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THIRD SESSION
OF THE
SIXTH LEGISLATIVE ASSEMBLY
1947

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LEGISLATIVE ASSEMBLY

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The Honourable Mr. G. V. MAVALANKAR.

Deputy President :

Khan MOHAMMAD YAMIN KHAN, M.L.A.

Panel of Chairmen :

Syed GHULAM BHIK NAIRANG, M.L.A.

Mr. P. J. GRIFFITHS, M.L.A.

Sardar MANGAL SINGH, M.L.A.

Shrimati AMMU SWAMINADHAN, M.L.A.

Secretary :

Mr. M. N. KAUL, Barrister-at-Law.

Assistant of the Secretary :

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Mr. N. C. NANDI.

Marshal :

Captain Hajee Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

Khan MOHAMMAD YAMIN KHAN, M.L.A. (*Chairman*).

Syed GHULAM BHIK NAIRANG, M.L.A.

Shri SRI PRAKASA, M.L.A.

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

Sardar MANGAL SINGH, M.L.A.

CONTENTS

Volume I—3rd February, 1947 to 18th February, 1947

MONDAY, 3RD FEBRUARY, 1947

Members Sworn	1
Starred Questions and Answers	1—30
Unstarred Questions and Answers	31—39
Statements laid on the table	39—54
Motions for Adjournment <i>re</i> —	
Attack by tribesmen on citizens of Hazara District—Disallowed	54—57
Searches and arrests of members of Communist Party, Kisan Sabhas and Trade Unions all over India—Disallowed	57—59
Strike by School Teachers in Delhi—Not moved	59
Restrictions imposed by the Press (Special Powers) Ordinance—Disallowed	59—60
Discrimination against Muslim League News by All-India Radio—Ruled out of order	60—61
Lending of Troops to the Panjab Government—Disallowed	61—62
Interference by the Panjab Government with the Privileges of the Assembly by Detaining Members and preventing them from attending the session—Ruled out of order	62
Massacre of Muslim Apprentices in the Jamalpur Workshop of East Indian Railway—Ruled out of order	63—64
Statement of Business	64
Governor General's Assent to Bills	64
Papers Laid on the Table	64—65
Industrial Disputes Bill—Presentation of the Report of Select Committee	65
Foreign Exchange Regulation Bill—Presentation of the Report of Select Committee	65
Indian Navy (Discipline) (Amendment) Bill—Presentation of the Report of Select Committee	65
Motor Vehicles (Second Amendment) Bill—Presentation of Report of Select Committee	65
Motor Vehicles (Amendment) Bill—Presentation of the Report of Select Committee	65
Rubber (Production and Marketing) Bill—Discussion on the motions to consider and to refer to Select Committee—not concluded	66, 92—94
Railways (Transport of Goods) Bill—Introduced	66
Negotiable Instruments (Amendments) Bill—Introduced	66
Explosives (Temporary Provisions) Bill—Introduced	66
Delhi and Ajmer-Merwara Rent Control Bill—Introduced	66
Sugar (Temporary Excise Duty) Bill—Introduced	67
Prevention of Corruption Bill—Passed as amended	67—91
Indian Extradition (Amendment) Bill—Passed as amended	91—92

WEDNESDAY, 5TH FEBRUARY, 1947 --

Starred Questions and Answers	95—122
Unstarred Questions and Answers	122—23
Motion for Adjournment <i>re</i> —	
Imposition of Punitive Fine and taking of Hostages from Nandihar Tribes—Negotiated	123—24
Negotiated	153—68
Nomination of the Panel of Chairmen	124
Committees on Petitions	124
Press Special Powers Bill—Introduced	124
Rubber (Production and Marketing) Bill—Referred to Select Committee	125—38
Coffee Market Expansion (Amendment) Bill—Passed as amended	138—44
Factories (Second Amendment) Bill—Passed as amended	144—51
Indian Railways (Amendment) Bill—Discussion on the Motion to consider—not concluded	151—52

THURSDAY, 6TH FEBRUARY, 1947,—

Starred Questions and Answers	169—98
Unstarred Questions and Answers	198—208
Special Marriage (Amendment) Bill—Referred to Select Committee	208—28
Delhi Sikh Gurdwaras and Religious Endowments Bill—Motion to refer to Joint Committee—Adopted	228
Hindu Inter-Caste Marriage Regulating and Validating Bill—Circulated	228—39

Indian Companies (Amendment) Bill—Amendment of Section 86-F—Referred to Select Committee	239—40
Delhi Muslim Wakfs (Amendment) Bill—Introduced	240
Criminal Tribes (Repeal) Bill—Introduced	240
Indian Evidence (Amendment) Bill—Introduced	240
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 161 and 162—Introduced	241
Indian Bar Councils and the Legal Practitioners (Amendment) Bill—Introduced	241
Criminal Tribes (Amendment) Bill—Introduced	241
Indian Companies (Amendment) Bill—Amendment of Sections 25, 31 32, etc.—Introduced	241
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 250, etc.—Introduced	242

FRIDAY, 7TH FEBRUARY, 1947,—

Starred Questions and Answers	243—84
Unstarred Questions and Answers	285—91
House Committee	291
Point of Order <i>re</i> Resolution <i>re</i> Release of Indian National Army Men and Political Prisoners	291—95,326
Resolution <i>re</i> Control of Industry by Aliens—Withdrawn	295—317
Resolution <i>re</i> Programme of Crop Insurance—Withdrawn	317—26
Statement of Business	326

MONDAY, 10TH FEBRUARY, 1947,—

Member Sworn	327
Starred Questions and Answers	327—51
Unstarred Questions and Answers	351—52
Election of a Member to the Court of Delhi University	352—54
Indian Legislature (Prevention of Disqualification) Bill—Introduced	354
Imports and Exports (Control) Bill—Introduced	354
Indian Railways (Amendment) Bill—Passed as amended	354—55
Railways (Transport of Goods) Bill—Referred to Select Committee	355—63
Foreign Exchange Regulation Bill—Passed as amended	363—73
Indian Navy (Discipline) (Amendment) Bill—Passed as amended	373—75
Sugar (Temporary Excise Duty) Bill—Passed as amended	375—78
Industrial Disputes Bill—Discussion on the motion to consider —not concluded	378—89

TUESDAY, 11TH FEBRUARY, 1947,—

Member Sworn	391
Starred Questions and Answers	391—417
Short Notice Questions and Answers	417—20
Papers Laid on the Table	420
Industrial Disputes Bill—Consideration of Clauses—not Concluded	421—55

WEDNESDAY, 12TH FEBRUARY, 1947,—

Starred Questions and Answers	457—90
Unstarred Questions and Answers	490—94
Short Notice Question and Answer	494—95
Appointment of the Honourable Dr. John Matthai to perform Functions of the Finance Member at Railway Budget—General Discussion	495
Declaration Directing Certain Budget Heads of Expenditure open to Discussion by the Legislative Assembly	495
Industrial Disputes Bill—Consideration of Clauses—not concluded	495—528

THURSDAY, 13TH FEBRUARY, 1947,—

Starred Questions and Answers	529—56
Unstarred Questions and Answers	557
Election of Member to the Court of Delhi University	557
Report on the Conditions of Labour in Coal Mining Industry in India—laid on the table	558
Armed Forces (Emergency Duties) Bill—Introduced	558
Industrial Disputes Bill—Consideration of Clauses—not concluded	558—91

FRIDAY, 14TH FEBRUARY, 1947,—

Starred Questions and Answers	593—619
Short Notice Question and Answer	619
Indian Arms (Amendment) Bill—Motion to circulate—Negatived	619—24
Criminal Tribes (Amendment) Bill—Passed	624—25
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 161 and 162—Motion to consider—not moved	625
Indian Bar Councils and the Legal Practitioner's (Amendment) Bill—Motion to consider—not moved	626
Delhi Muslim Wakfs (Amendment) Bill—Passed as amended	626—27
Expunging from the Proceedings of the Assembly certain remarks by Dr. G. V. Deshmukh and Sjt. N. V. Gadgil	628
Ruling <i>re</i> Entry into the Division Lobby during Division of the members of the Executive Council not being members of the Assembly	628—29
Indian Evidence (Amendment) Bill—Referred to Select Committee	631—32
Indian Companies (Amendment) Bill—Amendment of Sections 25, 31, 32, etc.—Circulated	632—35
Indian Railways (Amendment) Bill—Introduced	635
Child Marriage Restraint (Amendment) Bill—Introduced	635
Durgah Khawaja Saheb (Amendment) Bill—Introduced	635
Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill—Introduced	635—36
Indian Mines (Amendment) Bill—Introduced	636
Statement of Business	636

MONDAY, 17TH FEBRUARY, 1947,—

Starred Questions and Answers	637—72
Unstarred Questions and Answers	672—77
Short Notice Question and Answer	678
Difficulty in regard to Printing of Bills due to Strike in the Press	679
Presentation of Railway Budget for 1947—48	679—94
Banking Companies Bill—Presentation of the Report of Select Committee	694
Railway (Transport of Goods) Bill—Presentation of the Report of Select Committee	695
Indian Coinage (Amendment) Bill—Introduced	695
Reserve Bank of India (Amendment) Bill—Introduced	695
Election to Committee on Public Accounts	695
Election to Standing Committee for Labour Department	695
Industrial Disputes Bill—Consideration of Clauses—not concluded	696—728

TUESDAY, 18TH FEBRUARY, 1947,—

Starred Questions and Answers	729—64
Unstarred Questions and Answers	764—65
Short Notice Questions and Answers	765—75
Ruling <i>re</i> Pandit Govind Malaviya's Resolution <i>re</i> the Release of Indian National Army Men and Political Prisoners	771—74
Resolution <i>re</i> Committee for Correlation of Government Development Plans and for the Reduction of Personnel on Financial Grounds—not moved	774
Resolution <i>re</i> Conversion of Reserve Bank of India into a State Bank—Withdrawn	774—88
Resolution <i>re</i> Release of Indian National Army Prisoners—Discussion not concluded	788—807

LEGISLATIVE ASSEMBLY

Tuesday, 11th 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. Harold George Russell, O.B.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

RASHTRIYA SEWAK SANGH

178. *Mr. Ahmed E. H. Jaffer: (a) Will the Honourable the Home Member please state whether Government propose to appoint a committee to investigate the activities of the Rashtriya Sewak Sangh?

(b) Have Government received any representation in regard to the recent activities of the R.S.S.?

(c) Is it a fact that the Sangh has branches all over India?

The Honourable Sardar Vallabhbhai Patel: (a) Government have no intention of appointing a Committee to investigate the activities of the Rashtriya Swayam Sewak Sangh.

(b) No.

(c) The Sangh has branches in several Provinces.

Mr. Ahmed E. H. Jaffer: Have the Government of India made inquiries or do they propose to make enquiries regarding the activities of this organisation?

The Honourable Sardar Vallabhbhai Patel: There are many organisations of which reports are being received from the Intelligence Bureau and from the Military Intelligence.

Mr. Sasanka Sekhar Sanyal: May I know the nature of the relation that exists between the Rashtriya Swayam Sewak Sangh and the Muslim National Guards Organisation?

The Honourable Sardar Vallabhbhai Patel: I do not think between the two there is any relation.

Mr. Ahmed E. H. Jaffer: May I know whether the Government of India was consulted by the Punjab Government before they declared both these bodies unlawful?

The Honourable Sardar Vallabhbhai Patel: The Central Government knew nothing about it till they read it in the Press.

Lala Deshbandhu Gupta: May I point out that these bodies have not been declared unlawful. The allegation of my friend is not correct.

Mr. President: Order, order.

Mr. Ahmed E. H. Jaffer: I am referring to the Punjab Government activities.

Lala Deshbandhu Gupta: Have the Government of India received any reports about the activities of the Muslim National Guards in Delhi?

The Honourable Sardar Vallabhbhai Patel: The Government is getting reports about all organisations.

REQUEST FROM BIHAR GOVERNMENT FOR A SUBVENTION OF A CRORE OF RUPEES TO HELP REFUGEES.

179. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable the Finance Member please state if the Government of India have received a request from the Government of Bihar for a subvention of one Crore of Rupees to help them in meeting the expenditure involved in the maintenance and rehabilitation of refugees in the affected areas of the Province?

(b) Have Government considered this request and come to any decision?

The Honourable Mr. Liaquat Ali Khan: (a) No.

(b) Does not arise.

SELECTION OF MR. COMPTON MACKENZIE TO WRITE THE HISTORY OF INDIA'S WAR EFFORT.

180. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please state under whose authority Mr. Compton Mackenzie was selected to write the history of India's war effort?

(b) Is it a fact that a representative of the Government of India was sent to London and was empowered to make a decision in the matter?

(c) What are Mr. Mackenzie's special qualifications for this work?

(d) What is the estimate of expenses to be incurred?

(e) Was any effort made to secure the services of a competent Indian for this work?

(f) Who are to be the publishers of Mr. Mackenzie's work when ready?

(g) Are expenses to be paid by the Government of India, if so why?

Mr. G. S. Bhalja: (a) Under the authority of the Government of India.

(b) Yes, Sir.

(c) I would refer the Honourable Member to my answer to Lala Deshbandhu Gupta's Short Notice Question on the 16th November 1946.

(d) As already explained, the cost will be limited to travelling and halting expenses, which it is not possible to estimate accurately.

(e) Yes, Sir.

(f) Messrs. Chatto & Windus & Messrs. Collins.

(g) Only the travelling and halting expenses of Mr. Mackenzie will be met by the Government of India because the work is being undertaken at their request.

Mr. Manu Subedar: May I know whether Government have given any special instructions so that the heavy financial cost of joint measures which were wrongfully thrown on the Indian exchequer may be brought out in the course of this book?

Mr. G. S. Bhalja: I do not see how it arises out of this question.

Mr. President: He wishes to know whether any instructions have been given as to the contents of the book.

Mr. G. S. Bhalja: The book is intended to describe the war effort of India. It will be known as the Epic of India.

Mr. Ahmed E. H. Jaffer: Was there no suitable Indian available for this work and why was this gentleman troubled unnecessarily?

Mr. G. S. Bhalja: I answered this question at great length during the last session of this Assembly and pointed out that no suitable Indian author came forward to undertake this task.

Mr. Manu Subedar: Among the qualifications of this gentleman, was the understanding of finance one of the qualifications? May I again ask what steps Government are taking in order to bring out in the whole story of the war effort the enormous financial burden thrown on this country?

Mr. G. S. Bhalja: I do not think this book is concerned with the financial liability of India or the financial arrangements between India and H. M. G. in the U. K.

Dr. Zia Uddin Ahmad: May I know whether the Government of India have assured themselves that he will perform the duties of a real historian and that he will record facts and not express them through a telescope of his own?

Mr. G. S. Bhalja: I have no reason to think that he will not record the facts accurately and bring out the war effort of India effectively, to the satisfaction of the Indian people.

Shri Sri Prakasa: In view of the fact that the Honourable Member said last session that he was very proud of India's war effort, has he made sure that this gentleman who is going to write this history is also of the same opinion?

Mr. G. S. Bhalja: With your indulgence I shall read out two sentences from the statement made by Mr. Compton Mackenzie himself, which will demonstrate what sort of a gentleman he is. He observed:

"In my favour, however, there is one thing and that is inflexible belief that a united India with sovereign right to forge its own future is vital not merely to the future of Asia but of the whole world.

Let me conclude by declaring with complete sincerity that I shall feel I have wasted time, energy and art if the completed book in English and in translations fails to please the people of India, whatever esteem it may enjoy elsewhere."

Shri Sri Prakasa: May I know the exact relevancy of these excerpts so far as the writing of a history of war effort is concerned?

Mr. G. S. Bhalja: They show the spirit in which the author approaches his task.

Mr. Manu Subedar: Is it a fact that this gentleman is a very famous fiction writer?

Mr. G. S. Bhalja: I answered this question last time. In addition to being a fiction writer, he has also written works of history.

Mr. Ahmed E. H. Jaffer: What are his views about a divided India?

Mr. President: Next question.

DETENTION OF INDIAN SOLDIERS IN SINGAPORE FOR ALLEGED CHRISTMAS MUTINY IN 1942

181. ***Mr. Ahmed E. H. Jaffer:** (a) Will the Secretary of the Defence Department please state if it is a fact that 8 Indian soldiers are being detained in Singapore as prisoners while British army authorities study possible action against them for the part alleged to have been taken by them in the Christmas Mutiny in March 1942 in which one British officer is stated to have been killed and four other ranks were murdered?

(b) Do Government propose to call for a report and place it on the table of the House?

(c) Have Government made any arrangement for the defence of these men at the trial?

Mr. G. S. Bhalja: The soldiers referred to belong to the Hong Kong Singapore Royal Artillery, which is a unit not of the Indian Army but of the South East Asia Land Forces, and are subject to the British Army Act. They are therefore no concern of the Defence Department but of the Commonwealth Relations Department. The question has accordingly been transferred to the list of questions for the 18th February 1947, when it will be answered by the Honourable the Leader of the House.

REMOVAL OF REMAINS OF LATE RAJA RAM MOHAN ROY, FROM LONDON TO INDIA

182. *Seth Govind Das: Will the Honourable Member for Education please state if Government have been approached, and if they have taken necessary steps to secure the removal of the remains of the late Raja Ram Mohan Roy, the founder of the Brahma Samaj, from London to India?

آنریبل مولانا ابوالکلام آزاد:—اس وقت تک گورنمنٹ آف انڈیا سے کوئی درخواست

اسطرح کی نہیں کی گئی ہے کہ راجہ رام موہن رائے کی نعش کا بقایا ہندوستان لایا جائے البتہ اخبارات کے ذریعہ معلوم ہوتا ہے کہ لندن کی ٹیگور سوسائٹی اس بارے میں کاروائی کر رہی ہے۔ راجہ رام موہن رائے ان لوگوں میں سے تھے جنہوں نے نئے ہندوستان کی بنیاد رکھی ہے اس صورت حال میں یہ بات مناسب ہوگی کہ انکے فانی جسم کا بقایا اس سرزمین میں واپس لایا جائے۔ جب یہ معاملہ گورنمنٹ کے سامنے آئیگا تو ضرور اسکے ضروری انتظامات کے لئے گورنمنٹ غور کریگی۔

The Honourable Maulana Abul Kalam Azad: The Government of India have not so far been approached about the removal of the remains of the late Raja Ram Mohan Roy. From the newspapers it however appears that the Tagore Society of London are moving in the matter. Raja Ram Mohan Roy was one of the founders of modern India and it is in the fitness of things that his mortal remains should be brought back here. The Government will consider necessary steps at the appropriate time.

شری سری پرکاش:—اس بات کو نظر میں رکھتے ہوئے کہ راجہ رام موہن رائے کی

نعش جلائی گئی تھی نہ کہ گازی گئی تھی۔ کیا جناب یہ بتلا سکیں گے کہ انکی نعش کا کتنا حصہ اب تک بچا ہوگا جو یہاں آسکیگا؟

Shri Sri Prakasa: In view of the fact that the body of Raja Ram Mohan Roy was cremated and not buried, will the Honourable Member state what part of his dead body remains which could be removed to this country.

آنریبل مولانا ابوالکلام آزاد:—اس بارے میں اگر کوئی بات معلوم کی جاسکتی ہے تو

غالباً ہوسٹل کے ٹاؤن کارک سے معلوم کی جاسکتی ہے میرے لئے مشکل ہے کہ جواب دوں

The Honourable Maulana Abul Kalam Azad: If anything could be ascertained in this respect, it could probably be ascertained from the Town Clerk of Bristol. It is very difficult for me to answer this question.

سیتہ گوہند داس:—کیا یہ سچ ہے کہ انکے خاندان نے اس بات کی گورنمنٹ سے

پرارتہنا کی ہے کہ انکی نعش کا جو باقی حصہ ہے یا جو کچھ وہاں پر ہے وہ جلد از جلد ہندوستان میں واپس لایا جائے؟

Seth Govind Das: Is it true that his family has made a request to the Government to remove the remains or whatever there is of his body to India as early as possible.

آنریبل مولانا ابوالکلام آزاد: — نہیں گورنمنٹ آف انڈیا کے علم میں کوئی ایسی

درخواست نہیں آئی

The Honourable Maulana Abul Kalam Azad: No, the Government of India have no knowledge of such a request.

Dr. Zia Uddin Ahmad: Those of us who try to follow Maulana Abul Kalam Azad should try to speak the same type of language that he is speaking. It is not desirable to destroy the language.

Sri V. C. Vellingiri Gounder: Are we to remain in the dark, Sir? I can understand an Honourable Member if he speaks in Hindustani, but we, the Madras Members, are not familiar with the Hindustani that Mr. Sri Prakasa and other gentlemen are speaking. I want your ruling on the subject.

Mr. President: I will consider the matter.

IMPOSITION OF DEATH DUTIES AND THE REPORT OF TAXATION ENQUIRY COMMITTEE

183. *Seth Govind Das: (a) Will the Honourable the Finance Member please state whether Government are aware that during the last Budget speech a proposal was made to set up a Taxation Enquiry Committee?

(b) If so, when is it going to be set up?

(c) Do Government propose to introduce measures like Death Duties after the recommendations of the proposed Enquiry Committee are published?

The Honourable Mr. Liaquat Ali Khan: (a) Yes.

(b) The matter is under consideration and Government have not come to a final decision.

(c) An Estate Duty Bill is already before the House. I am unable to say anything at this stage about any future measures.

Seth Govind Das: Can the House expect the Honourable Member to make a statement on this subject before the termination of this session?

The Honourable Mr. Liaquat Ali Khan: A statement on what?

Seth Govind Das: A statement as to when this Inquiry Committee is going to be appointed or not?

The Honourable Mr. Liaquat Ali Khan: About this matter I should inform the House that the Government had offered the chairmanship of the Committee to Sir N. Gopalaswami Aiyangar. He is of the view that unless the future constitutional set-up and the allocation of resources between the Centre and the Provinces were clear, it would be futile to have a Committee of this nature.

Sjt. N. V. Gadgil: May I know as to what is the decision of this Government with respect to the further progress of the Estates Duty Bill which has already been introduced?

The Honourable Mr. Liaquat Ali Khan: As I have already stated, the matter is under consideration.

Shri D. P. Karmarkar: With reference to the answer to part (b) of the question, apart from the question of appointing a Committee, the various taxes imposed during the abnormal times of the War must have been reviewed by the Government of India, and if they have not yet been reviewed, may I ask whether the Government of India propose to review these taxes?

The Honourable Mr. Liaquat Ali Khan: All the taxes are reviewed at the time of the Budget proposals.

Dr. Zia Uddin Ahmad: With reference to the answer to part (c) of the question, may I ask whether the Honourable Member knows the views of the Musalmans, who consider this Bill to be an interference with their religion?

The Honourable Mr. Liaquat Ali Khan: The Government have received several opinions with regard to this measure including those from the Musalmans.

Sardar Mangal Singh: May I know whether the Government of India agrees with the opinion expressed by Sir N. Gopalaswami Aiyangar that no taxation measures should be taken before the future constitution is settled?

The Honourable Mr. Liaquat Ali Khan: It is not that no taxation measures should be taken. He has said that no inquiry should be held, and I am inclined to agree with the views that have been expressed although I would not like to commit myself at this stage.

Sjt. N. V. Gadgil: Is the Honourable Member aware of the fact that in Turkistan and in some other Muhammadan countries the Estate Duty, as a system of taxation, is already available to them?

The Honourable Mr. Liaquat Ali Khan: Sir, I am not aware about all the Muslim countries. As a matter of fact, inquiries are being made on that point. But I know that in Egypt, when I was there, I found out that they have the Estate Duty there.

ACQUISITION OF AMERICAN HOSPITAL NEAR WILLINGDON AIR PORT, DELHI

184. ***Seth Govind Das:** (a) Will the Secretary of the Health Department please state if any hospital started by the Government of the United States of America during the war, near the Willingdon Air Port in Delhi, has been acquired by the Government of India? If so, at what cost and when?

(b) Has this hospital started functioning, what is the estimated annual cost of maintaining and running the hospital, and what is its capacity of accommodation?

(c) Has any other hospital been acquired by Government from the Government of the United States of America in Delhi Province? If so, where is it located, at what cost has it been acquired, and has it started functioning?

Mr. S. H. Y. Oulsnam: (a) Yes, in April 1946. The price of the equipment of the hospital is Rs. 3,50,000. The land and buildings belong to Government.

(b) Two wards have been opened and additional wards will be opened as required to meet the demand for accommodation. The Outpatient department has also been opened.

The estimated annual cost is Rs. 2,25,000.

The capacity of the hospital is 150 general beds and 12 family Wards.

(c) No.

COMPENSATION SCHEME IN CONNECTION WITH THE BOMBAY EXPLOSIONS.

185. ***Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Finance Member be pleased to state if Government have urged on His Majesty's Government and other Allied Nations to reimburse to the Indian Exchequer an equitable share of the cost of nearly Rs. 16 crores compensation scheme in connection with the Bombay, Explosions? If so with what result?

The Honourable Mr. Liaquat Ali Khan: The matter has been under correspondence with His Majesty's Government who have, however, declined to accept liability for any portion of the expenditure. The Government of India have not accepted this decision.

Mr. Manu Subedar: May I know what further steps Government will take to enforce this very clear liability on the Allies, as the explosion in Bombay, with very disastrous consequences to the people, was entirely the outcome of the Allies operations?

The Honourable Mr. Liaquat Ali Khan: All the steps that it is possible to take.

Shri Sri Prakasa: Will the Honourable Member enumerate the steps?

Mr. President: Order, order: next question.

PUBLICATION OF THE REPORT OF THE COMMITTEE TO ENQUIRE INTO THE ROYAL INDIAN NAVY DISORDERS

186. *Mr. Manu Subedar: (a) Will the Secretary of the Defence Department please state when was the Committee headed by Justice Sir Syed Fazl Ali appointed to enquire into the Royal Indian Navy disorders and when was the report submitted by them?

(b) What portion of the report has been published and when?

Mr. G. S. Bhalja: (a) The Committee was appointed in April 1946. Its report was received by Government in August 1946.

(b) I would invite the Honourable Member's attention to the press note on this subject issued on January 20th, 1947.

Mr. N. M. Joshi: May I ask whether the Government of India will supply copies of this report to the Members of the Assembly?

Mr. G. S. Bhalja: Two copies of the report are already placed in the Library of the House and any Honourable Member who wishes to refer to them can certainly do so.

Mr. N. M. Joshi: I did not not ask the Honourable Member to give me advice as to where I should find a copy of the report to read. My question was whether the Government of India propose to circulate copies of the report to the Members of the Legislative Assembly?

Mr. G. S. Bhalja: As is pointed out in the press note, the report consists of 600 typed sheets and it was not considered desirable to print numerous copies of it. However, a short summary has been published and copies of this summary, I undertake, will be supplied to the Honourable Members of this House.

Mr. Manu Subedar: May I ask which portions of the report have been deliberately kept back from the public and for what reason?

Mr. G. S. Bhalja: No portion of the report has been deliberately kept back from the public.

Shri Sri Prakasa: Could the Honourable Member give us an idea as to the number of copies that have been published?

Mr. G. S. Bhalja: I am afraid I do not remember the number at the moment.

Shri Sri Prakasa: I want to know the number of times the 600 sheets have been printed?

Mr. G. S. Bhalja: It has not been printed; it has been cyclo-styled. I think about 20 or 25 copies have been so cyclo-styled

Mr. Manu Subedar: Has a copy of this report been made available to some of the parties who are concerned with it and there are two or three organisations which are now trying to celebrate the annual date when this so-called **Mufing** broke out?

Mr. G. S. Bhalja: I must again refer the Honourable Member to the press note which says that copies of the report have been sent to the Directors of Information in the provinces and will be available here in the office of the Director of Public Relations.

Mr. Manu Subedar: My question was whether the parties who were concerned and the officers who were mentioned by name in this report; those who had been locked up and subsequently let off; those who have been already called up and tried; those whose cases are before the Defence Consultative Committee;—may I know whether these men have been supplied with a copy of the report in order that they may see the whole picture?

Mr. G. S. Bhalja: I think it has never been the practice to supply copies of such reports to all those who may have given evidence or who may have been concerned with the incidents. But if there is a general desire on the part of the House that this report should be printed, Government will have no objection in doing so.

DEMobilISATION OF TROOPS IN INDIA.

187. ***Mr. Manu Subedar:** (a) Will the Secretary of the Defence Department please state how many troops have arrived in India from abroad since the beginning of the year 1946-47?

(b) What were the causes, which slowed up the process of demobilisation of troops in India?

(c) How many troops were demobilised month by month and how many still remain to be demobilised?

(d) On what basis is the selection made of companies, battalions or divisions for demobilisation?

Mr. G. S. Bhalja: (a) Between 1st January 1946 and 31st December 1946, 4,30,072 Indian personnel returned to India from overseas commands.

(b) On the whole, the demobilisation of the Indian Army has not fallen far behind the programme.

(c) Since the beginning of the financial year 1946-47, the following reduction has been made month by month. These figures include Indian Officers, V.C.Os., I.O.Rs. and Others (excluding non-combatants Unenrolled) in the Indian Army and in Indian State Forces units under India Command.

	Month	Reduction
April	1946	92,725
May	"	124,035
June	"	80,477
July	"	106,892
August	"	76,052
September	"	73,183
October	"	73,560
November	"	72,390
December	"	60,977
	Total	760,291

A further reduction of about 376,000 has to be made in the strength as at 1st January 1947, to get down to the contemplated post-war interim strength.

(d) The following is the order of selection of units for demobilisation:

(i) those raised during the war;

(ii) those which are not required for the post-war Army.

Mr. Manu Subedar: May I know whether the organisations concerned with demobilisation and their strength are now being revised in view of the very small number of troops now remaining to be demobilised and whether attempts are made to reduce the cost which is being incurred thereon?

Mr. G. S. Bhalja: Yes, Sir. I think the organisation for demobilisation also will be reduced *pari passu* with the reduction which will take place in the strength of the armed forces?

Mr. Manu Subedar: May I know whether the Defence Department is making any effort to release the tank wagons for petrol and other rakes of trains and carriages which they have reserved and which they are using for this purpose and whether this quantity is now less than it was when demobilisation was proceeding briskly?

Mr. G. S. Bhalja: I submit, that does not arise out of this question. I want notice.

Seth Govind Das: Is any recruitment still going on?

Mr. G. S. Bhalja: Recruitment is going on to a small extent.

Seth Govind Das: When on the one side demobilisation is taking place, why is recruitment going on on the other side?

Mr. President: This question was answered more than once in the House.

Sardar Mangal Singh: Have the Government come to any decision about the peace time strength of the army?

Mr. G. S. Bhalja: Government have not yet taken any final decision as regards the post war strength of the army in India.

Sardar Mangal Singh: Are Government going on with demobilisation without any idea about the size of the future army?

Mr. G. S. Bhalja: I have said that Government are working to the demobilisation programme so as to reach the contemplated post-war interim strength.

Sardar Mangal Singh: I want to know what is that contemplated strength?

Mr. G. S. Bhalja: 434,405 is the contemplated figure for Indian personnel in the Indian Army likely to be reached by 1st April 1947.

Seth Govind Das: May I take it that in the post war army there will not be any discrimination between martial and non-martial races and that every race will be represented in the army?

Mr. President: That hardly arises out of this question.

BRITISH AND INDIAN OFFICERS DEMOBILISED OR RETIRED

188. ***Mr. Manu Subedar:** (a) Will the Secretary of the Defence Department please state how many British officers have been taken in the service of the Defence Department during the year 1946-47?

(b) How many British Officers have been sent away, demobilised or retired?

(c) How many Indian officers have been sent away, demobilised or retired?

Mr. G. S. Bhalja: (a), (b) and (c). I lay on the table of the House a comprehensive statement for the period 1st January 1946 to the 1st January 1947.

Statement

Service	Number of officers granted permanent commissions		Number of officers granted emergency commissions		Number of officers on loan or temporary attachment		Number of officers released, retired etc.,	
	British	Indian	British	Indian	British	Indian	British	Indian
Royal Indian Navy.	11	145	3	2	18	Nil	782	697
Indian Army	Nil	839	Nil	731	*See note below.	Nil	20,000†	4,000
Royal Indian Air Force.	Nil	269	Nil	127	Nil	Nil	Nil	288

*No record has been kept of the transfer of British service officers between British Army units and Indian Army units but figures are available of the number that were present in India, attached to the Indian Army, on the 1st January 1946 and 1st January 1947. The numbers are 2,053 and 9,241 respectively.

† Includes officers who were serving with British Army units in India Command.

Mr. Manu Subedar: May I know under what circumstances and for what reasons British officers are still being taken in the Indian army, while the Indian officers are being sent out?

Mr. G. S. Bhalja: No British officers are now being appointed in the Indian army.

Mr. Manu Subedar: In answer to part (a) the Honourable Member said that he was laying on the table some statement which means that there must be some figures of British officers taken during the year. May I take it that no British officer has been invited and offered a place in the Indian army since 1st April 1946?

Mr. G. S. Bhalja: A statement can show the figure as 'nil'. The statement refers not only to the Indian army, but also to the Royal Indian Navy and the Royal Indian Air Force. I can make a categorical statement that no British officer has been recruited to the Indian Army since 1st April 1946.

Diwan Chaman Lall: What is the comparable rate of demobilisation of British officers and Indian officers?

Mr. G. S. Bhalja: The statement refers to the number of officers released retired, etc., in the Indian army—29,000 British and 4,000 Indian.

Mr. Manu Subedar: What is the percentage of these two to the relative strength of the British and Indian? The British were undoubtedly in a large majority.

Mr. G. S. Bhalja: I have not got the figures. I must ask for notice.

REDUCTION OF TIME GIVEN TO ENGLISH TALKS, MUSIC, ETC., BY ALL INDIA RADIO

189. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Information and Broadcasting please state the progress that has been made in the reduction of time given to English talks, music, book reviews, discussions and children's hour in the several stations of the All-India Radio?

(b) Have Government considered the desirability of increasing the time given to the provincial languages, which are understood by the bulk of the population?

(c) Do Government propose to appoint a small committee to advise them on this subject?

The Honourable Sardar Vallabhbhai Patel: (a), (b) and (c). Proposals for the readjustment of the proportions are still under consideration and a decision is expected to be reached shortly. Honourable Member will no doubt appreciate that the All-India Radio in such matters has to take into consideration not only the point of view of the general public but also the preferences of listeners. There is a substantial body among the latter and by no means a negligible section of the general public who are interested in English programmes. Hitherto we did not have any scientific means of ascertaining the preferences of listeners but with our Listeners Research Section now at work, we hope to arrive at a satisfactory adjustment between the conflicting claims of English and Indian programmes bearing in mind also the general public point of view. I do not consider that the appointment of a Committee on this subject will serve any useful purpose.

Mr. Mannu Subedar: May I know whether the Government have examined the reasons why the radio is not spreading faster amongst Indian population and whether they have not come to the conclusion that the prevalence of English talks at the most attractive periods when people listen is putting off large sections of Indian population?

The Honourable Sardar Vallabhbhai Patel: There are several classes of people who have preference for English programmes and they are such as could not be neglected.

Shri D. P. Karmarkar: With reference to part (b) may I ask if representations have been made during the last two or three years to include Kannada in the news broadcasts along with other languages? If so, will Government sympathetically consider the matter?

The Honourable Sardar Vallabhbhai Patel: I believe this question has been put several times and the matter is now being considered.

Shri Sri Prakasa: May I know if the process of consideration to which the Honourable Member referred is in the English language or in the Indian language, and whether the decision that he will take will be in the English language or in an Indian language?

The Honourable Sardar Vallabhbhai Patel: I do not think the process has any language.

Mr. Mannu Subedar: Will Government consider the advisability of increasing the time devoted to talks and music in Indian languages every day and at every centre without disturbing the talks in the English language?

The Honourable Sardar Vallabhbhai Patel: I have already said that after the research section's report is received as to preferences the matter will be looked into.

Shri Mohan Lal Saksena: Will that report be placed before the Standing Committee of the House?

The Honourable Sardar Vallabhbhai Patel: I do not think the Standing Committee will be interested in this at all.

Sri M. Ananthasayanam Ayyangar: Is the Honourable Member aware that if larger time is given to local languages there will be a larger number of persons who will buy receiving sets?

The Honourable Sardar Vallabhbhai Patel: I do not agree with the implication in the question because the larger part of the programme is given in Indian languages. But a large number of listeners who have preference for English have proportionately larger number of radio sets, e.g., English knowing section, Anglo-Indians, Christians, Europeans, Parsis and educated Hindus and Muslims.

Haji Abdus Sattar Haji Ishaq Seth: Arising out of the answer to Mr. Karmarkar, will the Honourable Member consider the advisability of giving more time to Malayalam also along with Kanarese?

The Honourable Sardar Vallabhbhai Patel: Malayalam will be considered along with other languages according to its importance.

Lala Deshbandhu Gupta: Have Government considered the advisability of improving the village programme section with a view to increasing the educative value of the same?

The Honourable Sardar Vallabhbhai Patel: Proper and adequate place is given to the rural programme also.

Mr. Manu Subedar: Have Government examined the question that wives and children do not know the English language in many families and that it is impossible to provide a luxury like the radio if the family cannot enjoy the programme?

Mr. President: I am afraid we are entering into arguments over the question now. Next question.

POLICY IN CONNECTION WITH RELAYING OF TALKS FROM B. B. C.

190. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Information and Broadcasting please state what is the policy of Government with regard to relaying talks from the B.B.C.?

(b) Is it a fact that some of these B.B.C. talks take a partisan view so far as other foreign countries are concerned?

(c) Have Government considered the desirability of relaying the B.B.C. music and saving the money of the Indian taxpayer on the production of English music in India?

(d) Do Government propose to investigate this matter?

The Honourable Sardar Vallabhbhai Patel: (a) The B. B. C. have granted a general permission to All India Radio to relay or record and rebroadcast certain parts of their programmes. The selection of talks for relays is determined by their programme value.

(b) Care is taken to select for relays talks which are not of a partisan character.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me on the 13th November 1946 to his unstarred question No. 71.

Mr. Manu Subedar: In view of the fact that the English music given by the B.B.C. is of a very high order as compared to the same music that can be given here, is it not desirable to consider whether Indian money cannot be saved by reducing British music in India and merely by relaying the better type of music from London and other European centres?

The Honourable Sardar Vallabhbhai Patel: I have not considered that question from the economic point of view, but the matter will be examined.

APPLICATIONS FOR ARREARS OF PAY, ETC., FROM INDIANS IN THE I. N. A. WHO WERE DETAINED OR MADE PRISONERS BY THE BRITISH

191. ***Mr. Sasanka Sekhar Sanyal:** (a) Will the Secretary of the Defence Department be pleased to state how many applications have been received by Government asking for arrears of pay and allied dues, from Indians in the army who were captured by the Japanese and made prisoners of war and who then became members of the Indian National Army of Netaji Subhas Chandra Bose and then became prisoners in the hands of the British and were then released from detention?

(b) What is the attitude of the Government of India with regard to such applications?

(c) What is the policy of Government in the matter of such arrears in respect of (i) the period prior to the capture of these Indians by the Japanese, (ii) the period during which they were prisoners in the hands of the Japanese, and (iii) the period during which they were prisoners in the hands of the British prior to their eventually being set at liberty and removed from the Army?

(d) Have Government consulted the laws of other countries in this matter?

Mr. G. S. Bhalja: (a) No record has been kept of the number of such applications.

(b) Orders have been issued that all applications for settlement of the pay and allowances of personnel discharged from the Forces should be examined and replies furnished. Accounts of Indian personnel are maintained by the Field Controller of Military Accounts, Poona, in respect of officers and by Regimental Centres located throughout India in respect of Indian Other Ranks. Periodical returns are submitted in regard to the number of claims outstanding. Practically all outstanding claims have been dealt with.

(c) (i). The balance of pay of all military personnel for periods prior to capture, irrespective of whether they joined the "Indian National Army" or otherwise, is paid to the individual or, if he is since deceased, to his next-of kin.

(ii) and (iii). Those who were *dismissed* forfeited the balance of pay and allowances to their credit, less any family allotment or money paid out on their behalf from the date of capture by the enemy to date of *dismissal*.

Those *discharged* from the service for misconduct whilst prisoners of war forfeited the balance of pay and allowances less any family allotment or money paid out on their behalf, from the date of capture by the enemy to the date of *recovery by Allied Forces* and received their pay and allowances for the period from the date of recovery to the date of discharge.

(d) Yes, Sir.

Mr. Sasanka Sekhar Sanyal: With reference to the answer to part (c), may I know if the policy enunciated by the Honourable Member was placed before the Defence Consultative Committee for examination and discussion?

Mr. G. S. Bhalja: No, Sir.

Mr. Sasanka Sekhar Sanyal: May I know why?

Mr. G. S. Bhalja: The decision was taken by the late Government and they did not think that it was necessary to place the matter before the Defence Consultative Committee then.

Mr. Sasanka Sekhar Sanyal: Was this decision of the late Government taken after advice was given by the Defence Consultative Committee then existing?

Mr. G. S. Bhalja: I said that this question was not placed before the Defence Consultative Committee.

Mr. Sasanka Sekhar Sanyal: Is it a fact that a desire was expressed in a letter written by a member of the present Defence Consultative Committee to the Secretary of the Defence Department that this matter should be brought before the meeting of the Defence Consultative Committee?

Mr. G. S. Bhalja: Yes, and I replied on the last occasion that unfortunately the request of the Honourable Member was received too late for inclusion in the agenda that was placed before the last meeting of the Defence Consultative Committee.

Mr. Sasanka Sekhar Sanyal: In view of this unfortunate accident may I know if the Honourable Member is prepared to refer this matter to the present Defence Consultative Committee at its next meeting?

Mr. G. S. Bhalja: It will certainly be placed on the agenda of the next meeting.

Khan Abdul Ghani Khan: With reference to part (a), is the Honourable Member aware that *jagirs* and *inams* given to soldiers for gallantry before they joined the I.N.A. have been confiscated?

Mr. G. S. Bhalja: I shall require notice of that question.

Shri Sri Prakasa: Was joining the I.N.A. by a prisoner of war regarded as an act of misconduct?

Mr. G. S. Bhalja: Misconduct arose from the way in which prisoners of war joined the enemy.

Pandit Lakshmi Kanta Maitra: What is the number of people dismissed for misconduct?

Mr. G. S. Bhalja: I shall require notice of that question.

Shri Sri Prakasa: What are the various ways in which prisoners of war became members of the I.N.A.?

Mr. G. S. Bhalja: Certain prisoners went over to the enemy.

Mr. President: The questioner is not talking of the enemy; he is talking of prisoners joining the I.N.A.

Mr. G. S. Bhalja: The implication is that some of these prisoners joined the forces which were set up by the enemy.

Shri Sri Prakasa: The I.N.A. was not, so far as I know, set up by the enemy. I am not enquiring about such prisoners of war who joined the enemy, but such prisoners of war who joined the Indian National Army which was not set up by the enemy at all.

Mr. G. S. Bhalja: It was sponsored by the Japanese.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say 'joined the enemy' or 'became the enemy'?

Mr. G. S. Bhalja: There is a clear distinction between 'becoming an enemy' and 'joining an enemy'.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether in the matter of granting of arrears of pay and allowances there has been any question which required any reference to His Majesty's Government?

Mr. G. S. Bhalja: Yes, Sir. To the Secretary of State for India.

Mr. Sasanka Sekhar Sanyal: Will the Honourable Member be pleased to state whether the members of the Defence Consultative Committee will get the benefit of seeing such correspondence at their next meeting?

Mr. G. S. Bhalja: No correspondence on the subject of refunding forfeited emoluments has been made with the Secretary of State.

Shri Sri Prakasa: Has the Honourable Member received any definite reply from His Majesty's Government?

Mr. G. S. Bhalja: I said no correspondence has been made with His Majesty's Government on the question of refund.

Khan Abdul Ghani Khan: In view of the fact that any soldier who left the soil of India was paid by His Majesty's Government, how has the Honourable Member come to any decision without any correspondence on this subject with His Majesty's Government?

Mr. G. S. Bhalja: The question asked by the Honourable Member was whether this Government have entered into correspondence with His Majesty's Government with regard to the repayment of the amounts forfeited from these prisoners and I replied that on that question no correspondence has been made with His Majesty's Government.

Shri Sri Prakasa: But in view of the fact that the Honourable Member said that a reference was made to His Majesty's Government, may we know

in what manner that reference was made? Was it made orally or by means of a letter?

Mr. Ahmed E. H. Jaffer: Or by telephone?

Mr. President: On what points the reference was made to His Majesty's Government?

Mr. G. S. Bhalja: If the Honourable Member so desires, the correspondence on the question of forfeiture of emoluments will be placed before the next meeting of Defence Consultative Committee.

Shri Sri Prakasa: Was not the matter of payment of arrears of pay and allowances one of the matters referred to His Majesty's Government?

Mr. G. S. Bhalja: It was, Sir, and the forfeiture took place with the consent of the Secretary of State.

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member if he is in a position to inform the House whether or not this matter of payment of compensation or payment of arrears has been finally disposed of by Government or is it still awaiting decision?

Mr. G. S. Bhalja: Government have no intention of raking up old matters as in this particular case.

REPORT OF THE NAVAL ENQUIRY COMMITTEE

192. *Sardar Mangal Singh: In view of the reply given by the Honourable Member to a previous question, I do not propose to put part (a) of the question.

†(a) * * * * *

(b) What action, if any, has been taken against Commander King and Admiral Godfrey?

(c) Whether the Government of India contemplate to take any disciplinary or other action against officers and Naval ratings connected with the February Naval happenings at Bombay, Karachi and elsewhere or has the idea of such action been dropped?

Mr. G. S. Bhalja: (b) Commander King was tried by court-martial and sentenced to be dismissed his ship and to be severely reprimanded. As regards Admiral Godfrey, I would invite the Honourable Member's attention to the debate on this subject held in this House on the 23rd February 1946.

(c) Government have taken disciplinary action against one officer and 528 ratings who were proved to have taken an active part in the mutiny.

Mr. Manu Subedar: May I know whether a dismissed officer gets any gratuity, pension, return passage, or any other advantages which the normally retiring officer gets, and if so which of these advantages were given to Commander King?

Mr. G. S. Bhalja: My Honourable friend is under some misapprehension. I did not say that he was dismissed from the service. I said he was dismissed his ship which means that he was deprived of his particular position in that particular ship.

Mr. Manu Subedar: May I ask whether it is a fact that the reprimand given to Commander King meant that he is now financially better off in the job that he is now holding?

Mr. G. S. Bhalja: I must ask for notice of that question. I should be surprised if he is financially better off as compared with his previous appointment.

† Part (a) of the question was not put by the questioner.

Mr. Manu Subedar: May I ask my Honourable friend what reason there was for not dismissing him from service?

Mr. G. S. Bhalja: The Court Martial, as I said, Sir, recommended that he should be dismissed his ship. There were two charges against this officer—one was “an act to the prejudice of good order and naval discipline in using insulting language”, and, secondly, “neglect to the prejudice of good order and naval discipline in failing immediately to investigate and settle complaints made to him by the fourteen ratings of H.M.I.S. TALWAR”. He was acquitted of the first charge and he was found guilty only under the second charge for which the Court Martial recommended that he should be dismissed his ship and severely reprimanded.

Mr. Manu Subedar: May I know whether the finding of the Court Martial was prior to the report of the R.I.N. Enquiry Commission or whether it was later than that?

Mr. G. S. Bhalja: I think, Sir, prior to the receipt of the report of the Commission.

Mr. Manu Subedar: May I know whether in view of the public opinion expressed in this House and in the press of the country throughout and the findings of the Commission, Government will examine the question of continuing this man in Government service any longer?

Mr. G. S. Bhalja: The officer concerned has been duly tried by a duly constituted Court in accordance with the Naval Law, and I submit that it would not be proper to pursue the matter simply because there has been an expression of certain comments in the press.

Mr. Manu Subedar: Has the Honourable Member perused the proceedings of this House when this was being discussed on an adjournment motion, and does he realize the strength of the feeling against this man—Commander King—throughout this country, and in view of this may I again put it whether Government will not examine—not through the Court Martial, but in their executive capacity—the desirability of continuing such a person in Government service and paying him from the taxpayers' money?

Mr. G. S. Bhalja: No, Sir. The matter cannot be re-opened. But Government have duly considered the question of appointing him to a post in which he is considered suitable taking into consideration the incident which took place in connection with the R.I.N. mutiny, for which he was punished.

Mr. Manu Subedar: Have Government offered this man's services to His Majesty's Government in the manner in which they are offering the services of 700 other officers?

Mr. G. S. Bhalja: The Government of India cannot compulsorily transfer the services of any of their officers to H.M.G. What the Government can do is to give certain of their British officers who wish to join the British Service the option of applying for transfer to that Service.

Dr. Zia Uddin Ahmad: May I ask whether the Government are contemplating instituting a new offence in the Criminal Procedure Code submitting in evidence the public opinion expressed in newspapers of this country? If so, what class of newspapers?

Mr. G. S. Bhalja: No, Sir. New offences cannot be created in that manner.

Dr. Zia Uddin Ahmad: Not by trial; by the expression of public opinion in papers.

Pandit Lakshmi Kanta Maitra: As a result of his dismissal from his ship, is Commander King commanding a bigger ship?

Mr. G. S. Bhalja: No, Sir.

Diwan Chaman Lal: May I ask my Honourable friend whether it is not a fact that the findings of the Court Martial are reviewed by the Commander-in-Chief in each and every case where the matter warrants such a review, and was it not within the competence of the Commander-in-Chief to order the dismissal, on the findings of the Court Martial proceedings against this particular individual?

Mr. G. S. Bhalja: My Honourable friend is right in saying that the proceedings of the Courts-Martial are reviewed by His Excellency the Commander-in-Chief. In this particular case the Commander-in-Chief did not think it desirable to alter the sentence.

Sardar Sampuran Singh: When a person is reprimanded and sentenced is he still considered by the Government to be retained in a responsible post like the one Commander King is holding?

Mr. G. S. Bhalja: Like any other officers of Government who are punished by a trial, a departmental enquiry or in any other way a certain punishment was awarded to this officer. A punishment having been awarded, it is not considered proper to pursue the matter further.

Mr. Ahmed E. H. Jaffer: In view of the fact that several questions have been put to the Honourable Member about this gentleman, is he not satisfied that this man should be removed from service altogether?

Mr. President: That is a matter of opinion.

Sri M. Ananthasayanam Ayyangar: What disciplinary action has been taken against those ratings?

Mr. G. S. Bhalja: The punishments varied from dismissal and imprisonment to discharge.

Sri M. Ananthasayanam Ayyangar: How many dismissed? How many imprisoned?

Mr. G. S. Bhalja: The Honourable Member should put a fresh question.

Sri M. Ananthasayanam Ayyangar: May I know what the present position of Commander King is, what office he holds and what is his salary?

Mr. G. S. Bhalja: I would ask the Honourable Member to put down a question.

Sardar Sampuran Singh: Was this action with regard to the ratings taken after the report of the Enquiry Committee was received?

Mr. G. S. Bhalja: The enquiries were held before the report was received by Government. To the best of my recollection the sentences were also awarded before the report was received.

Mr. Manu Subedar: May I know whether Government will issue a press note reconciling the action they took against Commander King who caused all this difficulty and the action which they took against the poor ratings who were merely the victims of the process started by Commander King himself?

Mr. G. S. Bhalja: That is a matter of opinion and argument.

POLICY *RE.* APPOINTMENT OF I. N. A. MEN IN OTHER THAN THE ARMY DEPARTMENT

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

(a) whether there is any bar to appointing the men of the Azad Hind Fauj (INA) to (i) the Army, (ii) any department of the Government of India other than the army;

(b) whether any such appointment has been made in respect of the above; and

(c) the policy of Government with regard to the above?

*See correction to this reply at page 495 of L. A. Debates, dated 12th February, 1947.

Mr. G. S. Bhalja: (a) No, Sir, there is no bar specifically directed against the I.N.A.

(b) No, Sir, no such appointments have been made in the Armed Forces.

(c) It is not the policy of Government to re-employ in the regular forces men who have been discharged or dismissed.

Seth Govind Das: With respect to clause (a), the Honourable Member has said that there is no bar. Has any Azad Hind soldier applied to the Government and has he been reinstated or given an appointment?

Mr. G. S. Bhalja: It is too general a question. I said that there was no bar specifically directed against the I.N.A.

Seth Govind Das: Therefore, has any man applied from the I.N.A. and has he been appointed?

Mr. G. S. Bhalja: So far as the Armed Forces are concerned, no such appointment has been made.

Seth Govind Das: Has the application of any Azad Hind Fauj man been rejected?

Mr. G. S. Bhalja: I do not recollect that there have been any applications received from any of the ex-I.N.A. men for re-employment in the Armed Forces.

Shrimati Ammu Swaminadhan: Has there been a case in which anyone in the I.N.A. applied for any Government job and had been refused that job because he belonged to the I.N.A.?

Mr. G. S. Bhalja: I can only speak for the Defence Department and I have made the position quite clear that no such appointments have been made so far as the Armed Forces are concerned. I cannot speak for other Departments of the Government of India or the Provincial Governments.

Mr. Krishna Chandra Sharma: Has any application been refused for this post?

Mr. President: The same question is being repeated. He has already answered it.

Khan Abdul Ghani Khan: In part (a) of the answer the Honourable Member says that there is no bar: but in answer to part (b) he says no such appointments have been made. These are two inconsistent replies.

Mr. President: They are not necessarily inconsistent replies.

GRIEVANCES OF THE HAV. CLERKS AND COMBATANTS OF S. P. C. & R., FEROZEPUR CANTONMENT

194. ***Pandit Thakur Das Bhargava:** Will the Secretary of the Defence Department please state:

(a) if it is a fact that Hav. clerks and combatant of S. P. C. and R. Ferozepur Cantonment resorted to hunger strike to get their grievances redressed and various demands of the strikers were conceded and an assurance was given that there will be no victimisation of strikers and their leaders;

(b) if it is a fact that in spite of such assurances being given, T. C. Verma, H. S. Sodhi and Bahadur Singh were proceeded against, a Court Martial summarily convicted them and sentenced them to imprisonment;

(c) if it is a fact that the accused were not given proper time for their defence and their request to call Col. G. S. Dhillon of the I. N. A. as a Defence witness was turned down by the general Court Martial;

(d) if it is a fact that the real reason why these persons were prosecuted was that there was a suspicion against them that they secretly sent subscriptions to the I. N. A. Fund;

(e) if it is a fact that the Commandant had at first handed these accused over to the Civil Police under Sections 38 and 34 of Defence of India Rules and the police returned the case after investigation with the remarks that sufficient proof was not available against these accused and thereafter the accused were court martialled; and

(f) whether Government will call for the records of the case and examine the same and remit the sentences awarded under the peculiar circumstances mentioned above if the allegations are well-founded?

Mr. G. S. Bhalja: (a) On the 10th March 1946, some 693 clerks of the Supply Personnel Centre and Records, Ferozepur, refused their food to get their grievances relating to food, leave and other conditions redressed. A Durbar was held by the Commanding Officer on the 11th March 1946 and some of the alleged grievances were settled on the spot. An assurance was also given to these men by their Commanding Officer that no victimisation would take place as a result of this incident.

(b) No men were arrested or punished as a direct result of this incident. It was only after the incident that the Civil Police accompanied by a magistrate visited the unit lines and the three men mentioned by the Honourable Member were identified and taken into police custody in connection with a letter which had been printed and circulated calling all men to mutiny. These three men were tried and sentenced by Court Martial for conspiring to cause a mutiny.

(c) The accused were given sufficient time to prepare their defence.

They were represented by Mr. Asa Nand, Advocate, Lahore High Court, and Mr. Khushwant Singh, Barrister-at-Law, Lahore.

There is no record in the proceedings of any request having been made by the accused to call Mr. G. S. Dhillon of the I. N. A. as a defence witness.

(d) No, Sir.

(e) No, Sir. The three men were taken into police custody for interrogation only. They were not tried by the civil court as the military authorities claimed them for trial by Court Martial.

(f) The proceedings have been examined and are legally in order. One of the three men has since been released. The sentences of the remaining two will be reviewed in due course.

RULING OF U. P. HIGH COURT *RE*. EXEMPTION FROM INCOME-TAX OF THE AMOUNT OF LOCAL TAXES ON IMMOVABLE PROPERTY

195. *Pundit Thakur Das Bhargava: (a) Will the Honourable the Finance Member please state if it is a fact that the amount of local taxes on immovable property is exempted from income tax in the case of U. P. Assesseees in accordance with the judgment of the Allahabad High Court delivered in 1945 under section 9 of the Income Tax Act whereas such amount is not exempted in the case of assesseees of the Punjab?

(b) Whether the said judgment of the Allahabad High Court is under appeal to the Privy Council?

(c) Do Government propose to consider the advisability of keeping the assessment cases and appeals in which the question of such amount being exempted arises pending till the decision of the Privy Council in case he is not prepared to give effect to the interpretation of the Allahabad High Court ruling for non U.P. Assesseees?

The Honourable Mr. Liaquat Ali Khan: (a) The amount of local taxes on immovable property is not exempt from income-tax nor is it allowed as a deduction under section 9 of the Income-tax Act. But the recovery of tax in respect of such local taxes, where income-tax in each case exceeds Rs. 10, has

been postponed in the United Provinces only pending the decision of the Privy Council in the appeal against the judgment of the Allahabad High Court. In provinces other than United Provinces where the Allahabad High Court ruling is not binding, the Income-tax authorities are following the decisions of the Madras and the Bombay High Courts.

(b) Yes.

(c) It is not practicable for the Department to keep all such assessments pending, but it is open to the assessee to file an appeal against such a dis-allowance and have it kept pending awaiting decision of the Privy Council. The Appellate Assistant Commissioners and the Appellate Tribunal have inherent powers of a Court to postpone an appeal where a similar point is referred to a higher Tribunal.

Mr. Manu Subedar: In view of the fact that Municipal taxes are compulsory payments to be made in the case of house-owners, and that these taxes tend to increase in several parts of the country now, will Government examine the question whether in all provinces in India under Section 9, the deduction of legitimate municipal taxes paid may not be given?

The Honourable Mr. Liaquat Ali Khan: Sir, we must wait for the decision of the Privy Council before the Government takes any further step.

Shri Sri Prakasa: How long does the Government expect the Privy Council to take? And how many years does the Honourable Member expect us to keep these taxes pending? And will the Honourable Member expect us to pay after ten years a huge accumulated sum?

The Honourable Mr. Liaquat Ali Khan: I wish the Honourable Member would help me to find out how long the Privy Council would take to decide the case.

Shri Sri Prakasa: May I inform the Honourable Member that I am helping him by getting my tax in any case suspended.

SCHEME FOR THE RECRUITMENT AND TRAINING OF PERSONNEL FOR CENTRAL ADMINISTRATIVE SERVICES.

196. ***Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Home Member please state if Government propose to place before the House the details of their new scheme for the recruitment and training of personnel to the proposed Central Administrative Service and also the details of the scheme of compensation for the Indian Civil Service and the Indian Police Service consequent on their proposed abolition before taking any decisions thereon?

The Honourable Sardar Vallabhbhai Patel: The details of the scheme for the formation of All-India Administrative Service to take the place of the I. C. S. are being finalized in consultation with the participating Provinces. Briefly, the Government of India and all Provincial Governments except three have agreed to form an All-India Administrative Service to man their administrative posts. Recruitment to this Service will be made by a competitive examination conducted by the Federal Public Service Commission and the recruits will be trained at a Central Training School.

The Secretary of State's final proposals in the matter of compensation for his services are still awaited, and I am not yet in a position to make a statement on the question.

(b) WRITTEN ANSWERS

RECRUITMENT TO THE I. C. S. AND THE I. P. S.

197. ***Shri D. P. Karmarkar:** Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that recruitment to the I.C.S. and I.P. will hereafter be made by the Government of India and not by the Secretary of State for India; and

(b) whether it is a fact that negotiations have been going on in respect of compensation for persons in those services who may like to go on premature retirement and whether any decisions have been taken in the matter?

The Honourable Sardar Vallabhbhai Patel: (a) As the Honourable Member is aware, under the Government of India Act the recruitment to the I. C. S. and I. P. is made by the Secretary of State. The Secretary of State has decided not to fill the war-reserved vacancies in the I. C. S. and I. P. and it is unlikely that recruitment to these Services will be resumed. The question of recruitment to these Services by the Government of India does not, therefore, arise.

(b) I would refer the Honourable Member to the reply which I gave on the 6th February 1947 to starred question No. 103 put by Professor N. G. Ranga.

STERLING BALANCES BELONGING TO RESERVE BANK.

198. *Shri D. P. Karmarkar: Will the Honourable the Finance Member be pleased to state:

(a) the latest figures of sterling balances belonging to the Reserve Bank;
(b) the date when the question of sterling balances is likely to be finally settled; and

(c) whether it is a fact that differences have arisen between His Majesty's Government and the Government of India regarding the time when this question should be finally settled?

The Honourable Mr. Liaquat Ali Khan: (a) On the 31st January 1947 the balances amounted to Rs. 1,605.23 crores.

(b) As the House is aware preliminary talks are now proceeding and I trust the final settlement will not be long delayed.

(c) No, Sir.

SCHEME FOR THE PROTECTION OF NON-SCHEDULED BANKS FROM FAILURE.

199. *Mr. G. B. Dani: In view of the recent Bank crisis in Bengal will the Honourable the Finance Member be pleased to state:

(a) whether Government have any scheme for the protection of the Non-scheduled Banks from failure;

(b) whether Government propose to take steps to get such Non-scheduled Banks admitted to the second Schedule of the Reserve Bank of India after selecting out only such Non-Scheduled Banks who have already acquired the necessary qualification of Scheduled Banks after fulfilling the conditions as laid down in Section 42 (6) of the Reserve Bank of India Act and also those Banks now on the border line of such minimum requisite qualification;

(c) whether the Government propose to take steps to assist the Non-Scheduled Banks which are lagging behind and which are facing a post-war crisis to enable them to qualify themselves for a Scheduled Bank's standard; and

(d) whether Government propose to take adequate Legislative measures in the direction of affording general protection to all Banks in India by removing the classification "Scheduled" and "Non-scheduled" Banks, thereby treating all Banking Companies on the same footing and standard?

The Honourable Mr. Liaquat Ali Khan: (a) I would invite the Honourable Member's attention to part (c) of my reply to Mr. Manu Subedar's question No. 80 on 6th February 1947.

(b) No, Sir. Only those banking companies which satisfy the requirements of Section 42(6) of the Reserve Bank of India Act can be included in the Second Schedule to the Reserve Bank of India Act. It is open to any non-scheduled

bank which considers that it satisfies these requirements to make an application to the Government of India for inclusion in the Second Schedule to the Reserve Bank of India Act.

(c) The Reserve Bank has given and is always prepared to give advice to Non-Scheduled Banks as stated in my reply to part (b) of Mr. Manu Subedar's question No. 80 on 6th February 1947. It is, however, for the banks themselves to acquire the necessary qualifications for inclusion in the Schedule.

(d) No, Sir. Government do not consider that the mere removal of the distinction between scheduled and non-scheduled banks will automatically create a stable banking structure in India.

DISPOSAL OF BUILDINGS AND LANDS NOT REQUIRED BY MILITARY IN UNITED PROVINCES.

200. *Mr. Hafiz M. Ghazanfarulla: (a) Will the Secretary of the Defence Department please state the progress made in the disposal of buildings and lands which are not required by the Military in the United Provinces?

(b) How many buildings and lands have been disposed of so far?

(c) What is the progress made in the disposal of buildings and lands in Allahabad and Lucknow Area?

(d) What is the method of disposal?— Which Department deals with the disposal work of these buildings and lands?

Mr. G. S. Bhalja: (a) and (b): The position at the end of December 1946 of release of requisitioned properties in the U. P. was as follows:—

	Released	Balance held	Percentage released
Buildings	56	8	88%
Lands	50	124	29%

(c) The position of release of requisitioned properties at the end of December 1946 was as follows:—

(1) In Allahabad Sub-Area.

(i) Buildings	Released	22
	Balance on charge	4
	Percentage of release	85%
(ii) Lands	Released	13
	Balance on charge	12
	Percentage of release	52%

(2) Lucknow Sub-Area.

(i) Buildings	Released	17
	Balance on charge	Nil
	Percentage of release	100%
(ii) Lands	Released	8
	Balance on charge	10
	Percentage of release	44%

(d) The method of disposal of created assets is by negotiation with the owners of the land, or, if the assets are not required by the owners, then by public auction by Government or by advertised tendering. The disposal of buildings and lands is the responsibility of the Defence Department.

NUMBER OF NON-INDIANS EMPLOYED ON HIGH SALARIES UNDER THE CENTRAL GOVERNMENT

201. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state:

(a) the total number of non-Indians employed under the Central Government (including attached and subordinate offices);

(b) the number of such non-Indians drawing salary (i) between Rs. 500 to 1,000, (ii) between Rs. 1,000 to 2,000 and (iii) above Rs. 2,000;

(c) the number of temporary, permanent and tenure employees in the various salary groups referred to in part (b) above;

(d) the number of technical and non-technical officers in various groups referred to in part (c) above;

(e) the steps taken to Indianise the above posts;

(f) whether Government propose to lay on the table of the House in future six monthly statements on the above lines to show the progress made in the Indianisation of services and in reducing the number of non-Indians;

(g) whether Government propose to give details regarding names emoluments and designation, and special qualifications of all new appointments of non-Indians in future with the above statement; and

(h) the reasons for such appointments, and whether the Federal Public Service Commission was asked to recruit through advertisement and if not, why not?

The Honourable Sardar Vallabhbhai Patel: (a) Information is readily available only as on the 1st January 1945 when the total number of non-Indians employed was 2,553.

(b), (c) and (d). The information is being collected and will be placed on the table of the House when it is complete.

(e) I would invite attention to my answer given on 6th February 1947 to unstarred question No. 22 put by Professor N. G. Ranga.

(f), (g) and (h). Government are prepared to place the information on the table of the House, but consultation with the Federal Public Service Commission arises only in those cases in which it is required by the Consultation Rules.

WOMEN EMPLOYED UNDER THE CENTRAL GOVERNMENT

202. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state:

(a) the number of ladies employed under the Central Government (including all attached and subordinate Offices);

(b) the number of ladies drawing Rs. 150 and above;

(c) the number of Anglo-Indian and European ladies drawing Rs. 150 and above and if all of them are fully qualified educationally and otherwise;

(d) the steps taken to replace unqualified Anglo-Indian and European ladies by qualified persons;

(e) whether any posts are reserved for ladies, and if so, their number and designations?

The Honourable Sardar Vallabhbhai Patel: (a) (b), (c) and (e). The information required in respect of the Secretariat and Attached Offices is being collected and will be placed on the table when ready. The time and labour involved in collecting this information in respect of Subordinate Offices, would be disproportionate to its utility.

(d) All appointments to Class I and Class II Services and to ministerial posts in the Subordinate Service in the Secretariat and Attached Offices are required to be made through the Federal Public Service Commission. During the war however it was necessary to relax this requirement and to give appointing authorities discretion to make temporary appointments without reference to the Commission. In exercise of this discretion some persons, both men and women, not possessing the minimum educational qualifications were appointed. Instructions are being issued that unqualified persons should be replaced by qualified persons as soon as possible.

RESERVATION OF POSTS OF STENOGRAPHERS, PERSONAL ASSISTANTS AND PRIVATE SECRETARIES TO HIGH OFFICERS FOR ANGLO-INDIANS AND EUROPEANS.

203. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state:

(a) whether the posts of stenographers, personal assistants, or private secretaries to high Government officials are reserved for Anglo-Indian and European ladies;

(b) if not, whether Government are aware that European lady Private Secretaries have been attached to Secretaries of Home Department, Finance Department, Cabinet Secretariat and the Joint Secretary of the Home Department;

(c) whether Government are aware of the strong public feeling against such appointments, when fully qualified Indians are available to fill these posts; and

(d) whether Government propose to replace these private secretaries by suitable qualified Indians, if necessary by recruitment through Public Service Commission?

The Honourable Sardar Vallabhbhai Patel: (a) No. Sir.

(b) Only the Private Secretary to the Home Secretary is a European but she is a domiciled European.

(c) Government do not agree that these particular appointments give any legitimate cause for complaint on the ground mentioned.

(d) The Private Secretary to the Home Secretary is likely to vacate her appointment in March. Of the remaining three officers, one is an Indian Christian and the other two are Anglo-Indians. Recruitment to these posts will be made through the Federal Public Service Commission.

GRANT OF LEAVE TO EUROPEAN I. C. S. AND I. P. OFFICERS WITH COST OF AIR AND SEA PASSAGES.

204. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that European I.C.S. and Indian Police Officers are being allowed six months leave in the United Kingdom, cost of Air and Sea Passages for them and their families being paid by Government;

(b) if so, whether this treatment is being accorded only to the European members of the service; and

(c) whether Government propose to consider the discontinuance of these concessions?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) The arrangement is merely an extension of the discrimination which has existed in the rules as a result of the recommendations of the Lee Commission. The Key Leave Passage concessions were granted on the ground that the period of the key leave was limited. This limitation was considered necessary because officers requiring leave would not all be given leave within a reasonable period of time unless its duration was limited in each case. The then Government,

therefore, felt that European officers required recuperative leave in their own country and that they should not be made to expend any passage, to which they were entitled under the rules, on leave limited in duration on account of war conditions.

(c) The question of stopping of these concessions is under consideration, and Provincial Governments have been consulted.

COMMUTED WAR LEAVE TO SUPERIOR OFFICERS

205. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that recuperative leave otherwise known as Com-mutated War Leave is being allowed to all superior officers both Indians and Europeans;

(b) whether it is a fact that European Officers can in addition to the Com-mutated War Leave avail themselves of Key leave to the United Kingdom; and

(c) if so, why this additional advantage has been given to European officers?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). Yes.

(c) The Honourable Member's attention is invited to the answer to his previous question No. 204.

AMENDMENT OF SECTIONS 41 AND 42 OF THE RESERVE BANK OF INDIA ACT

206. *Sri M. Ananthasayanam Ayyangar: Will the Honourable the Finance Member be pleased to state whether Government propose to amend Sections 41 and 42 of the Reserve Bank of India Act now that the par value of the rupee has been notified in terms of Gold and Dollar to the International Monetary Fund and if so, when?

The Honourable Mr. Liaquat Ali Khan: I presume the Honourable Member refers to Sections 40 and 41 of the Reserve Bank Act. The question of amend-ing these sections is under the consideration of the Government of India.

EMPIRE DOLLAR POOL

207. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state what is the amount standing to the credit of India in the Empire Dollar Pool at present?

(b) What has been the total contribution of India to the Pool and the drawings of India therefrom during the war and thereafter?

(c) What steps are being taken to liquidate the Dollar Pool and to obtain India's share into its own hands?

(d) Are Government aware that the United Kingdom has been keeping its Dollar acquisitions separately from the Dollar Pool, and if so, is it permissible under the arrangement?

(e) If the answer to the foregoing is in the affirmative, do Government propose to claim a share in it?

The Honourable Mr. Liaquat Ali Khan: (a), (b) and (c). I would invite attention to the reply given by me to Mr. Mann Subedar's starred question No. 77 on the 6th February 1947.

(d) The answer to the first part is in the negative. The second part does not arise.

(e) Does not arise.

SETTLEMENT OF INDIA'S STERLING BALANCES IN TWO PARTS

208. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether the attention of Government has

been drawn to an Associated Press of India message published in the *Statesman* of 30th January, 1947 to the effect that India's Sterling Balances will be settled in two parts?

(b) To what extent that information is correct?

(c) Do Government propose to appoint an *ad hoc* Committee of the members of this House to be associated with Government in the negotiations with regard to the settlement of Sterling Balances?

(d) Do Government propose to place before this Assembly a draft of the terms before finalising them for consideration of the House?

(e) Do Government propose to take necessary steps so that the final negotiations are carried on in India and not in the United Kingdom?

The Honourable Mr. Liaquat Ali Khan: (a) Yes.

(b) I am sure the Honourable Member will appreciate that it is impossible for me at this stage, when purely exploratory talks are taking place, to make any pronouncement on this subject.

(c) Government do not consider that the appointment of an *ad hoc* committee of this House for association with Government in the negotiations would be feasible or satisfactory.

(d) Government do not consider that a discussion of the proposals in the Assembly before a final settlement would be a satisfactory method of conducting the negotiations. Government will certainly notify to the House any conclusion reached which they consider satisfactory.

(e) Government have every desire that this should be so but they cannot bind themselves as the choice of the venue will be determined by a number of considerations.

INTERNATIONAL MONETARY FUND

209. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether the International Monetary Fund has started its operations? If not, when is it expected to start?

(b) Have Government received any report on the progress made by the Fund from India's representative and if so, whether a copy of the same will be circulated among the Members of the House?

The Honourable Mr. Liaquat Ali Khan: (a) The International Monetary Fund has announced that it will begin exchange transactions on 1st March 1947. This fact was published in a Press Note on the 19th December 1946.

(b) Two copies of the proceedings of the First Annual Meeting of the Board of Governors of the International Monetary Fund and the Board of Governors of the International Bank for Reconstruction and Development are being placed in the Library of the House.

CONTROL OF THE RISING PRICE OF GOLD IN INDIA

210. *Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Finance Member be pleased to state whether Government propose to take any steps to control the rising prices of Gold in India and the speculation on the Bullion Exchange?

(b) Has there been a demand from the United States for the return of the silver lent by her to this country? What, if any, are the steps that are being taken to return that silver?

The Honourable Mr. Liaquat Ali Khan: (a) Yes, Sir. I would invite the Honourable Member's attention to my reply to Mr. Manu Subedar's short notice question on 16th November 1946.

(b) *First Part.* No, Sir.

Second Part. Does not arise.

INCOME-TAX DEPARTMENT, BENGAL

211. ***Hajee Chowdhury Mohammad Ismail Khan**: Will the Honourable the Finance Member be pleased to state in regard to the Income-tax Department in Bengal during the period from the 1st April, 1939 to the 31st December, 1946:

(a) the total number of resignations of (i) Income-tax Officers, (ii) Examiners of Accounts, and (iii) Inspectors and the number of Muslims in each class;

(b) the total number of discharges and removals from service of (i) Income-tax Officers, (ii) Examiners of Accounts, and (iii) Inspectors and the number of Muslims in each class;

(c) the total number of deaths in active service of Income-tax Officers and the number of Muslims;

(d) the total number of Income-tax Officers who reached efficiency bars and the number of Muslims and the total number held over at efficiency Bars and the number of Muslims;

(e) the total number of promotions to the post of Income-tax Officers from the post of Examiners of Accounts from the 1st April, 1939 to the 31st March, 1943 and the number of Muslims; and

(f) the total number of supersessions of Examiners of Accounts in promoting them to the post of Income-tax Officers from the 1st April, 1939 to the 31st March, 1943 and the number of Muslims?

The Honourable Mr. Liaquat Ali Khan: (a) to (f). I am having the information collected. A reply will be laid on the table of the House in due course.

SHORT NOTICE QUESTIONS AND ANSWERS.

STERLING BALANCES AND EXPENDITURE ON DEFENCE OF INDIA

Lala Deshbandhu Gupta: Will the Honourable the Finance Member be pleased to state whether his attention has been drawn to an assertion made by

12 Noon Mr. Winston Churchill in the course of a question addressed to the Chancellor of Exchequer in the House of Commons on the 4th February, 1947, and the reply given to same by Dr. Hugh Dalton as published in the *Hindustan Times* of 5th February, 1947, page one column 3? If so, will he enlighten the house by making a statement on the subject?

The Honourable Mr. Liaquat Ali Khan: I invite the Honourable Member's attention to paragraphs 22 and 23 of the Finance Member's Budget Speech for the year 1943-44, which fully explain the position and embody all the information at the disposal of the Government of India.

Mr Manu Subedar: Will the Honourable Member please state whether it was not as a result of some such suggestion that the joint measures (that is to say, measures for which the cost must partly fall on India and partly on the United Kingdom) were instituted and whether the amount of burden to be thrown on India in respect of defence was not widened by these measures and whether that did not cover all that was intended to be covered?

The Honourable Mr. Liaquat Ali Khan: I have said that the speech of the then Honourable the Finance Member explains the position fully.

Sri M. Ananthasayanam Ayyangar: Will this House and the Standing Finance Committee be consulted before the terms are finalised?

The Honourable Mr. Liaquat Ali Khan: That, I am afraid, does not arise out of this question.

Lala Deshbandhu Gupta: May I know from the Honourable Member if that communication was considered by the Executive Council at that time and, if so, what decision was taken by the same?

The Honourable Mr. Liaquat Ali Khan: All that I can say is that I have not seen any communication and I am afraid I cannot answer whether any communication was considered at the time or not.

Lala Deshbandhu Gupta: Is the Honourable Member prepared to entertain the counter-claim from Britain, as suggested by Mr. Churchill?

The Honourable Mr. Liaquat Ali Khan: I am not prepared to entertain any claim which is not just.

Lala Deshbandhu Gupta: Will Government make it quite clear that in view of the fact that Britain had declared war on the Axis Powers without consulting India and India was subsequently tagged on to Britain in the interest of the British Empire, no counter claim lies against India?

Shri Sri Prakasa: On the other hand, they must give back all our lost lives!

The Honourable Mr. Liaquat Ali Khan: I do not know whether I have to answer one or two questions.

Mr. President: Not even this one, because it is suggesting an argument.

Mr. Mana Subedar: May I know whether Government have examined the position that no such claim has been made by Britain with reference to Australia and South Africa, which were also in danger of Japanese occupation and in view of the claim being made against India, due to India's inferior political status at that time, whether Government will take vigorous steps to counteract such a claim?

The Honourable Mr. Liaquat Ali Khan: I am not aware that any such claim has been made.

Shri D. P. Karmarkar: Is the Honourable Member aware that the agreement regarding the allocation of expenditure arrived at with the then Government of India and the British Government was highly unjust and unfair to India, and, if so, may I know whether the Government do propose to reopen the question and set to the British Government's debit all that is due to India from the conduct of this war?

(No answer was given.)

Lala Deshbandhu Gupta: May I invite the Honourable Member's attention to the reply given to this question by Mr. Dalton: "The preliminary discussions were taking place with India to be followed by similar discussions with Egypt and Iraq." Mr. Dalton gave the assurance that no arrangements will be finalised until they are presented to the House of Commons. He said that this communication to which Mr. Churchill referred was forming the subject matter of the talk that is now going on between the Government of India and the representatives of Britain now in India.

The Honourable Mr. Liaquat Ali Khan: For one thing, I do not remember that Dr. Dalton said that no agreement will be finalised unless the House of Commons approved of it. I think what he said was that when an agreement satisfactory to the Government has been concluded, the House of Commons will be notified, which is quite different from what my Honourable friend has said.

Lala Deshbandhu Gupta: But I am quoting from Reuters report as published in the Press.

Diwan Chaman Lall: Will the Honourable the Finance Member please state:

(a) whether the Legislative Assembly will be taken into confidence before any decision is arrived at regarding the allocation or liquidation of the sterling debt at present due to India;

(b) whether Government are aware that according to the report of the Select Committee on National Expenditure of the House of Commons 1944-45 it was admitted that the prices paid for purchases made in India, giving rise to these sterling balances, were generally lower than the British prices, most of these being controlled by Government;

(c) whether it is the policy of the Government of India to keep a certain amount of the sterling balances in the shape of securities with the Reserve Bank of India for currency purposes as well as for working capital in the Banking Department, and whether it is their policy also to utilise the balance—(i) for the purchase by Government of Britain concerns in India which to-day are rapidly changing hands; and (ii) for funding the balance, and if so, at what rates of interest;

(d) whether the Government of India is entering into discussions with the British Delegation on the lines suggested in this question with a view to obtaining the maximum benefit for India in the settlement of the problem of our sterling balances; and

(e) whether an estimate has been prepared by the Finance Department regarding the total amount necessary for the purchase of British concerns in India and part liquidation of the Sterling Balances?

The Honourable Mr. Liaquat Ali Khan: (a) I would invite the attention of the Honourable Member to the reply given to part (b) of question No. 166 on the floor of this House on the 4th November, 1946.

(b) Yes.

(c) and (d). Government will consider all aspects of the problem of sterling balances with a view to arriving at the most beneficial and equitable settlement.

(e) No data are at present available.

Sri M. Ananthasayanam Ayyangar: May I know what that answer is to which the Honourable Member has referred, so that we may put some supplementary questions?

The Honourable Mr. Liaquat Ali Khan: I think it would save the time of the House if the Honourable Member took a little walk to the library and studied the proceedings of the Assembly of that date. But if the House wants that I should read that answer I am quite willing to do so.

Diwan Chaman Lall: May I know whether Government is prepared to issue a clear statement regarding the prices paid by them for the purchase made during the war of commodities, which have given rise to these sterling balances and whether a comparative statement of those prices will not show that they were lower even than the prices that were paid by the people in this country for similar commodities?

The Honourable Mr. Liaquat Ali Khan: Sir, as a matter of fact the Honourable Member in his question in part (b) has made that assertion and I have stated in my answer 'Yes'.

Diwan Chaman Lall: The question was in reference to the report of the Select Committee on national expenditure of the House of Commons. I am now asking my Honourable friend whether we have any facts which we can make public showing that the prices paid were much lower than even the prices prevailing

in the country such as prices for tea and hessian and whether it is not a fact that the prices paid, giving rise to sterling balances, were something like 200 per cent. lower than the prices prevailing at the present moment.

The Honourable Mr. Liaquat Ali Khan: Sir, the prices were certainly lower, but I cannot give exact information about it.

Mr. Manu Subedar: May I know, Sir, whether in these negotiations Government will keep in mind the desirability of having one and final termination of this question and not split it up into two parts—temporary settlement for a year or two and leaving the other settlements later on—as has been suggested in a recent British message?

The Honourable Mr. Liaquat Ali Khan: Sir, I am grateful to the Honourable Member for his suggestion which will certainly be considered.

Sri M. Ananthasayanam Ayyangar: May I know if the entire negotiations will be concluded in India or a portion of them will be carried on to England?

The Honourable Mr. Liaquat Ali Khan: Sir, as a matter of fact, there was, I think, a question on this very subject, and I had given a reply in which I had stated that it is the desire of the Government of India to have all negotiations in this country. But I can not commit the Government of India definitely and finally that under no circumstances the negotiations will be carried on outside India. But it is our intention to have the negotiations in India.

Mr. Manu Subedar: May I know whether Government at any stage propose to associate non-officials or Members of this House with the very important negotiations which are going on?

The Honourable Mr. Liaquat Ali Khan: Sir, I greatly appreciate the point which has been made, but I would like to remind the Honourable Member that the Government of today is different from the Government of the past. The Government today consists of representatives of the political parties in this country.

Diwan Chaman Lall: May I ask my Honourable friend whether Government has decided to take any steps to stop further sale of British concerns in India under present conditions, giving rise to the frittering away of sterling balances, which benefit only private enterprise?

The Honourable Mr. Liaquat Ali Khan: Sir, I have stated that this question was raised in the last session also and the Government are quite aware about this aspect of the question which has been put by my Honourable friend.

PAPERS LAID ON THE TABLE

Mr. S. H. Y. Oulsnam (Government of India: Nominated Official): Sir, I lay on the table a copy of the following papers:

- (i) Final Act of the International Health Conference.
- (ii) Constitution of the World Health Organisation.
- (iii) Arrangement concluded by the Governments represented at the International Health Conference.
- (iv) Protocol concerning the Office International d'Hygiene Publique.
- (v) Summary relating to the World Health Organisation.

INDUSTRIAL DISPUTES BILL

Mr. President: The House will now proceed with the further consideration of the motion moved by the Honourable Shri Jagjivan Ram yesterday that the Bill to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, as reported by the Select Committee be taken into consideration.

Mr. P. J. Griffiths (Assam: European): Mr. President, when this Bill was discussed by the House in the last session prior to its reference to Select Committee, we in this group entertained certain serious misgivings with regard to it. It seemed to us, in at least two important respects, to be misconceived. In the first place, it aimed at establishing a highly elaborate, complex machinery for conciliation which, for its adequate operation would require a standard of organization and of education of labour far beyond what has yet been achieved in this country; and we felt that this Bill, must have been framed by men who, whatever their knowledge and their abilities might be, had had little practical contact with the labour forces of India. They could have had no conception of the difficulty of guiding labour, in its present state. One has to understand the subtle and complex establishment ranging from conciliation officers, through boards of conciliation up to tribunals and again through courts of enquiry. Not very long ago it fell to my lot to attend a labour conference and in that conference it was maintained by labour representatives—and their contention was supported by some of the Provincial Governments—that labour was so backward and so illiterate, that the labourer himself was unable to know whether he was being cheated when the products of his labour are weighed and it was essential, they contended, to have some outside representative present so that the labourer, because of his illiteracy and his ignorance, would not be cheated. Yet we are asked to believe that labour, so backward, so illiterate, so easily capable of being cheated, will be able to understand and to operate the vast, elaborate, intricate machinery laid down in the present Bill. In the sphere of engineering, Sir, you do not set up elaborate machinery unless you have trained mechanics to operate it. So, in the sphere of labour it is no use laying down procedural machinery if such procedure is too elaborate for the men who are working it. We felt, therefore, that in this matter Government were devising the scheme, desirable and commendable in itself, but perhaps more elaborate than was justified by the facts of labour today.

The second respect in which we were worried was that the Honourable the Labour Member was a man of too great faith. He had too more faith that the machinery of conciliation would bring peace into the industrial world. He seemed to feel that if you laid down some well thoughtout machinery, somehow or other, by itself, whether it was wanted or not by the parties concerned, that machinery would at once solve all our labour troubles. He seemed to overlook the fact that peace in the labour world depends on two factors. The first of those factors is a good spirit on the part of the employers, and the second factor is responsible leadership in the world of labour. As far as the first factor is concerned, there are signs now that a new spirit is dawning amongst employers and that there is more recognition of the rights of labour than was apparent before the war. When we turn to the other factor, labour leadership, one is compelled to say that there are no signs yet of an emergence of that kind of leadership which is essential if a Bill of this kind is to operate satisfactorily. The greatest difficulty in all labour legislation in India today is the lack of the right kind of labour leadership. Given that kind of labour leadership, legislation of this kind would be more easily workable, and perhaps would be less necessary. But in the absence of that kind of leadership it is going to be very difficult indeed to work any of this machinery which my Honourable friend the Labour Member is now in process of planning. For these reasons we felt that this measure

[Mr. P. J. Griffiths]

wanted a great deal of examination. There were some features which seemed to be particularly undesirable or impracticable. One of these, which I shall deal with later on, was the proposal that the awards of tribunals, if accepted by Government, should be made binding on employer and employee alike. It is easy in this House to talk about awards being made binding. What are you going to do if labour does not accept the finding? It is easy as far as the employer is concerned—for you can force them to accept it. But what about labour. What does my Honourable friend think he can do if a binding award of a tribunal is not accepted by labour? In practice he can do nothing and that is one reason why I say that there are in this Bill features which, though well intentioned, bear little relation to practice. I shall return to that specific point later. The point I am trying to make at the moment is this. It is no use introducing machinery if that machinery is too far in advance of the ideas and ideals that are accepted by the parties concerned.

It seems to me that both the misconceptions, implicit in this Bill, proceed from one common cause. That cause is the error—it is becoming almost a habit now, not merely an isolated error,—the habit of assuming that what suits the West, suits this country. Slavish imitation of western practice seems to be one of the greatest dangers in legislation here today. We tend to assume that because some form of machinery is considered useful in Europe or is recommended by the International Labour Organisation, it follows that that kind of machinery should be introduced in this country. I was very apprehensive on this point last year when I heard my friend's predecessor, Dr. Ambedkar, point out that although this country had given effect to most of the recommendations of the Royal Commission on Labour it had done practically nothing about implementing the decisions of the I. L. O. I had hoped that with the emergence of a new Government there would be greater recognition of the need to break away from recommendations arrived at by bodies which have no practical knowledge of conditions in this part of the world. For my part, the less we have to do with somewhat unreal, academic bodies like the I. L. O. the better I should be pleased, as I believe that in that case this country would have a chance of getting legislation of a sound practical type.

So, with these views in our mind we were very unhappy when this Bill was introduced last session, but in spite of that unhappiness, in spite of those objections, we still felt bound to support the reference to the Select Committee, because with all its defects and unwise assumptions this Bill nevertheless did contain one sound practical core. It did endeavour to set up some kind of conciliation machinery which, whatever the defects of that particular machinery might be, seemed to us to be necessary in the circumstances of India today.

No one who looks at the labour situation of this country at the moment can fail to be worried at the constant growth of industrial unrest. It is not difficult to understand the causes of that unrest. They are partly economic, partly ideological and partly the result of the very intense and intelligently planned activities of the Communist Party. But be those causes what they may, this industrial unrest, unless checked, is likely to prove the greatest obstacle to India's progress. We talk of post-war planning. We talk of industrial expansion. How can you have industrial expansion if the employers concerned in that expansion cannot depend upon a regularly attending labour force? We agree therefore with the Honourable the Labour Member that some attempt had to be made to establish a procedure for conciliation. We felt therefore that we must support this reference to Select Committee, in spite of our profound misgivings with regard to certain important parts of the Bill.

The Bill went to Select Committee and it has returned from that Committee not very greatly improved. So we find ourselves still in the position in which

we were in the last session. We are bound to support the Bill because the principle of conciliation machinery is a good one, but yet there is much in it which we regard as unsound and doctrinaire.

We approach the problem of industrial disputes from the standpoint of three principles. The first of those principles is that the only right, proper and lasting way for the settlement of industrial disputes is by voluntary discussion between the two parties concerned and that nothing else can take the place of such discussion. I know my friend the Labour Member also takes the view that nothing can take the place of voluntary discussion and voluntary settlement between the employer and the employed. No machinery must be allowed to operate in such a way that discussion is displaced by the processes of law governmental interference should not come into play, before those processes of voluntary discussion have had their full chance to operate.

The second principle is, that where one of the parties is not willing to discuss, where voluntary discussion is therefore impossible, some kind of conciliation machinery should be introduced, some kind of procedure for discussion shall be made obligatory. We agree that it is entirely wrong that labour should go on strike or that an employer should be able to lock out his men, before the processes of discussion have been exhausted and in so far as the Bill says that when a dispute takes place conciliation will be compulsory, we regard it as a sound and wise measure.

The third principle is this. When you have exhausted the processes of conciliation, when you have compelled parties to get together but they have not agreed and they have failed to reach a settlement, then in the last resort you must, however unpleasant it may be, however serious the social consequences may be, allow them to fight it out. We say that for two reasons. There are two reasons why you must not take away the right to strike. One is a matter of principle and the other of practicability. The first reason is one that will commend itself to my friend Mr. Joshi. The right to strike is the only effective weapon the worker has. You must not take away that weapon from the worker. It is not very often that in labour matters I find myself in agreement with Mr. Joshi. When I do, I know he is right. On this matter, we see eye to eye. We both feel that it is wrong in principle to take away the right to strike and if it is wrong to take away the right to strike in the last resort, it follows that it is equally wrong to make the award of a tribunal binding. What you do in effect, when you make the tribunal's award binding is that you say to the employer and the employed alike—you shall not strike against this award and you shall not lock out against this award. That seems to me wrong in principle.

But quite apart from the question of principle, there is a practical aspect to this question. Binding awards and imposed settlements simply will not work in practice. They won't work for two reasons. The first reason is one which I have already mentioned. You have no means of enforcing them against labour. That applies with particular force in industries where you have no organised unions. If there is a union, you may do something about it, but what are you going to do in the case of an unorganised industry, in an industry without unions. If labour says 'this is an interesting award but we do not propose to accept it', you can do nothing about it. That part of the Bill, in so far as it concerns labour, means nothing at all. It does mean something as applied to the employer. As applied to labour, it is meaningless but even apart from that

Diwan Chaman Lall (West Punjab: Non-Muhammadan): May I interrupt my Honourable friend?

Mr. P. J. Griffiths: Not at this stage. If you allow the parties to fight it out, some kind of settlement may be arrived at, which may be accepted by

[Mr. P. J. Griffiths]

both parties. Otherwise you may leave a sense of grievance among both parties. If you impose an award, it merely means that the parties who were not allowed to fight it out they will say 'we will find something else to fight about'. You transfer the grievance to another issue. You have got in practice to leave them to fight it out. Surely the right line to take, is to insist in all cases upon the operation of the conciliation machinery. Let us say—there will be no strike, no lock out till those processes have been exhausted. When these processes have been carried out, if there is still disagreement, let there be no question of imposing an award. Let us recognise that we shall have to put up with the disagreeable consequences of the parties fighting it out. In these days we do not like to force unpleasant facts. We are so appalled at the consequences and the disasters that have come from great industrial disputes that we are apt to shut our eyes to their inevitability. We are apt to pretend that if we devise some simplified machinery by this means we can put an end to strifes and disputes. But I do not believe that to be the case. I do not believe that any scheme for imposed awards will in the last resort stop labour and the employer from fighting it out if they cannot be persuaded on rational grounds to come to some common agreement.

From these general principles two conclusions follow with regard to the Bill itself. The first is, of course, that clause 15 of the Bill, the clause which deals with the awards of tribunals and which makes these awards in the general case binding, seems to us to be unsound. We do admit that the clause, as it has emerged from the Select Committee, is at least better than it was before it went to the Select Committee. Before it went to the Select Committee, it was left to Government, at its own discretion to accept or not to accept the award of the tribunal. We feel that at all costs we must avoid the final power of settlement of industrial disputes being left in the hands of the Government—for this good reason, that you cannot guarantee that, when Government is dealing with matters of this kind, political considerations of one kind or another will not enter into their consideration. If a final award is to be given in this matter, that award must be given by persons with judicial training and by persons whose position is such that they are not likely to be influenced by this or that current of political feelings, persons who will arrive at their decision purely on the merits of the case. We, therefore, view with satisfaction the change that has been made. Much as we dislike these binding awards, we would prefer them in the form now emerged from the Select Committee to the original form. In this particular clause there is a proviso, in which a case is laid down where the award of the tribunal is not to be binding. That is the case where the Government is the employer, and the argument in favour of that proviso is something like this. If a tribunal thinks that wages have to be increased and it so happens that the employer is the Government, Government cannot so increase wages without coming to this House for budgetary sanction. In other words, we are asked to recognise the fact that Government is not in a position of a private employer that this House has the right to tell the Government what it thinks about wage increases for Government employees. Therefore, the Government must have the right to ask for the re-consideration of the tribunal's award by this House. The tribunal will consider the matter purely on the merits of the dispute. When Government as employer does not agree to the award it will come to this House and this House may have wider considerations than those which were before the tribunal. We do not like very much that proviso, but we accept it as necessary. It follows that we cannot accept the amendment put down by my Honourable friend which would extend that proviso, not merely applying it to the case where the Government is the employer but applying it to any case where Government considers that it should not accept the award of the Tribunal. We do not follow the logic of this

amendment. The only argument in favour of the proviso is the embarrassment to Government if Government as employer had to accept wage increases without coming to this House for financial sanction. We cannot see the logic of proceeding that, to say that a similar discretion must be given to Government, not only in cases where the Government is the employer, but whenever Government thinks that an award should not be accepted. That, in effect, is the real change made in this Bill by the Select Committee. We, in this Group, are not prepared to accept Government as the final arbiter in the ordinary class of industrial disputes. We much prefer to pin our faith to the decisions of judicial tribunals and those decisions would be made meaningless if Government were to have the right to say that the tribunal was wrong for this or that reason. We are prepared to accept these decisions as final. If this is not to be what person of the status of a High Court Judge will agree to sit on a tribunal whose decisions can be lightly upset by the Government. This proposal is not sound either in theory or in practice and we therefore find ourselves compelled to oppose the amendment to this effect which has been put down in the name of my Honourable friend.

The principles which I have tried to put forth also lead me to another conclusion and this time it concerns clause 23. This clause deals with notice of strikes and it appears to us to be too narrow and restricted. Our view is that a strike notice should be required in all industrial disputes where a strike is contemplated and not merely with regard to such cases as are mentioned in this clause that is when public utility concerns are in question. We do not see the logic of setting up a machinery of conciliation laying down that all disputes must be amicably discussed, unless notice has to be given before strike actually takes place. Otherwise how is this elaborate machinery of conciliation to come into action? Surely if machinery is to come into operation, somebody has to press a button or pull a lever. You want strike notice so that somebody may save time to pull the switch of conciliation. My Honourable friend wants all the disputes to be dealt with by the conciliation machinery. How is he going to have that done unless it is always known when a strike is about to take place? It is all right to say that as soon as the Labour Member knows that strike has taken place, he will use his conciliation machinery and thereafter the strike will be illegal. In that case the damage will have been done. There will not be an atmosphere in which conciliation proceedings can be undertaken with ease. It seems to us most important that before a strike or a lock-out is started notice of it must be given, so that the Government can get busy and public opinion can get busy and in the meantime atmosphere of a kind in which conciliation may succeed, can be preserved. We, therefore, very much regret that in dealing with this clause my Honourable friend the Labour Member has not gone far enough. This is not like him—he generally goes too far—but in this case he has not gone far enough.

There is one other consideration of a somewhat different nature from the arguments that I have put before the House so far. I refer to clause 3, the clause which makes the appointment of a Works Committee obligatory. That clause seems to us to be unsound. We do not believe that the machinery of this Works Committee is universally suitable in the conditions of labour in this country. There may be some industries where this machinery is suitable, but there are great many more industries and concerns where we are convinced—and I say this not merely on theoretical grounds but as a result of practical experience—that Works Committees will lead to friction and they will be a source of disputes rather than of peace. I do not know if it has been generally realised that the operation of Works Committee demands far more tact, far more strength, far more mutual toleration, than the operation of a Union. If you have two men who hold radically divergent views about something, particularly if those two men happen to be mutually antagonistic, it is much easier for those two men

[Mr. P. J. Griffiths]

to meet frankly as opposite parties than for them to sit from day to day as members of a Joint Committee. There are endless causes of friction when you bring people of this type together as members of the same Committee. It is a fairer and sounder procedure to let them recognise that they hold divergent views and let them sit on opposite sides of the table when occasion demands instead of compelling them to be in each other's company day by day. These Works Committees have been tried in various places and as far as I am aware, in this country they have seldom been successful. It is not to be expected that they should be successful. After all, let us face the facts as they are. In this country the social gulf between the employers and the employees is far too wide to make it possible for employers and employees to sit down at the same table for the discussion of every day affairs. It may be wrong that this social gulf should exist, but it is there. We are concerned today not with the planning of new Heavens and earth,—though I suppose next week we shall have a Bill for that purpose—we are concerned today with machinery which will work under present social conditions. I do not believe anybody who has experience of labour in this country will believe that it is wise to force the employer and the employee to sit round a common table to discuss things, as is done in more advanced countries. Does my Honourable friend the Labour Member think that he could do it? I want to put this question to the Honourable the Labour Member, if he will answer it. Is my Honourable friend prepared to apply this very principle to the people who work under him? Does he seriously think that he or his Secretary, Mr. Lal or Mr. Joshi should sit down regularly, with his chaprasis in the Secretariat, round a common table and carry out discussions about day to day matters? Does he believe that this system would work? He knows that it would not work. He knows he would not be able to maintain office discipline afterwards, that there will be chaos and friction in the office. He knows that, for the first few days the chaprasis would be embarrassed and very unhappy and after the unhappiness and embarrassment have passed, the chaprasis would be on the top of him. He knows that he would be compelled to come to this House frequently and ask for sanction to increase of pay to the chaprasis. He knows this system of consultation would not work. He would not dream of practising it in his own office, for my Honourable friend is a practical man. He is far too practical to try unpractical schemes of this kind in his own Secretariat. (Interruption.) Perhaps I am giving him too much credit for practicality. He wants us to bring in a scheme of this kind which nobody believes in. Neither the workers nor the employers believe in it. He wants to entertain a fantastic theoretical scheme of this kind and make it obligatory on the employers and employees to sit together round the same table and work out the scheme.

As I said a little time ago, it is not very often that labour and capital as represented by my Honourable friend Mr. Joshi and myself agree. But when we do agree, there is no doubt that we are right. Here neither the representatives of labour in general nor those of capital, consider that this should be made obligatory. They both said so.

Diwan Chaman Lal: Where? May I ask my Honourable friend to give chapter and verse for the statement that he is making that workers—labour—are against this scheme?

Mr. P. J. Griffiths: Unfortunately I cannot refer to Select Committee proceedings. I am not allowed to do so in the House. If the Honourable Member wants chapter and verse outside the Select Committee proceedings, I can give him press cuttings tomorrow morning. In this House, I can only say that I cannot quote from Select Committee proceedings.

Diwan Chaman Lall: I am not asking my Honourable friend to quote from Select Committee proceedings. When my Honourable friend is making this categorical statement, I am asking if he can give us evidence either on behalf of the Central organisation of workers, or the all India Trade Union Congress, or the Central organisation for Railwaymen, or the Central organisation for posts and telegraph workers, can he give any facts to bear upon his statement that workers are against this scheme. I challenge him to do so. He cannot produce any evidence to that effect.

Mr. P. J. Griffiths: If the Honourable Member wants evidence, I can give from newspaper cuttings.

Diwan Chaman Lall: We have got three organisations in India which are all all-India organisations of a very important nature and all these organisations represent the working classes by the million. I want to ask him whether he has any evidence that any one of these organisations has given its opinion against this scheme.

Mr. P. J. Griffiths: If my Honourable friend wants me to believe that he is the main representative of all the working classes in this country

Diwan Chaman Lall: That is a cheap argument. My Honourable friend knows it.

Mr. P. J. Griffiths: He may assert that he represents all the workers

Mr. President: Let there be no conversation across the table. The Honourable Member will proceed with his speech.

Diwan Chaman Lall: I am interrupting my Honourable friend. I am asking him to give chapter and verse for his statement that labour organisations in India are against work committees.

Mr. P. J. Griffiths: I can give him chapter and verse tomorrow morning. I do not carry all these cuttings with me now. My Honourable friend shall have them. In the meantime let me refer to the Honourable Labour Member's remarks. He himself knows that he had to go round India, trying to convince organised labour that these work committees were desirable, but that he has not succeeded in doing it. No one who has practical experience of dealing with labour believes in these committees.

Mr. President: I would ask the Honourable Member to address the Chair.

Mr. P. J. Griffiths: I am sorry, Sir. The point I was trying to make is this. These work committees depend for their success on the existence of a great degree of restraint, education and experience which do not yet prevail amongst labour in this country. Do not therefore make them obligatory. I do not say that they are necessarily bad things. Let them be regarded as something experimental, something to be tried out by those who feel competent to handle them. They have not succeeded in this country in the past where they have been tried, the results have not been successful. In many cases, men who were initially most enthusiastic have found that they do not work. I do not say, they will never work. All I say is we are not ready for them yet. Do not therefore make them obligatory. If the idea of work committees is as my friend says, good for both employers and employees, surely it is reasonable to suppose that the experiment will be tried in a good many places. Let my Honourable friend wait for the trial of this experiment. Let him satisfy himself that he has honestly tried the experiment on a large scale and then say whether it is practicable or not. When he has done that, he can come back to this House and ask us to arm him with powers to make these committees compulsory. In the meantime, this proposal has been put in this Bill simply out of slavish imitation of what is being done in other countries. We do not believe in slavish imitation of what takes place in other countries. Let us work on the good foundation of our own experience of India as regards labour legislation.

[Mr. P. J. Griffiths]

Well, Sir, these are the some of the main points that I have to make on this Bill. They leave us with an uneasy feeling in our minds. We feel ourselves bound to support the measure, because we have to recognise the need for some conciliation machinery, so we feel that this Bill is better at any rate than nothing. At the same time, we feel, as I have explained that it is misconceived in many important directions. We find ourselves powerless to cover these misconceptions. We have therefore to choose between rejecting this Bill or supporting it as it is. In these circumstances, we have no alternative but to accept it as it is and it is indeed our intention to support this measure. I should however like my Honourable friend the Labour Member to think carefully of what I have said, not to take it too much for granted that the form which he has enshrined in this Bill is a form of legislation suitable for this country.

One last point I want to make—and it is not so much a point as a request. I speak now about an industry with which I am particularly concerned, the tea industry. In that industry, we no doubt need machinery for conciliation but we suggest my Honourable friend that we want something far simpler than the machinery which is envisaged in this Bill. The machinery proposed in this Bill would be completely beyond the comprehension of tea garden labour, because that labour at the moment is unorganised, untrained and uneducated. This machinery could not work among tea garden labour. At the same time some sort of machinery is required. What I want to ask the Honourable the Labour Member is this. Will he consider, I do not say now, but at the appropriate time, when he frames a separate plantation code which I understand he is in the process of doing, will he consider putting in there some machinery for conciliation in the tea industry and at that stage, remove the application of this Bill to that industry. I do not expect him to commit himself in detail or as regards the form, but I should like to know from him in his reply, if he does feel there may be need for something rather simpler than this for special industry—and the plantation industry is the one which I myself have in mind. With these remarks, in spite of much heart-searching and diffidence, I support this Bill.

Miss Maniben Kara (Nominated Non-Official): Sir, I rise to oppose the Bill which has far reaching consequences on the entire trade union movement. Not only that, it will set the pattern for similar legislation in other provinces. That being the case, this Bill requires very serious consideration before it can be passed into law. Sir, the proposed object of this Bill is industrial peace and growth of healthy trade union movement in the country. Similar was the object of the Bombay Industrial Disputes Bill which was passed in 1938 by the Congress Ministry. After all the Bombay Industrial Disputes Bill of 1938 has not in any way helped the growth of trade union movement in this country. The history and records of the trade union movement will go to show that the Bombay Industrial Disputes Bill, the object of which was to help the healthy growth of the trade union movement, really did not help its own object. If we have learnt any lessons from past experience I feel that the passing of this legislation will not only not help the growth of the trade union movement but it will also not give us the much desired industrial peace in the country. This Bill supposes that the workers do not desire industrial peace. Let me assure you that the cause of industrial peace is greater and dearer to the workers than to any other section of society. The workers do not want industrial disturbances because you all know that during the strike period they have nothing to fall back upon. They are thrown on the streets; they have no bank balances, no insurance, and they have not got any big funds in their unions which can support them during the strike. The worker of his own choice does not really want to go on a strike. The Bill sounds as if the workers are out for a strike, that they like disorder and chaos; Sir, it will be a very grave charge against the working classes of this country if you say that they do not want industrial peace. If you want industrial peace there

are ways and means of achieving it. One of the ways of achieving the gratitude and good wishes of the working classes will be to secure for them human conditions of work and existence. Let progressive pieces of legislation be brought before us which will help to raise the standard of life of the workers and will help them not to want to go on a strike; so that our object of getting industrial peace will be achieved by progressive legislation and not by a Bill like this which encroaches on the fundamental right of citizenship. Sir, as one of the representatives of labour I may say that we are not against any machinery of conciliation; we are not against any conciliation board or against any courts of inquiry or against adjudication awards. Let that machinery be provided; but why do you want to make it compulsory on the workers? Why do you not have confidence in the working classes that if such a machinery is provided for them the workers will make the best use of it? Why do you want to deprive them of their right to use that machinery or to reject it? After all, Sir, the Bill does take away the workers' right to strike. The restrictions imposed amount to taking away a person's right to go on strike. Not only that; there are other serious implications of this Bill, and I would expect my Honourable friends who are lawyers to study this very carefully. An attempt is being made to turn a breach of civil contract into a criminal offence. Sir, when a man goes to his employer and agrees to serve him on a particular term of wages he enters into a civil contract with his employer. If the worker so desires he can choose his employer and he can also leave one employer and go to another. At the most he can be sued for a breach of civil contract and the employer will be entitled to claim damages from him. At present nothing more can be done; but the implications of this Bill will be that if an employee chooses to withhold his labour from one particular employer for a certain period he will be considered to be a criminal. It means that you are turning a breach of civil contract into a penal offence, and it will amount to a grave violation of natural justice. I appeal to you, Sir, to give very serious thought to this. After all we are contemplating such legislation for no other section of society. If a doctor chooses to close his dispensary or consulting room he cannot be criminally prosecuted. My Honourable friend Dr. Deshmukh cannot be prosecuted because he has come here leaving his patients behind in Bombay.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban). I do not keep a dispensary.

Miss Maniben Kara: Chemists and other shopkeepers are not to be treated as criminals if they close their shops and the public are thereby inconvenienced. Have you forgotten the *hartals* that take place even now for this and that reason? If these people who keep shops can close them if they like why should you penalise one section of society which chooses not to continue to work with the employer for a very serious and grave reason? As I said, I will once again reiterate that the employee does not desire industrial unrest; he does not want to go on strike; he strikes simply because in the existing condition he has no other machinery at his disposal, no means of making representations and negotiations, and no machinery for bargaining with the employer. It is when he is absolutely frustrated that the worker is compelled to go on strike. That is why, Sir, on behalf of labour I say that we are not against this machinery. We only say do not make it compulsory. We stand for voluntary agreement between the employer and the employees; we do not want external interference; we want internal settlement of disputes.

The Honourable Shri Jagivan Ram (Labour Member): But you want external interference in so many things.

Miss Maniben Kara: Coming to the question of the workers committee, I am surprised that my Honourable friend Mr. Griffiths think that a worker will feel most uncomfortable in sitting around the same table with his employer. In the present condition of inequality it may happen, but I am surprised that a progressive man like Mr. Griffiths should still continue to think that a

[Miss Maniben Kara]

Chaprasai can never sit across the table with his employer to discuss his legitimate grievances.

Shri Sri Prakasa (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): The employer will feel uncomfortable!

Miss Maniben Kara: Also, Sir, we welcome the formation of this Workers Committee inside the industry. We feel that such committees should be formed not only in one particular industry, but in all the industries because we believe that by negotiation and by bargaining with the employers and having some voluntary agreement between the employer and the employees, the industrial peace will be guaranteed in this country.

My Honourable friend, Mr. Griffiths, also talked of imitation of the West. I do not know if Mr. Griffiths is not aware that in a highly industrialized country like England, where the Trade Union movement can be considered to be very strong, there is no such legislation, and to that extent I give credit to my Honourable friend, the Labour Member that he is bringing forward something which does not exist in most highly developed industrial countries. This legislation is injurious to the workers and it does not exist in England. If the Honourable Member followed the example of the highly developed industrial countries, we would welcome it. We from the labour do not reject everything that comes from the West; we judge everything on its own merits; we do not stand for any racial prejudice; if Western legislation is good for this country we shall certainly have it, but we are far from any of the privileges which are enjoyed by the Western countries. I would expect the Honourable the Labour Member to bring forward those legislations first so that the necessity of such a legislation will not be there any more, and industrial peace can be guaranteed. In England where the Trade Union movement is so well organised, where the workers have got all the facilities and benefits, even in those countries there are strikes. The rulers of that country have not taken into their head that they will take away or deprive the workers of their right to strike. Even there the workers' right to strike has not been taken away from them. I do not understand why it should be found necessary in this country where workers have got very few privileges, to take away the right of strike; not only this, but if the workers go on strike, it would be considered to be a criminal offence; It is not only an injustice to the working classes alone, but it is a warning to the other sections of the society which way you are going.

My Honourable friend, Mr. Joshi, yesterday very ably pointed out regarding the question of lockouts. In this Bill it has been attempted to show that there is not much difference in attitude of the Government towards employers and the employees. Sir, the employer has in his palm the lives of a thousand or two thousand employees working under him, plus the families and dependants of his employees. He is in a position to change the conditions of work with a stroke of his pen. Sir, talking of equality between the employers and the employees when there is no economic equality between the two will be ridiculing the workers. Under the present day society where there is economic inequality between the employers and the employees we from the workers would expect the State to come to the help of the employees. They must have legislation passed in favour of the workers so long as there is economic inequality between the employers and the employees. What is our experience when the workers are on strike? The police is brought to safeguard the factories, or the mills, to give all protection to the employers. What is the workers' lot during that strike period? The worker is not only thrown on the streets, the worker is not only starving, but he has to face arrests, he has to go to jail, he has to face lathi charges, and he has also to face the bullets. Is this equality? In a society where there is no economic equality, to talk of equality is nothing but adding insult to injury as far as the workers are concerned. An employer is in a position economically and in every other respect to play with the lives of the

workers as he has been doing so far.

At this stage, Sir, I do not intend to discuss the Bill clause by clause. I will only content myself by saying that if the object of the Bill is to help a healthy growth of the trade union movement, and if the object of the Bill is to have industrial peace in the country, then I am afraid that by this Bill the Honourable Member will not be able to achieve either of the two objects. For the healthy growth of the trade union movement we will have to encourage machinery for voluntary settlement of disputes in order to ensure industrial peace in the country. We will have to free the worker from the present misery of a low standard of living, bad housing, insurance against unemployment and various other amenities which are urgently needed for the employees. When a worker is satisfied of his daily needs, I assure you, Sir, that he is not at all anxious to go on strike and create unrest in the country. On this subject, a liberal man, like my friend, Mr. Joshi, who himself made it very clear that he is not a revolutionary, and yet he felt that a Bill like this is not going to help us to bring industrial peace in the country. Sir, I am a revolutionary and as a revolutionary I am a realist and as a realist I believe that by hooliganism the workers do not get anything. Because I am a revolutionary, I know that these are not the tactics and methods of improving the lot of the workers. As a revolutionary I believe that what we want is a change of social order, and for a change of social order the old tactics of revolution must be given up. The old tactics of revolution cannot go on in these days. That is why we want that new legislation should be brought in order to avoid hooliganism, but if you fail to do that you will be responsible for the chaos in the country and not the working classes. The sponsors of this Bill will be responsible for industrial unrest, strikes and various other hardships in this country by the passage of this Bill. Sir, I am quite sure it will not be a practical proposition for the simple fact that to pass any law is easy, but to maintain it is very difficult. Do not pass such laws that cannot be maintained. We have known from our experience that any such laws passed in the past have not helped either the growth of the trade union movement nor the workers have respected such laws. I would therefore appeal to you not to bring in any such legislation because the workers cannot—not that they do not want to do so—but they simply cannot abide by such restrictions put on them. The workers have no other weapon with them to strengthen their bargaining power. Sir, we talk of bargaining power with various other people, but what has the worker got with him. The only threat which he can hold out in order to get a few pennies more from the employers is the threat of a strike. This is the only weapon he has. He has no other weapon and this is an attempt to take away the only weapon left open to the workers. I would, therefore, Sir, ask the Honourable Member not to proceed with this Bill any further but to bring in such more progressive legislation whereby the industrial peace so dear to the workers can be assured to this country.

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

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

Mr. Vadilal Lallubhai (Ahmedabad Millowners' Association: Indian Commerce): Sir, from the trend of the speeches I find that there is controversy on the principle of arbitration, on the right of labour to strike and the right of employers and employees to settle their disputes without the interference of the State. I do not think that any one could take exception to the principle of arbitration. I will come to it later on but so far as the principle of the right of labour to strike or the right of the employers and employees to fight out their disputes is concerned, I wonder whether it would be morally right or just for one party by sheer brute force to cow down the other by the method of strike or lockout. If any party succeeds in putting down the other by sustained effort,

[Mr. Vadilal Lallubhai]

by sustaining either a strike or a lockout to the bitter end it would not be correct to call it justice. I would say that if any strike or lockout succeeds, then it means that might is right and not that right is might. I would be surprised if Government does not come in (specially at a time like this, when there is such a heavy shortage of goods all round) to stop either labour from striking or the employers from declaring a lockout. There is the want of matches, the want of oil and want of cloth. There is an acute shortage all round and at that time it would be criminal on the part of any party, whether it is labour or the employer or the Government to allow a strike to interfere in the production of the necessities of life that are in such short supply these days. When a strike or lockout is there it is not so much that the employer or the employee will suffer: the greater sufferer will be the consumer and the country at large. When there is such scarcity of goods I would tell you that it is not the employer who suffers, the employee also suffers and more than both, the consumer suffers, if a strike or lockout is allowed to take place. Whenever there is shortage of goods, it is common knowledge that the cost of production goes up. Those costs are put up on the selling price. We have had many strikes during this year and also during the last year and if we are to consider the profit-making capacity of the industry or the profits allowed to the industry, all those items have to be taken into account, so that the industry would run and the profits would be maintained. I would therefore say that it is the consumer and the employee who suffer most when strikes take place. I have been born in the atmosphere of Arbitration in Ahmedabad and I know what benefit and advantage arbitration has done both to industry and labour. I know what a difference it has made to the prosperity of labour in Ahmedabad and what a disadvantage it would have been had there been no system of arbitration in that centre. As I said last time, Ahmedabad labour during the last six years of war got 15 crores of rupees more than what Bombay labour obtained and even today that is the situation in which Ahmedabad labour is reaping the fruits, though these are days of peace and it is all due to this system of arbitration. If there was not this system of arbitration in Ahmedabad, there would have been many clashes between labour and employer and labour would not be as strong as it is today. Labour there has been able to obtain higher wages as compared to labour wages in other parts of the country, specially Bombay, where there have been labour strikes which harmed both industry and labour there specially at this time when the shortage of goods is so acute, and it is the consumer and the country which suffers the most.

I would say to the Government that if they could not accept the principle of arbitration for all time to come, at least they should consider that so long as the shortage lasts, the Government should see that all industrial disputes are referred to arbitration. At least for three or four years, as long as the present situation lasts, if all disputes are taken to arbitration, I think the country would benefit, also the consumers and labour would benefit.

India is an undeveloped country and we are on the threshold of industrialisation. Industries will be started in every nook and corner of India, where labour wages are naturally lower than in highly industrialised cities. If labour is to be protected in those parts of the country and if labour is to get just wages, it is not strikes that would help them. It would be the principle of arbitration that would come to their help.

I do not want to dilate upon this matter very long and I shall try to finish my points as soon as possible. The other point is that if there is to be arbitration, I do not see why Government would not agree to a proposition that wherever there are strikes to be declared a strike notice ought to be given. If a strike notice of fourteen days or so is given, then within that time it would be possible for the employer and employee to come together and for the Government also to intervene, so as to save unnecessary loss in production.

Thirdly, if the matter is to go for arbitration I do not understand why when the arbitration proceedings are going on, the strike or lockout should continue. There is no meaning in keeping the struggle going while the arbitrators are trying to find out ways and means of settling the dispute.

I would therefore urge the Labour Member to consider these three points and to see that peace is maintained in industry for at least some years to come so that the country at large may not suffer.

Dr. P. G. Solanki (Nominated Non-Official): Sir, the Bill brought by the Honourable Minister in charge has been brought with the laudable object of bringing about goodwill and peace between the employers and employees by the methods that have been put in the Bill. The present situation or the condition of labour in Bombay and in a city like Ahmedabad has to be considered in this connection. There is a difference between the Bombay labourers and the Ahmedabad labourers. Just now my Honourable friend Mr. Vadilal Lallubhai spoke about the Ahmedabad labour and he led us to believe that it is only by arbitration that everything has been done between the employers and the employees. But, Sir, what I have heard about Ahmedabad is different. The labourers of Ahmedabad are mostly Gujeratis who belong to the down-trodden and the backward classes of Ahmedabad city and the villages near about Ahmedabad, and the uppermost feeling in the minds of these workers is the feeling of respect and high sense of gratitude towards our beloved Mahatmaji. It is in fact due to the great adoration in which Mahatmaji is always held by these people that everything which comes from the lips of Mahatmaji is conceived by these labourers as a sort of mandate or a message of love towards them. I have been in contact with the labourers who are nearer to me, and I have heard from them "Yes we look upon Mahatmaji as our saviour". At the same time sometimes it happens that amongst us, between the employees and the employers, disputes arise and those disputes continue for some time. Negotiations go on about the fifteen per cent. of bonus which we have claimed. It was some years back. Now, Mahatmaji appointed one arbitrator who was from Bombay. That arbitrator is known very well in Bombay for his impartiality and all that. But, Sir, whenever these big men go to Ahmedabad city they are naturally always the guests of the millowners. You can well imagine the feelings of the arbitrator, however impartial and honest he may be, when he is under the roof of these rich people, that naturally he would have some sense of obligation in his mind and he will think more partially towards the millowner than towards the labourers, yet because the mandate was there from Mahatmaji he cannot budge an inch from that duty which is laid upon him by the authorities. Twice or thrice the decision given by the arbitrators was in favour of the millowners. These poor workers were helpless. They could not disobey Mahatmaji. They kept quiet. During the last year there is a counter movement to start another union, and if it is so there may be within a year or two a clash among the workers themselves. One fortunate thing in Ahmedabad is that all are Gujerati-speaking labourers belonging to the scheduled castes numbering 20 to 30 thousand. These labourers are very loyal to Mahatmaji. But when once third party goes there things may change. In Bombay the labourers are mostly from Maharashtra Konkani and Deccan. These people are more for independence and at the same time for fighting out for their rights as labourers. They do not believe much in hero worship. They believe in getting bread for their own people and to live in a decent way by hard work. Gujeratis of course, are very economical. They can live in a plain way, and their expenses are not so much as the expenses of their neighbours in Bombay city. That is why there is dissatisfaction amongst the labourers of Bombay and contentment among the labourers of Ahmedabad city and the surrounding villages.

My Honourable friend, Mr. Vadilal Lallubhai said that arbitration is the only thing which brings about these good feelings and good results. I for one, am not for arbitration and not for any compulsion from the Government, under the

[Dr. P. G. Solanki]

present condition of the trade unions, the leaders of the trade unions, barring certain honourable exceptions, who come upon the public platform as public workers, take advantage of the illiteracy of the labourers and exploit them. These leaders make themselves happier and comfortable at the expense of these ignorant labourers. This sort of existing affair I strongly resent. Such men of doubtful character and honesty ought to be shut out or removed from trade unions. Such men ought to be taken away or wiped out from the activities of this trade union business. Registration of the trade union and everything is all right. But I have got certain suggestions to make. During the riots and the communal strifes the Government and the police holds responsible the man who is the leader of the affected area and locality and who is supposed to be the person to whom the people go for advice and guidance. If special precaution is taken by the Government, that only those leaders of the union who are honest and in whom Government can have confidence after proper inquiry as to their antecedents should be allowed on the board of trade unions. Those who are of doubtful or suspicious conduct and are out to exploit the workers and labourers should not be allowed to take advantage of the trade union and create mischief. It will be better. If a deposit of some amount be taken from such men of doubtful action, a threat should be given that if anything happens which is not lawful, then those persons will be held responsible instead of the workers, I think that would be a way of checking strikes to certain extent.

My Honourable friend, Mr. Vadilal Lallubhai said that the consumers suffer when a strike comes on. He always has been pleading and I have heard him many times that the shortage of working hours, closing of mills during strikes and all disturbances bring about the sufferings of the consumers. I know that the godowns of millowners in distant places far away from the mill area are packed up to the ceiling with cloth in Ahmedabad and Bombay. Black marketeers are there, who get all these things directly or indirectly from the authorities concerned. It is these Controllers and the officers in charge of these departments who instead of keeping a check upon them, allow a free exchange of money and goods and the result is shortage of cloth for the citizens. Every day we are threatened with shortage of cloth and shortage of food. Food and cloth are both essential for living human beings. I for one, am not in agreement with Mr. Vadilal when he says that the shortage of cloth is due to strikes and the short hours of work. Cloth is hoarded up by black marketeers. An appeal must be made to these black marketeers by influential leaders and big businessmen and they must be told that 'For God's sake, for humanity's sake, give up your greed and be generous, throw open the doors of your godowns and let the goods come into the open market'. If this happens I think there will be no complaint from the public. The fight goes on between the penniless people and the men who are over rich. The man with the money defies these poor men stating that how long can these men go on strike. Strikes will fizzle out when they will starve and come to us begging for bread. They will come on their knees begging for services. The workers are not prepared to yield to such threats. The Deccan and Konkani labourers are made of sterner stuff and they would not yield. In Bombay I have watched the strikes in the past which have gone on for weeks and months. Even though they starved, they did not yield. To add fuel to the fire, leaders of the unions go on encouraging the men to prolong strikes. Such dishonest leaders exploit the illiterate workers. They address the crowds of workers on strike and say that we are fighting for you and it is for your sake, that we and our children and families are undergoing hardships and starvation. Such leaders do not think of the sufferings of these penniless workers but think of themselves. The workers think that he is fighting for them and they collect *chanda* or money for the leaders of the union. These leaders get the necessary money and thus they carry on their children's

maintenance. The very same men go to the employer and say that they are trying to bring about peace among the workers. They tell the employer that they will try their best to persuade and bring round the workers to go back to their work, although they cannot give an assurance. They may or may not listen to us. The employer when he finds that his mills are closed for weeks and weeks he is apprehensive that his machines will go out of order and he will have to undergo the expense of keeping special staff in order to keep machines in good state. With this view, the employers listen often to the conditions proposed by some of the leaders of the labour unions. Thus the exploiting leader of the strikes gets money from the employers also. This is most objectionable and undesirable existing state of affairs. I for one am in favour of retaining the right of the workers to strike under the guidance and advice of healthy trade unions. It is the most powerful weapon that the labourers have to get their grievances redressed and to get their just and legitimate demands.

I believe this Bill has been brought here not as a permanent measure. If nothing better is coming out of this Bill, I am sure my friend Mr. Jagjivan Ram who is in charge of Labour portfolio will see his way to bring a further legislation with more stringent clauses in the new measure to control illegal strikes.

Honourable Miss Maniben Kara referred to the right of the workers to strike. I do agree with her there. At the same time I must say that the workers should not be misled and exploited by mischief mongers from outside. It is the outside third party which comes in between the workers and the employers and creates much misunderstanding and mischief. I went into the division lobby the other day against the introduction of this Bill. After reading the report of the Select Committee, I do feel that at present this measure is necessary in the interest of the workers. Let the workers form healthy unions by themselves in which the workers and the employers will have confidence. Let healthy unions come into existence in large numbers to guide the workers on saner and sounder lines of action.

I believe in conciliation, in mutual talks between the workers or committees formed by themselves and the employers. Let them sit together and try to understand one another without any prejudice and bias and come to final settlements. Millowners and other employers of labour should come in direct touch with the workers. Sir, there is a proverb in Gujrati which says that "without master the cattle do go astray." The Ahmedabad millowners are very shrewd in their business line and they have kept the thing going so smoothly and amicably that they do not expect strikes in their mills. But this is not the case in Bombay. The mills which belonged once to the Parsees and the Jews have

gone into the hands of our friends like Dalmia, Seksarias, Birlas and others in Bombay City. All my sympathy and good wishes are with the workers and the labourers because my own kith and kin are mostly workers in the fields in the villages; workers in factories; workers in workshops, railways and mills. I am in close touch with these workers every day. I am glad that the present Government which represents the people of the country, especially the Honourable Mr. Jagjivan Ram, who comes from the working classes, have brought this Bill. Surely, the Honourable Member must be feeling more for the working classes and the labourers' welfare and benefits. He is the person who knows and understands the difficulties of these people on his side of the country.

Sir, I do believe honestly that the Government have done a good thing by bringing in this legislation for bettering the conditions and by such measure I hope the relations between the employers and the employees are bound to be more amicable and friendly. Even after such measures if matters go to an extreme, surely Government ought to interfere and they ought to defend and protect the interests of the poor workers. They ought to come in time to stop struggle and strike and bring about amicable settlement between the employers and the workers and give relief to the employees. Reluctantly, I am giving my

[Dr. P. G. Solanki]

support to this Bill hoping with the hope that this Bill might have a healthy reaction upon both sides. But if it does not, then, as I have already said, the present Members who are at the helm of affairs in this Interim Government should bring some other legislation which will be more suitable and effective.

Finally, I again request the Government to keep an eye upon the undesirable mischievous leaders of the trade unions. Those who are of a doubtful and suspicious character, bind them down by such necessary conditions that they will be held responsible for any illegal and uninvited struggle and strikes. They should be ordered to keep some deposits as has been done in other cases of riots and disturbances in Bombay city where the leaders are held responsible. In the same way, these trade union leaders who do not enjoy the confidence of the employees and of the employers should be debarred or should be bound down. With these words, I support the Bill.

Diwan Ohaman Lall: Sir, the Honourable the Labour Member as well as some of his critics, are to be congratulated. He for the assiduity with which he has laboured to bring this measure before this House and they for the moderation that they have shown in their criticism of this measure. I have no doubt in my mind that there are genuine fears on the part of the labouring classes in India in regard to certain provisions of this measure; and if the House would consider the origin of this measure, it would realise how these fears originate. Many a bomb-shell has burst on the floor of this House, but it has generally been a dialectical bomb-shell in the course of debates and discussions. But over this particular measure a real bomb-shell burst on the floor of this House in the year 1929, and, Mr. President, if you will look at that particular pillar over there, the last pillar in the official gallery, I believe you will find that it still carries the marks of that particular bomb that was dropped here immediately after the discussion of this Bill had terminated. That showed the strength of feeling in regard to this particular measure. But unfortunately it has a very sinister history behind it.

In 1927, after the general strike in Great Britain, the Conservative Government of that day thought it fit to bring in a measure of this kind in the House of Commons and they passed it. It is known as the Trade Disputes Act of 1927. Immediately following upon that with the wave of unrest that there was in this country, the then Government of the day took that measure, adopted some of the sinister provisions of that measure, dropped some of the safeguards that were to be found in that measure and brought it before this House. The debate that went on on that measure in 1929 was a very acrimonious debate. It was not confined to a day or a day and a half; it continued day after day on the floor of this House. And as I happened to be a Member of this House in those days, the burden of moving most of the amendments fell on my shoulders. But the Swaraj Party, which represented the Congress in the Legislature in those days, unanimously agreed to reject that measure. There are, I believe, about six members of the old Swaraj Party, who are still members of the Congress and who are sitting on various Benches. I find from the division lists of those days that they all voted against that measure. The reason was this. With a Government which was irresponsible and an Executive which was irremovable, not reflecting the opinion of the public, there was a weapon that was being forged and placed in the hands of the Executive and it was feared that it might be utilised for the purpose of defeating labour. That was the main fear at that time. The Labour Government in Great Britain now, having at that time pledged themselves that if they came into power, they would repeal this measure, have taken the immediate step to honour their bond and they have repealed this measure in Great Britain. But unfortunately the measure that we had had some good things in it and some things that were bad, and we are obviously not in a position to take action on the lines taken by the Labour

Government in Great Britain. There the machinery for conciliation is of a statutory nature in many enactments. We here have no other statutory machinery except the machinery which is provided for in this particular measure. Now it is agreed, as far as I can understand the debate, on all sides—even the critics of the Honourable the Labour Member agree on this—that there is a necessity for conciliation machinery to be adopted in this country. In fact, even the Lady Member, a revolutionary as she confessed herself, is in agreement with the meek and mild Member for Labour on this particular issue. They all agree that it is necessary that we should have conciliation machinery. The fear that labour entertains has been expressed by my Honourable friend and old colleague Mr. N. M. Joshi, namely that you are taking away the right to strike, a right that is inherent in the working classes and that you have no business to take away that right. As was explained by my Honourable friend Mr. Gadgil, that right to strike has not been taken away, the right to strike subsists, it exists. All that is happening is this. Under the provisions of this measure, conciliation machinery has been installed and after the conciliation machinery has exhausted itself, then if the workers in any particular industry desire to go on strike, then they have an absolute right to go on strike. As far as that particular principle is concerned, if we are going to accept conciliation, we will have to accept certain limitations on that particular right for a particular period to go on strike or indulge in a lockout. It is necessary because conciliation means nothing else than this, that if there is a possibility of dispute, attempts should be made on a statutory basis to try and prevent that dispute, to bring the parties together in order that they may agree and avoid a lockout or a strike. During that particular period, I believe I have some knowledge of labour matters and of labour organisation, it is to the interest of the working classes that there should be no disputes that there should be no lockouts and that there should be no strikes. If after the conciliation machinery has exhausted itself, it is found that complete satisfaction has not been obtained by either the one party or the other, then each party would be free to take whatever action they like. We must look at this measure therefore from that particular point of view.

There are certain aspects of this measure, I believe three aspects of this measure, which must be kept separately in view. The first aspect, as I have explained is the aspect of conciliation. Now, Sir, conciliation machinery, as is contained in this measure is of a four fold nature. First of all it is suggested that there should be works committees in industrial establishments. My Honourable friend the Leader of the European Group said from knowledge that he possessed that the working classes would not welcome works committees. My experience has been a little different. I hope my Honourable friend will take it from me that my experience has been pretty vast in these matters, but he will take it from me that the working classes with whom I have been in close touch for more than a quarter of a century, would, and have always welcomed works committees. Their fear has been something entirely different. Let me explain to my Honourable friend how the fear arises. There was a time when trade unionism was on the up grade in India. At that time the employer classes were afraid of trade unionism and they wanted to avoid the development of a spirit of organisation among the working classes. But they could not always avoid contact with the working classes, grievances had to be placed before the employers and some sort of machinery had to be created for the purpose of the employers becoming aware of the grievances of the working classes. They then designed a particular system which was a Machiavellian system, in some cases, of getting representatives of the working classes through some committees which would then go to the employer and listen to the point of view of the employer and being committees created by the employer would naturally accept whatever the employer did. That was not genuine representation. That was not a real works committee designed for the purpose of concilia-

[Diwan Chaman Lall]

tion. It was a works committee designed for the purpose of enabling the employer to get his way easily and with some semblance of consent of the working classes. The works committees suggested in this measure are of a different nature altogether. They are entirely of a different calibre and they follow practically the suggestions which my Honourable friend Mr. N. M. Joshi and myself and our colleagues on the Royal Commission for Labour made. You will find, Mr. President, that on several occasions during the course of the preparation of this report, in the body of this report references are made to works committees. References are made in connection with the coal mining industry, in connection with the railway industry and finally in connection with the Ahmedabad mill industry. I do not want to take up much of the time of the House, but it would be of interest for the House to know exactly what was said regarding the Ahmedabad mill industry and the machinery for conciliation, by the Royal Commission on Labour. On page 337 of the Report it is said:

"In the second place, the scheme seems to us to have depended largely on the unique position of Mr. Gandhi, whose influence in Ahmedabad both with the employers and workers is very great. Both parties have confidence in his sense of fairness and sympathy towards them and either party would be faced with serious difficulties if it finds itself in direct opposition to his views."

They go on to say that the system is admirable in its intention and has had a substantial measure of success. Right through wherever they refer to the question of works committees, they come to the final conclusion, it is a unanimous conclusion of a Commission on which the Government of India was represented, the British Government was represented, Indian labour was represented and the Indian capitalists were represented, in fact it was an all comprehensive commission which took evidence throughout India and even in Great Britain, and after a couple of years of hard labour roaming round every nook and corner of India, Burma, Ceylon and Great Britain came to this conclusion, they say definitely that the system of works committees should be engendered and should be supported because it is a system which brings the grievances of the working classes into the lime light as far as employers are concerned. Let me say to my Honourable friend, do not be misled into the belief that it is something inherently opposed by the working classes, that the works committees were only opposed by the working classes, if they were found to be substitutes to trade unions in the labour movement. Now, for instance, in the railway department, although we suggested in 1930 that there should be a similar method of conciliation adopted on the railways, yet the railways to this day have not adopted the suggestion that we made in the report of the Royal Commission on Labour. Instead of that, they had what they call welfare committees, they were hand picked committees set up by employers or the General Managers or the Managerial staff with the result that there was no confidence placed in these committees by the working classes. That is the sort of thing to which the working classes objected. Here, however, in the body of this Bill you will find the suggestion is made that the works committees should be represented in equal numbers by employers and workers and obviously wherever there is a trade union, the workers would be representatives of trade unions. I take it that that is the intention of this measure.

Mr. S. C. Joshi (Government of India: Nominated Official): Yes.

Diwan Chaman Lall: Therefore these works committees would be based on the foundation of trade unionism, and I do not think any one of us can possibly take exception to this particular matter.

Now, Sir, the second stage of conciliation out of the four stages is the Court of Enquiry. Then we have a Board of conciliation and finally we have adjudication. Now, Sir, there is nobody on the floor of the House, I take it not even my Honourable friend the Lady Member, nor my esteemed colleague Mr. Joshi

who would object to conciliation. In fact it has been pointed out quite correctly that it is not to the interest of the working classes to indulge in fruitless strikes. The sufferers may be the consumers, the sufferers may be the capitalists who lose their profits, but the real sufferers are the hungry women and children of the working classes whenever they have to go on strike. Therefore if we can find some method, some way of avoiding fruitless strikes either due to obstinacy on the part of employers or due to some misunderstanding that has been created or due to the dilatory tactics employed by officials, it is necessary that such machinery should be established for the purpose of avoiding all these difficulties. And this Bill therefore provides that particular machinery.

Now having exhausted all these four stages of conciliation suppose a dispute is not settled and there is no possibility of arriving at a settlement between the employer and the worker. Then there is nothing in this Bill to prevent the working classes from going on strike and showing by their strength and solidarity that their demands are just, and obtaining justice for their demands. Therefore let it not be misunderstood that this measure is throttling the liberty of the working classes at the final stage to declare a strike. There is, however, what I might call a very serious defect in this particular measure which I hope at the proper stage will be put right; and that refers to this. If at any stage a reference is not made to conciliation and the workers then go on strike, you must not make that strike a penal offence and then say at that stage, "You shall not go on strike because we have made a reference to arbitration or conciliation." I think it is a very important right of the working classes which is thus sought to be taken away from them. If employers are willing, and if workers are willing conciliation takes place. But if the working classes ask for conciliation and conciliation is denied to them, and no reference is made to conciliation machinery either of the one kind or of the other, and if after that the working classes decide to take to direct action, you must not step in at that stage and say, "You shall not continue your strike for a single day because if you do your strike will be illegal. We are going to make reference now to adjudication or conciliation." In regard to what I have just said my Honourable friend will find it in clause 10(3), and I think that matter is capable of adjustment. But there is another very important matter which should be brought to the notice of this House, and that is in reference to what may be called sympathetic strikes. There is no reason whatever for limiting the action of the working classes to the particular industry in which they are engaged. A strike outside that industry or outside that industrial dispute would according to this particular measure be regarded and considered to be illegal. There is no justification for that. Today the trade union movement is striving towards a synthesis; even the employers' organisations are striving towards a synthesis. Instead of stray employers all over the country they are working towards provincial organisations, from the provinces they are working towards federal organisations. And the same tendency is apparent in the trade union movement. In 1920 when I had the honour of founding the Trade Union Congress which has been shepherded and brought to maturity by my Honourable friend and colleague Mr. N. M. Joshi we did strive towards this federalism and centralisation of the working class movement. The tendency has become a little more accelerated at the present moment. The interests of the working classes are not isolated. If we were to take the coal mining industry or if we were to take the services—the transport services or the communication services—we find that we cannot confine, for instance, the telephone exchange operators on the one side and the telegraph people on the other, or the postal people again on the other. It is necessary to take a comprehensive view in these matters; and if there is a dispute—let us say—in the telegraph department, we cannot penalise the postal people for wanting to assist their own men in the telegraph department when they declare a strike. The reason is simple enough. The pay

[Diwan Chaman Lal]

Commission, of which my Honourable friend Mr. Gadgil was a very honoured member, has found that the basic aims are more or less common among various classes of workers who may not be engaged in the same industry but have common interests in the protection of their own particular privileges and rights. If that is so, if we are now striving at an equatisation of the basic standard of wages, let us say for railway workers or postal and telegraph workers, and a dispute arises in the case of one which may affect the standard of life of the other, and if one goes out on strike the other goes out in sympathy, what reason and justification is there to penalise those who go out in sympathy? Ultimately their own conditions of service are going to be affected by decisions taken by the strikers or against them. Therefore I suggest that the proviso to which my Honourable friend the Leader of the European group referred is a proviso to be very carefully considered. Now he gave an argument in favour of that proviso and said that where a dispute has reached a final stage and the appropriate Government has not accepted that dispute either in part or in whole, the matter must be placed before the legislature; and the argument he advanced was this, that there are budgetary responsibilities that devolve upon Government in these matters and that they must come before the legislature for financial sanction. Now the argument that my Honourable friend advanced was, if I may say so, a bit far-fetched.

Mr. P. J. Griffiths: Sir, on a point of personal explanation, it was not my argument. I did not like it. I said we could not resist that argument and so we would accept the proviso, though we did not like it.

Diwan Chaman Lal: But he liked the argument, and there is a lot of difference between proviso and an argument; and it was not only tolerated by my Honourable friend but advanced with a great deal of eloquence and vigour which I enjoyed.

Now it is obvious that there is no substance in that argument. You are going to make your conciliation machinery dilatory and of no effect whatsoever. You are aware that these legislatures meet infrequently; the province that I come from has a legislature that meets once in about 12 months; and are we going to wait 12 months for a matter in dispute of a very grave nature if Government does not accede to the decisions arrived at by the conciliation machinery? Are we going to wait 12 months before the legislature gives its opinion and this particular matter is settled? No class of employer, much less would any class of workers, be prepared to accept a proposition of this nature. And it would not be a practicable proposition; it will not work. The essence of conciliation machinery is that it must be prompt and it must work; and if it is not going to be prompt and if it is not going to work, what is the use of machinery of this nature?

I submit these are the main essential features of this measure, and I should like my Honourable friends to remember this, that when they are voting for this measure they are voting for certain things that they do certainly object to and which I object to. But the main basic thing regarding conciliation is acceptable to every one. And if—as I hope—a measure suitably amended, with the defects that have been pointed out taken out of it, is placed on the statute-book, it will not be a bad measure to have under the present circumstances. What is it that we want to aim at? We have seen recently during the last twelve months a wave of strikes in India. The matter was referred to on the floor of the House. It must be remembered that after the first world war there was a similar wave of strikes in India involving hundreds and thousands of people. In the city of Bombay,—as you, Mr. President, will remember,—

there were strikes of a colossal nature which continued not for months but practically for a year and a half. The same state of affairs is evident today as a result of the economic distress following on the last world war. And there is a tremendous amount of distress visible amongst the working classes. It is therefore necessary to find some way or method by which the working classes would be able to get their grievances adjusted in time so that the wave of unrest may not spread and lead to revolutionary outbreaks. It is no earthly good, as was done by a previous Government in India, to take strong measures, let us say against the communist movement as they did in the olden days and started the Meerut conspiracy trial, merely because they were afraid that labour unrest was getting out of hand. Those are not the methods to adopt; the methods to adopt are very simple. Face up to the difficulties, realise the difficulties of the working classes, and if you are not prepared to grant the demands of the working classes hand the matter over to conciliation machinery and stand by it. When you are appointing unprejudiced independent men as Chairman, of the stature of High Court Judges, you may expect—and we do expect—that we may be able to get justice from them. These matters are of such great importance that it is necessary that we should get this machinery working on a practicable basis and that this machinery should be such as will give confidence and create confidence—give confidence to the working classes on the one side and employers on the other, and finally to the public that justice will be done whenever demands are put forward which cannot ordinarily be adjusted without conciliation machinery. **What is the inevitable result otherwise? Otherwise the inevitable result is that there will be chaos in the country; and it is not, as has been pointed out even by labour representatives on the floor of the House, the object of the working classes to create any sort of chaos because they are the main sufferers if there is chaos. Economic distress hits the poor man much more than it hits anybody else, and it is not to his interest that there should be a state of affairs of this kind in the country which would lead to disturbances or lead to strikes or lead to cessation of work in which naturally everybody suffers but the working classes suffer more than anybody else. Therefore this particular portion of this measure should be acceptable to everybody who has the interest not only of the country but equally of the working classes at heart.**

In regard to the penal clauses, as I said, there were some portions taken out of British legislation and others left out. For instance, we come to the last stage of this measure where there are prohibitions and penalties imposed in regard to action to be taken either by the employers or by the workers. Now in British legislation you will find that it is necessary to prove when you are proceeding criminally against a particular individual who has violated a provision of this measure that he did so wilfully, that there was a question of *mens rea*. That is absent from the provisions of this particular measure. You take it for granted that he has caused a certain amount of inconvenience, general hardship and so on and so forth, to the State or to the people; you don't then go further and find out whether he has done it deliberately, intentionally as was pointed out many years ago on the floor of this House by Pandit Thakurdas Bhargava when he was dealing with this particular measure when it came up on the floor of this House in 1929. There are certain safeguards that ought have been put in, but I take it that as soon as the first opportunity comes to consider the working of this particular measure that those provisions will be tightened up if there is found to be any latitude given to the authorities to take action without due regard and without due care.

Now I would like only to say one more word with regard to this matter. Sections 22, 23 and 24 are, if I may so call them, the penal sections of this measure. The penalties are laid down, but if, as I have stated, we take out those two particular provisions—one regarding sympathetic strikes and the other regarding the penalizing of a strike which has taken place when no notice has

[Diwan Chaman Lall]

been given or no conciliation proceedings have been started but when the strike has actually started and then orders for conciliation are given and the strike is declared illegal—if these two matters are satisfactorily settled, I think it will meet generally the point of view of the most rabid critics of this particular measure. (Interruption.) I thought I heard a note of dissent.

Sjt. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Perhaps 'rabid critics' is too strong a word.

Diwan Chaman Lall: The criticism was rabid; the critics were not rabid.

If that is done, then my Honourable friend would have achieved a very great measure of success. In these circumstances I do not desire to take too long a time of this House as it is necessary that we should get through our business as quickly as possible. Circumstances having changed from the olden days, I commend the points that I have raised in my speech to Honourable Members and particularly to the Honourable the Labour Member for such action as may be necessary in order that this measure may become acceptable to all classes of workers and all classes of employers in the country.

Mr. S. Guruswami (Nominated Non-Official): I rise to oppose this Bill very reluctantly in spite of the arguments advanced by my Honourable friend, Diwan Chaman Lall. I would only like to remind this House about the arguments that were submitted by Diwan Chaman Lall when the Trade Disputes Bill of 1929 was discussed on the floor of this House. He rightly reminded this House about the fact that the workers' protest was registered by the dropping of a bomb on the very floor of this House. Nothing has transpired now to make this Bill become more virtuous than it was then.

Sjt. N. V. Gadgil: He has become virtuous!

Mr. S. Guruswami: On the other hand more fetters have been forged in this Bill than was the case in that Bill. Unless we have a Government wedded to a policy of undiluted socialism we cannot trust in the *bona fides* of any executive Government. Until then any fettering of the weapons of the workers will be resisted by the workers with all the means that are open to them.

Shri Sri Prakasa: Even then the situation will be the same.

Mr. S. Guruswami: That you will see. But what I wish to submit is this: Personally I have no reputation of being a good striker. I have always discouraged strikes, but I cannot resist my criticism of the fact that on principle it is conceived on wrong lines. Firstly there is no obligation on the part of the Government to have either compulsory arbitration or voluntary arbitration whenever wanted. Under the Trade Disputes Act if both the parties apply for a Court of Enquiry or a Conciliation Board, those applications used to be accepted. Now there is a clause in the Bill which says that Government must be satisfied that the applicants represent the majority of the party and satisfy other procedure prescribed under the Act before they can even accept the application for appointment of a Court of Enquiry or a Board of Conciliation. Apart from that, there has been reference to works committee. Eloquent speeches have been made by both Mr. Griffiths and Diwan Chaman Lall. I am inclined more to support Mr. Griffiths in this matter. With due respect to Diwan Chaman Lall I would resist any imposition of works committees as they are now functioning on the Railways in any industry. They are known as 'Yellow Unions' in the United States of America, and therefore I say that instead of approving them I would request that a clause be added in this Bill which will render these committees illegal, because in actual practice they have been used to break sound unions with the result that the workers have no confidence in these works committees. There are no statutory powers

provided in the Bill for the works committees to function efficiently and in the interests of the workers.

Diwan Chaman Lall: May I interrupt my Honourable friend? Is he not aware that the difference between the Railway Welfare Committees and these Committees under this measure is that these will be formed in consultation with Trade Unions.

Mr. S. Guruswami: If it is only in consultation with trade unions, it means nothing. If these are formed with the approval of trade unions, it is quite a different thing. That is why I have tabled an amendment which I hope my Honourable friend, Diwan Chaman Lall, will be able to support. If that is done, then the objection would not be the same. He has rightly referred to another objectionable feature in this Bill, namely, penalizing sympathetic strikes. I am glad that Diwan Chaman Lall had to register that protest. I go a step further. This Bill penalises political strikes. Last year when Pandit Jawaharlal Nehru was arrested, there was a wave of spontaneous strikes—unorganized but spontaneous strikes—throughout the country. This Bill proposes to penalize such strikes: today the working classes are becoming more politically conscious and this Bill is curbing those tendencies and will not legalise such spontaneous activities, registered in righteous indignation against the autocratic attitude of any Government or big officer. And then there is no automatic provision at all for compulsory conciliation boards in case of non-public utility services. Even for public utility services there was a protest throughout the country about the clause which fetters the right to strike by asking the employees to give long notice to enable employer to prepare to break the strike. That should be removed. Even that clause of the old Trades Disputes Act did not provide for treating all service in the railways as public utility service. It said that any service of the railway which may be declared by the Governor General as public utility may be considered as such. If there is a workshop strike, it is not a strike that will harm the public or hinder the public in any way. Why should such strikes be treated as special and brought under the penalties imposed in the Bill? In that way this Bill by including more services as public utility services imposes greater restrictions than contemplated by the most reactionary Government that preceded this Government. Therefore, I protest against the inclusion of all railway services as public utility services under this Bill. Unless there is an assurance from the Honourable Member in charge of this Bill that the public utility services definition will not be applied indiscriminately to any railway service, unless there is an assurance that he will not tolerate the working of the Works Committee on the railways as today, unless he is prepared to give an assurance that necessary amendments will be made to illegalise such committees or to recognise the right of a sympathetic strike and acknowledge the right of a political strike if there is no proper labour legislation,—for it is one of the birthrights of the workers to go on strike to bring about social security and that is an illegal strike under the provisions of this Bill. Unless he is prepared to undertake the necessary social security legislation, the penalties imposed, and the fetters proposed under this Bill are premature and unjustifiable. And on this ground I have no hesitation in expressing my opposition to the Bill.

With these words I again ask the Honourable Member in charge of this Bill to reconsider the position especially in the light of the comments made by Diwan Chaman Lall and tell us what his attitude is so that we may decide to approve this Bill or reject it so far as the workers are concerned.

Sjt. N. V. Gadgil: The question be now put.

Mr. President: The question is:

“That the question be now put.”

The motion was adopted.

The Honourable Shri Jagjivan Ram: Sir, the Bill as it has emerged from the Select Committee is a definite improvement, I will say, from the workers point of view. I must congratulate the Honourable Members who rendered considerable assistance in the Select Committee. I have very carefully heard Sir, the arguments and points made out by my friends who claim to represent labour against this Bill. But I must confess, Sir, that the arguments that have been advanced on this occasion are the same that were advanced when the motion for reference of this Bill to the Select Committee was made by me. I am afraid, if I shall try to meet all these points, I shall be simply repeating that very argument which I advanced at that stage. Therefore, Sir, I shall not attempt a reply to all the points that have been raised.

Broadly speaking, the opposition centres round only one point. There is agreement, and as my friend Mr. Chaman Lall has remarked, even the most revolutionary lady representative in the House agrees to most of the provisions of the Bill except one. I do not claim myself to be a revolutionary. Nor do I claim this Bill to be a revolutionary measure. It is a very simple measure, and I personally feel that it is more in the interests of the workers than in the interest of the employers. My Honourable friend, Mr. Joshi, who has devoted the major portion of his life among a section of the labouring classes in this country—when I say a section of the labouring classes I mean that he has worked, and worked rather hard for the industrial labour only—has failed to be convinced. But, Sir, nobody can convince him if he does not choose to be convinced. When he criticises the measure, I am afraid, Sir, he considers this measure only from the point of view of industrial labour, rather factory labour only, the labour which is to some extent more organised than other categories of labour in this country. But I want to make it clear that only the factory labour does not represent the labouring classes of the country. There are other categories of labouring classes much more in number than the workers employed in factories. We cannot lose sight of those labourers who are not at all organized. Very few of the labour leaders have ever cared to look into their condition and try to organize them with a view to improving their conditions. While considering this measure we must keep in view those vast multitudes of labouring classes of the country who have so far been neglected by the Government and by the Labour leaders. I am afraid, Sir, for the workers who are a bit organised, who are in a position to place their demands and grievances before the employers, before the public, before the Government, this measure might not be so necessary. But it is very necessary for those workers who are not organised, who cannot think of standing on their own legs, who cannot think of making their demands and grievances effectively heard by either the Government or the employers. For them it is very essential and necessary that Government should go to their help and try to improve their condition regarding their wages and conditions of work, when there is a conflict between them and their employers. If I were to make it more clear, there are vast multitudes of workers employed in mines, in plantations and above all in lakhs of villages of this country in Agricultural Labour. The condition of the workers, as my esteemed friend the Leader of the Opposition has rightly remarked, is very unsatisfactory from the point of view of their illiteracy, ignorance and weakness. I was very carefully listening to the points raised by my friend Mr. Griffiths but I found that he contradicted himself in the later portion what he made out in the earlier portion of his speech. He began by saying that we were trying to imitate the pattern of the western countries, which are far more industrialised than India. He began by remarking that the workers in India were illiterate, ignorant and weak. This is one argument which necessitates the formation of the Works Committees. If the workers are illiterate, if the workers are ignorant, if the workers are weak, there is all the more justification that they should not be left to fight out their cases with the employers, who are much more advanced, enlightened and strong.

If I were to agree to the arguments of Mr. Griffiths, it will mean that the Government should throw away the workers, illiterate, ignorant and weak as they are, at the mercy of the employers and Government if it has the welfare of the workers at heart cannot agree with that view.

Miss Maniben Kara, Sir, resented any external interference in the relation between the workers and their employers. But I am afraid she pleaded in the same breath for interference by Government in many other things. She wants Government to interfere in order to bring forward more social security measures, improve housing conditions and do many other things. Why does she resent then when there is some interference by Government in order to restore good relations between the employers and the employees. If you do not want any interference, you should not demand any interference by the Government in any case.

Mr. Griffiths complained of the complicated nature of the machinery envisaged in this measure. I wish to submit that the machinery that has been contemplated in this measure has been tried to be made as simple as possible. I have carefully gone through a similar measure which has been recently adopted by the Bombay Legislative Assembly and I found that the machinery provided there is much more complicated than the one we have provided in this measure. But I may just assure my friend Mr. Griffiths who, at the concluding portion of his speech raised the point regarding labour in the plantations, that the Bill as it stands at present is applicable not only to industrial workers but all sorts of workers. It wants to interfere, wherever necessary, in the relation between all employers and employees and as such the labourers in the plantations are covered by it. As I indicated in reply to a question in this House, Government is contemplating to bring in a legislation for the regulation of labour in the plantations. I shall certainly ask my department to examine the point raised by my friend Mr. Griffiths.

The most vehement objection that has been raised by the workers' representatives in this House was on the point of compulsory adjudication. So far as conciliation is concerned opinions in this House are not divided. The intention of the Government is certainly to encourage voluntary conciliation as far as possible, and so the intention of this Bill is to encourage voluntary conciliation between the workers and the employers. The first step towards that is the setting up of the Works Committees, by which ample opportunities will be accorded for the workers and employers to come together and discuss their points of differences, carry on mutual negotiations and try to settle their differences as far as possible. It has been sought to make these Works Committees really representative of the workers. I would draw the attention of the Honourable Members who have raised objection on that point to the clause which makes provision for the setting up of the Works Committees. The Works Committees are to consist of the workmen alone and where there are unions of the workers in the industry, the representatives of the workmen are to be selected in consultation with the Unions. The obvious effect of this provision will be that the workers will try to unite and organise themselves and this will act as an incentive for the workers to form their unions. Therefore I personally hold that this provision will encourage the growth of trade unions in this country.

The second point was voluntary conciliation by the Conciliation Officers, then by the Conciliation Board. And then there is provision of the Court of Enquiry. It is at the last stage that compulsory arbitration comes in and in many cases it will be to the interest of the workers. My friend, Dr. Solanki, has made it amply clear that in many cases these conflicts (conflicts between employers and employees) arise due to undesirable labour leaders and examples are not wanting where on point of prestige of the Union leaders or to maintain the prestige, not of the workers, but of the outsider office-bearers and executives of the trade unions, strikes have been prolonged at great trouble, difficulty and inconvenience to the workers themselves.

[Shri Jagjivan Ram.]

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

I may make it clear, Sir, that if a plebiscite were to be made on this point by referring it to the working classes at large, I am sure an overwhelming majority of the working classes will welcome this measure because it provides a machinery and a remedy which will curtail the prolonged agony to which they are put when a strike is prolonged due to the obstinacy or false sense of prestige of some labour leaders.

The point has been raised by my able friend Diwan Chaman Lall, who has devoted more than a quarter of a century to labour movements, that when a strike has been started it should not be declared illegal. If one were to refer to sub-clause (3) of clause 10, to which he presumably refers, it will be seen that in some cases where due to some unavoidable circumstances conciliation machinery could not be set up and the workers go on strike and if at a later stage Government feels that interference by Government is necessary, may be in the interest of the workers themselves or in the interest of the society, and if adjudication machinery has been set into motion, only in that case workers are asked to discontinue the strike—and not in all cases. It has been left at the option of the appropriate Governments, and if the exigencies of the situation demand their use then and then alone the appropriate Governments will make use of these provisions.

The other objection taken is to sympathetic strikes or to political strikes, by whichever name you prefer to call it. In this connection I would like to draw the attention of Honourable Members to the proviso to clause 26 of this Bill. It has been advanced that such strikes have been made penal. It is not so as is clear from the proviso to section 26.

A point has also been raised about the question of the award of adjudicators being binding. I personally hold that Government should be given the power not only in those cases where Government itself happens to be the employer but in other cases as well to examine the consequences and effects of the awards, and if they feel after thorough examination of the awards that the enforcement of the awards might lead to serious consequences or might upset the economy of the country, in that case the power to the Government should be there to modify the award, to revise it. But in the Select Committee the question was thoroughly examined and it was thought necessary to limit the scope of the Governments' power by reference of the award to the legislature of the government concerned. The Legislature, Sir, is the ultimate authority from which the government derives its power, and if the government wants to interfere, in the interests of the economy of the country or in consideration of some vital consequences, that the enforcement of the award may lead to, the government may refer the whole case to the legislature, and in that case the award approved of, amended or modified by the legislature should be given effect to. I think it is a wholesome procedure. Of course the question of delay is there. But the government will try to take the earliest opportunity of placing it before the legislature and get its approval. The power to the government should be there. It has to examine what consequences it will lead to if it is enforced. An adjudicator or arbitrator may not consider the award which he gives in relation to its effect on other things with which he might not be concerned when the question was referred to him. In that view of the thing this general power should be given to the government, with the limitation that government cannot modify it without the approval of the legislature concerned.

Some other points were raised. Some heat was generated too. We have heard on this measure talks about revolution, talks about changing the economic set-up of the country, bringing in socialism, profit-sharing bonus, limiting of dividends and so many things. I do not think, Sir, all these points are rele-

vant at this stage or to the discussion of the measure which we are discussing. Therefore I shall not attempt a reply to all those points. I may make it clear that such social security measures as are calculated to improve the condition of the working classes in this country. Not only the working classes which are working in the factories or railways or organised industries only but all working classes which have so far been neglected by the Governments, by the labour leaders and also by the society even, will receive sympathetic and considerate attention of the present Government and every effort will be made to improve their condition. But as I have remarked on previous occasions as well, government as representative of the community cannot afford to be a silent spectator of any prolonged conflict between labour and employers to the detriment of the general society. With these words, Sir, I commend my motion that the Bill be taken into consideration.

Mr. Deputy President: The question is:

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

Mr. Deputy President: Will the Honourable Members who oppose the motion rise in their places?

Mr. N. M. Joshi (Nominated Non-Official): May I say one word before you give your ruling? It is the right of every member of a legislature to ask for a division when an important Bill is involved and this right is not fulfilled by your asking us to stand. The object of asking for a division is to know who are the members who have voted against. We have no roll call here so that we shall not know how many were present and how many are in favour of the motion and how many against. If you refer to May's Parliamentary Practice you will find that in the House of Commons the Chairman refuses a division only when he finds that it is asked for frivolously or in order to obstruct proceedings. Our opposition to this Bill is known and has been expressed on all occasions. I am sure you will not consider that we are asking for the division in a frivolous manner or in an obstructive manner. There are so many clauses of this Bill and if we want to obstruct, we could go on for days talking on them. That is not our intention. It is only because this is a crucial occasion that we ask for a division. As you must be convinced that our action is not frivolous or obstructive, I hope that you will allow a division which is our right.

Diwan Chaman Lall: May I point out for the benefit of my Honourable friend Mr. Joshi that this point was raised only the other day and the settled practice of this House, going back to the time of Sir Frederick Whyte, has been that if in the opinion of the Chair a division is unnecessarily claimed then according to Standing Order 30 (2) the Chair can ask those members who desire a division to stand up in their places. This is the procedure followed in the House of Commons and there has been no challenge of this procedure so far.

At the same time, I would like to point out that taking part in a Select Committee on a measure entails a responsibility upon an Honourable Member who thereby is considered to have accepted the principle underlying the Bill. Either the Honourable Member was a member of the Select Committee or was not. My Honourable friend was a member of the Select Committee. He therefore accepted the principle of the Bill and in the consideration stage it is only the principle of the Bill that is involved and my Honourable friend cannot therefore challenge a thing that he has already accepted.

Mr. Deputy President: I have heard both sides of the case. The Honourable Member (Mr. Joshi) is one of the oldest members. He sat along with me on the inauguration day in 1921 and he knows what the procedure is. There is lot of force in what Diwan Chaman Lall has said. Once the principle

[Mr. Deputy President.]

of the Bill is accepted and a division is called that the Report of the Select Committee be taken into consideration, the Chair is perfectly justified in concluding that it is not the general desire of the House to divide. But if there are a few members who are anxious to get the House divided, the Chair can ask them to stand in their places, to see what the number of members asking for a division is. If I find there are 7 or 8 or 10 members getting up, then there is some justification for the division to be recorded but if they are only two or three there seems to be no justification for a division. They have already recorded their protest in the shape of their speeches. In such cases the recording of names had been disallowed. But in one case a few days ago the Honourable the President allowed a few names to be recorded and I see no reason why the names of the dissenting members should not also be recorded in this case. I take it that every other member is in favour. The three names may be recorded. The names of the dissenting members are Mr. N. M. Joshi, Miss Maniben Kara and Mr. Guruswami. I take it that the House accepts that the Bill be taken into consideration. That is my decision.

The motion was adopted.

Mr. Deputy President: Clause 2. I shall take the Schedule along with this because they are interconnected with each other. They may therefore be taken together. Mr. Joshi has an amendment to clause 2.

Mr. N. M. Joshi: I move:

"That for sub-clause (n) of clause 2 of the Bill, the following be substituted, namely:—
(n) public utility service means—

- (i) undertakings which supply water, light, food or medical relief to the public; and
- (ii) a system of conservancy or sanitation :

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority."

Sir, the Bill which has been introduced by the Honourable the Labour Member contains a definition of public utility. The object of introducing this definition and this distinction between a public utility service and other occupations, industries and callings is that in the opinion of the Government and in the opinion perhaps of some others a difference should be made between a public utility service and the other industries in certain matters regarding the giving of notice and regarding the right of strike. I have no doubt in my mind that if certain services are stopped without notice, especially if these services are essential for human existence, there will be great inconvenience to the public. There may also be a danger to human life and there may also be a risk of human beings losing their lives. I agree that the public will be inconvenienced and there will be a danger to human life if certain essential services are stopped suddenly. For instance, in a big city if the supply of water is stopped and the stoppage continues for a number of days, there will be a great danger to human life. Similarly, there may be a danger also, especially for the safety of the human life, if suddenly the light is stopped. Suppose there is a strike in a hospital and there are patients suffering from serious diseases, it will be wrong for a doctor or a nurse to stop work suddenly. I, therefore, recognise that there are services which are essential for the safety of human life, and therefore in the case of those services there should not be a sudden stoppage. Therefore, on account of this there is a special responsibility on those people who are working in public utility services. I recognise that there is a special responsibility on those who are working in certain essential services. But you and all other Members here must also recognise that if the work of certain persons is absolutely essential for human existence,

those persons must be somewhat better treated than others if certain additional responsibility is to be placed on them. If we do not want sudden stoppages in essential services, we should pay those people who are working in essential services much better than others. We must give them better conditions, and that has been the practice in many countries. For instance, in England gas has been used for lighting and heating. Therefore, people who were working in the gas industry were always treated better than people in the other industries. It was quite necessary and very rightly so. You will find from the discussion on this Bill that there is no clause in this Bill which says that the workers in public utility services should be given 25 per cent. more wages or their hours should be 25 per cent. shorter or they should be given certain measures of social security. There is nothing in this Bill of that nature. I can understand a Government making that distinction between people who are working in an essential service, because I have no doubt in my mind that there is a greater responsibility on them. But Government should bear in mind that there is greater obligation on the Government to treat these people better and give them more wages. They may be paid 25 per cent. or even 50 per cent. more wages or their hours of work should be shorter; they should be given social securities, such as, unemployment insurance and things of that kind. I do not see any clause in this Bill by which the Government of India is doing that. However, I shall deal with that subject later on. For the present, we are dealing with a definition of public utility.

My view is that in India we have been defining public utility too widely. We bring in any kind of service as a public utility. In my judgment that service should be regarded as public utility the deprivation of which causes danger to human life or puts human life into risk. That is the only ground on which a service should be treated as public utility. Therefore, I have defined public utility service as a service the deprivation of which will endanger human life. Judging by this test, I think the undertakings which are mentioned by me are the only ones, undertakings, which supply water, light, food or medical relief to the public. In my judgment they are essential services. I also include among essential services any system of conservancy or sanitation.

Then, Sir, I also mention another thing. If a public utility is a public utility in the sense that it is essential for human life, I maintain that it is a wrong thing to allow this service to be put in private hands. I, therefore, insist that all these services should be in the hands of either the Central Government or any one of the Provincial Governments; in the hands of a municipality or in the hands of a District Local Board or in the hands of any other statutory local authority. When a Government is willing to place these essential services in the hands of private persons, they themselves are taking the risk of these services being stopped some day. Is it right that these services should be allowed to be run by private capitalists or private persons for the sake of profit? Suppose a private capitalist makes these services very costly, human life will be in danger all the same. There are many people in the city of Bombay who cannot afford the charge of electric light and who cannot even afford the charges of gas light and they therefore burn kerosene lamps. This is the effect of leaving these public utility services in the hands of private bodies. I, therefore, put two tests to a public utility. My first test is that it should be essential for human life, and I have mentioned which are these undertakings. My second test is that these essential undertakings must be controlled by Government. If they are in the hands of a private employer, he will not only exploit his own employees but will also exploit the poorest class of consumers. That undertaking should not then be regarded as public utility. I have therefore proposed this amendment. Unfortunately the Government of India has defined public utility service too widely. Sir, this Bill has been introduced by the Government of India as a sort of improvement on the old Act of 1929 which was opposed by my Honourable friend Diwan Chamau

[Mr. N. M. Joshi]

Lall, and perhaps I would have opposed it then had I been present on that particular time. Now, Sir, the definition in the original Act itself is very much wider. The original definition includes, a system of railway which is notified to be a public utility. Then similarly, water transport service is declared by the Government of India to be a public utility service, posts, telegraphs or telephone service, any industry or business or undertaking which supplies light, water to the public, any system of public conservancy or sanitation. Now, Sir, these are services which were regarded by the Act of 1929 as public utility service. Now the Government of India goes a step further and it has now decided in this Bill to declare some of these utility services as public service. Any railway service—I shall come to railway service and deal with it at greater length later on—then they say, any section, of industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends, any postal, telegraph or telephone service, any industry which supplies power, light or water to the public. They have included power, which in my judgment is not necessary. Power can be used for any purpose. You may employ power to run a factory which produces luxury articles for the rich. Why should that power be regarded as public utility. If power is used to supply light, water to the public, I can understand that power being considered as a public utility. But the Government of India have gone much further and now they have included a new clause by which even cotton textile industry becomes a public utility.

The Honourable Shri Jagjivan Ram: For the time being.

Mr. N. M. Joshi: I do not know whether it is for the time being or for a longer period. It is not stated explicitly in the Bill. Your Bill does not make it clear whether it is for the time being or for a longer period. Then coal industry, any transport industry is to be public utility. Well, Sir, a bullock cart or a horse carriage or anything which is a means of transport is to be a public utility. Coal, food stuffs, iron and steel. Now, Sir, the extension of the definition is too wide. Suppose we are short of cloth, I do not say we shall not be short of cloth, to be short of cloth is a great inconvenience, but it certainly does not danger human life. We used to consume much smaller quantity of cloth some years ago and we were living a healthy life. Therefore the health of human beings does not depend upon the length of the cloth. This is what the Government of India have done. I do not like this definition of public utility. It should be confined to the undertakings which I have mentioned. If you study the English law, you may find that English law restricts this sort of legislation only to those concerns which are first owned by the statutory local bodies which supply light and water and which also applies to a system of conservancy to the towns. Beyond that, the British Act does not go and the British industry has prospered with this sort of small legislation. It has prospered for a number of years. The British people have not suffered any inconveniences with a small definition of that kind. Why should we be afraid of the public being inconvenienced if our definition of public utility is a very restrictive one as in Great Britain. I, therefore, feel that the Government of India is doing the wrong thing in extending the definition of public utility. I do not wish to go into the question of why the Government of India have extended this definition. A worker serving in a public utility cannot go on strike without giving a fortnight's notice. That is the restriction which is specially put on public utility workmen. There may be something else, but I do not wish to take up the time of the House on those points.

With these words, I put forward my amendment in the hope that the Government of India will accept it as being quite sufficient for the purpose they have in mind. Sir, I move.

Mr. Deputy President: Amendment moved:

“That for sub-clause (n) of clause 2 of the Bill, the following be substituted, namely:—
“(n) public utility service means—

- (i) undertakings which supply water, light, food or medical relief to the public; and
- (ii) a system of conservancy or sanitation :

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority.’”

Miss Maniben Kara: Sir, I rise to support the amendment moved by my Honourable friend Mr. Joshi. Sir, the correct definition of public utility service is the crux of the Bill before us. My friend Mr. Joshi has very ably pointed out to this House that public utility should be only that service the stoppage of which endangers the life of the people. If we enlarge the definition of public utility services to embrace other services than those which are essential for the safety of human life, then the danger of compulsory arbitration and all other implication in this Bill, to which the labour representatives here are opposed, will be subjected to all other industries. Even in the old Bill the definition of public utility service was not so wide as in this case. If we look into the schedule, food stuffs, iron and steel etc., are regarded as public utility. I really do not know why many of the other industries are also not included in the schedule by my Honourable friend the Labour Member to make the list complete. I do not know why he has included iron and steel as one of the essential service for human existence. Sir, if we accept this definition of public utility service, then anything and everything which the public uses can be defined as public utility. Even a motor car can be regarded as public utility. If we accept the definition as has been put in the Schedule by the Labour Member, then I fear that anything can come under public utility. A line will have to be drawn at a particular stage, and that line has been suggested by my Honourable friend Mr. Joshi. The very fact that we have moved this amendment shows that we are not acting as irresponsible agitators. The safety of the life of the public and the convenience of the public have certainly been taken into consideration by the mover of this amendment. Sir, those things which are really essential for the existence of the public can alone be included in public utility services.

There is another point, that if public utility services are those services which are essential for the public as a whole, we will be justified in demanding that those services should be controlled by the public. But what do we see today? Those very things which are scheduled as public utility services, viz., coal, cotton textiles, foodstuffs, iron and steel, are all today owned by private enterprise. If we include them in public utility services the result will be giving protection to private enterprise; and private enterprise makes no secret of the fact that they run their industry for profits. Private enterprise presupposes profit to private individuals; and the return of the industry does not go towards the benefit of the public as a whole but goes towards the benefit of a few individuals who control these industries. If that is a fact, why should the State intervene at this stage to give protection to these extra industries which have been mentioned in the Schedule by putting them in the category of public utilities? My Honourable friend Mr. S. C. Joshi says that cotton textiles will be treated as a public utility for a temporary period only; but who knows Mr. Joshi may be here, may not be here to-morrow, and once a law is made it is made for good. It is not very often that laws are changed.

[Miss Maniben Kara.]

That is why I would suggest that grave as is the implication of the restrictions imposed on public utility services the greater is the necessity for us to reduce as many industries as we possibly can out of the definition of public utility services. The very words 'public utility service' suggest that if it is for the use of the public it must be owned by the public; and in the absence of its being owned by the public I do not think it will be right for us to put them among public utility services.

I have to bring to the notice of the Honourable House that workers in public utility services are paid lower wages than other workers. Take for instance the workers in coal mines; they are very poorly paid and their lot is miserable. Similar is the lot of workers in municipalities. Workers in such services are so badly paid that the only way to improve their lot will be through their organisation, and, if the organisation so decides, to resort to strike methods. The inclusion of these various services in public utility services automatically places them under the restriction of public utility services which are embodied in this Bill. Therefore I appeal to the House to accept this amendment.

Mr. P. J. Griffiths: Sir, I rise to oppose this amendment, and in doing so I am only concerned to make clear what its implications would be if it were accepted. Mr. Joshi's amendment would in effect remove from the definition of public utilities, amongst other items, railways, posts and telegraphs, and the safety sections of industrial establishments. The most important relevance of the definition of public utilities is with clause 22. Under clause 22 in public utility concerns notice of a strike has to be given. There is no question of saying that people employed in such a concern shall not go on a strike; it merely lays down that they have to give notice. The question we have to ask ourselves is, what is the class of industries with regard to which it is reasonable to expect that a notice of strike shall be given? Clearly the answer must be that it is that class of industries the sudden cessation of work in which entails grave public hardship, inconvenience or dislocation of public life. My Honourable friend Mr. Joshi would have us believe that there is no reason why workers on railways, posts and telegraphs or—even more important still—the safety sections of industrial establishments should not go on strike without notice. I do not for a moment believe that that point of view can commend itself to this House. It is I think quite clear that strikes in these particular industries or sections of industries, if given without notice and without a chance to the public of making preparations to deal with them, must entail a grave degree of hardship and dislocation of public life. It is therefore not unreasonable to say that in those particular industries notice of a strike must be given. I want to emphasise that that is all that the Bill does say. The Bill does not say that workers in these industries shall not go on strike, but merely says that when they propose to go on strike notice must be given. Is it unreasonable to say that notice must be given before the railway system in this country is brought to a standstill? Is it unreasonable to say that I must know today whether tomorrow I can or cannot send a letter or a telegram? Is that a very unreasonable demand to make from a worker in these industries? I feel quite sure that the House will disagree strongly with Mr. Joshi and will consider that in industries of this kind notice is essential.

Then there are two other points. In the proviso to Mr. Joshi's amendment he has raised the question of the ownership of public utilities. Now whether public utilities should be owned by the State or by private enterprise is a very important and a very difficult question, a question on which there is reasonable room for difference of opinion. But it is wholly irrelevant to the question of giving of notice of a strike. On the question of strike notice we are only concerned with the hardship which the community will suffer if this

notice is not given; and the hardship to the community is just the same whether the undertaking is owned by the State or by private enterprise. Let Mr. Joshi on some suitable occasion advocate the taking over of public utilities by the State; that is a different matter. But in the meantime whoever owns these public utilities, it is essential in the interest of the public that notice of a strike should have to be given.

My last point is this. Mr. Joshi's amendment would also remove the schedule which is provided in the proper clause of this Bill. The effect of that schedule is to divide public utilities into two classes; there is one class of industries, such as railways and posts and telegraphs and the like, which are to be automatically *ipso facto* public utilities. And there is another class of industries—those mentioned in the schedule—which Government can under certain circumstances declare to be public utility services. Mr. Joshi's amendment would remove that Schedule. In dealing with the Schedule he says that it contains for example transport which includes bullock carts, and it is fantastic, said Mr. Joshi, that bullock carts should be made public utility. Miss Maniben Kara takes cotton textiles and says how can you make cotton textiles public utilities; perhaps she says it may be all right to do so for a short time just now, but this is a permanent Bill. Both these speakers seem to me to overlook the overriding provisions of the clause itself. If they will read part (vi) of sub-clause (n) of clause 2 they will see that the wording is this:

“Any industry specified in the Schedule which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the official Gazette declare to be a public utility service for the purposes of this Act, for such period, if any, as may be specified in the notification;”

None of these industries in this Schedule are going to be normally, or automatically, or *ipso facto* public utilities. They become public utilities only when Government, having been satisfied that some public emergency demands it, declare them to be so, and in its notification Government will have to specify the period for which they shall be treated as public utilities. This Schedule today includes cotton textiles and foodstuffs. Is there any Member of this House prepared to say today that Government would be wrong in now regarding foodstuff industries as being public utilities? Is any member of this House prepared to say today that a worker concerned in a foodstuff industry should be allowed to go on strike tomorrow without giving any notice of any kind whatsoever? That is the only issue concerned in this amendment—the right to strike without notice—and it seems abundantly clear to me, and I am certain it is equally clear to other Members, that in these fundamental industries notice of strike must be given. I have therefore no hesitation whatsoever in opposing this amendment and in asking the House to vote against it.

The Honourable Shri Jagjivan Ram: The industries in this Bill have been divided into two categories—the public utility and the non-public utility. The difference between the two in the application of this Bill in their respect is as has just been explained by my Honourable friend, Mr. Griffiths, that in the case of the public utility services a notice is required whereas in others it is not required. I need not go into the details why a notice is required in the case of public utility services. That is quite obvious. If you analyse the effect of Mr. Joshi's amendment, it is that railways should be dropped out of it, also the postal, telegraph and telephonic services. Mr. Joshi has agreed that those services the stoppage of which may endanger human life or cause serious inconvenience thereto may be regarded as public utility services.

Mr. N. M. Joshi: I did not talk of inconvenience.

The Honourable Shri Jagjivan Ram: All right I take the first one. On that very logic I fail to understand how Mr. Joshi can think of dropping Railway service and Postal and Telegraph Services from the utility services.

[Shri Jagjivan Ram.]

The second point is that he agrees to the inclusion of the other things, as the Bill itself provides, owned by public bodies. That raises a very vital question. That leads us to the consideration about the ownership of property by individuals. I am afraid I shall not attempt to discuss that problem at this stage or in the context of this Bill. This Bill attempts to have good relation between the employers and the employees in the present economic set up of the society. One will certainly welcome the idea of public utility services being in the hands of public corporations or public bodies, but unfortunately in many municipalities they take power from private owners or private generators for their own purposes. If these private bodies are to be exempted from the scope of this definition, I am afraid that will necessarily create not only great inconvenience but certain danger to human life in those municipalities. In many of the hospitals, in many of the water works, the power is taken from private generators, from private companies and if we are to exempt them the works in municipalities will come to a standstill thereby causing danger to human life. Therefore without dilating on this point, I do not see my way to accept the amendment and I oppose it.

Mr. Deputy President: The question is:

“That for sub-clause (n) of clause 2 of the Bill, the following be substituted, namely :—
(n) public utility service means—

- (i) undertakings which supply water, light, food or medical relief to the public; and
- (ii) a system of conservancy or sanitation :

Provided these are owned and managed by the Central or a Provincial Government, or a Municipality, or a District Board or any other statutory Local authority’.”

The motion was negatived.

Mr. N. M. Joshi: My first amendment having failed, I shall now try to improve the Bill by moving some other amendment. I move:

“That in clause 2 of the Bill, part (i) of sub-clause (n), be omitted and the subsequent parts be renumbered accordingly.”

In the printed list you will find that my amendment consists of two parts. I propose to move only the first part.

Mr. Deputy President: Is the Honourable Member not moving part (b) of his amendment?

Mr. N. M. Joshi: Not for the present.

This amendment proposes that the Railways should not be treated as public utility service. My Honourable friend Mr. Griffiths said what will happen if the Railways are not declared to be public utility service and notice is not made compulsory. The Honourable Member in charge said the same thing. But, Sir, in Great Britain and in America the Railways are not put down as public utility service; there is no law in Great Britain which lays down that a notice of strike should be given by the Railwaymen; notice is not made compulsory for the Railways in Great Britain and therefore if there is any inconvenience due to the lack of the provision it would have been felt by the people of Great Britain and by the people of America. They are not in greater danger, and therefore I think it is not necessary in India. People say what will happen to us if there is a Railway strike; life will be upset. India's life was not upset for many centuries when there were no Railways.

Sjt. N. V. Gadgil: What will happen if they are made public utility?

Mr. N. M. Joshi: Sir, if all the Railways are stopped for a few days life will not be upset. The Government of India in the matter of compelling people to give notice and making strikes illegal is going further and further. The

Act of 1929 does not say that every Railway was a public utility service; the Railway before it became public utility had to be notified by the Government of India, but the present Government says that they are not satisfied with that and they have no time even to notify any railway as a public utility, and they are going to remove the restrictions which existed in the previous Act. Sir, I think the Government of India is making a mistake. There is no necessity of treating Railways as a public utility service; Railways are not treated as public utility service in Great Britain and in America. Therefore, Sir, I hope my amendment will be accepted by the House. Sir, I move.

Mr. Deputy President: Amendment moved:

"That in clause 2 of the Bill, part (i) of sub-clause (n), be omitted and the subsequent parts be renumbered accordingly."

The Assembly then adjourned till Eleven of the Clock on Wednesday the 12th February 1947