttered by vendors or watermen on railway premises. Railways have also been directed to arrange for the painting out of such words, where now existing, on chatty stands and water trolleys, and for the substitution thereof of the words "Orthodox" and "General" respectively. Railways have been informed that it is not intended that there should be any change in, or cessation of, the employment of specific individuals for the various wares affected by the change. Government's sole reason for issuing these directions was that they considered that the use of communal adjectives is neither necessary nor desirable. It is not the case that orthodox water is meant for only one section of the travelling public and general water for the rest. No person of any community is prohibited from taking water from any waterman who may be serving either water labelled "Orthodox" or that labelled "General". Government are aware that there are sections of Muslims who object to taking water from other than Muslims, but as the orders issued have not affected any change in, or cessation of, the employment of individuals previously employed, Government are unable to appreciate that any genuine hardship is being caused to any section of the public. Government will, however, review the matter after sufficient experience of the actual working of the present arrangement is available.

SUPPLY OF WATER TO SHIAS AT RAILWAY STATIONS.

467. *Syed Ghulam Bhik Nairang: Will the Honourable Member for Railways please state if Government are aware that a very large section of Muslims in general and particularly all Shia Muslims abstain from taking any food or drink from the hands of non-Muslims; if so, what arrangements have been made for supplying water to them at Railway Stations?

The Honourable Dr. John Matthai: Government are aware that some Muslims abstain from taking any food or drink from the hands of non-Muslims. Water served by Muslims is available at railway stations.

'HINDU' AND 'MUSLIM' WATER AT RAILWAY STATIONS.

468. *Syed Ghulam Bhik Nairang: Will the Honourable Member for Railways please state whether Government are aware of the futility of attempts to create artificial intercommunal unity by methods like the classification of water into Orthodox water and General water kept at Railway Stations; if so, do Government propose to revert to the old established system which was intended to respect the legitimate and *bona fide* religious susceptibilities of Hindus and Muslims?

The Honourable Dr. John Matthal: Government did not issue instructions regarding re-classification of water into "Orthodox" and "General" in any attempt to create intercommunal unity, but did so as they considered that the use of communal adjectives in the manner is neither necessary nor desirable. Government's orders have not affected any change in, or cessation of, the employment of specific individuals for the various wares, and water served by both Hindus and Muslims is available at stations as before. Government at present see no reasons to revert to the former procedure; the matter is however to be reviewed after sufficient experience of the actual working of the present arrangement is available.

SCARCITY OF MUSTARD OIL IN BIHAR.

469. *Mr. Madandhari Singh: Will the Secretary of the Food Department be pleased to state:

(a) whether the Government of India are aware of the acute scarcity of mustard oil in the country particularly in Bihar and of the abnormal rise in its price;

(b) the reason for such scarcity and rise in price; and

(c) the steps that are being taken or are proposed to be taken for making mustard oil available at reasonable price?

Mr. K. L. Panjabi: (a) Yes, Sir.

(b) The reason for the scarcity is that the production of mustard seed has not increased in proportion to the demand.

(c) The Central Government called a conference of the provincial Food Ministers on 16th February to discuss what measures should be taken regarding future control of all oilseeds. The matter is now under active consideration by the Government. I regret I am unable to give any further information to the Honourable Member at this stage.

RAIL-ROAD COMPANIES IN BIHAR

470. *Mr. Madandhari Singh: (a) Will the Honourable Member for Transport be pleased to state how many Rail-Road Companies were formed in Bihar?

(b) Who were the promoters of those companies?

(c) How many motor buses were provided for each Company?

(d) What is the total cost of these motor buses of each company?

(e) When were these motor buses allotted to and received by these companies?

(f) Under whose charge are these motors and vehicles now in each company?

(g) What is the condition of these vehicles now?

(h) Has any decision been reached to start these Companies? If none, why?

(i) What steps are Government taking to start these companies?

(j) What expenditure have the promoters incurred in each of these companies?

(k) When are Government going to decide finally about starting the operation of these Companies?

The Honourable Dr. John Matthai: (a) None.

(b) to (g). Do not arise.

(h), (i) and (k). It is understood that the question is under the active consideration of the Government of Bihar and that a scheme has been prepared and is under final scrutiny. Their decision is likely within a few weeks.

(j) None.

STORAGE OF FOODGRAINS BY THE GOVERNMENT OF INDIA

471. *Seth Sukhdev: (a) Will the Secretary of the Food Department be pleased to state what is the total capacity of accommodation for bulk storage of food grains, the Government of India have constructed at their cost?

(b) What is the total capacity of accommodation for storage of food grain in bags, which the Government of India have constructed at their cost?

(c) What is the total accommodation referred to in parts (a) and (b) above which has been constructed by various Provincial and States administrations entirely at their own costs?

(d) What is the total accommodation referred to in parts (a) and (b) above which has been subsidised by the Government of India?

Mr. K. L. Panjabi: (a) to (d). A statement is placed on the table of the House.

Statement

	Accommodation for bulk storage	'In tons'	Accommodation for bag storage
(a) Cost borne entirely by the Government of India.	30,000	...	65,000
(b) Cost borne entirely by the Provincial and States Governments.	98,642		17,85,757
(c) Cost borne jointly by the Central and the Provincial Governments.	Nil		94,650

GOVERNMENT SUBSIDY FOR ACCOMMODATION FOR STORAGE OF FOODGRAINS

472. *Seth Sukhdev: Will the Secretary of the Food Department please state the cost of accommodation referred to in parts (a) and (b) of the preceding question and the amount of subsidy Government have paid so far or have yet to pay in respect of the accommodation referred to in part (d) of the preceding question?

Mr. K. L. Panjabi: The cost of bulk storage constructed is Rs. 38,23,000 and that of bag storage Rs. 41,28,000. The amount of subsidy at six annas per rupee paid hitherto is Rs. 9,517 and the subsidy yet to be paid is estimated at Rs. 36,450. The amount paid on godowns constructed on 50.50 basis is Rs. 11,63,000 and the amount still to be paid is estimated at Rs. 8,76,000.

COMPLETION OF CONSTRUCTION OF ACCOMMODATION FOR STORAGE OF FOODGRAINS.

473. *Seth Sukhdev: Will the Secretary of the Food Department please state the dates, when the construction of accommodation of different types for the storage of food grains referred to in the preceding question (No. 471) was completed?

Mr. K. L. Panjabi: A statement giving the required information in respect of storage construction undertaken at the entire cost of the Government of India or subsidised by them is placed on the table of the House. Information about godowns built by the Provinces and States at their own cost is not readily available.

Statement

(i) Storage accommodation constructed at the entire cost of the Government of India.

	Date of completion
(a) Bulk storage	November, 1945
(b) Bag storage godowns—	
(1) Bombay	June, 1945
(2) Coimbatore	March, 1946
(3) Vizagapatam and Bobbili	April, 1946

(ii) Storage godowns subsidized by the Government of India at 6 As. in the rupee.

Eastern States	Date of completion
(a) Godowns of 1,000 tons capacity	December, 1945
(b) Godowns of 2,500 tons capacity	March 1946
(c) Construction of some godowns of 1,500 tons capacity is still in progress in the Eastern States.	

(iii) Storage godowns the cost of which has been shared by the Central and Provincial Government on a 50:50 basis.

(a) Punjab	22,800 tons completed by August, 1945
Sind	29,400 tons completed by May, 1946
C. P.	24,500 tons completed by July, 1946.
Orissa	14,450 tons completed by March, 1946

(b) Construction of some godowns is still in progress in Sind, C. P. and Orissa to the extent noted below :—

Orissa	16,550 tons
C. P.	1,350 tons
Sind	600 tons

ACCOMMODATION FOR STORAGE OF FOODGRAINS.

474. *Seth Sukhdev: Will the Secretary of the Food Department please state:

(a) the total capacity of each type of accommodation referred to in parts (a), (b) and (d) of the preceding question (No. 471) which is utilised at present; and

(b) the maximum capacity of each type of accommodation that has been utilised at any time since their completion?

Mr. K. L. Panjabi: (a) All the godowns mentioned in reply to (a), (b) and (d) of Question No. 471 are being utilised at present.

(b) The provision of 35,000 tons of bag storage at Bombay is being used to the fullest extent. The bins of a capacity of 30,000 tons in Sind have been lent to the Local Government and are being used. The storage for 16,000 tons at Coimbatore and 12,000 tons at Vizagapatam has been utilised for central reserves of foodgrains upto 5,000 and 9,000 tons respectively. The balance of the accommodation at these two centres, together with godowns of a capacity of 2,000 tons at Bobbili, have been leased to the Provincial Governments. Information regarding the godowns constructed with a subsidy from the Central Government is being collected and will be laid on the table of the House. It will be appreciated that owing to the shortage of imports of foodgrains the storage is not being used to the fullest extent.

UTILISATION OF ACCOMMODATION FOR FOODGRAINS STORAGE AFTER FOOD CRISIS IS OVER.

475. *Seth Sukhdev: Will the Secretary of the Food Department please state how Government propose to utilise the accommodation built for the storage of food grains after the present food crisis is over?

Mr. K. L. Panjabi: It is proposed to use the Central Government's godowns, after the present emergency is over, for storing the Emergency Reserve of Foodgrains as recommended by the Krishnamachari Committee. Where this is not advisable they will be disposed of to the best advantage of Government.

TELEPHONE CONNECTIONS IN PATNA

476. *Mr. Madandhari Singh: Will the Secretary of the Communications Department be pleased to state:

(a) the number of telephone connections given to civilians in Patna in 1946;
(b) the number of applications pending for telephone connections in Patna;
and

(c) the steps that are taken to expedite the giving of telephone connections to civil population there?

Sir Harold Shoobert: (a) Thirteen direct connections and six extensions.

(b) 275.

(c) To give immediate relief, orders have been already issued for the supply and installation of two additional 100 line exchange switchboards at Patna under the priority 'urgent'. The capacity of Dinapur exchange has now been raised from 50 lines to 100 lines and the installation of a small exchange to remove most of the Posts and Telegraphs service connections from the public exchange is nearing completion. This will give additional relief to the main exchange, meanwhile the question of further expanding the Patna telephone system is under active consideration.

QUOTA OF COTTON CLOTH ALLOTTED TO BIHAR.

477. *Mr. Madandhari Singh: (a) Will the Honourable Member for Industries and Supplies be pleased to state the quota of cotton cloth allotted to Bihar?

(b) How much supply was made in 1946?

(c) Are Government aware that supply of cotton cloth was not made for some months?

(d) If the answer to part (c) above is in the affirmative, do Government propose to send the due quota of cotton cloth to Bihar, so that the distribution may be made to the people?

The Honourable Sri O. Rajagopalachari: (a) 28,989 bales a month.

(b) 257,219 bales.

(c) Owing to the fall in production supplies to all provinces were in arrears. At one time the arrears due to Bihar reached 48,000 bales.

(d) The arrears due to Bihar have now been completely cleared.

AGRICULTURAL ENGINEERING RESEARCH SECTION

478. *Sri V. O. Vellingiri Gounder: Will the Secretary of the Department of Agriculture be pleased to state, in view of the opinion of Government as stated in answer to my starred question No. 584 asked on the 14th November, 1946 that there is considerable scope for expansion of Research in Agricultural Engineering, whether Government propose to put up a well-equipped Agricultural Engineering Research Section at the Imperial Agricultural Research Institute instead of allowing it to be done piece-meal by the Provincial Agricultural Departments?

Sir Pheroze Kharegat: A division of Agricultural Engineering has recently been set up at the Agricultural Research Institute. It will undertake research into the improvement of agricultural implements in common use and impart Post-graduate training in Agricultural Engineering and workshop practice.

**ENGINEERS FROM ABROAD WITH TRAINING IN AGRICULTURAL ENGINEERING
RESEARCH FOR DESIGNING AGRICULTURAL IMPLEMENTS**

479. *Sri V. O. Vellingiri Gounder: Will the Secretary of the Department of Agriculture be pleased to state whether Government propose to obtain from foreign countries the services of Engineers with training and experience in Agricultural Engineering Research in order to design and manufacture better types of agricultural implements and test their suitability and efficiency?

Sir Pheroze Kharegat: Yes, Sir. A statement showing non-Indian Engineers already appointed or proposed to be appointed under the Department of Agriculture, is laid on the table. They will however, only be retained till suitable Indian officers are trained for the work.

Statement

1. *Mr. M. L. Clark.*—Proposed to be appointed as Agricultural Engineer on contract for three years under the scheme for the establishment of Tractor Testing Station at Karnal.

2. *Major Brown.*—Already appointed as Agricultural Engineer on contract for three years as Head of the Division of Agricultural Engineering at the Indian Agricultural Research Institute, New Delhi.

3. *Major J. H. Connors.*—Already appointed as Chief Engineer (Tractors) on contract for three years. He is in-charge of the Heavy Tractor Repairs Workshop being set up at New Delhi.

4. *Capt. F. H. C. Oram.*

5. *Mr. R. C. Sparkes.*

6. *Capt. S. S. Flaming.*

7. *Mr. States.*

8. *Mr. Shanahan.*

Nos. 4, 5 and 6 already appointed and Nos. 7 and 8 proposed to be appointed for one year as Drilling Engineers for training suitable Indians in the use and maintenance of mechanically operated drilling rigs as also to supervise the actual construction of tubewells carried out by drilling divisions.

UNSTARRED QUESTION AND ANSWER

MANUFACTURE OF TINNED MILK AND FOOD IN INDIA

57. Mr. Sasanka Sekhar Sanyal: Will the Secretary of the Agriculture Department be pleased to state:

(a) the quantity of tinned milk which is manufactured in India;

(b) the steps that are taken by Government for providing healthy, hygienic and sanitary conditions under which such milk has to be manufactured; and

(c) the steps that are being taken by Government for effecting large increase in the manufacture of such tinned food?

Sir Pheroze Kharegat: (a) Approximately 25,000 lbs. of tinned milk per day is being produced by the Military Farms. Milk powder is also manufactured in small quantities by some private firms.

(b) Enforcement of hygienic and sanitary conditions for the manufacture of such milk is regulated under the Provincial Food Adulteration Acts and the rules framed thereunder. The Military Farms Department are carrying out Chemical and Bacteriological tests at various stages during production and processing.

(c) The Government of India have appointed a Planning Panel for milk products which is considering the various proposals for the expansion of the processed milk industry. But there is such an acute shortage of milk in the country that it may not be possible to effect a large increase in the manufacture of such products.

SHORT NOTICE QUESTION AND ANSWER

VISIT OF SIR HUTCHINGS TO ENGLAND AND IMPORT OF FOODGRAINS

Mr. Ahmed E. H. Jaffer: Will the Secretary of the Food Department be pleased to make a statement to the House in regard to the recent visit of Sir Robert Hutchings to England and what is the position of further import of foodgrains from Turkey and other countries, for which Sir Robert Hutchings was sent to England?

12 Noon

Mr. K. L. Panjabi: The object of Sir Robert Hutchings's visit was to endeavour to arrange, in consultation with the India Office and the Ministry of Food, for accelerated and additional shipments of wheat to India from Turkey, and from such other sources as might present themselves, and to discuss the general world wheat position in its relation to the import programme recommended for India by the International Emergency Food Council.

During his visit Sir Robert Hutchings held discussions with the Secretary of State for India, and with Mr. Strachey, the United Kingdom Minister for Food, as well as with the principal officers of the India Office, and of the Ministry of Food.

With regard to Turkey, the purchase has been concluded by His Majesty's Government of 125,000 tons of wheat, of which 87,500 tons is intended to be shipped to India. The immediate necessity was to secure the earliest possible priorities for shipments for India, and it has now been agreed by H. M. G. that the first three ships to be loaded shall come to India. The proposal was made to them that the fourth ship also should be for this country. This, H. M. G. have promised to examine when the cargo for a fourth ship becomes available, and it is hoped that this ship also will be allocated to us.

Major General Arnold, the Regional Food Commissioner, Northern Region, was deputed to proceed to Turkey and has made a report on the availability of wheat, the rate of movement to the ports, the loading facilities at the ports, and connected matters. This information has been communicated to H. M. G., who have been requested most urgently to arrange the necessary shipping. As a certain number of jute bags were necessary, it has been arranged for H. M. G. to loan bags in their possession in Turkey for the ships programmed for India, and arrangements have been made to replace the bags by bags already despatched from India.

H. M. G. examined their position with a view to see whether any ships from North America destined for the United Kingdom could be diverted to India. They regretfully reached the conclusion, however, that their own stock position made such a course impossible. The shipping programme from Canada was behind schedule, ships had been delayed by bad weather, and dislocation of internal transportation in the United Kingdom added to their difficulties.

A proposal was put forward for an exchange of maize destined for India for wheat from British East Africa, and the Government of British East Africa have been consulted by telegram as to whether they would favour this proposal, and, if so, what quantities of wheat would be available, and when. It is hoped from this source that substantial additional supplies may become available for shipment, but nothing definite can be stated until a reply is received from the British East African Government.

The possibility of quick shipments from Australia, and of subsequent supplies later in the year, was also discussed, but in this behalf the Government of India are already in touch with the Government of Australia, and no new light was thrown on the situation in London. Briefly, the position is that there has been damage to the crop in parts of Australia normally surplus, and the Australian Government has had to make large scale intra-provincial movements in Australia itself to remedy the internal supply position, and to keep the milling industry going. This has reacted on their capacity to make early

shipments to India. Two shipments have, however, been promised for February, in addition to two already released in January, and the Australian Government, which is sympathetic to our needs, has agreed to keep the position constantly under review. Our High Commissioner in Australia has been requested to keep a close watch on our interests in this connection.

The question of supplies of rice from Egypt was also discussed with H. M. G., and our Representative in Egypt is already in touch with the Egyptian Government on the subject.

Mr. Ahmed E. H. Jaffer: May I know the approximate date by which we may expect to receive

Mr. President: Order, order. When requests for such long statements are made, I should not allow supplementaries by way of questions otherwise it will be a sort of a debate. The statement has already been made.

MOTION FOR ADJOURNMENT

USE OF TROOPS BY THE PUNJAB GOVERNMENT

Mr. President: I have received a notice of an adjournment motion from Mr. Muhammad Nauman to discuss a definite matter of urgent public importance, namely "the use of troops against peaceful workers in the movement for the restoration of civil liberties in the Punjab as evidenced by the communique issued by the Punjab Government published in today's *Statesman* and other papers.

There are several grounds on which I think this adjournment motion is inadmissible. In the first place the Honourable Member did not give notice of it before 11 O'clock.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I purposely did not do it because I did not like to rush the matter.

Mr. President: On his own admission, therefore, he did not feel the urgency of it.

Mr. Muhammad Nauman: I wanted to be sure. I do not treat this House in the same manner

Mr. President: It has been ruled several times in this House by my predecessors that, in the case of papers which are published in the morning, unless notice is given before 11 O'clock, the matter will be treated as having lost its urgency. That is why I mentioned that when it was published in the *Statesman* and other papers in the morning, it was but necessary that he should have given notice before 11 O'clock. In fact he gave notice after 11 O'clock; it reached my Private Secretary at 10 minutes past One.

Then this adjournment motion is barred because there was a similar adjournment motion tabled on the 3rd of February by Mr. Ahmed Jaffer which, in substance, is the same thing as the present adjournment motion. The subject matter of that adjournment motion reads like this:

"The lending of troops by the Government of India to the Punjab Government for suppression of civil liberties of the people of the province of the Punjab."

Further I find that the facts also are not correctly stated. While the adjournment motion says 'the use of troops against peaceful workers'—the workers were peaceful—in the movement for the restoration of civil liberties in the Punjab, etc., etc., the communique states—the facts are these:

"A mob of about 7,000 forced an entrance"

Some Honourable Members: Peacefully forced!

Mr. President: " into the Gujrat courts yesterday and was driven back by lathi charges and by tear gas"

Obviously by Police.

" A company of troops was then called up" And these words are very important.

[Mr. President.]

" and the mob dispersed."

Not that it was dispersed by troops; not that it was moved to the Jail by troops.

" . . . No further stoppage of railway trains in the Gujrat area is reported."

So it will appear that the facts as stated in the communique, which I must take as a true statement, are also different.

Mr. Muhammad Nauman: The *Statesman* is not correct. "A company of troops was then called up and the mob dispersed."

Mr. President: What paper is the Honourable Member reading from?

Mr. Muhammad Nauman: From the *Statesman*.

Mr. President: I am also reading from the *Statesman*. Perhaps the Honourable Member is in a hurry.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): He has a special copy!

Mr. President: "A company of troops was then called out and the mob moved on to the jail where it dispersed."

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): The Statement differ: Attlee and Churchill!

Mr. President: In addition to all this, the matter is clearly to my mind a provincial one. Therefore, I do not think this adjournment motion is in order. I have now to make an announcement.

Haji Abdus Sattar Haji Ishaq Seth (West Coast and Nilgris: Muhammadan): I am bound to accept your ruling. With regard to those two headings under which you have given a ruling, I have to make a submission with respect to the first one—urgency.

Mr. President: The Honourable Member may make it when another occasion arises.

Haji Abdus Sattar Haji Ishaq Seth: When?

Mr. President: When an adjournment motion of a similar type is brought up and the Chair is inclined to rule it out.

Haji Abdus Sattar Haji Ishaq Seth: A little latitude should be allowed with regard to "urgency". It should be allowed when a Member raises the question on the day that it is published. My friend wanted to say that it is not always advisable that a Member should be asked to rush in the moment he gets the papers. Sometimes we do not get our papers before eleven O'clock. Such difficulties are there. You have, however, given a ruling on facts.

Mr. President: No further arguments are necessary. Each case will be judged on its own facts. When the point arises again about the urgency, in the circumstances mentioned by the Honourable Member, I will certainly consider it sympathetically and liberally also.

ELECTION TO COMMITTEE ON PUBLIC ACCOUNTS

Mr. President: I have to inform the Assembly that upto 12 noon on Thursday, the 20th February, 1947, the time fixed for receiving nominations for the purpose of election of four members to the Committee on Public Accounts, four nominations were received. As the number of candidates is equal to the number of vacancies, I declare the following members to be duly elected to the Committee:—

1. Shri Mohan Lal Saksena.
2. Pandit Sri Krishna Dutt Paliwal.
3. Sjt. B. S. Hiray.
4. Syed Ghulam Bhik Nairang.

ELECTION TO STANDING COMMITTEE FOR LABOUR DEPARTMENT

Mr. President: I have to inform the Assembly that upto 12 noon on Thursday, the 20th February, 1947, the time fixed for receiving nominations for the purpose of election of one non-official member to the Standing Committee for the Department of Labour, only one nomination was received. As there is only one candidate for the vacancy, I declare Mr. Shah Nazar Hasan to be duly elected to the Committee.

DELHI SIKH GURDWARA AND RELIGIOUS ENDOWMENTS BILL—

MESSAGE FROM THE COUNCIL OF STATE NOMINATION OF MEMBERS ON JOINT COMMITTEE ON THE

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

“Sir, I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in the Resolution recommending that the Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties—wheresoever situate be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of fourteen members, was considered by the Council of State at its meeting held on the 20th February, 1947, and that the Resolution was concurred in by the Council.

2. I am also to inform you that the following members of the Council of State have been nominated to serve on that Committee, namely:—

- (1) The Honourable Sardar Baldev Singh.
- (2) The Honourable Lieut.-Colonel Sir Buta Singh.
- (3) The Honourable Mr. R. N. Banerjee.
- (4) The Honourable Mr. S. K. Roy Chowdhury.
- (5) The Honourable Brigadier Sir S. Hissam-ud-din Bahadur.
- (6) The Honourable R. B. Sri Narain Mahtha.
- (7) The Honourable Sardar Bahadur Sir Sobha Singh.”

TRADING WITH THE ENEMY (CONTINUANCE OF EMERGENCY PROVISIONS) BILL

The Honourable Mr. I. I. Ohundrigar (Commerce Member): Sir, I beg for leave to introduce a Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property.

Mr. President: The question is:

“That leave be granted to introduce a Bill to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with the enemy and enemy firms and the custody of enemy property.”

The motion was adopted.

The Honourable Mr. I. I. Ohundrigar: Sir, I introduce the Bill.

INDUSTRIAL DISPUTES BILL

Mr. President: The House will now proceed to consider the Bill to make provision for the investigation and settlement of industrial disputes and for certain other purposes as reported by the Select Committee.

Miss Maniben Kara (Nominated Non-Official): On the last occasion I moved an amendment and I was speaking on it when the House adjourned.

Mr. President: The Honourable Member may proceed.

Miss Maniben Kara: I would like to know whether I have moved one or both the amendments. There are three in all under Clause 26.

Mr. President: The motion the Honourable Member has moved is:

"That in sub-clause (1) of clause 26 of the Bill, for the word 'fifty', the word 'ten' be substituted."

An Honourable Member: She has moved it already.

Mr. President: She has moved it but she has to speak.

Miss Maniben Kara: I think this is the most objectionable clause in the whole Bill. Even at this stage, I would request that the Honourable Labour Member should under the stress of the opinions expressed by the labour representatives come forward and withdraw this clause. I am glad that he stated the other day that respecting the wishes of the Members of this House he would accept our amendment and withdraw a clause from his Bill. Sir, I feel most strongly on this particular clause. Even in the Act of 1929, which was stoutly opposed by the Congress Party and Diwan Chaman Lall who was the spokesman at the time, it did not go as far as this particular clause. Even in that Act, Sir, the penalty was restricted to only those essential services which were very few at that time. This clause goes to the extent of penalising the workers in non-essential services as well. This means that the scope of the 1929 Act has been extended to the workers of all industries. Certainly, Sir, I would be justified in expecting from the Honourable the Labour Member that he will not want to extend the Act of 1929 which would penalize the workers not only in essential services but workers having some dispute with private employers. I would therefore once again ask the Honourable the Labour Member, even at this stage to consider the withdrawal of this clause.

Now, Sir, this clause and its implications are certainly very serious. They are not only serious for industrial workers alone but they are serious for the entire country, because if this Bill is passed into an Act, the implication of this clause will be that a breach of civil contract will be made a penal offence. This is not only a matter where the employer and the employee are concerned. I would invite the attention and consideration of the Members of this House, regardless of their party or group affiliations to give very serious consideration, to this penalty clause. It is an encroachment on the civil liberties of the people as a whole. Today you have brought forward a Bill encroaching upon the civil liberties and rights of a particular section of society, viz., the industrial worker but this shows the way the Government is moving. If the industrial workers take it lying down, we are afraid that you may follow it up in other spheres also. I give a serious warning on this occasion that a breach of civil contract is turned into a penal offence and it will be a violation of the principles of natural justice. On this basic principle of the violation of natural justice every Member of this House who calls himself a democrat, who stands for the civil liberties of the people, should raise his voice in opposition to this Bill. After all when a worker goes to an employer and seeks a job, he agrees to serve the employer on a particular salary. All that the employee does is to enter into a civil contract. If he does not want to continue his services with his employer, he should in respect of a civil contract give a month's notice. Neither Mr. Joshi nor Mr. Guruswami nor myself are against the giving of notice, if the worker desires to withhold his labour. If he does not do that by what stretch of imagination can you prosecute him for a criminal offence. In the case of other workers than industrial workers would you prosecute them, because they sit at home and do not go to work?

My Honourable friend Mr. Joshi the other day in a very interesting manner asked a question before this House. He asked "Suppose on a wintry night if two people do not want to work, are you going to make their action a criminal

offence?" Let us remember that there are numerous *hartals*, people close their shops for one reason or another and they are not being penalised. The general public is inconvenienced by these continuous *hartals* which have been going on and are likely to go on. We are not making those *hartals* or suspension of business a criminal offence. Why should the industrial workers alone be penalised, if they withhold their labour? I can understand if this clause is applicable to those sections of the workers whose withholding of their labour might cause grave danger to the lives of the people. But here it is a matter where a private employer and a private employee may have some difference or dispute. The workers may not care to continue to lend their services. The Government desire at any stage of the dispute to intervene and stop the strike. If the workers do not withhold the strike you want to penalise the workers. I would once again stress the point: do not go fast with such Bills, because you are step by step encroaching upon the civil liberties of people and we are certainly very sceptical about the other Bills which are pending before the House. We feel that this National Government instead of extending civil liberties of the people is encroaching upon the few civil liberties which they enjoy at present.

Mr. N. M. Joshi (Nominated Non-Official): We have an International Government—two nations united.

Miss Maniben Kara: I sincerely appeal to the Honourable the Labour Member not to take a lead in this matter. If he brings forth Bills with clauses like this the entire discredit for taking away the civil liberties of a section of society will be on his shoulder and I will not be surprised if other Honourable Members follow in his footsteps. I am sounding a note of warning that it should not happen and if it does happen we are afraid that you will be passing a legislation which the workers will not respect.

You have attempted to provide for fines and for imprisonment. Where are you going to recover the fines from the workers? How are you going to realise the fines from the workers? If you imprison them the workers will be better off in the prison than outside. If your purpose is to tyrannise the workers by these two clauses, namely imprisonment and fine, I am sorry that that object will not be served. Your object can only be achieved by bringing in such measures whereby the worker comes to his own, whereby the worker is made to feel that he is an essential part in the development of the industry as a whole, whereby he regains his respect and confidence, whereby the employer will look upon him as essential as his own capital, whereby he will be given the status of sitting across the table with his employer and discuss matters relating to the development of the industry. That is the only way in which you can get your aim, *viz.*, industrial peace. The Honourable Member and myself are both in complete agreement about the object of the Bill, *viz.*, the industrial peace of the country. The Honourable the Labour Member thinks that in order to achieve that he should have more and more repressive measures. He wants to deprive the workers of their inalienable right to strike by putting them into jails, by fining them and bringing in all sorts of restrictive measures. I think differently. I think you will get the confidence of the people by giving to them those things for which they are compelled to strike or to withhold their labour. Bring in such measures first. Bring in your minimum wage first. Let the Unions be recognised. Let the workers have proper housing conditions. Let them have shorter hours of work. Let there be social amenities and social clubs, old age pensions and unemployment insurance. I tell you that such a Bill will be most redundant then; there will not be any need for such legislation. The worker will be then self-respecting citizen of the country and they will be interested to see that industry is developed, more people get employment and the country as a whole prospers. Do you really consider that the workers are not interested in the prosperity of the country? This Bill seeks to point out as if the workers are a

[Miss Maniben Kara.]

destructive element. It somehow shows or presupposes that the workers are a most irresponsible section of the society. That is not the case with the industrial workers of the country. If you look at what is happening in other countries you will realize that.

The Honourable Shri Jagjivan Ram (Labour Member): Sir, is all this relevant?

Mr. President: I am just watching the Honourable Member for some time as I myself feel that she is repeating the general question.

Miss Maniben Kara: If you look at what is happening in other countries you will see that workers have strikes. A Bill like this and particularly a clause like this will be resisted very stoutly by our workers. I would therefore appeal to the Honourable the Labour Member that the penalty clause should not be pressed for. The punishment which is sought to be placed on the workers is a fine of Rs. 50. A worker may not be earning Rs. 50. If you want to fine him Rs. 50 it will only mean that if he wants to avoid imprisonment he would have to go to a marwari and borrow that amount. Is this your purpose? Surely this is not the purpose for which you have brought forward this legislation.

My amendment sees to reduce this Rs. 50 to Rs. 10 because that would satisfy your object. I hope that the amendment which I have moved will be accepted by the Honourable the Labour Member.

The Honourable Shri Jagjivan Ram: Sir, I do not accept the amendment and I do not want to give replies to all the points that have been raised. These points have been raised over and over again and I have replied to all of them.

We have agreed that during the pendency of conciliation and adjudication proceedings there should be a congenial atmosphere. If we are to ban a strike some deterrent provision should be there that may not incite the workers to go on strike. I therefore do not accept the amendment.

Mr. N. M. Joshi: Sir, I rise to support the amendment moved by my Honourable friend Miss Maniben Kara. Before I speak about this amendment you will permit me, Sir, to apologize to the House for my absence from the House on the day on which this Bill was discussed previously.

Shri Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): We are extremely obliged to you.

Mr. N. M. Joshi: There are some Members who welcome my absence.....

An Honourable Member: We missed you.

Mr. N. M. Joshi: Some Members may have missed me. But as one who generally observes courtesy in the House it was my duty to apologize to the House after having tabled amendments to the Bill.

Now, Sir, I have stated in this House several times that I am against the principle of making strikes illegal. Therefore, I am naturally against penalties being imposed upon people who take part in strikes. I shall not go into this question at greater length. But I must state that when you punish a worker with a fine or imprisonment for going on strike you are, as I stated before, introducing a sort of servitude, a sort of slavery in this country. But I shall not deal with that subject now. I shall on this occasion confine myself to the amendment which has been moved regarding the amount of the fine.

My Honourable friend Miss Kara has stated that in India the vast bulk of the working classes do not get Rs. 50 per month as their wage. In Bombay, where the wages are higher than in other places generally in the country, the average wage is not Rs. 30. That was the result of an enquiry. It is true that some of them get a little more dearness allowance. The wages in the textile industry on an average are Rs. 30. They also get dearness allowance. But in other parts

of the country the wages are extremely low. Even some of our railways are still paying Rs. 10, 11 and 12 per month as wages. The dearness allowance is given—I do not wish to misrepresent any fact. Now, to fine such people Rs. 50 is in my judgment very cruel. As my Honourable friend Miss Kara has stated very clearly, the result of a heavy fine will be that these people will be starved. Not only will they be starved but their families and children may be starved, or their indebtedness may grow. It is a well known fact that in India the working classes are extremely indebted. There are hardly any people among them who are not indebted. If these people are fined up to Rs. 50, instead of doing any service to these people or even to the public you will be doing a great wrong to the workers and not doing any good to the public also. You will be throwing a large bulk of the working class population into indebtedness. To add to their indebtedness is also not in the interests of the public. I therefore thought that the Government of India would be more considerate in imposing fines. At this stage you will permit me to say a word on the general policy of the Government of India in imposing fines. They do not keep any proportion between the fines imposed upon rich men and poor men and if they do not observe any proportion, the effect of the same fine on the rich people and poor people is bound to be different. In this clause the Honourable Member has imposed a fine of Rs. 50 (*An Honourable Member: extending to Rs. 50*). Quite true. It may be one rupee but the fine on an employer is only Rs. 1,000. A large number of these employers lose Rs. 1,000 on a game of bridge in a night. What is this thousand rupees to them. They are not going to be starved by asking them to pay a fine of a thousand rupees. If you really wanted to make the fine deterrent, as the Honourable Member said, the fine should have been much larger. Not has he not done that but under some of the clauses the fine imposed on an employer and a fine imposed on a representative of the worker or the worker himself is the same. The Government of India has not given any consideration to this point and it seems to me that in their desire to make the fine a deterrent on workers they have gone to an extreme to which they should not have gone.

Recently or some time back I was reading a Bill introduced by the Bombay Government. There the first fine proposed to be imposed is Rs. 10. I am now suggesting that Rs. 10 is not a heavy fine but in any case the Bombay Government have shown some consideration in imposing the first fine of Rs. 10. It is true that they have also suggested some additional fine for continuing the strike but in any case they have shown some appreciation and understanding of the difficulties of the working classes in the matter of finding the money to pay these fines. The Honourable Member said he wanted a deterrent punishment. I do not know whether this will act as a deterrent or not. As my Honourable friend Miss Maniben Kara has stated very clearly, the large body of workmen in this country do not get as much to eat as they would get as a jail ration. Therefore your idea of the punishment being deterrent is a wrong one. What can stop strikes is not these fines but better treatment of the working classes. I therefore support this amendment and hope that the Government of India will accept this.

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

The Assembly re-assembled after Lunch at Quarter Past Two of the Clock. Mr. President (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. President: I will now put the amendment. The question is:

“That in sub-clause (1) of clause 26 of the Bill, for the word ‘fifty’, the word ‘ten’ be substituted.”

The motion was negatived.

Mr. President: We will now take first the amendment of the Honourable Mr. S. C. Joshi for deleting the proviso.

Mr. S. C. Joshi (Government of India: Nominated Official): Sir, I move: "That the proviso to sub-clause (1) of clause 26 of the Bill be omitted."

Mr. N. M. Joshi: Sir, I would like to ask for your guidance. Our amendment is that certain words in that proviso be omitted. If the amendment moved just now by Mr. S. C. Joshi is carried, I would not like you to say afterwards that there is no scope for moving my amendment.

Mr. President: In fact, I am taking first the amendment of Mr. S. C. Joshi to see whether the Honourable Member's amendment stands or falls through. If this amendment is carried, automatically the Honourable Member's amendment falls through.

Mr. N. M. Joshi: I would like to explain to you how I may not have a chance. Mr. S. C. Joshi's amendment is to omit the proviso. That is a sort of consequential amendment. But my amendment is both consequential and also it makes a substantial amendment. His object is only to remove the proviso, but my object is a little more. I do not want the proviso to be removed; I want it to be modified. I shall require your permission in that case to move an amendment that the entire proviso be added to the Bill because my amendment does much more than what is sought by Mr. S. C. Joshi's amendment. What I am seeking is that by this proviso people who merely go on strike, not only political strikes but other strikes as well, should not be penalised. The present proviso is that people who go on a political strike should not be penalised. Now, political strikes having been removed, that proviso is unnecessary. That is quite natural. What I am seeking is that even those who do not take part in the political strike but take part in another strike should not be penalised.

Mr. President: What the Honourable Member presumably wants is that he wishes to oppose the proviso as it stands; he wants to have it amended.

Mr. N. M. Joshi: Yes, I want to have it amended.

Mr. President: Apart from the difficulty of merits, the proviso then becomes contradictory. If the words that he proposes to drop are deleted, the proviso becomes a contradiction to some extent to the original clause. But that is a different matter and I do not propose to enter into the merits of it. If the Honourable Member wants to have an opportunity of having his say, all that I can do is, to permit him to move his amendment after this amendment has been moved, so that he can both oppose the proviso as it stands and oppose the deletion if he so wishes and then support his amendment. But I shall not be able to put it to the vote in case Mr. S. C. Joshi's amendment is carried.

Mr. N. M. Joshi: This is only a technical matter. I am not likely to carry my amendment. I want to move it only as a matter of parliamentary right.

Mr. President: Therefore, I will allow the Honourable Member to move it at the same time.

Mr. S. C. Joshi: Sir, I need not state in detail the reason for moving my amendment. My Honourable friend Mr. N. M. Joshi has already stated the reason very clearly, namely, that the deletion is only consequential to the decision that this House has taken in regard to part-(iii) of sub-clause (1) of clause 24. This proviso aimed at safeguarding the workers who went on political strikes. The clause relating to the political strikes has been deleted and there is nothing in that clause which affords safeguards for protecting the workmen who went on such a strike. That is the object of my amendment.

Sir, I move.

Mr. President: Amendment moved:

"That the proviso to sub-clause (1) of clause 26 of the Bill be omitted."

Mr. N. M. Joshi: I may be permitted to move another amendment for the omission of the words 'which is not in furtherance of an industrial dispute'. I want a proviso but it should be a modified proviso. Therefore, that amendment may be made even after his amendment fails, His amendment is for the omission of the proviso. My amendment is for inserting a proviso which is slightly different from the original proviso.

Sir Cowasjee Jehangir (Nominated Non-Official): May I point out, Sir, that what you said originally is the correct procedure. An amendment is moved to omit a certain portion of the Bill. There may be half a dozen other amendments to amend that portion, but if the House accepts the omission of that portion, no amendment that seeks to amend that portion which has been deleted can be moved. Therefore, you have to put this amendment first. The fate of all those amendments that follow on this proviso will depend upon the wishes of this House with regard to this proviso. That is the plain and simple procedure and you cannot get round it in any way.

Mr. President: I think the point is quite clear. After the amendment to delete the clause is carried, no other amendment to delete any portion of the clause can be permitted afterwards, including an amendment to insert a proviso substantially in the same terms.

Mr. N. M. Joshi: Mine is in different terms.

Mr. President: It may be different. In order to avoid that difficulty, namely that the Honourable Member will not then be in a position to put in that proviso, part of which has been deleted by the House, I am willing to allow the Honourable Member to move his amendment to the clause at this stage, without agreeing to put that amendment to the vote first, so that he may speak on both aspects and I shall first put the amendment to delete the clause. If the House carries that amendment, then I shall not put any other amendment, though moved in the House. I might invite the attention of Honourable Members that there is always going to be a repetition of the same argument, over and over again.

Mr. N. M. Joshi: We have no desire to repeat arguments.

Mr. President: In spite of desires, I do find that arguments are being repeated. They should be as short as possible and to the point.

Mr. N. M. Joshi: Then shall I move my amendment as an amendment to his amendment.

Mr. President: The amendment should be in the following form:

"To Mr. S. C. Joshi's amendment the following be added:

'except the words "provided that no workman shall be deemed to have committed an offence under this sub-section by reason only of his having joined an illegal strike".'

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

"That to Mr. S. C. Joshi's amendment to sub-clause (1) of clause 26 of the Bill the following be added:

'except the words "Provided that no workman shall be deemed to have committed an offence under this sub-section by reason only of his having joined an illegal strike".'

Sir, my Honourable friend Mr. S. C. Joshi's amendment is consequential to the one the House accepted, namely to take away the clause which made political strikes illegal. This proviso which deals with political strikes is not necessary. Now what my amendment seeks to do is that not only in political strikes, but even in ordinary industrial disputes, a workman who merely joins the strike should not be penalised. The original clause reads thus:

"Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable. . . ."

[Mr. N. M. Joshi.]

Now, Sir, the proviso had stated that a workman who merely joins a strike who does not do anything more than joining a strike, who does not incite any one else to join the strike, who does not himself take any other constructive part in bringing about a strike or for the continuance of the strike should not be punished. Now, Sir, the object of putting the original proviso was that in the case of people who merely join the strike, they may be persuaded to join the strike by some others either by misrepresentation or by some sort of force or perhaps by their own conviction. The legislature in 1929 thought that such persons should not be penalised. That is, people who take active part may be penalised but people who merely join the strike by remaining absent and who do not do anything more should not be punished. During the discussion of this Bill some of our colleagues said that it is not the fault of the working classes if there are these strikes, but they feel that it is the leaders who create these strikes and really speaking these strikes, in their judgment are not wanted by the workers themselves, but that the strikes are fomented by leaders. Whether this is a fact or not, I am prepared to admit that the part played by a leader is a much larger part, more important part than the part which an ordinary workman plays by remaining absent. I am prepared to admit that. Therefore, although I am not in favour of penalising even those people who incite strike or who lead a strike, I am prepared to accept the position that the leader must be punished. He is responsible for the strike. But a workman, who, as was said by many others, is misled by leaders, who is the victim of misrepresentation should not be punished in my judgment. If you feel that strikes are fomented by leaders, it is not right for you to punish the victims of misrepresentation or punish the victims of exploitation by others, or punish the victims of intimidation by others or punish the victims of force used by others, to join the strike. I am quite sure you will agree with me, and many Honourable Members who have an open mind will agree with me that to punish a victim of misrepresentation to punish a victim of intimidation, to punish a victim of force is a wrong thing. You may say that these people were weak and therefore they allowed themselves to be intimidated, they allowed themselves to be forced into a strike. You can punish the man who intimidates or who uses force, but I cannot understand any law by which not only the intimidator but the victims of intimidation are punished. It is on account of this that I am opposed to the punishment of people who merely join a strike. It is true there may be workers who are not intimidated and yet they join the strike because they consider that joining a strike is a good thing. But even if they join by conviction, in my judgment, their part is so small that they should not be punished. I would refer to what some of the Honourable Member here said regarding strikes, that strikes are not wanted by the workers, that they are fomented by leaders. If that is their view, then they should support my amendment.

Then there is another argument; I do not want people who merely join a strike to be punished. I explained in the very beginning of this discussion that we and Government should do all in our power to make people respect the law. I think it is a dangerous policy either for us the citizens or for Government to foster a spirit in favour of breaking the law. I want citizens of this country to obey and respect the law; but if you make a law which can never be enforced you only foster a spirit of lawlessness. And I am against that spirit. I said previously that I am not a revolutionary. My Honourable friend Miss Kara said she was a revolutionary. But whatever the present Members of the Government of India may have said before about their being revolutionaries I take it that today they are not so. Therefore I suggest that they should not pass laws which by not being enforced will foster a spirit of lawlessness. Let us

see what is happening in the country just now. In Bombay there is a Labour Minister who like myself is against illegal strikes because they foster a lawless and revolutionary spirit. But what happens is that there is a law which cannot be enforced. In Bombay there were many illegal strikes; the Minister found that he could not put all these people in jail, with the result that he said that though he did not like illegal strikes he had to tolerate them. Again, only a few days ago I referred to the helplessness of the Labour Minister in Cawnpore. There was a big strike there which the Minister said was an illegal strike, but he had to look on helplessly because he could not put all these thirty or forty thousand people in jail. In my opinion such action fosters a spirit of lawlessness because the workers feel that Government are helpless against them. Last week and this week I was in Calcutta where there are strikes of dock and tram workers. Only the day before yesterday I attended in the afternoon a meeting of tramway workers. Only that morning the Government of Bengal had issued a statement saying that the strike was illegal and in the interest of the public the workers were warned not to remain on strike, etc. I was invited to the meeting and I was wondering whether there would be disturbances and the police would come and arrest the people there. But the tramway workers insisted on my going and so I went. The police were outside and the meeting went on very well in spite of the Government of Bengal declaring it an illegal strike. The strike is not yet settled in spite of the threat of the Minister that it was against the interest of the public, and so on. Now, Sir, if a Minister issues a statement in the morning and the workers in defiance of that statement hold a big demonstration with the police standing helplessly outside, you do not promote respect for the law but only a spirit of lawlessness. I suggest that if you pass a law which cannot be enforced and can be defied it is much better not to pass it. When those who passed the Act of 1929 made political strikes illegal they made the proviso that if there was a political strike all over the country and masses of people joined it, one who merely joined it and did nothing more should not be punished, but the leaders would be punished. It is for that reason that I ask the Government of India in their own interest to accept my amendment. It is for that reason that the Royal Commission on Labour suggested that this method of compulsory arbitration and making strikes illegal is not likely to be of much use. That aspect was considered and accepted in the 1929 Act and also in the British legislation. They also found that if thousands of people go on strike there were not enough jails to put all of them in.

An Honourable Member: Then why worry?

Mr. N. M. Joshi: I worry because I am not a revolutionary and I do not want to foster a spirit of lawlessness. Unfortunately my friends opposite believe in lawlessness and in revolution. But I am against it and therefore I am against this clause. I do not like a workman who merely joins a strike to be punished because he may be only a victim of intimidation. That is one reason, the second reason is that it is impossible to punish him and so you should not attempt it. It will only foster a spirit of disobedience to law. I therefore request the House to accept my amendment.

Mr. President: Amendment to amendment moved.

"That to Mr. S. C. Joshi's amendment to sub-clause (1) of clause 26 of the Bill the following be added:

'except the words "Provide" that no workman shall be deemed to have committed an offence under this sub-section by reason only of his having joined an illegal strike'."

Mr. S. C. Joshi: I do not accept that amendment because the result will be that the whole clause will become meaningless. In sub-clause (1) of clause 26 it is provided that:

"Any workman who commences, continues or otherwise acts in furtherance of, a strike which is illegal under this Act, shall be punishable. . . ."

whereas we say here that

"no workman shall be deemed to have committed an offence under this sub-section by reason only of his having joined an illegal strike."

[Mr. S. C. Joshi.]

The reason given by my Honourable friend, Mr. N. M. Joshi, that those who are instigators or who incite others to take part in the strike should be penalized is covered by clause 27. Therefore, it is not possible for me to accept the amendment moved by Mr. N. M. Joshi.

Mr. President: I will first put to the House the amendment to the amendment. The question is:

"That to Mr. S. C. Joshi's amendment to sub-clause (1) of clause 26 of the Bill the following be added:

'except the words "Provided that no workman shall be deemed to have committed an offence under this sub-section by reason only of his having joined an illegal strike".'

The motion was negatived.

Mr. President: I now put the amendment to the House. The question is:

"That the proviso to sub-clause (1) of clause 26 of the Bill be omitted."

The motion was adopted.

Mr. President: The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Mr. President: Clause 27.

Pundit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): With your permission, I would like to move a part of this amendment only;

"That in clause 27 of the Bill between the words 'illegal' and 'under' the following words be inserted, namely:—

'and which he knows to be illegal'."

I want to delete the words 'or has reason to believe' from my amendment.

You will be pleased to see that in clause 25 of the Bill the Honourable the Labour Member has agreed to add the word 'knowingly'. Now clause 25 reads thus.

"No person shall expend or apply any money in direct furtherance or support of any illegal strike or lock-out."

If you kindly see clause 28 it would follow that whereas clause 25 speaks of a positive provision of law prohibiting people from expending money in a particular manner, clause 28 seeks to penalise.

Miss Maniben Kara: I think the Honourable Member is talking on clause 28, but we have an amendment on clause 27.

Mr. President: He has moved an amendment in respect of clause 27 and he is speaking with reference to his amendment.

Pundit Thakur Das Bhargava: When I was speaking of clause 28 I only wished to point out that clause 27 and clause 28 are two facets of the same proposition. In clause 27 you speak of cognate activities while both may come under the heading 'abetment'. In clause 28 the words 'knowingly' has practically been admitted to be necessary by the Honourable the Labour Member. I presume, therefore, that the words 'and which he knows to be illegal' are as necessary in this clause as in clause 28. As I have submitted, since the word 'knowingly' has been inserted in clause 25 by virtue of an amendment, in clause 28 the requirement of this word should be deemed to have been admitted, and logically it would follow that if they are proper in clause 28 they are all the more proper in clause 27. So the House stands committed to the principle that the prosecution must in each case prove that the strike is not only illegal but the strike should be proved to have been known to be illegal. Therefore I am submitting that since the House has accepted this principle it is a logical and

consequential amendment which I have proposed and the House will be pleased to accept it.

The reason why the Honourable the Labour Member has accepted this amendment is also clear. In clause 25 any innocent person can be caught in the clutches of law if the word 'knowingly' is not there. It is an accepted principle of criminal law that unless the mind is guilty, no offence is committed. For instance, if a person kills a human being under the belief that he is only killing a ghost, he is not guilty. If I go to anybody's house and I find a book there resembling mine and I remove it from there, thinking that it belongs to me, I am not guilty of having committed a theft.

The Honourable Shri Jagjivan Ram: But you have to prove it.

Pundit Thakur Das Bhargava: The man who wants to deprive me of my liberty has to prove it. In a Court of Law the onus of proof never changes; it always lies on the prosecution. I am surprised to hear that the accused has to prove that. As a matter of fact every lawyer knows that it is the bounden duty of the prosecution to prove the *mens rea* in a case of this nature. A strike is illegal not by virtue of any act of a person participating in such a strike but by an act of the Government; unless Government makes a strike illegal in an industrial establishment, the strike is not illegal. Unless the Government appoints a tribunal or a Board and it commences work the strike does not become illegal according to section 23. Now the strikers and the Government must conspire or must agree to make a strike illegal. Such strikes have been newly constituted into an offence. In the old Trade Disputes Act such a provision did not exist. Now as soon as the Government appoints a Board of Conciliation or a Tribunal and after it has commenced the work if any person begins or continues to strike then he is guilty. Otherwise before such a contingency arises any person may strike in an industrial establishment and his act will be quite innocent. This is the position now. So in respect of industrial strikes in ordinary industrial establishments it is clear that the Government is a party to the strike. If the Government do not choose to appoint a Board or Tribunal there will be no illegal strike. May I ask how these orders will be passed by the Government? The Government will pass the order of appointment in the Chamber of the appropriate Government and there is no provision in this Bill for the publication of that order. An order may be published in the Government Gazette—we do not know what the rules will be—but I presume that the order will be published in the Gazette. This will not be sufficient publication for presuming knowledge. Any person who wants to help his brothers—the labourer—will not know that the Government has appointed a Board or has appointed a Tribunal. Those labourers may come to know that a Board has been appointed, but those who want to help them and help them sincerely—I am not speaking of those leaders who foment trouble; I am speaking of those whose duty it is to help the labourers in the belief that those who are helpless and weak should be helped—they will never come to know that as a matter of fact a tribunal has been appointed or a Board of Conciliation has been appointed. For such persons unless and until the prosecution proves that they are helping an illegal strike, such an offence, if made by the law, will be in contravention of the accepted principles of jurisprudence. Now, Sir, this is not all. If you look at the provisions of section 22, you will be pleased to find that there also in a public utility concern an ordinary strike becomes illegal if there is absence of notice or that 14 days are not allowed to pass before a strike begins or it takes place after the Conciliation Officer commences his work. There again the law has been changed. Previously any person who did not give notice became guilty under section 14 of the Trades Disputes Act whereas now the law is changed in so far that clause 4 of section 22 states that notice of a strike shall be given by such number of persons to such person or persons and in such manner as may be prescribed. Clause 38 speaks of the manner in which the Government

[Pundit Thakur Das Bhargava.]

is competent to make rules and the manner in which and the persons by and to whom the notice of strike or lock-out may be given and the manner in which the notice shall be communicated. The House is aware that the Railway Act prescribes certain notices before an action is brought. If a notice by registered post is required an ordinary postal notice will not be sufficient. If a registered acknowledgment form notice is required an ordinary registered notice will not be sufficient. So also the Government can provide that a registered notice with acknowledgment due will be necessary or unless 50 persons or a certain percentage give notice such notice will not be legal. In all these matters it would appear that any person, any right-minded person, any philanthropist, any social worker, any man interested in labour, and any person who wants to help labour when the labourers inform that they have given notice, will have to find out from the records of the Government that the notice is legal? Suppose twenty sweepers came to an M.L.A. and said that some person some Secretary, Executive officer or overseer who was in charge of them is guilty of tyranny towards them. He wants them to perform *begar*. He asks them to do things which they are not bound to do under the law and the M.L.A. is informed that they have given notice and further that the necessary number of persons has given notice and he helps them by money, advice and by writing articles in the papers I do think that under the provision of this law, however right-minded that man may be, he will be guilty. I do not know much about the conditions of factory labour. I know this much that in the definition of public utility service the law has included any system of public conservancy or sanitation, also, and in a small town some sweepers may go on strike and some people in sympathy with them may want to help them. They will be in difficulty. It shall be for those who help them to find out if the strike is legal and then they will be able to help them. This is not the correct way in which the law should be enacted. I submit that the burden of proving that a strike is illegal and that it is known to be illegal, is on the prosecution and the prosecution must accept that duty. I have no sympathy with those who foment strikes unnecessarily. But in many cases these gentlemen also perform a public duty in this sense that they arouse the latent consciousness of their rights among the labourers. In so far they perform a public service. With such of them as foment strikes, for their own selfish gain I have no sympathy. They are clever people and will elude law and those who will be enmeshed in the law will be in many cases innocent people. Now, I will give you another example. These words in section 27 are very ambiguous: "Any person who instigates or incites others to take part in . . .". I am very suspicious of the words "any person". They include "workmen" also. What is a strike by its nature? A man alone cannot be guilty of any strike. The consensus of two or more persons must be there so that a strike may come into being. If two or five persons combine, according to the definition of strike in the Bill, they must cease work and they must act concertedly. Now the persons who want to go on strike are bound to come to their fellow workers and tell them that they must cease work for the same reason for which they themselves are stopping work.

Pandit Balkrishna Sharma (Cities of the United Provinces: Non-Muhammadan Urban): Illegal strike or any strike?

Pundit Thakur Das Bhargava: I am coming to an illegal strike. Any person who joins another and asks him not to do work will come under
 3 P. M. Section 27 if the strike is as a matter of fact illegal, though he does or does not know exactly that it is illegal. In the Trades Disputes Bill under section 17 there was a proviso which ran:

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

That proviso is not found here. My own opinion is that the strikers themselves who ask others to strike and if the strike is illegal will come under the

mischief of this rule and under Section 26 the punishment is one month and Rs. 50 whereas in the present rule it is six months and Rs. 1,000 fine. Previously under the corresponding section the punishment was only three months or Rs. 200 fine.

Mr. S. C. Joshi: That was in connection with political strikes.

Pundit Thakur Das Bhargava: That was in connection with political strikes but now you are making ordinary strikes illegal. You are extending the law. You must therefore see that its tentacles are not so wide. You yourself say in section 25 that no person shall knowingly do it. Will you say it in section 28 that even if you do it unknowingly you are guilty? Unless a person knows he is doing something wrong, he should not be held guilty. I do not think that a person will be guilty unless he knows that he has done wrong. If a friend of mine puts a hundred rupee stolen note in my pocket, will I be guilty of receiving stolen property unless I knew of it?

It may be that a strike that is to all appearances quite legal may be in fact illegal on account of the technical difficulties which I have just pointed out to you and such a strike if illegal may not be known to be illegal and it can involve many innocent persons. If the Government provides that an illegal strike is notoriously made public so that every one comes to know that it is illegal those persons who join such a strike may certainly be punished.

I shall make one more remark. In ordinary legislation such safeguards for the ordinary accused should not be taken away from those for whom the offence will be quite new and who will be persons who will not be doing anything illegal. In an ordinary case under the provisions of the Indian Penal Code under section 96, a person has a right to defend his own body, the body of his neighbour and the body of all persons. Under the ordinary provisions of strikes, a person has a right to defend the economic interests of himself, fellow labourers and other persons in the society. If the employers tyrannise over labourers, what should the ordinary man do? It is one's duty to help the labourers in that contingency and it should not be made an offence for anyone to help them without his knowing that by so doing he is committing a wrong. I therefore submit with all the emphasis that I can command that the words "and which he knows to be illegal" should be inserted in clause 27.

Mr. President: Amendment moved:

"That in clause 27 of the Bill between the words 'illegal' and 'under' the following words be inserted, namely:—

'and which he knows to be illegal'."

Miss Maniben Kara: Sir, I rise to support the amendment which my Honourable friend has moved. It really gladdens my heart to see that there are persons in the Congress camp who dare judge questions on their own merits and are not prepared to Ditto every bill which comes from the Treasury Benches.

The last speaker has explained and advanced arguments in a much abler manner than what a lay person like me can do. He being a lawyer has been able to grasp the arguments that were advanced by the representatives of labour to show how the whole Bill is defective, how it is an encroachment upon the civil liberties of the people and how it tries to turn a breach of a civil contract into a criminal offence . . .

Mr. President: The Honourable Member is going over the whole ground again. The question here is, if a strike is declared illegal it is for the prosecution to prove that the person who is alleged to have joined the strike knew that it was illegal before he is held responsible.

Miss Maniben Kara: For the information of the previous speaker I would say that a strike is declared illegal, not only when it is referred to a board of conciliation, but even when a strike takes place without notice, it is illegal. When a strike takes place during the pendency of the award it is illegal. In

[Miss Maniben Kara.]

such cases the workers are not likely to know whether the strike is legal or illegal. When the award is in operation the workers are not supposed to go on strike. The award may last for a year or two and if the workers within that period go on strike, according to the clause as it stands those people will be committing an offence if they strike. The last speaker rightly pointed out that ignorance is not a crime. In our country the workers are not literate. They cannot read or write and they are not likely to know whether a strike is legal or illegal. In that case we cannot make it an offence if workers abstain from work, because they may not know whether it was legal or illegal, to do so. It would be a great injustice to those workers to penalise them for their ignorance. I therefore support the amendment moved by the last speaker and I hope that his colleagues will also support the amendment which has been moved and also the Honourable the Labour Member will accept it.

Sjt. N. V. Gadgil: (Bombay Central Division: Non Muhammadan Rural): The cases contemplated under clause 25 are the cases of those who merely contribute out of sympathy for the strike. Clause 27 contemplates a person who 'instigates or incites' others to take part or otherwise acts 'in furtherance of a strike or a lock-out'. The class of persons contemplated in clause 27 is altogether different from the class of persons contemplated in clause 25. The very words 'instigate' or 'incite' clearly show that the persons who are contemplated are not persons who are mere sympathisers nor indeed are workers, because, workers are already in it and if the workers are already in it they know that the strike is illegal.

Honourable Pundit Thakurdas Bhargava, wants to protest those who innocently help strikes. The very use of the words 'instigates' or 'incites' shows that the person contemplated is really not one who merely shows sympathy. The persons who are contemplated are dabblers, active mischiefmongers and to insist that knowledge of the particular strike having been declared illegal must be proved by the prosecution is to put a premium on their further mischief. The fact that they dabble throws the responsibility on them to know what they are doing and if something like what is suggested in the amendment is incorporated the very object of this clause will be frustrated.

Mr. President: May I point out one thing, though it is not my function directly. Is the class of persons contemplated by clause 25 of this Bill not governed by the words "otherwise acts in furtherance of a strike or lock-out"?

Mr. S. C. Joshi: That is provided in clause 28. The penalty for those who act under clause 25 is specifically provided in clause 28.

Sjt. N. V. Gadgil: The words "otherwise acts in furtherance" do not mean something different from what goes before that clause, viz., 'instigates or incites' or something which is akin to it, something which is consistent with instigation or incitement.

Mr. President: Is the Honourable Member sure that the only construction of these words will be *Ejusdem generis* construction?

Sjt. N. V. Gadgil: As far as I am able to see, it is so.

Mr. S. C. Joshi: Sir, the general principles which my Honourable friend has enunciated are quite true. The original amendment which he gave notice of is "and which he knows or has reason to believe to be illegal". The amendment which he has now moved namely "and which he knows to be illegal", is more restricted. No doubt the doctrine of *Mens Rea* which he so very ably propounded is a good doctrine in the interest of all people who are accused of any offence. Certainly in this country that doctrine has no application as such unless it is specifically mentioned in the definition of an offence. Here it is really intended not to include that doctrine, not to make that doctrine as the basis of a prosecution or an offence. It may be that the intention of the Honourable Member who moved the amendment is to protect people of the

type of M.L.A.'s, who act in the best interests of the workers. But is it not their duty also to see, before they try to help the poor workers in their fight for the improvement of their conditions, to make enquiries of the circumstances under which they are either going on strike or have gone on strike. If help is to be given, the help should be with a view to telling the people that they should not commit illegal acts. No body should excite, incite or instigate them either to continue the illegal strike or to go on an illegal strike. If they deliberately do that, then they should suffer the consequences.

Pundit Thakur Das Bhargava: My Honourable friend is rather supporting my point.

Mr. S. C. Joshi: The fact that they are helping them shows that they have made the enquiries and are satisfied. But if they start helping them without making the enquiries, then it is their fault. Before trying to help people and asking them to continue the strike or to go on strike it is necessary for such people to make enquiries into the circumstances under which they are going on strike. What will happen is this. Many people will with impunity, go on strike denying the fact that they had knowledge of the illegality of the strike. It will not therefore be possible to accept the amendment.

Mr. N. M. Joshi: I wish only to make one or two remarks, My Honourable friend Mr. S. C. Joshi admitted that the principle of jurisprudence, which was enunciated by Mr. Thakur Das Bhargava who is an old and very respected friend of mine, is a good one but he said that it did not apply to India.

Mr. President: He did not say that that principle did not apply to India.

Mr. N. M. Joshi: I thought he said that it did not apply here. I do not catch him very clearly from here. If he has not said that I need not deal with that aspect.

He goes on saying that people should make enquiries before they do anything. Certainly, that may be true to some extent if they want to help people in a wrong manner. But strike is not a wrong thing. You make strike illegal on account of certain circumstances. It is not naturally a wrong thing. To abstain from going to work is not a wrong thing like theft. In the case of thefts you may say that. Therefore in my judgment it is for the prosecution or Government to prove that a man had knowledge that he was helping an illegal strike. Ordinarily it is not possible for people to know that a strike is illegal. I therefore hope that the Government of India will not be vindictive against people who have a good object at heart, namely of helping people who are generally exploited by others. I think it is a very sound instinct to come to the help of people who are helpless. You should not suppress a sound instinct by making him prove that he did not have knowledge of the illegality of the strike. I think the prosecution should prove that he had knowledge that he was helping an illegal strike. I again wish to say that I was very pleasantly surprised to find that at least there is one member in the Congress Party who has the courage of his conviction.

Mr. President: The question is:

"That in clause 27 of the Bill between the words 'illegal' and 'under' the following words be inserted, namely:—

'and which he knows to be illegal'."

The motion was negatived.

Miss Maniben Kara: Sir, I move:—

"That in clause 27 of the Bill—

(i) for the words 'six months', the words 'one month' be substituted;

(ii) between the words 'thousand rupees' and 'or with both', the following be inserted, namely:—

'in the case of an employer and rupees fifty in the case of others.'"

[Miss Maniben Kara.]

Sir, we have discussed at length on this particular clause while discussing the amendment of the last speaker. My amendment only says that in a clause like this, where the workers may not even know about the legality or the illegality of the strike, the punishment should not be so severe. The punishment of six months is really too much for a person who is convicted for an offence which he did not know. He may ask his fellow workers to abstain from work not knowing that it is an illegal strike. It will be quite wrong to send a person in that position to jail for six months.

Mr. S. C. Joshi just now pointed out that when a person goes out of his way and advises people, he should have all the knowledge about what he is advising. But the fact is, that a worker knows only one thing when he asks the other workers to withhold labour and that is, that the conditions under which he is working are not satisfactory. He is guided to act by the difficulty to which he has been subjected. He does not bother to find out whether it is legal or illegal to ask a person not to work. The criterion for his advice, will be the condition of work, and not, what view the Government will take of his action. When he goes to advise his fellow workers he is naturally guided to judge a thing on its own merits. He is not guided by what a third party will think about it. This clause says that it will be an offence if he goes and advises a man to react to the natural conditions of his life. There are persons who are lacking in moral courage. They will not act by themselves and to act in consultation with each other may amount to instigation. For this reason I think the punishment of six months jail is too severe a punishment for an innocent act like the one which I have stated.

The second part of the amendment may appear to be partial to the worker as against the employer. I do not want to repeat the arguments used previously, but it is a known thing that you cannot put the employer and the worker on the same footing. A thousand rupees may not mean anything to an employer while Rs. 10 will be a burden to a worker. In this Bill the fine and imprisonment are equal to the worker and the employer. Employers are educated people, they govern the lives of thousands of people and any offence they commit is done with full knowledge. Hence in their case there is no justification whatever for their crimes. The workers are not educated. They do not know what laws are in force and it is unjust to put them on the same level. I can understand a Bill of this kind coming from other members but this comes from the Labour Member and it distresses me to find that he has put labour and capital on an equal footing. I hope the Labour Member will appreciate the spirit in which I have moved this amendment and accept it.

Mr. President: Amendment moved:

“That in clause 27 of the Bill—

(i) for the words ‘six months’, the words ‘one month’ be substituted;

(ii) between the words ‘thousand rupees’ and ‘or with both’, the following be inserted, namely:—

‘in the case of an employer and rupees fifty in the case of others.’”

The Honourable Shri Jagjivan Ram: Sir, I do not accept the amendment.

Mr. N. M. Joshi: I rise to support the amendment. From the speech of the Honourable the Labour Member which he made two minutes ago, his object in putting 6 months imprisonment is that it should be deterrent. I do not know whether the Honourable Member remembers the history of the Congress and whether six months imprisonment imposed was a very great deterrent.

The Honourable Shri Jagjivan Ram: We have experience of that.

Mr. N. M. Joshi: That is exactly what I am stating. I do not think the Honourable Member is doing justice to the other Congressmen who were not

deterred by even ten years imprisonment. He tells me that he has experience. I have known better Congressmen who were not deterred by even much longer punishment.

The Honourable Shri Jagjivan Ram: You have understood otherwise. They knew the consequences.

Mr. N. M. Joshi: But they were not deterred. When men fight for a great cause they are not deterred by your punishments. Congressmen were not deterred by long imprisonments. When a worker fights for his livelihood or even something higher than that, he will not be deterred by your six months imprisonment. What you have to see is whether the punishment is just. Personally I am not a believer in the jail system. If I become the Government, I would not have any jails (*An Honourable Member: How many months will deter you?*) We will consider that. The world is not yet come to that stage. This six months is too long for the kind of offence we are considering.

Then, I do not believe in this system of fining also. I want to bring to the notice of the Government that they have not given proper thought to this legislation. It is a hasty legislation. You are proposing the same fine for an employer and a man who is hundred times poorer than the employer. It only means that you had no time to think over the measure you are proposing. The present Bill is a hastily drafted, badly conceived Bill. I say that Government should give up the attempt or at least accept the amendment which we have proposed.

Sardar Sampuran Singh (West Punjab: Sikh): I feel that when Mr. Joshi and Miss Maniben Kara proposed this amendment they did not really appreciate the way in which such enactments are applied by law courts. Assume for the sake of argument, that the arguments they have advanced are correct. Even then we know that these differences are appreciated by the law courts when giving sentences. They may give a fine of a thousand rupees to a rich capitalist and only Rs. 5 for a poor man. I think no invidious distinctions can be made in enactments. The law should look just to everybody but in its application the law courts will differentiate between a rich man and a poor man when giving a sentence of fine. And in the same way they will differentiate the position of different men when giving them a sentence of imprisonment. To a rich man they may give a fine of Rs. 1,000 and perhaps one days' imprisonment and to a poor man they may give 10 days' imprisonment and perhaps a fine of one or two rupees. So, I think this amendment is altogether unnecessary. The spirit of moving the amendment may be quite correct, but there is no necessity for pressing it and I hope the amendment will be withdrawn.

Mr. President: The question is:

"That in clause 27 of the Bill—

(i) for the words 'six months', the words 'one month' be substituted;

(ii) between the words 'thousand rupees' and 'or with both', the following be inserted, namely:—

'in the case of an employer and rupees fifty in the case of others.'

The motion was negatived.

Mr. President: The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Pundit Thakur Das Bhargava: Sir, with your permission I beg to move:

"That in clause 28 of the Bill, after the words 'Any person who' and before the words 'expends or applies' the word 'knowingly' be inserted."

Sir, in moving this amendment I am assured that the Honourable the Labour Member will be pleased to accept as it flows logically from clause 25, but I

[Pundit Thakur Das Bhargava]

cannot restrain myself from pointing out that you were pleased to explain to the House that the words 'otherwise acts in furtherance of' were susceptible of a meaning which was not in line with the words 'instigates or incites'. Here the words are 'expends or applies any money in direct furtherance or support of an illegal strike or lock-out'; so that here there is a safeguard in the word 'direct'. 'Any person who spends money in direct furtherance' means that he has got some knowledge and it is not only furtherance but direct furtherance. The reasons for accepting this amendment are not so strong as those which were submitted in connection with clause 27. Still, I am glad that the principle has been accepted by the Honourable the Labour Member and I move it.

Mr. President: Amendment moved:

"That in clause 28 of the Bill, after the words 'Any person who' and before the words 'expends or applies' the word 'knowingly' be inserted."

The Honourable Shri Jagjivan Ram: Sir, I accept the amendment.

Mr. President: The question is:

"That in clause 28 of the Bill, after the words 'Any person who' and before the words 'expends or applies' the word 'knowingly' be inserted."

The motion was adopted.

Miss Maniben Kara: Sir, I move:

"That in clause 28 of the Bill—

- (i) for the words 'six months', the words 'one month' be substituted; and
- (ii) for the words 'one thousand', the word 'ten' be substituted."

Mr. President: I do not think any further speech is necessary on this amendment as the matter has already been argued. I will put the motion to the House.

The question is:

"That in clause 28 of the Bill—

- (i) for the words 'six months', the words 'one month' be substituted; and
- (ii) for the words 'one thousand', the word 'ten' be substituted."

The motion was negatived.

Mr. President: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

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

"That in clause 29 of the Bill, for the word 'person', the word 'employer' be substituted."

The object of clause 29 of the Bill is that when a settlement is arrived at between the two parties, that settlement should be respected. That is to say, if an employer by settlement agrees to pay wages at a particular rate or to run his factory for a particular number of hours, he should not break that settlement. So, when a settlement is agreed to or when a settlement is imposed by an award of a court, the settlement should be adhered to. When we consider the question of a settlement being adhered to, we should also consider what each party is expected to do. In the case of an employer who has the whole management of a particular industrial concern in his hands, most of the things are to be done by him. For instance, if wages are fixed at a particular rate, it is for the employer to pay that particular rate of wages. It is not for an employee to put his hand into the cash box of the employer and take the money. Similarly, if a factory is to be run for a particular number of hours, it is for the employer to, so run it. I feel that ordinarily it is for the

employer to take all the positive steps that are to be taken in compliance with a settlement which is binding upon both. Therefore, a clause like this has been found necessary perhaps in a legislation of this kind, that an employer should be expected to carry out all the things mentioned in the settlement because he is the man to carry it out. I have, therefore, suggested that instead of the word 'person' the word 'employer' should be substituted.

Now, Sir, it may be said that it is a settlement between the workers and the employers and both parties have to carry out the terms of the settlement. But there is a fundamental difference between the position of an employer and the position of an employee. So far as the employee is concerned, what can he do generally to honour the terms of the settlement. I think there is hardly anything which is in his hands. Under the capitalistic system, the whole undertaking is run by the capitalist. What is in the hands of the employee is one thing, that is he does not work. That is the one thing in the hands of the employee as regards the observance of the terms of a settlement. Mr. President, this is the fundamental difference between the two. Provision is necessary making it obligatory upon an employer to observe the terms of the settlement and in some legislation some such clauses are inserted. But in the case of an employee, there is a fundamental difference. It is this. It is the principle of sound public policy that you should not compel any man to work against his wishes. That is the principle of human freedom. I would like Honourable Members to consider what constitutes slavery? What does slavery mean? It means that a human being is made to work against his wishes. It is true sometimes a slave in order to be driven to work is whipped. Sometimes a human being is sent to jail in order that he should be made to work. Sometimes, he is fined in order that he should be made to work. But when a human being is compelled to work either by being whipped or either by being sent to jail or either by being fined, it is wrong in principle. It is a form of slavery. It is servitude, it is forced labour. These are different words for the same idea, that a human being should not be compelled to work. Now, Sir, slavery, servitude and forced labour are condemned in all countries and by all parties. Unfortunately we sometimes clothe this idea of servitude in such words that its essence is not observed. What does this clause do? It does not provide for whipping for a man who does not observe the terms of a settlement that he will work for six days in a week or five days in a week. But if he does not observe the terms of settlement he is fined. It is true that this clause does not provide for imprisonment, nor whipping but the object of fine is the same, to compel that man to work against his wishes.

The Honourable Shri Jagjivan Ram: There is nothing to prevent him from resigning and walking out.

Mr. M. N. Joshi: Resign after giving due notice. (Interruption). I think my Honourable friend Mr. Griffiths is working at present in tea industry. I am sure he has not yet forgotten the history of indentured labour. Has he perhaps he does not remember it.

Mr. P. J. Griffiths (Assam : European): I have read all about them.

Mr. N. M. Joshi: What is indentured labour? The indentured labourer makes a contract that he will not leave his service without notice. That is a contract. That is indenture. Does my Honourable friend know that? He knows it very well. It is this system of indentured labour which was condemned in our country by men like Mahatma Gandhi so far as it related to South Africa. Men like the late Mr. Gokhale worked for its abolition and got it abolished. Leave aside Mahatma Gandhi and Mr. Gokhale, there were Britishers in this country whose conscience was not entirely killed and who could be persuaded to withdraw such legislation from the statute book of India. We had many such pieces of legislation.

Sir Cowasjee Jehangir: You are bringing it back again.

Mr. N. M. Joshi: That is exactly what I am explaining to you. We had many forms of indentured labour in India. We had the Assam Planters Act, the last Act which made the breaking of a contract illegal in Assam.

Sir Cowasjee Jehangir: Are you now speaking of the 1929 Act?

Mr. N. M. Joshi: There was the Workmen's Breach of Contract Act which was repealed by the efforts of Englishmen like Sir Alexander Muddiman. Sir Alexander Muddiman could be persuaded by this legislature, with my humble request to repeal the Workmen's Breach of Contract Act. Not only that. He repealed certain section of the Indian Penal Code. Not only that. He persuaded the Madras Government to repeal the Madras Planters Contract Act. He also got the Coorg Planters Act repealed. The object was that such contracts for specific performance of terms consisting of actual working are immoral contracts. When a contract is made that a man should work and there is put in it a clause that if he does not fulfil the terms of the contract, he shall be punished.....

Sir Cowasjee Jehangir: What has that got to do with the amendment?

Mr. N. M. Joshi: You please listen to me. Is it not that such a contract is an immoral contract? It has been admitted to be an immoral contract by men like Mahatma Gandhi and Mr. Gokhale and even by Britishers like Sir Alexander Muddiman who got this legislation repealed.

Mr. P. J. Griffiths: By me too.

Mr. N. M. Joshi: I am glad you had some conscience in those days. Breach of contract to be made an offence has been condemned by International labour organisation and by all the civilised world. There are conventions of International Labour organisation, the passing of such conventions was necessitated because in all colonial countries, including India, such legislation did exist, that is people could be compelled to work against their wishes either by a system of fine.

The Honourable Shri Jagjivan Ram: There is nothing here to compel them.

Mr. N. M. Joshi: Please have patience. I know you are feeling nervous. I am now explaining to you what the indentured system and forced labour is and what a workmen's breach of contract is and as you are feeling nervous, I am glad that your conscience is being aroused. Sir, the international law is against anything which compels a man to work, failing which he is either fined or sent to jail or whipped. My Honourable friend wants to know what is there in this clause. He has not read it properly and so does not see the implication of it. This clause may compel a worker under the terms of his contract not to leave his work without notice, on pain of being fined. If he does not pay the fine the Criminal Procedure Code will apply and the poor man will be sent to jail. It is quite possible that one condition of the settlement will be a notice before a man leaves his service; otherwise he will be fined. Now 95 per cent. of the workers do not have Rs. 200,—the amount of the fine. And by this clause the Honourable Member will be re-enacting slavery, servitude and forced labour,—provisions which were once condemned by this legislature.

Sir, one thing more. I do not like breach of a civil contract being turned into a crime. Government say that in the interest of the public strikes should be prohibited. Of course I admit that some strikes may inconvenience the public and you have some justification for making a strike illegal, according to your definition of a strike that when two persons join and leave their work in combination it becomes a strike and if they leave their service in breach of a settlement contained in an award they will be punished. In my view even that is forced labour and slavery and servitude. But for the sake of argument I am prepared to agree that there is a difference between a strike and an individual act. And one fundamental question that I now raise is whether

one single individual who breaks his contract of service without giving notice to his employer should be fined and sent to jail for not going to work. I again make it clear that there may be justification for making strikes illegal and people who go on strike being sent to jail. But you are not content with that. I can understand your saying that if there is a settlement there should be no strike, although in theory I do not accept it. But in practice I quite realise that there may be occasions when a strike really assumes very big proportions; and some people may think that it is a public danger. But I cannot understand why leaving work by a single person individually against his terms of contract—admittedly—should be treated as a criminal offence.

Mr. President: How is that case covered?

Mr. N. M. Joshi: It is covered by a man who breaks his terms of settlement.

Mr. President: Can there be a settlement with one man alone?

Mr. N. M. Joshi: No, but the clause is that "any person can be punished" etc. There is a condition of the award that a man shall not leave his service without notice. If he does so he becomes liable under this clause to a fine.

Mr. President: The point I wanted to put was this. The Honourable Member was referring to individual contracts of service, while the clause speaks of collective settlement and collective awards.

Mr. N. M. Joshi: The contract may be for all people who agree that they will not leave work without notice. But under this clause if an individual leaves service.....

Mr. President: Is it covered by the clause?

Mr. N. M. Joshi: I think it is. The term of the settlement is that every workman must give notice. Now notice is to be given individually and cannot be collective.

Mr. President: The point of distinction will be that while on the one hand he wants to place the worker on an individual basis the Bill speaks of a collective settlement and award, and therefore the basis of the contract between the worker and the employer will be a collective contract. The Honourable Member wants to have the advantage of a collective contract and yet for the purpose of escaping the consequences he wants to treat that settlement as an individual contract.

Mr. N. M. Joshi: If the Honourable Member's legal advisers tell me that a man who is part of this settlement can leave his service without being punished I shall surely agree.

Mr. President: That they cannot say.

Mr. N. M. Joshi: Therefore I say that an individual is punished if he does not want to work and leaves his work without notice. I consider that to be slavery and servitude and forced labour. Sir, some time back I had heard that the Honourable Member was anxious to appoint a committee to go into the question of forced labour. I cannot understand the Honourable Member's interest in forced labour if he wants to force a man to work against his will. He should not try to introduce force labour by this clause. He cannot claim to be helping the labour when by his own enactment he is bringing back the old enactments—the Workmen's Breach of Contract Act, the Assam Legislation, the Clauses in the Penal Code, the Clauses in the Madras Planters' Labour Act. Therefore, I feel, Sir, that the House should not agree to the Honourable Member's intention of punishing workers and putting them in jail if they do not pay a fine and imposing a large fine on them and thus compelling them to go to work against their wishes. I hope the House will realize

[Mr. N. M. Joshi.]

what they are doing, and not support the Honourable Member in his intentions which in my judgment are extremely wrong.

Mr. President: Amendment moved:

"That in clause 29 of the Bill, for the word 'person', the word 'employer' be substituted."

Mr. P. J. Griffiths: Mr. President, since I have come under the sharp though benevolent castigations of my Honourable friend, Mr. Joshi, I feel I must in the course of two or three brief sentences make my position clear. I dislike indentured labour just as much as does my Honourable friend, Mr. Joshi; I dislike binding settlements just as much as does my Honourable friend Mr. Joshi; I hate binding awards even more than does my Honourable friend Mr. Joshi.

Mr. N. M. Joshi: I am glad.

Mr. P. J. Griffiths: Right from the start of this Bill I have opposed this principle of binding awards. According to my way of thinking the very principle of a binding award is parallel with that of indentured labour. In the case of labour it is slavery and in the case of employers it is an entirely unjustified interference with the freedom of contract. It should not be in the Bill at all.

As I said the other day on the rare occasions when my Honourable friend, Mr. Joshi, and I agree, I know that he is right. About this matter we agree, but we lost. We failed to carry our point; we failed to convince this House and we failed to convince the Select Committee that the employer and the employees should have the right to fight it out. We were turned down and the decision was taken that in the interest of society, awards must under some circumstances be made binding. The only question is if awards are to be made binding, on whom they should be binding? When you have a dispute there are two ways of dealing with it: To let the two parties settle the dispute between themselves, or to cite them both as parties before a Conciliation Board or a Tribunal and have an award of some kind. Now if you have that award, does it mean anything unless it is binding on both the parties concerned? Does it make sense to call the parties to a Tribunal—the sort of august tribunal which is proposed in this Bill—and then say as far as 'A' is concerned the award is made binding on him, but as far as 'B' is concerned, though he is a party to the dispute, though he is cited before the Tribunal, he is not to be bound by the award at all? In a matter of this kind what is sauce for the goose must be sauce for the gander.

[At this stage Mr. President vacated the Chair which was then occupied by the Deputy President (Khan Mohammad Yamin Khan).]

Mr. N. M. Joshi: No, Sir.

Mr. P. J. Griffiths: I would give no sauce to either, but if one is to have it so must the other. We in this Group will not agree with one principle for the employer and another for the employee in a matter of this kind. As long as this clause which makes an award binding stands on the Statute Book at all, that binding force must be the same with regard to the employer and the employee.

Mr. N. M. Joshi: In that case the Honourable Member supports my next amendment.

Mr. P. J. Griffiths: I supported it from the very first day, but I have been driven to despair of success in it. I do support it, and I shall certainly vote for it.

But the point I am trying to make is this that since the award must be binding on both sides there must be a penalty on both sides. Does it mean anything to say that an award is binding, if you provide no penalty for the party which does not keep it? What sense is there in saying that this award is binding on you, but if you choose to ignore it, it will be wrong of you, but

we shall not do anything about it? Either let us have no binding awards at all, or we should recognize the fact that an award must be binding on both sides, and because it is binding on both sides, there must be a penal clause for anybody on either side who commits a breach of an award. Sir, I oppose Mr. Joshi's amendment.

Dr. Zia Uddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I said at the very outset that this Bill is an indirect attempt to enforce indentured labour and therefore I consider that this entire Chapter VI ought to be deleted. After all it is really a civil liability and under this Chapter VI you are turning this civil liability into criminal liability. I thought this suggestion should not come from a person who represents labour because he ought to be the first man who should oppose the principle of changing a civil liability into a criminal offence. That is the point on which I stand, and therefore I will be very happy if this whole Chapter VI is omitted.

The Honourable Shri Jagjivan Ram: I do not want to make any long speech on this point. The amendment as it is, will mean that the award will be simply binding on the employers and not on the workers. If the provision for an award has got any sense it must be binding on both the parties as my Honourable friend, Mr. Griffiths, has said. As regards the question of indentured labour, I think the whole issue has been mixed up. There is no comparison between the indentured labour and this clause. Sir, there is nothing in this Bill, I say, to prevent a worker from resigning his work and seeking opportunities for better wages, and better conditions of service. If he is not satisfied with his employment in one factory, he can go to another factory and seek a better job there, whereas in the case of indentured labour he has not got that option. So we cannot mix up those two things together. Any comparison with indentured labour is doing injustice to this clause, and the whole Bill. I do not accept the amendment.

Mr. Deputy President: The question is:

"That in clause 29 of the Bill, for the word 'person', the word 'employer' be substituted."

The motion was negatived.

Miss Maniben Kara: Sir, I move:

"That in clause 29 of the Bill—

- (i) between the words 'punishable' and 'with fine' where they occur for the first time, the words 'in the case of an employer' be inserted;
- (ii) the words 'and in the case of a workman with a fine of five rupees' be added at the end."

I listened with keen interest the arguments advanced by my Honourable friend, Mr. Griffiths. He agrees with us that there should be no compulsory arbitration and since he agrees with that principle, naturally he also does not want the award to be binding. But in this case Mr. Griffiths and myself are helpless because the Honourable the Labour Member will not accept our suggestion.

Mr. P. J. Griffiths: We are the oppressed proletariat.

Miss Maniben Kara: But I cannot accept the argument which he has advanced that the employer and the employee should be on the same level as far as the penalty is concerned. Sir, he as an employer naturally has to champion the interests of his own class but he forgets the inequality between himself and myself. He as a representative of an employer is in a different position economically, and economic inequality certainly entitles me to move my amendment which says that I should not be governed by the same rules as he will be.

The Honourable Shri Jagjivan Ram: That you have already said so many times.

Miss Maniben Kara: But you do not accept it and therefore you compel not to repeat it.

[Miss Maniben Kara]

The clause as it stands imposes the same amount of fine on the employer and the employee. It imposes the same term of imprisonment for an employer and for an employee. This presupposes equality between two classes which does not exist. Not only is there inequality in economic status, there is also inequality in respect of their education, in respect of employer being in a position to control the lives of hundreds and thousands of workers. Employers are in a responsible position and Sir, I can tell you that in most cases the breach of agreement comes in a very subtle way from the part of the employers. The breach of settlement by the employees is known to the public because they immediately react, they react to the changed conditions of life and they withhold their labour. But the employer does not apparently make any changes in the condition of labour in the sense that he reduces their wages, but he makes certain changes in the conditions of work by which an employee as a result of these changes at the end of the month gets something less in his hands without knowing how that calculation was arrived at. Sir, under these conditions, where there is absolutely such economic inequality between the two parties to legislate in a way putting labour and capital on the same level is not right. I therefore move my amendment and I hope that the Members of the European Group also will support the amendment I have moved.

The Honourable Shri Jagjivan Ram: It will have the same fate.

Mr. Deputy President: Amendment moved:

“That in clause 29 of the Bill—

- (i) between the words ‘punishable’ and ‘with fine’ where they occur for the first time, the words ‘in the case of an employer’ be inserted;
- (ii) the words ‘and in the case of a workman with a fine of five rupees’ be added at the end.”

The Honourable Shri Jagjivan Ram: Sir, I do not accept the amendment.

Mr. N. M. Joshi: The object of this amendment is to reduce the fine being imposed upon a workmen to Rs. 5.

Mr. Deputy President: That has been explained by Miss Kara.

Mr. N. M. Joshi: The point is this that the fine imposed in this clause is on an individual workman. It is not on a Union. Fine of Rs. 200 must be regarded as too high and perhaps beyond the power of an individual worker to pay. The fine may extend to Rs. 200 and in the event of a second conviction the fine may extend to Rs. 500. This fine of Rs. 200 and Rs. 500 on poor workmen is a vindictive fine and I would like the Government of India to consider whether they should be guilty of this vindictiveness against the working classes. I therefore, Sir, suggest to the Government of India that they should have accepted my first amendment and omitted the workers from the operation of this clause. They have not done it but to impose a fine of Rs. 200 and then take powers to extend it to Rs. 500 is in my judgment cruelty and even wickedness. The Government may depend upon the votes of people who sit behind them. I therefore appeal to them whether a fine imposed upon an individual workman for breaking the contract of service should be allowed to reach the limit of Rs. 200. Not only that but may be extended even to Rs. 500. Is that humanity? Is that a reasonable amount of fine I ask a Congressman who has the courage of conviction to speak out in this Legislature?

Mr. Yusuf Abdoola Haroon (Sind: Muhammadan Rural) Not now!

Mr. N. M. Joshi: And say that this amount of fine is a reasonable one. The Honourable Member says he opposes my amendment and says nothing else. What else can he say! If he imposes a fine of Rs. 200 on an ordinary workman and also wants to extend that fine to reach Rs. 500 what could he say?

Shri Mohan Lal Sakseva: It is for the Courts to decide

Mr. N. M. Joshi: You are giving them power. You are not making a law not to be observed by the Courts. You are passing a law in order that the Courts should obey and follow it in practice. The Courts may have discretion but if the Courts have the same hearts which you are showing today, what chance has a poor workman?

Mr. P. B. Gole (Berar: Non-Muhammadan): The Courts have a judicial mind!

Mr. N. M. Joshi: I would like you to consider whether fines imposed upon individual workmen for breaking their settlement is just. Besides, a settlement may, as I have said, include a clause that the man will not leave his job without a notice of a month, which may be thirty days, whereas he may give notice of twenty-nine days and thereby become liable for a fine of Rs. 200.

Shri Mohan Lal Saksena: But the Courts will take that factor into consideration and impose a very small fine.

Mr. N. M. Joshi: I want the Legislature to take that into consideration.

Shri Mohan Lal Saksena: The Legislature cannot.

Mr. N. M. Joshi: The Legislature can say that the fine in the case of an employer should be Rs. 200 rising to Rs. 500. But in the case of a workman it should not exceed more than Rs. 5 or Rs. 10 or something to that effect. The Legislature can say that and that is my charge against him. I hope, Sir, that the House will accept the amendment.

Mr. S. Guruswami (Nominated Non-Official): I should like to make a few observations. This amendment violates a fundamental principle contained in the Payment of Wages Act. That Act prescribes that in cases of breach of regulations an employer has not the right to fine a person more than half anna in the rupee of workman's wages. But under this Bill a greater amount of punishment is provided for the workers. In a question relating to the relationship between the employer and employees in this Bill the Government have a different standard. In fact they adopt a standard which is a reprehensible one and which is in direct contravention to what is recognised in the Payment of Wages Act.

Secondly, until and unless we have a socialist state or a society where full employment policy is implemented, there is an unwritten Industrial Disputes Act, whereby the employer can make the worker do as he pleases, because in effect the employer dictates the conditions of workers' service. Very rarely an employee has the courage or the circumstances to rebel against the employer's authority and when he does it why should the Government come in and say that they would penalise such a worker who exercises his right to rebel against atrocious conditions? Therefore it is that I want that the employer alone should be made to observe the terms of the settlement or award, because he has the power to compel a majority of the workers to do as he pleases. It is very rare that the workers are in a position to dictate what they want. Therefore this mathematical equality of punishment between the employer and the employee in this matter is not equality but inequality and I want the assurance of the Honourable Member that he would, at least, in token of our having accepted the proviso that both the employer and the employee should be dealt with under this Act, legislate for a lesser amount of punishment in so far as the workmen are concerned.

Mr. Deputy President: The question is:

"That in clause 29 of the Bill—

- (i) between the words 'punishable' and 'with fine' where they occur for the first time, the words 'in the case of an employer' be inserted;
- (ii) the words 'and in the case of a workman with a fine of five rupees' be added at the end."

The motion was negatived.

Mr. N. M. Joshi: Sir, I rise to oppose this clause. I have explained in my speech that this clause contains the germs of slavery or servitude, forced labour or indentured labour.

Shri Mohan Lal Saksena: Why repeat the arguments then?

Mr. N. M. Joshi: I was not going to repeat the arguments.....

Mr. Deputy President: You are not allowed to repeat arguments.

Mr. N. M. Joshi: My Honourable friend should have shown a little more patience. Patience is not a bad virtue. What therefore I have to say is that this is a matter of fundamental principles. I am against indentured labour or forced labour, against any form of servitude.....

Shri Mohan Lal Saksena: So are we.

Mr. N. M. Joshi: Doubtful. I cannot believe it. I would therefore not only oppose this clause but I shall request you, Sir, to give me the indulgence of asking for a division on this motion.

Mr. Deputy President: The question is:

"That clause 29 stand part of the Bill."

The Assembly divided:

AYES—43.

Ali Asghar Khan, Mr.	Madandhari Singh, Mr.
Banerjee, Shree Satyapriya.	Maitra, Pandit Lakshmi Kanta.
Bhalja, Mr. G. S.	Mandal, The Honourable Mr. Jogendra Nath.
Bhattacharyya, Rai Bahadur Devendra Mohan	Menon, Sri A. K.
Chaudhuri, Sreejot Rohini Kumar.	Mukut Bihari Lal Bhargava.
Chundrigar, The Honourable Mr. I. I.	Nazimuddin, Khwaja.
Gadgil, Sjt. N. V.	Nehru, The Honourable Pandit Jawaharlal.
Gangaraju, Sri V.	Neogy, Mr. K. C.
Gokhale, Mr. B. K.	Panjabi, Mr. K. L.
Gole, Mr. P. B.	Ram Narayan Singh, Babu.
Gounder, Sri V. C. Vellingiri.	Saksena, Shri Mohan Lal.
Gupta, Lala Deshbandhu.	Sampuran Singh, Sardar.
Ishaq Seth, Haji Abdus Sattar Haji.	Satakopachari, Sri T. V.
Jagannathdas, Sri.	Shoobert, Sir Harold.
Jagjivan Ram, The Honourable Shri.	Siddiquee, Shaikh Rafiuddin Ahmad.
Jehangir, Sir Cowasjee.	Sinha, Shri Satya Narayan.
Jhunjunwala, Mr. B. P.	Sukhdev, Seth.
Joshi, Mr. S. C.	Turner, Mr. A. C.
Karmarkar, Shri D. P.	Varma, Mr. B. B.
Kharegat, Sir P. P.	Vinchoorkar, Sardar N. G.
Lal, Mr. Shava.	Zia Uddin Ahmad, Dr.
Ilaquat Ali Khan, The Honourable Mr.	

NOES—5.

Griffiths, Mr. P. J.	Joshi, Mr. N. M.
Guruswami, Mr. S.	Kara, Miss Manibea.
Harvey, Capt. G. T. B.	

The motion was adopted.

Clause 29 was added to the Bill.

Mr. Deputy President: The question is:

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Clauses 31 to 40 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I beg to move:

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

Mr. N. M. Joshi: Sir, in this Bill, though not many, some amendments have been made. Therefore, unless you waive the Standing Order, the third reading cannot be taken on the same day. I feel that the third reading should not be taken today and it may be taken on the next day. My reason why you should not waive the Standing Order is that you should not take such an important motion at this late hour when we are tired.

Mr. Deputy President: I would like to know the Government's position in this matter.

Mr. Shavax A. Lal (Government of India: Nominated Official): Sir, we have come to the tail end of the Bill.

Mr. Deputy President: I suspend Standing Order 49. I think sufficient notice of all the amendments has been given. The amendments themselves are of a very minor nature as the Honourable Member knows. The amendments which have been made and accepted by the House are not of a nature which require special consideration. I therefore think that I should exercise the right of the Chair under these circumstances of suspending the Standing Order. We have already sat for several days on account of this Bill and the Chair will be perfectly justified in taking this action. Therefore I suspend Standing Order 49 for the purpose of the third reading and I would allow this motion. Now, I shall put the motion.

Motion moved:

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

Mr. S. C. Joshi: Sir, I move:

"That sub-clauses (2) and (3) of clause 24 be omitted, and sub-clauses (4) and (5) be re-numbered as sub-clauses (2) and (3) respectively."

Mr. Deputy President: The question is:

"That sub-clauses (2) and (3) of clause 24 be omitted, and sub-clauses (4) and (5) be re-numbered as sub-clauses (2) and (3) respectively."

The motion was adopted.

Shree Satyapriya Banerjee (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): If I stand at this fog end of the day, I do so not with a view to bury Caesar nor to praise him but to render unto Caesar what is Caesar's. I have listened to the dispute between the indomitable labour trio and the inexorable Labour Member over the Industrial Disputes Bill with patience, with interest, sometimes with amusement and sometimes also with profit. During the consideration stage, my Honourable friend the Leader of the European Group, the representative of European capital was pleased to observe that this Bill was a slavish imitation. May I ask him, if this Bill is a slavish imitation whether all the social legislation that has taken place in England to this day is not a slavish imitation of the social legislation that has taken place in England to this day is not a slavish imitation of the social legislation of Germany. It is not slavish imitation, Sir, which leads to institutional indigestion but a conscious and deliberate adaptation of ideas and practices successfully tried elsewhere, adaption which saves the body politic from institutional atrophy. It was interesting to observe that Mr. Griffiths hurled some attacks on the Bill, indicted the whole labouring class, chose to remain a silent spectator for a time rather than an active participant in the wordy warfare between the stubborn labour trio and the adamant Labour Member again flared up like the last flicker of a dying lamp and called a division. I am not pursuing the matter further.

Let me come now to the provisions of the Bill. One ray of light and the one feature of hope that I find in this Bill is the provision of the Works Committees, even though my Honourable friend Mr. Griffiths was opposed to them, because the labouring class uneducated, untrained and unorganised as it was, it was impossible and derogatory to sit at the same table with them to discuss

[Shree Satyapriya Banerjee].

matters of common interest. May I put to him this simple question? If the labouring class of today is uneducated, untrained and unorganised, is it not due to the callous indifference of the employing class which Mr. Griffiths represents? If, Sir, it has sown the wind, it has to reap the whirlwind. I leave the matter at that. Works Committees have also been attacked by my friend Mr. Guruswami. I know that Works Committees have been also opposed by trade unionists, not because they are against it as such but because they are afraid that certain unscrupulous employers will foster the growth of Works Committees in order to destroy trade union influence in their works—and there is a real danger that Works Committees may be used in opposition to trade unionism. It is important that such fears should be guarded against in the initiation of any scheme. I hope the Honourable Member will see to it that the employees' side in the Works Committees shall be trade union members. May I in this connection refer to the report of an inquiry conducted by the Ministry of Labour in England in which it is said:

"This is the best thing that has ever happened in the shop . . . It means that a Works Committee is felt to be something vital and something new—something that enlists the workers in real participation and something that offers fresh promise for the future."

From the employers' point of view, it is said that Works Committees mean discussion and that means loss of time. That means again decrease in production and again it is said that Works Committees stand in the way of new ideas and processes and they are against progressive change. All these are theoretical objections and not founded on facts. Let me quote from the same report:

"More time is gained by the absence of disputes than is lost by the presence of discussion; more improvements can be introduced in an atmosphere of harmony than can possibly be introduced in an atmosphere of suspicion."

Sir, I am sorry that the Labour Member has not completed the picture of Works Committees. I look upon Works Committee as the broad base of the industrial structure which will act as the means of enlisting the interest of the workers in the success both of the industry to which they are attached and of the workshop or factory in which so much of their life is spent. I again note from the report of the Whitley Committee where it says:

"What is needed is a triple organisation—in the workshops, in the districts and nationally—that is to say, over the entire industrial structure."

I hope my Honourable friend and colleague the Labour Member will see to it that he will incorporate in a later legislation all these ideas and bring Works Committees in line with the district and regional committees and the national committees, comprising the whole industry.

Sir, it has been said that the strike has been made illegal; yes, Sir under certain circumstances under clause 24 of the Bill. I would have been happy if it were not done so—but even if it is there I am supported and encouraged by a conviction which is deep in me and to which Lassalle, the great pioneer of German labour movement more than 75 years ago gave pointed expression when he said: *Diese Fragen Sind nicht Rechts fragen sondern Machtfragen*, that is to say—these questions are not questions of law but questions of power and strength. Sir, if I have studied the history of the labour movements of other countries aright, I will say this and that without any fear of contradiction—that the right to strike was never given to labour anywhere at any stage of its progress and development—it has been there as its inherent right and Sir, if the right has not been vouchsafed to it out of generosity by the Government it cannot certainly be taken away by it merely by a stroke of pen. It is a right inherent in it and there is no power on earth—not to speak of the present Interim Government, which I under present circumstances fully support—which can deprive the workers of this right by a simple *ukase*. Sir, if labour grows from strength to strength, as undoubtedly it will, I am sure this provision which makes strikes illegal will be a dead letter soon. I will only

refer to the strike that is going on now in Calcutta, to which reference has been made by my Honourable friend Mr. N. M. Joshi.

It has also been said that arbitration has been made compulsory. Here I am brought face to face with the functions of the Government. What is it that the Government exists for? If I go into the history of political theories, it will take a long time and I refrain from doing it. I will say only this that if a Government deprives the people of their rights, and the right to strike is certainly one of them, the people have the right to alter or abolish it. But, Sir, if for a continuous and prolonged length of time there is a strike and there is no possibility of a settlement between labour and capital and society suffers as a consequence, what shall the Government do under those circumstances? Shall it stand by and watch and allow both the parties to fight out? If that were the function of the Government, I must say that the Government would stultify itself. When things come to such a pass it has certainly the right or rather it is incumbent on it to interfere and I hope and trust that the present Government, which is the people's Government, will intervene only in such exceptional circumstances. When such occasions arise and they, I hope, will be very few and far between, Government will feel itself compelled and bound to interfere and I have no doubt that the Government which is so sympathetic towards labour will do justice to it. The indomitable labour trio need have no anxiety on that score.

It has been said also that criminal liability has been imposed upon the workers. I wish it were not so. I wish also that the definition of strike which was proposed by my Honourable friend Mr. N. M. Joshi were accepted. In that connection my Honourable and esteemed colleague Mr. S. C. Joshi said that the definition of a strike had been brought in line with that of a lock-out. Quite right. But it could have been done just the other way about. In the original Bill the definition of a lock-out contained the words "in consequence of an industrial dispute". The definition of 'strike' also could have been, modified accordingly, whereas now the words referred to above "in consequence of an industrial dispute" have been deleted from lock-out and the definition of strike remains as it is and lacks precision and can bid fair to make confusion worse confounded.

Sir, I do not want to detain the House any longer because I think the House has lost patience and they are anxious to go. In support of the Government I must say that labour legislation is only in the making—the Interim Government, which took reins of office only four and a half months ago, has not found ample time for it and I am sure that the legislation that they have in view will go a long way to redress labour's grievances and recognise their rights and do them full justice.

Lastly, Sir, I cannot but refer to that clause which I consider the blackest in the whole Bill, namely, the penalisation of sympathetic strikes.

P. M. It was due to the farsightedness and patriotism and sense of justice of our leader Pandit Jawaharlal Nehru and to his intervention that that clause was deleted. If that clause had remained, I am sure the Congress would have stultified itself before the country and lost the confidence of the people of the country. Sir, the Bill is designed to make provision for the settlement of industrial disputes—let the Government go to the root of it—let the Government control or abolish capitalism and thus either control industrial disputes or prevent them altogether. Personally, I believe in abolition of capitalism and establishment of socialism because prevention is always better than cure. Sir, I have done.

Dr. Zia Uddin Ahmad: Sir, on the third reading of the Bill I do not want to comment on the clauses of the Bill but will confine myself to the working of the Bill as a whole. I am sure that we all agree with Mr. Joshi and Miss Maniben Kara and Mr. Guruswami in their desire to ameliorate the general

[Dr. Zia Uddin Ahmad].

conditions of labour and provide better amenities to the workmen. There is no difference of opinion on this point. But we cannot forget that we have in the country at present a class of people who call themselves communists and whose only business is to create crises and troubles in every society. Their method is to work both from inside and outside. They pose themselves as Muslim Leaguers and come to the meetings of the Muslim League simply to create troubles there. They also go to various institutions, educational and otherwise, and there they carry on their work according to certain plans. Swiftness of their work is the secret of their success. I am sure we have no sympathy with those persons whose object is not to ameliorate the conditions of the people but only to create troubles in the society and produce chaos in the country. With this class of people we have no sympathy and the hands of the Government should be made stronger in order to overcome this class of people who really try to create troubles everywhere. If their desire is to improve the condition of the poor people, we are with them. But if their desire is to create chaos, I for one will not be in favour of such an attempt.

There are three view-points about the position of labour. One is the view-point of the Fascists; the other is the view-point of the Democrats or Socialists; and the third is the view-point of the Communists. There are some good points in all the three view-points, and we have to find out a position of stable equilibrium from the ideals of these three schools of thought. We are all in favour of the development of industries and for this purpose we champion the cause of the workmen because we believe that their efficiency and contentment will be conducive to the improvement of the industries in this country. There are so many contradictory factors which we have to take into consideration, and find out what I called a position of stable equilibrium between these conflicting forces. In the first instance, we are all agreed that industries in India should develop and we should try to be self-supporting as far as Indian industries are concerned not for the benefit of capitalists but for the benefit of the country. The second principle on which we are all agreed is that we should have both internal and external markets for our industries. For internal markets the purchasing power of the people should be increased. That is the standard of living of everybody including the standard of living of workmen who form the bulk of the population should be substantially increased. That is a view-point which I hope the Government will keep in mind. Otherwise without the internal market and without increasing the purchasing power of the people industries cannot possibly develop. The third point is that our industries should be able to compete in the world market and should be able to find markets not only inside the country but outside the country as well. In order to achieve this object, our cost of production should be as low as possible and we should make every attempt to produce in a manner that we may be able to compete with the world market. India once enjoyed the reputation that our labour was very cheap. On account of this fact, we could compete with the world market. Fourthly, create sense of responsibility. Japan developed a system by which labour has been trained to work by their own conscientiousness and supervisors became unnecessary. Therefore by this development of conscientiousness on the part of labour, Japan was able to succeed in competing with the world market. We have not yet attempted this method of creating sense of duty and responsibility among workmen. I hope those who are champions of labour—no doubt they should fight for better conditions for labour—but they should also teach labour to work in the same manner as the Japanese labour do, that is develop in them a sense of responsibility and a love for work in order to develop that our industries may compete in the world market. Sir, the manner in which we have been trying to solve the labour problem in the legislature does not appeal to me. I am not very happy about labour legislation. We should keep in mind the

principles I have enunciated in order that our industries might flourish. I do not approve this idea that we fight whether labour should work for 56 hours a week, or 52 hours a week and so on. I think labour should be accustomed to work hard if this country is to compete with the industries of other countries. A successful labour should work as hard as a successful businessman. We have to compete with other countries who have got the advantage of mechanised labour which we have not got. We cannot compete with them unless labour is cheap, efficient and hardworking. My suggestion is that you should give labour two months' holiday every year, not one day every week or 10 days' casual and 10 days' privilege leave. The factory should run all the year round. On no days should the factory be closed. The workmen should be given the option of taking two months' holidays with ordinary pay or they should be given the option of working even during those two months of their holidays with double their usual salary. In this way, labour in India can be induced to put in their best and thus industries will develop and will be able to compete with the rest of the world. I am sure eighty per cent. of labour in India would be willing to work all the year round, without any holidays, provided they are given for two months double the salary. We ought to introduce some such method.

The Honourable Shri Jagjivan Ram: The Factory Amendment Act will come later on.

Dr. Zia Uddin Ahmad: I hope this point will be borne in mind then, that the workmen should be accustomed to work hard and they should be given the option of double salary for two months in lieu of two months' holidays, provided they work all the year round.

The next thing is the provision of the quarters of the staff, workmen should be essential part of the building. When any inspector goes to inspect the factory, he should see that labour quarters are comfortable and hygienic and he should not give a certificate for the factory unless these conditions are fulfilled. The workmen should be made to feel that they are business partners in the undertaking. The idea of employers and employees should be banished from the minds of labour. They should feel they are as much partners as the owner who has put in his capital in the undertaking and the person who is in charge of the management. The same food should be served to all and the directors' managing agents should occasionally take the meals on the tables of workmen. On the Board of Directors, a seat should be provided for a representative of workmen elected by the workmen themselves. We should also adopt the system which was followed by the Secretary of State for India in the case of company-managed railways in the past. Every company-managed railway had a Home Board on which the Secretary of State nominated a Director. He acted as watch dog. So, I think on the boards of management of factories in India, appointed by the Government, he should have a permanent seat. He should watch the interest of the workmen and also the general interest of finance and supervise efficiency and honesty. In that case there will be a double check, a check by the labour representative, and a check by the Government representative and I submit this should be made condition precedent before any factory is recognised. One director may serve on a large number of factories either of the same class or located in the same town. But that ideal cannot be achieved in a day. That will take time. We have to educate the workmen, the director, and the managing agents. I think a beginning should be made. The Transport Department has recommended that Government should own some shares in transport undertaking and in order to safeguard the Government interest, they will necessarily have to send a representative to sit on the Board of Directors. He will be the representative of the Finance Department. That will be a great check against the manipulation of double and treble set of accounts by the innocent capitalists. At present, as is well

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known that firms keep one set of accounts for the incometax officer, a second one for the shareholders, a third one for themselves and perhaps a fourth account for the casual visitors and Inspectors and auditors. If a representative of the Labour Government, a representative of the Finance Department and a representative of labour sit on the Board of Directors, it will be a guarantee that the undertaking is run on proper lines, that there is no falsification of accounts there is no black marketing, everything is done in an open and above board manner.

The next thing is we ought to introduce the system which was prevalent in some countries before the Great War. Everybody should have a minimum wage. The capitalist who has invested his money in the undertaking should get double the bank rate of interest because he has taken some risk in investing his money. The Directors should have the shares, the workmen should also have a share in surplus profits. The surplus should be distributed according to a certain proportion. It should be on a telescopic scale, the higher the salary the less the proportion of shares, and lower the salary, the more the proportion of shares, in surplus profits. The proportion of share holders, Directors, Managing agents and workmen should be fixed in the article of association of the Company. It is also desirable that we provide amenities to workmen at the expense of the factories. Schools for children and adult workmen, social clubs both indoor and outdoor. The education of the workers' children should be the special care of management.

Mr. Deputy President: I will remind the Honourable Member that speeches on the third reading of the Bill must be confined to the provisions of the Bill and whether the Bill should be passed or thrown out.

Dr. Zia Uddin Ahmad: I am pleading for some amenities for the workers and their children. It is noticed in countries I have mentioned that the children of the workmen become labourers themselves, thus making it a hereditary occupation. These factories should be the homes of workmen and not a place of indentured labour where breaches of discipline are considered as penal offence tried by the court of law. I would have tried them by a small tribunal appointed by the Directors with the consent of workmen. Factories should be changed into homes and not converted into Jails, or the idea of indentured labour will not be forgotten.

Mr. Deputy President: The Honourable Member is repeating the same thing. He should confine himself to the provisions of the Bill itself.

Dr. Zia Uddin Ahmad: I am saying that we are converting civil liabilities into criminal liabilities and I hope that the powers conferred by this Bill will be used with discretion and not misused in the interests of the capitalists. We must not forget that the industry is produced by the workers and not by the capitalists, and if the workers are not kept contented it is impossible for any industry to thrive. Our fundamental object is to develop industries; let the interests of the workers be maintained and let them be treated as human beings and not merely as labourers or indentured labourers, which has been foreshadowed in some clauses.

Mr. N. M. Joshi: Sir, I rise to oppose this motion. I wish your ruling had not been so just and so much in accordance with the Standing Orders; and I hoped you would have tempered your justice with a little mercy.

Sir, I feel that this Bill is in the first place based upon a wrong interpretation of the present economic unrest in the country. The methods selected to deal with that unrest are in my view wrong and are not even calculated to secure that object. I feel that the measure planned by Government is hastily planned. Government have not given proper consideration to it. The Bill is

full of defects even of details; it does not show any appreciation of the fundamental rights of labour. It does not give me a feeling that Government understand the difficulties of the working classes; it gives me a feeling that they do not understand that in the present capitalist system the worker has many handicaps placed upon him by this system itself. I also feel that Government's object will not be achieved by this Bill and that the working classes instead of benefiting by it will suffer materially and morally. They will lose their freedom too. It is on those grounds that I oppose the passing of this measure.

Sir, during the debate I heard many speeches showing the natural anxiety of people that the production of various articles in this country should not suffer. I entirely sympathise with that anxiety. There is no worker in this country who would like to see a deficiency in production: they only get a tiny share in the country's production. If sufficient cloth is not available at a cheap rate the workers themselves will suffer more than either the Government Members or members of the other wealthy classes of society. Therefore a worker who understands his own interest will not, unless he is driven to it, do anything by which the country's production will suffer. We were told that this Bill is necessary—providing for adjudication, providing for strikes being illegal—to deal with the present unrest. I feel, Sir, that the Government and the Legislature have wrongly interpreted the present unrest. The present unrest to a very great extent is the product of the last war. This unrest among the working classes which we see today in our country is not confined to India; it is seen in the U.S.A., it is seen in Great Britain, it is seen in many other countries. The last war has created aspirations and hopes in the minds of the common citizens of the world and in the minds of the working classes everywhere, and they are crying out for the fulfilment of these aspirations. I think any Government which sympathizes with the working classes should welcome these aspirations and should not look upon the birth of these aspirations as something undesirable. Then, Sir, the working classes of this country have a special reason to be restive. You will remember that during the last few years we were not only affected by the world war, but we were affected by a great struggle for the freedom of this country waged by a large section of the population belonging to the higher classes. The Government should realize that the working classes who see this political struggle going on around them cannot remain entirely unaffected. Not only did they sympathize with the struggle for freedom that went on but they took part in it and when the country is on the point of securing that freedom is it wrong on the part of the working classes to aspire for freedom in the economic sphere? If the working classes are restive and are asking for freedom in the economic sphere, even the Indian National Congress has contributed to that unrest.

Sjt. N. V. Gadgil: That is what is being given.

Mr. N. M. Joshi: My Honourable friend says that is what is being given. What is being given to them is not freedom, but slavery. I therefore feel that the Government have wrongly interpreted the unrest that at present prevails in the country.

We were told that the Communists are creating this unrest. If Communists are doing anything wrong, there are enough laws on the Statute Book to deal with them, but, Mr. Deputy President, is it not wrong to punish the victims of the Communist? I stated that early this afternoon but unfortunately, Government does not realize that if they want to deal with the Communists they are free to do so but they do not deal with the Communists by making strikes illegal. They deal with the workmen who have not yet become—not all—Communists. And if the working classes of the whole country come under the influence of the Communists so easily, is it not a warning to the Government of the country that there is something wrong with them? A

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Communist cannot succeed unless he finds a fertile soil for his efforts, and if the soil is congenial, who created that soil? Government. There is something wrong in that case with the Government itself. I therefore feel that the Government of India have not only misinterpreted the unrest that is prevailing in the country, but they are wrong in considering that it is the Communist who is creating all this trouble.

The Honourable Shri Jagjivan Ram: That was told by Dr. Zia Uddin, not by the Government.

Mr. N. M. Joshi: He is a member of the Legislature.

The Honourable Shri Jagjivan Ram: So are you.

Sjt. N. V. Gadgil: Why this vicarious comment on the Government?

Mr. N. M. Joshi: Does he not belong to the Government Party?

Sjt. N. V. Gadgil: I doubt it.

Mr. N. M. Joshi: You doubt it; not I. I think the world knows that it is a joint Government. They refuse to say that; let them not, but I am entitled to take them as a joint Government.

Therefore, I say, Sir, that it is wrong to make the Communists responsible for the passing of this Bill.

Now, what is the method selected by this Bill to deal with the unrest? The method they have selected is to force upon the working classes what is called compulsory arbitration which nobody in the country accepts; neither the Congress nor the Muslim League would accept compulsory arbitration as a solution for settling their differences. Why force compulsory arbitration upon the working classes? Are they the only people who are opposed to compulsory arbitration? The Government think that they can bring peace to this country by making strikes illegal. I dealt with that point this afternoon. I feel this method of bringing peace to the country by making strikes illegal was tried in a different form by the predecessors of this Government. They tried to make many things illegal—Hartals illegal, meetings illegal, processions illegal, and so on—but did they succeed in their attempt? No. If they did not succeed in their attempt to stop the movement of a people who want to achieve their freedom, why does this Government expect the poor working classes of this country to give up their agitation, their meetings, their processions, even their strikes for the fear of going to the jail? I think they are unjust to them. I suggest to the Government of India to be at least fair to the working classes of this country. You may not give them anything. But please understand that they are as good men as you are. As a Government it is your duty to protect the interests of these people. But I feel that you are not protecting their interests. I fail to see why you do not understand the purpose of the working classes in holding their meetings, their processions and their going on strikes, when you yourselves were doing all those things only a short time ago. It is wrong for the Government of India to believe that this method which they have chosen, namely, compulsory arbitration and making strikes illegal, is opposed by either the Communists or those who are charged of being semi-Communists, or whatever you like to call them.

Recently, Sir, I was in Calcutta and took part in the session of the All India Trades Union Congress. There were some Communists. There were some Congress Socialists. There were some right-wing Congress people. There were some who were neither Communists nor Congress Socialists nor right-wing Congress people. Now in that Conference a resolution was passed objecting to the principles of this measure and the measure which the Government of Bombay have recently passed. There, there were more than 1,200 delegates and all excepting six men from Bombay voted for the resolution

condemning the Government for introducing and piloting this measure. In the Assembly they got support from a large body of Congressmen who have now become Government and who will support this measure. I can understand and they understand very well that those Congressmen who were once taking part in the labour movement and who have now become Government, well they have to support measures which either they themselves put forward or the other Congress Ministers do. But in that body of delegates of more than 1,200, there were only six who would have supported the Government's measure on this subject. Therefore we are not actuated with any wrong motive in opposing this measure. I have stated more than once that even the Royal Commission on Indian Labour, after considering the whole of the subject for two years, advised the Government of India that compulsory arbitration was not a right solution but, Sir, the Government of India now are advised by people who are wiser than the Royal Commission or who at least could not learn anything from that Royal Commission. I myself have said here several times that if your object is to stop strikes, this is not the way. My Honourable friend, Satyapriya Banerjee said that the Government of India have got many measures of labour welfare in their mind. If I had any influence with the Government of India, I would have suggested to them that they should have taken these measures first and this Bill a little later on. It could have created some confidence in the minds of the workers that this Government is likely to do some good to them before they take away their freedom. I said in my first speech on this Bill that first give the workers social security, reasonable comfort, and then by all means try to devise some measure by which, if you think the working classes are doing any mischief, you may stop it. This is not the only Government, which has followed this wrong policy. I have known of a large number of Governments who, whenever they hear of strikes, immediately think of passing a law making strikes illegal. The world has not yet succeeded in making strikes impossible. They have made strikes illegal but they have not stopped strikes and your experience is not going to be different. I do not wish to add to what I have stated on this subject this morning.

Then, Sir, take the Bill and its clauses. I shall not go into all the clauses but I shall draw your attention to the clauses which make for delay in the removal of the grievances of the working classes. I have pointed out here that not only months but even some years may elapse before the procedure which the Government of India has laid down in this Bill will be completed. We moved amendments. We even pointed out that the Bombay Government under the able Ministership of Mr. Nanda had provided for a shorter period. A man of the experience of Mr. Nanda feels that the period for conciliation need not be as long as the Government of India has provided for.

Mr. S. C. Joshi: Which is the same thing.

Mr. N. M. Joshi: It is not the same. If you will read your Bill you will find that it is not the same. But the Government of India is not willing to learn wisdom from anybody. They are wise. I wish they were wise. Sir, I have stated on previous occasions that the Government of India does not realize that strikes and lock-outs are not on the same level. If you restrain the activity of the workers and want to make strikes illegal, you bring about some equality by making changes without notice in the conditions of the workers illegal. I think my Honourable friend, Miss Maniben Kara, moved that amendment. Even that amendment could not be understood by the Government of India. They thought that strikes and lock-outs were on a par. In their wisdom they did not see that the employer has the whole establishment in his hands. He controls the industry and therefore he need not go on strike or declare a lock-out but he simply alters the conditions under which his employees have to work. We suggested that to the Government but they could

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not understand the justification of the change which we proposed. Here again the Honourable the Labour Member could have learnt a little wisdom from his colleague in Bombay belonging to the same party. Mr. Nanda's bill.....

The Honourable Shri Jagjivan Ram: The Standing Orders Act is already there.

Mr. N. M. Joshi: The Honourable Member tells me that the Standing Orders Act is there. He himself should have known, if he is a Labour Member doing his work properly, that the Bill does not apply to all establishments. It applies to establishments engaging a certain number of persons and he tells me very coolly that there is the Standing Orders Act. That Act does not apply to all the industries and establishments to which this Bill applies.

Sir, the Government of India thinks that they can hoodwink the public by telling stories of certain other legislations existing on the statute book but there are some people who know. You cannot fool all persons all the time.

Sjt. N. V. Gadgil: That is true.

The Honourable Shri Jagjivan Ram: Speaking from experience?

Mr. N. M. Joshi: I pointed out this evening again the fundamental injustice to the working classes by making a breach of contract of service an offence. That is contained in clause 29 in which you insist upon a breach of the terms of settlement being made an offence but, Sir, no appeal on the ground of fundamental moral principle, receives a place in the hearts of this Government. They have forgotten very coolly and very quickly.....

Miss Maniben Kara: Very conveniently.....

Mr. N. M. Joshi: I will not say conveniently but very quickly those very principles which used to make an appeal to their hearts, at one time but having become the Government those high principles, those noble ideals have ceased to have any appeal to the hearts of these people. Whatever may be their attitude towards these moral principles, we are not going to give them up ourselves. Although we know that the fight is unequal we shall carry it on in the hope that one day we shall succeed. For the present I shall content myself by opposing this motion.

Several Honourable Members: Sir, the question be now put.

Mr. N. M. Joshi: Sir, may I point out that only three members have spoken in a House of 140 members. Do you think, Sir, that this motion has been fully debated upon?

Several Honourable Members: You have already had seven days.

Mr. N. M. Joshi: It is a question of this motion. Are three speakers enough to complete a discussion of the motion?

Shri Satya Narayan Sinha (Darbhanga *cum* Saran: Non-Muhammadan):
Let the House decide.

Mr. N. M. Joshi: It is not for the House to decide. It is for the Chair to decide and I would request you, Sir, not to give up your power.

Mr. Deputy President: Standing Order 34 says:

"At any time after a motion has been made, any member may move 'That the question be now put' and, unless it appears to the President that the motion is an abuse of the rules or these standing orders, or an infringement of the right of reasonable debate the President shall then put the motion 'That the question be now put'."

Mr. N. M. Joshi: May I ask you, Sir, has there been a reasonable debate on this motion?

Mr. Deputy President: I think that the debate has gone on a pretty long time and if Honourable Members make lengthy speeches, I cannot stop them.....

(Mr. N. M. Joshi rose in his seat.)

I am afraid at the end of a long day and after all this debate clause by clause, I do not see any reason to use my special powers not to accept closure.

Mr. N. M. Joshi: Not special powers, Sir, but ordinary powers.

Mr. Deputy President: It is a special power.

The question is:

"That the question be now put."

The motion was adopted.

The Honourable Shri Jagjivan Ram: Sir, at the fug end of the day I do not want to make any lengthy speech. I must congratulate the Honourable Members of the House for the help and cooperation which they have extended in the consideration of the clauses of this Bill. I take this opportunity especially to thank my Honourable friend Mr. N. M. Joshi for the tenacity with which he has persistently pressed his amendments to the various clauses. It is another thing that most of his amendments were rejected by the House but I must praise his tenacity. On many an occasion he has blamed the Government. I do not claim on the part of the Government a monopoly of wisdom as Mr. Joshi has claimed. There are many things which the Government propose to do for the benefit of the labouring classes. Nobody can charge us that so far we have done nothing.....

Mr. N. M. Joshi: What have you done?

The Honourable Shri Jagjivan Ram: Since assumption of office, I would ask my Honourable friend Mr. Joshi conscientiously to say whether we have introduced some beneficial measures for the working classes or not. I still challenge him to say whether we have not introduced some measures which will prove very much beneficial to the working classes of this country. We are proposing to bring in soon various other measures for the improvement of the condition of the working classes of this country.

I know and everybody knows that the labour unrest which is prevailing not only in this country but throughout the world is the aftermath of the war. As it has always been, after a war of such gigantic dimension labour unrest is bound to take place. But the question is whether in the interest of the workers themselves, who in the fight between the employers and the employees are the weaker party, the Government with any sense of responsibility towards the weaker party is to stand aside and see the fight between the employers and employees? I feel, Sir, in the interest of the workers themselves the intervention of the Government is necessary. Apart from any other consideration, apart from the consideration of looking to the benefits of the society as a whole, in the interest of the workers themselves the intervention of the Government is necessary and this is what the Bill seeks. After the passing of this Bill Government can reasonably intervene in any conflict between the employers and the employees. It may be, and I am sure it shall be, in many cases that where the workers are on the point of losing in their fight with the employers, by the intervention of the Government they shall stand to gain. I do not want to dilate on all these points. There has already been an abnormally long debate on this Bill.

I once more congratulate and express my gratitude to the Honourable Members of this House, especially the labour members, for assisting me in piloting this Bill through this House.

Mr. Deputy President: The question is:

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

The Assembly divided:

AYES—33.

Banerjee, Sree Satyapriya.	Mangal Singh, Sardar.
Bhalja, Mr. G. S.	Martin, Mr. W. M.
Bhattacharyya, Rai Bahadur Devendra Mohan.	Mukut Bihari Lal Bhargava, Pandit.
Gadgil, Sjt. N. V.	Nazmuddin, Khwaja.
Gokhale, Mr. B. K.	Ormiston, Mr. J. F.
Griffiths, Mr. P. J.	Panjabi, Mr. K. L.
Harvey, Capt. G. T. B.	Reddiar, Sri R. Venkatasubba.
Hirtzel, Mr. M. A. F.	Saksena, Shri Mohan Lal.
Ishaq Seth, Haji Abdus Sattar Haji.	Satakopachari, Sri T. V.
Jagunnathdas, Sri.	Sinha, Shri Satya Narayan.
Jagjivan Ram, The Honourable Shri.	Sukhdev, Seth.
Jhunjhunwala, Mr. B. P.	Thakur Das Bhargava, Pundit.
Joshi, Mr. S. C.	Turner, Mr. A. C.
Kharegat, Sir Pheroze.	Tyson, Mr. Geoffrey W.
Lal, Mr. Shavax A.	Varma, Mr. B. B.
Lawson, Mr. G. P.	Zia Uddin Ahmad, Dr.
Liaquat Ali Khan, The Honourable Mr.	

NOES—3.

Guruswami, Mr. S.	Kara, Miss Maniben.
Joshi, Mr. N. M.	

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 22nd February 1947.