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THIRD SESSION  
OF THE  
SIXTH LEGISLATIVE ASSEMBLY  
1947

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# LEGISLATIVE ASSEMBLY

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Sardar MANGAL SINGH, M.L.A.

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# LEGISLATIVE ASSEMBLY

Thursday, 13th 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.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS

**Shri Sri Prakasa:** Regarding the questions of Pandit Sri Krishna Dutt Paliwal I have got his authority to put his questions for him.

**Mr. President:** The usual procedure that we adopt is that they will come in the last round.†

**Shri Sri Prakasa:** Will they come at all?

**Mr. President:** It all depends upon Honourable Members themselves. If they put less number of supplementary questions and get through the other questions expeditiously, they will be reached.

**Sjt. N. V. Gadgil:** Both are impossible.

### COUNTRIES WITH DIPLOMATIC REPRESENTATION IN INDIA

†257. **\*Pandit Sri Krishna Dutt Paliwal:** Will the Honourable Member for External Affairs please state:

(a) the names of those countries which have established diplomatic representation in India since the advent of the Interim Government upto 15th January, 1947; and

(b) the countries which are expected to do so in the near future?

**The Honourable Pandit Jawaharlal Nehru:** (a) China and United States of America.

(b) As soon as agreement has been reached to exchange diplomatic missions with any other country, information to that effect will be published by Government. It would not be proper to give such information in advance.

### TRADE RELATIONS BETWEEN INDIA AND U. S. A.

†258. **\*Pandit Sri Krishna Dutt Paliwal:** Will the Honourable Member for Commerce please state:

(a) the steps Government have taken or propose to take to promote trade relations between India and the United States of America; and

(b) the results, if any achieved, so far in encouraging ordinary American businessmen to trade with India?

**The Honourable Mr. I. I. Chundrigar:** (a) Government fully realise the importance of developing trade relations between India and the United States of America, and have taken every step possible in this direction.

(b) As a result of the measures adopted there has been a very considerable increase over pre-war years in the volume of imports and exports between the two countries.

†Printed serially in these debates. The question could not, however, be reached during the question hour and the replies were laid on the table of the House.—*Ed. of D.*

CONDITIONS UNDER WHICH 'BIDI' INDUSTRY WORKERS WORK IN SOUTH INDIA  
AND CENTRAL PROVINCES

259. \*Seth Govind Das: Will the Honourable the Labour Member be pleased to state:

(a) whether Government are aware of the extremely insanitary and unhealthy conditions without proper arrangement of privies and pure drinking water in which workers of the *bidi* industry work in South India and particularly in the Central Provinces;

(b) whether Government are aware that children continue to be employed in spite of the prohibition against such employment imposed by the Employment of Children (Amendment) Act of 1939; and

(c) in view of the fact that all this is confirmed by the report of the Regge Committee on the labour conditions in the Tobacco industries, what steps are Government taking for improving the lot of labour and prohibiting the employment of children in this industry?

**The Honourable Shri Jagjivan Ram:** (a) and (b). Yes.

(c) Employment of children in 'bidi' making industry is prohibited under the Employment of Children Act. Proper enforcement of this legislation is a matter for Provincial Governments. Provincial Governments can also apply all or any of the provisions of the existing Factories Act, by a notification under Section 5 of the Act, to units of 'bidi' making industry employing more than ten persons. Amendments to the Factories Act which are now contemplated will go a step further and make the provisions relating to lighting, sanitation, etc., applicable to all workplaces. When the new Act is enforced, the evils referred to by the Honourable Member would disappear. The necessity for strengthening Factory Inspection Services so as to secure an adequate enforcement of labour legislation was brought to the notice of the Provincial Labour Ministers at a Conference held in October last and they have agreed to take necessary action.

**Shri Sri Prakasa:** Does the Employment of Children's Act also apply to open shops where children sit and make bidis merrily all day long?

**The Honourable Shri Jagjivan Ram:** It applies if more than ten boys are employed.

**Shri Sri Prakasa:** May I take it that it does not apply if a single boy sits at a shop and works for his father all day?

**The Honourable Shri Jagjivan Ram:** At present it does not.

**Mr. Manu Subedar:** Have Government got the conditions in this particular unorganised industry examined in the same manner that they are getting particulars in organised industries examined? Have Government seen the investigation on this subject in the University of Bombay Postgraduate course conducted by Miss Gokhale?

**The Honourable Shri Jagjivan Ram:** I do not remember to have seen the report by the particular professor, but of course by the proposed amendment to the Factories Act, *bidi* industry will also be covered by that Act.

**Shri Sri Prakasa:** Have Government examined the food value of *bidi*?

**The Honourable Shri Jagjivan Ram:** I hope the Honourable Member will try it.

TRIBAL RAIDS ON THE N. W. FRONTIER

260. \*Mr. Ahmed E. H. Jaffer: Will the Honourable Member for External Affairs be pleased to state:

(a) whether there has been an increase in tribal raids on the Frontier since September 3, 1946;

(b) total number of raids reported since September 3, 1946.

- (c) total number of deaths due to the tribal raids; and  
 (d) total estimate of damage to property?

**The Honourable Pandit Jawaharlal Nehru:** The Frontier Administration have been asked to supply detailed information. This will be placed on the table of the House when received.

**Mr. Ahmed E. H. Jaffer:** Does not the Frontier Administration submit this information from time to time by telegram? A long time has elapsed since notice of this question was given and surely the Honourable Member could have got the information by telegram or telephone?

**Mr. President:** Let there be no argument.

**The Honourable Pandit Jawaharlal Nehru:** I cannot say without referring to the records whether a telegram was sent or only a letter was sent.

**Mr. Ahmed E. H. Jaffer:** The Honourable Member in his reply says that detailed information was not received. May I know whether any information was received by the Honourable Member?

**The Honourable Pandit Jawaharlal Nehru:** The External Affairs Department receives information from time to time of various happenings, but really when a question like this is asked with regard to facts and figures, this information does not come in dribblets. The whole information will come in one lot and as far as we know, that information has not come as yet.

**Mr. Ahmed E. H. Jaffer:** May I draw the Honourable Member's attention to part (a) of the question, 'whether there has been an increase in tribal raids on the Frontier since September 3, 1946'—that does not call for detailed information? Some information could have been given to the House?

**The Honourable Pandit Jawaharlal Nehru:** That is true. So far as I know there has been no such increase, the position is more or less the same. But as I said when we asked the Frontier Administration to send full details in regard to the question, they do not send details first of all with reference to part (a) which might be supplied quickly and separately, but they wait and collect the information for all parts of the question and send it all together.

**Sardar Mangal Singh:** As regards part (c) of the question, the Frontier Government made an announcement as to the number of deaths. Do I understand the Honourable Member to say that he has not received any information?

**The Honourable Pandit Jawaharlal Nehru:** I do not know what the Honourable Member means by 'number of deaths'. Is he referring to any particular incident? The question relates not to any particular incident, but to all periods since 3rd September 1946. I cannot give that information. But in regard to any particular incident, we may have that information possibly.

**Mr. Ahmed E. H. Jaffer:** May I enquire whether this information will be placed on the table of the House during this session?

**The Honourable Pandit Jawaharlal Nehru:** Most certainly.

#### PROMOTION OF LABOUR WELFARE IN INDIA

261. **\*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable the Labour Member please state whether Government have received any proposals for promoting Labour Welfare in India from the Chief Inspector of Factories in the United Kingdom—Sir W. Garrett?

(b) Did Sir W. Garrett visit India at the request of the Government of India?

(c) Has Sir W. Garrett been requested to make a full report on the question of improving Indian Factories and the question of housing and feeding labour in these Factories?

(d) Do Government propose to make a statement in the House on Labour Welfare in Factories in India?

**The Honourable Shri Jagjivan Ram:** (a), (b) and (c). Sir Wilfrid Garret, lately His Majesty's Chief Inspector of Factories, was appointed Chief Adviser Factories, in September 1946, for a period of six months. The Factory Advisory Organization has been set up to advise on the design and layout of factories, the housing of labour, the working conditions in factories, and the improvement of the inspection of factories. Sir Wilfrid has furnished full materials for a revision of the Factories Act and these are now under the consideration of Government. Sir Wilfrid's wide and expert knowledge is also being drawn upon by Government in the formulation of schemes connected with administration of the Act.

(d) Government hope to bring before the Legislature a comprehensive revised Factories Bill in this Session and see no advantage in making any statement at this stage.

#### RESTORATION OF INDIAN RIGHTS IN JAPAN

**262. \*Seth Govind Das:** Will the Honourable the Commerce Member be pleased to state:

(a) the number of persons and concerns who held properties and interests in Japan before and after the war;

(b) the number of persons and concerns that have already registered their claims or restoration of rights in Japan with the Director of Commercial Intelligence, Calcutta; and

(c) whether the Government of India propose to press for a commission to be set up to go into the matter of restoration of Indian rights in Japan?

**The Honourable Mr. I. I. Chundrigar:** (a) The Government of India have no information.

(b) 34.

(c) The Far Eastern Commission has already set up a committee to go into the question of restoring to nationals of the United Nations the property, both tangible and intangible, held by them in Japan prior to the outbreak of war with that country. India is represented on this committee.

**Seth Govind Das:** Is India represented by an Indian?

**The Honourable Mr. I. I. Chundrigar:** Yes, Sir.

**Mr. Mann Subedar:** Will the Honourable Member give this House some information, if he has got it, as to what has happened to the amounts collected by the Controller of Enemy Property in this country from the Japanese and whether any part of it has been given by way of compensation to Indians who have lost their assets in Japan?

**The Honourable Mr. I. I. Chundrigar:** No amounts have been given as compensation but certain allowances were given to those evacuees who had no means of maintaining themselves here in the interval. When the property of the Japanese nationals in this country which is now with the custodian of Enemy Property will be dealt with, this may be a charge on that property.

**Seth Govind Das:** Have Government received any applications from those who have lost property there and is any investigation going on regarding those applications?

**The Honourable Mr. I. I. Chundrigar:** As I said in reply to part (b), thirty-four persons have registered their claims for restoration of rights and property in Japan. It is contemplated that a mission will soon be sent to Japan to find out how much property belonging to Indians in Japan is safe and can be traced and what property has been lost for which compensation can be made.

**Mr. Ahmed E. H. Jaffer:** May I know what the difficulties are for Indian business people who were in Japan before the outbreak of the war to go there now when the war is over?

**The Honourable Mr. I. I. Chundrigar:** The difficulty is that the country is now occupied by Allied Occupation Forces and they do not allow visitors to go there on grounds of security. India has already applied that a sufficient number of people of this country having interests in Japan should be allowed to go for the purposes mentioned by me in answer to the previous supplementary question.

**Sreejot Rohini Kumar Chaudhuri:** May I know to whom applications for restoration of rights and properties have to be made in India?

**The Honourable Mr. I. I. Chundrigar:** I said that; the Director of Commercial Intelligence, Calcutta.

**Seth Govind Das:** When did the Government of India make a representation that the people who were already in business in Japan should be allowed to return there?

**The Honourable Mr. I. I. Chundrigar:** Representations have been made ever since Japan was occupied by the Allied forces.

**Seth Govind Das:** And has no response been so far received by Government?

**The Honourable Mr. I. I. Chundrigar:** Replies have been received to the representation and they asked for time to make the necessary arrangements.

**Mr. Manu Subedar:** Will Government examine the question of finally liquidating the Custodian of Enemy Property's activities and reducing the personnel if it is found on examination that it is no longer necessary to continue this section?

**The Honourable Mr. I. I. Chundrigar:** Very important functions of this office have not yet been discharged and as soon as they are discharged, the office will, of course, be liquidated.

#### NAGA HEAD-HUNTING OPERATIONS IN ASSAM

**263. \*Seth Govind Das:** Will the Honourable Member for External Affairs be pleased to state:

(a) whether Government are aware of an A.P.A. report of December 19, 1946, about the Naga Head-hunting operations in Assam;

(b) the definite number of heads collected by these Nagas during the years after the war with Japan; and

(c) the action that the Government of India are taking to stop this monstrous practice and save Naga villages on the Assam side of the Burma-India border?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes.

(b) So far as our information goes the number is about 315.

(c) The problem has been fully considered by the Assam authorities, in consultation with the Deputy Commissioner of the Burma Naga Hills. Stern warnings are being conveyed to the offending villages, from both the Assam and the Burma side, that further raiding will result in punitive action, while the Burma Administration is establishing an outpost close to one of the worst of these villages.

#### ENCOURAGEMENT OF MULTILATERAL TRADE EXCHANGES

**264. \*Seth Govind Dass:** Will the Honourable the Commerce Member be pleased to state:

(a) whether the multilateral trade exchanges are being encouraged in the field of our international trade by the Government of India;

(b) the policy that the Government are following in their present exports and imports in the above light; and

(c) whether every care is taken to see that we purchase our requirements of capital goods from countries where we can get the best and the cheapest material and that we sell our goods to countries which can give us the best price?

**The Honourable Mr. I. I. Chundrigar:** (a) and (b). Generally speaking, Government are in favour of multi-lateral trade exchanges and have refrained from encouraging canalisation of trade in any particular direction, except in so far as such a course of action has been dictated by the overriding necessity to import foodgrains from particular countries.

(c) The answer to the first part is in the affirmative. As regards exports too, the answer is in the affirmative in respect of all items of goods figuring in India's export trade except certain scarce commodities. The export of scarce commodities is regulated in accordance with destination quotas which are determined on the basis partly of the requirements of claimant countries, and partly of our long-term interests in them.

**Mr. Manu Subedar:** With reference to part (c), will the Honourable Member please state whether Government have actually full information of all the orders which have been placed by private people in various countries of the world for capital goods and by what organisation such information is collected? Also, whether it is from that examination that Government say that India is purchasing capital goods from countries where we get them best and cheapest?

**The Honourable Mr. I. I. Chundrigar:** Whenever an application for an import license for importing capital goods is received, inquiry is made from the prospecting importer as to the countries from which he can procure those capital goods. Owing to the necessity of conserving dollar exchange we find out which are the sterling countries from which those goods are available. If we find that there is any difficulty either in procuring them, or if the prices quoted are higher, or if the date of delivery is much longer than in hard currency countries, we grant applications for import from the hard currency countries. It is in connection with such inquiries that Government ascertain about each application as to the country from which goods can be procured.

**Dr. Zia Uddin Ahmad:** May I know whether licenses are obtained before placing an order or after purchasing the machinery?

**The Honourable Mr. I. I. Chundrigar:** License is granted after making all the inquiries mentioned by me.

**Mr. Manu Subedar:** Will the Honourable Member make another point clear as to whether the schedule of permitted capital goods for which no license is wanted is not being expanded? And if it has been so expanded, is it a fact that Government do not necessarily have information on those items which may be imported by private individuals on their own?

**The Honourable Mr. I. I. Chundrigar:** All applications for the import of capital goods are licensed.

**Seth Yusuf Abdoola Haroon:** May I know whether Government will consider the necessity of establishing a bureau which will go through all these licenses and find out exactly what orders have been placed by India?

**The Honourable Mr. I. I. Chundrigar:** The question was considered and a scheme was prepared for registering all the requirements of capital goods. Certain difficulties were pointed out both by the capitalists and the trade concerned and the scheme was abandoned.

#### LABOUR UNREST IN INDIA

265. \***Seth Govind Das:** (a) Will the Honourable the Labour Member please state whether Government are aware of the wide labour unrest prevalent in the country?

(b) Are Government aware that no suitable machinery exists for inquiring into and setting right the day to day grievances of workers in industrial undertakings in India by proper negotiation with the management?

(c) Are Government taking any steps to set up such a machinery and if so, will they give the details of their proposal?

**The Honourable Shri Jagjivan Ram:** (a) Yes.

(b) and (c). As the Honourable Member is aware, the Industrial Disputes Bill which is before the House aims at remedying the defect pointed out by him.

**Seth Govind Das:** Are Government contemplating after this Bill becomes law to appoint some such committee on an all-India basis, so that these disputes may be minimised?

**The Honourable Shri Jagjivan Ram:** I do not see how a committee can minimise these troubles.

**Seth Govind Das:** The Committee can surely see that the Bill now before the House . . . . .

**Mr. President:** The Honourable Member is arguing. What is the information that he wants?

**Seth Govind Das:** Do Government not think it desirable to have some such all-India organisation which, after this Bill becomes law, will see that these unrests are minimised?

**The Honourable Shri Jagjivan Ram:** As a matter of fact we have got the Standing Labour Committee and the Labour Conference for that purpose.

**Sir Cowasjee Jehangir:** May I know how many provincial Governments have got legislation of the character which is now before the House?

**The Honourable Shri Jagjivan Ram:** Bombay has already passed a measure like this; Madras and U. P. had drafted their legislation but have not passed it in view of this Bill; the C. P. is proceeding with a similar Bill; and as regards other provinces they have not introduced such measure in view of this Bill.

**MESSAGE OF CONGRATULATIONS FROM THE SECRETARY GENERAL OF THE ARAB LEAGUE ON THE FORMATION OF INTERIM GOVERNMENT**

**266. \*Mr. Ahmed E. H. Jaffer:** (a) Will the Honourable Member for External Affairs please state whether it is a fact that he received from the Secretary General of the Arab League a message of congratulation for the formation of the Interim Government, promising full support to his Government on the part of the Arab League?

(b) Is it a fact, as reported in the Press in India, that the Honourable Member sent message of thanks to the Secretary of the Arab League for his promised support?

(c) Will the Honourable Member please place on the table of the House a copy of all correspondence that has passed between him and the Secretary of the Arab League in the above connection?

**The Honourable Pandit Jawaharlal Nehru:** (a), (b) and (c). No communication has been received in the External Affairs Department from the Secretary General of the Arab League, but I have occasionally been in correspondence with him in my personal capacity both before I assumed charge of this office and possibly later. In the course of this correspondence there have been expressions of mutual goodwill and sympathy.

**Seth Yusuf Abdulla Haroon:** May I know from the Honourable Member whether he had seen a news item which appeared in the press on his assumption of office that the Interim Government has received such a communication? If so, why this news was not contradicted?

**The Honourable Pandit Jawaharlal Nehru:** I have a vague idea that I saw some such thing, but I do not know the wording of it; I have a vague idea that I did receive a personal communication at that time, so that there is no question of contradicting this news.

**Seth Yusuf Abdoola Haroon:** May I know whether it was personal or whether it was received by the Interim Government? The news stated that the Interim Government has received a communication from the Arab League.



**The Honourable Pandit Jawaharlal Nehru:** I have not got the message before me, but certainly the Interim Government as such was not concerned. I must have got I think—because I have been in correspondence previously too—a message more or less of a personal nature possibly on my appointment. I am sorry I cannot give details because I have not got the message with me. I am not too careful about my personal correspondence and I do not know where it is.

#### ENQUIRY INTO THE CONDITION OF TRIBAL PEOPLE

†267. \***Prof. N. G. Ranga:** Will the Honourable the Leader of the House be pleased to state:

(a) whether Government are aware of the pitiable condition of the tribal people of excluded and partially excluded areas;

(b) whether it is a fact that so far no systematic effort has been made to enquire into their conditions and suggest ways and means to protect and develop them; and

(c) whether Government propose to consider the advisability of undertaking at an early date such an enquiry through a committee with a non-official majority?

**The Honourable Pandit Jawaharlal Nehru:** (a), (b) and (c). As the Honourable Member is aware, this is primarily a Provincial subject. I can assure him that both the Government of India and the Provincial Governments share his anxiety for the amelioration of the conditions of the people inhabiting the excluded and partially excluded areas. An enquiry is now proceeding in Madras into the material conditions of the aboriginal tribes of that Province. The condition of the aboriginal people in Orissa has been investigated by a Committee with Sri A. V. Thakkar as Chairman which was appointed by the Government of that Province and a further enquiry has also recently been conducted by Dr. Verrier Elwin. Other Provinces in which enquiries have been conducted are Bombay and the C. P. Information on which further action can be based is thus available with the Provincial Governments. Detailed studies of the aboriginal people are also being made by the Anthropological Survey of India which has recently been expanded for the purpose. Investigation of the manner in which the people inhabiting the excluded and partially excluded areas should be fitted into the future Constitution is being undertaken by the Advisory Committee recently appointed by the Constituent Assembly. In these circumstances Government do not consider that a separate enquiry undertaken by the Government of India is called for, but since, as I have mentioned, this matter is primarily the concern of the Provincial Governments, I shall communicate to them for information the Honourable Member's question as well as my reply.

#### INDIANS IN EAST AFRICA

†268. \***Prof. N. G. Ranga:** Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) the action that the Government of India are taking to protect the interests of Indians in East Africa, now that they are in possession of the report of their representatives; and

(b) whether any efforts are being made to bring about co-operation between our Indian settlers and the East African Negroes themselves?

**The Honourable Pandit Jawaharlal Nehru:** (a) On the basis of the report of the delegation led by Raja Sir Maharaaj Singh the Government of India have addressed His Majesty's Government requesting them to secure the withdrawal of the pending Immigration Bills in East Africa.

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

(b) The relations of the Indian community with East African people are harmonious and the Government of India have always advised the Indian community to maintain friendly relations with the African people. It may interest the Hon'ble Member to know that in response to a request from a number of leading African organizations in East Africa, the Government of India are considering the grant of a certain number of scholarships to African students for study in India.

#### INDIAN EMBASSIES IN MIDDLE EAST COUNTRIES

†269. \*Prof. N. G. Ranga: Will the Honourable Member for External Affairs be pleased to state:

(a) whether any attempts are being made to organise Indian Embassies in the Middle East Countries, notably Egypt, Arabian countries and Turkey; and

(b) when Government propose to send our diplomatic representatives there?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). The problem of the expansion of Indian Diplomatic representation not only in the Middle East but throughout the world receives constant and careful thought. I can make no attempt to forecast exactly when Missions may be established in particular countries, naturally on a reciprocal basis, for we have personnel and organizational difficulties to overcome, but our object is to move as rapidly as possible.

#### COMPLAINT BY AFRIDI TRIBAL LEADER AGAINST POLITICAL AGENTS PROPAGANDA IN TRIBAL AREAS

†270. \*Prof. N. G. Ranga: Will the Honourable Member for External Affairs be pleased to state:

(a) whether Government are aware of the complaints made by Afridi tribal leader against the Political Agents' political propaganda in the Tribal Areas; and

(b) the action that Government propose to take to stop all such partisan activities of this Political Agent?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). It is not clear to what exactly the Honourable Member refers. No specific complaint has been received by the Department against particular Political Agents. Vague and general complaints have been made. It is not possible to inquire into such vague and general charges but if any specific complaint is made an inquiry will be undertaken.

#### ANTI-INDIAN CAMPAIGN IN SOUTHERN RHODESIA

†271. \*Prof. N. G. Ranga: Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) whether Government are aware of the A.P.A. report of December 26th to the effect that anti-Indian campaign is now being initiated in Southern Rhodesia;

(b) whether any representations are being made to the Government concerned to prevent such discrimination?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes, Sir.

(b) Two cases in which the Gatooma Town Council had refused to grant certificates to Indians to enable them to obtain general dealers' licence were brought to the notice of the Government. An enquiry was made from the Government of Southern Rhodesia. In a communication received from the latter the following are stated to be the circumstances in which licences were refused in those cases.

In one case, the applicants were already in possession of a licence in respect of the same premises and a second licence was not necessary. Moreover, such second licences could not legally be issued.

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

In the other case, one of the applicants had twice been convicted of offences under the Shopping Hours Act.

The Governor of Rhodesia, after full consideration of these cases, upheld the decision of the Gatooma Town Council.

#### FIGHT IN INDO-CHINA BETWEEN FRENCH TROOPS AND VIET-NAMESE

**272. \*Sardar Mangal Singh:** Will the Honourable Member for External Affairs please state:

(a) whether Indians are taking part in the fighting which has been going on for some time past in Indo-China between the French troops and the Viet-Nameese; and

(b) whether any damage has been done to Indian life and property on account of this fighting?

**The Honourable Pandit Jawaharlal Nehru:** (a) Not as far as the Government of India are aware.

(b) Government regret to state that three Indian nationals are known to have been killed during the fighting at Hanoi in circumstances which are at present under investigation.

**Sardar Mangal Singh:** What about the property?

**The Honourable Pandit Jawaharlal Nehru:** We have no specific information on that subject.

**Sardar Mangal Singh:** Is there any representative of the Interim Government there to look after the interest of Indians?

**The Honourable Pandit Jawaharlal Nehru:** No, Sir; there is none as far as I can remember. The nearest is in Saigon and he has been asked to do what he can to help them. In fact we have been trying our best to evacuate Indian nationals from Indo-China. There have been difficulties. At first it was almost decided to send aircraft for the purpose, but then there were landing difficulties and now, I believe, some arrangements have been made to evacuate them by sea.

**Sardar Mangal Singh:** May I know whether any protest has been sent to the French Government?

**The Honourable Pandit Jawaharlal Nehru:** A very strong protest, and they have expressed their great regret. Apart from the protest there is the question of damage also involved.

#### INDIAN TROOPS IN JAPAN

**273. \*Sardar Mangal Singh:** (a) Will the Honourable Member for External Affairs please state whether Government have considered the question of the recall of Indian occupation troops from Japan as the stationing of troops in any foreign country for occupation purposes is repugnant to our foreign policy?

(b) Who pays for the Indian troops now stationed in Japan?

**The Honourable Pandit Jawaharlal Nehru:** (a) The matter is under the consideration of Government.

(b) Expenditure in Japanese currency is met by the Japanese Government. Expenditure in other currencies is met by the Government of India in the case of the Indian Brigade and shared between His Majesty's Government and the Government of India in the case of Indian ancillary and Headquarter troops. It has not yet been decided whether expenditure other than in Japanese currency should be recovered from the Japanese Government and, if so, in what manner.

**Mr. Manu Subedar:** In view of the departure from the usual practice—namely that the expenditure on all troops outside India is borne by His Majesty's Government—will Government examine this question and try and reduce the burden on this country of the expenditure now being incurred apart altogether from the sentimental issue involved in the question?

**The Honourable Pandit Jawaharlal Nehru:** I quite appreciate that we should not only reduce the burden, but put an end to it. But this sending of an Indian Brigade to Japan stands on an entirely separate footing from war operations. This is a peacetime Brigade sent presumably, so it is stated, to keep up the prestige of India in occupying Japan together with certain other powers of the United Nations. I do not think the same analogy therefore applies in regard to the cost. It is open to India to send them or not; to withdraw them or not; if the Government of India think that it adds to their prestige or to anything else that they value, they can keep them there. I doubt if we can bring it under the old rule that the Indian troops abroad should be paid by His Majesty's Government.

**Sardar Mangal Singh:** May I know whether the Government of India considers the sending of occupation troops to Japan is repugnant to their foreign policy?

**The Honourable Pandit Jawaharlal Nehru:** The Honourable Member will remember that these troops were sent a considerable time back. As I have said in answer to his own question the matter is under consideration as to whether we should keep them there or withdraw them. The question of foreign policy does not exactly arise, and I am not quite sure myself if Indian troops being there is repugnant to the Japanese or not; it is a doubtful matter.

**Sardar Mangal Singh:** Repugnant to our foreign policy.

**The Honourable Pandit Jawaharlal Nehru:** The question is that Japan is occupied at the present moment, but whether any of our troops might be there or not does not prevent the occupation of Japan. But, as I have stated to the Honourable Member, for some time past this aspect of the question, which he has brought forward, has been before us, and we are trying to find a solution.

#### AIR CONDITIONING EXPERT FOR SECRETARIAT

**274. \*Maharajkumar Dr. Sir Vijaya Ananda:** (a) Will the Secretary of the Department of Works, Mines and Power be pleased to state if it is a fact that an air-conditioning expert has been imported on Rs. 30,000 for preparing a report on the air-conditioning of the Secretariat and other buildings?

(b) Do Government propose to put a stop to this import of foreign experts on high salaries and encourage Indian talent?

(c) Do Government propose to appoint an independent tribunal consisting of Members of this House to scrutinise the terms offered to all the foreign experts?

**Mr. B. K. Gokhale:** (a) An air-conditioning expert, Dr. Oscar Faber was brought out from the United Kingdom in April 1946 to advise on (i) the general air-conditioning plan of the Central area of New Delhi, (ii) the principles to be followed for air-conditioning isolated large buildings, such as the Federal Court, and (iii) the best method of tackling residential air-conditioning. He arrived in India on the 15th April 1946 and left on the 23rd April 1946. He was paid a net fee of 2,000 guineas (exclusive of Indian income-tax) plus travelling and other incidental expenses of a total of Rs. 32,700.

(b) and (c). The attention of the Honourable Member is invited to the reply given by the Honourable the Home Member to Question No. 321 by Pandit Sri Krishna Datt Paliwal on the 8th November 1946 regarding the appointment of non-Indians to civil posts. The Government of India are anxious to encourage

Indian talent; but the engagement of technical experts from foreign countries for short periods on specific jobs is sometimes inevitable and Government cannot share the responsibility of taking a decision with an independent tribunal as suggested by the Honourable Member.

**Shri Sri Prakasa:** Would the Honourable Member kindly repeat the dates of the arrival and departure of this worthy gentleman?

**Mr. B. K. Gokhale:** He arrived in India on the 15th of April 1946 and left on the 23rd of April, i.e., eight days later.

**Shri Sri Prakasa:** Did this officer make this report within these few days and have Government examined that report and find that they have got their money's worth?

**Mr. B. K. Gokhale:** I have got a copy of the report, and I can show it to my Honourable friend. Only a few copies were printed, but I can place one copy on the table.

**Shri Sri Prakasa:** Did this gentleman bring this report with him or did he prepare it here? Does the Honourable Member seriously believe that anyone could have really written a report like that within eight days, and consider the payment of Rs. 32,000 justified for this work?

**Mr. President:** It is a matter of opinion.

**Shri Sri Prakasa:** I wanted to know whether that gentleman brought this report with him from U. S. A. or did he prepare it here?

**Mr. Manu Subedar:** U. K.

**Shri Sri Prakasa:** U. S. A. or U. K. makes very little difference for me.

**Mr. President:** I do not think it is admissible.

**Mr. Manu Subedar:** Was there any stipulation when this expert was engaged as to the nature and amount of work which he was to do and the approximate time in which he was to do it, and if so are Government satisfied whether this stipulation has been fulfilled?

**Mr. B. K. Gokhale:** I stated in reply to the question that he was asked to come here to advise on three problems: (i) the general air-conditioning plan of the Central Area; (ii) the principles to be followed for air-conditioning isolated large buildings, such as the Federal Court; (iii) the best method of tackling residential air-conditioning.

He was here for eight days. He collected all the material and then wrote this report which is dated May 1946. After that it was examined here, but the Cabinet Mission proposals of the 16th May 1946 intervened and it was decided not to take any further action on this report.

**Seth Govind Das:** Was any Indian associated with this gentleman for the short period during which this gentleman was here? And was this Indian satisfied with the work done by this gentleman in such a short time?

**Mr. B. K. Gokhale:** The report is here and it is a matter of opinion whether the report is worth 32,700 that we spent on it.

**Seth Govind Das:** I did not get a reply to my question whether any Indian of the expert type was associated with this gentleman during his stay here.

**Mr. B. K. Gokhale:** No, Sir.

**Mr. N. M. Joshi:** On what ground did Government decide not to take any action on this report, after having spent so much money.

**Mr. President:** He has already replied that the Cabinet Mission proposals intervened and then it was thought that no action should be taken on this report.

**Mr. N. M. Joshi:** The Cabinet Mission intervened but the final decision is not to take any action.

**Dr. G. V. Deshmukh:** From air-conditioning to cold storage!

**Mr. B. K. Gokhale:** The expenditure involved in his recommendations was heavy and Government decided that the matter should not be pursued at this stage.

**Mr. Ahmed E. H. Jaffer:** Why was he paid a bigger salary than the Viceroy?

**Mr. President:** Order, order.

**Sir Cowasjee Jehangir:** What parts of India did this gentleman visit, and what is the connection between air-conditioning and the Cabinet Mission?

**Mr. B. K. Gokhale:** As far as I know he only visited Delhi, but he must have passed through Karachi on his way here and possibly Bombay too, though that I do not know. About the connection of the Cabinet Mission with this matter, it rather changed the scope of the Central Government's activities in future.

**Shri Sri Prakasa:** In view of the fact that the Federal Court is a part of this Council House, how does the Honourable Member describe it as an "isolated" building?

**Mr. B. K. Gokhale:** The proposal was to have a separate Federal Court building. In that connection it would have been isolated.

**Shri Sri Prakasa:** Was the expert able to examine the requirements of air-conditioning for a building before the same was erected? Most amazing!

**Dr. Zia Uddin Ahmad:** May I ask whether the Rs. 32,000 was monthly salary or for the whole report?

**Mr. B. K. Gokhale:** Rs. 32,700 was the total cost to this Government and the terms on which he was engaged were two thousand guineas plus all expenses.

**Seth Govind Das:** Was it mentioned before this gentleman was called that he would have to stay here for only a week?

**Mr. President:** I think the matter is being unnecessarily pursued. It is obvious.

**Mr. Ahmed E. H. Jaffer:** Was he not here at a time when the summer heat was intolerable and why was he not provided with air-conditioning?

**Mr. President:** Order, order; next question.

#### OCCUPATION OF TEMPORARY BUILDINGS IN CANNAUGHT PLACE BY PRIVATE FIRMS

275. \***Sri R. Venkatasubba Reddiar:** Will the Secretary of the Works, Mines and Power Department please state:

(a) whether any temporary buildings round about Connaught Place in New Delhi have been given to private firms for occupation and if so how many and with what accommodation;

(b) whether Government are aware that there is acute shortage of accommodation for civilian personnel of the Government of India and attached offices in New Delhi, and if so, the reason why these buildings were not given over for such use;

(c) whether those buildings have been let out on rent and if so, at what rate;

(d) whether the whole of the accommodation in that area and elsewhere in New Delhi built by the United States of America for the use of American troops has been given over to the Government of India and if so, to what use has it been put, giving details of such occupation; and

(e) whether Government are satisfied that the accommodation referred to in (d) above could not be put to better use—especially the buildings on Queensway and the neighbourhood—and is actually being used fully and economically?

**Mr. B. K. Gokhale:** (a) Only one private firm *viz.*, Tata Sons Limited has been given 4,709 Sq. ft. of office accommodation in the U. S. Forces Headquarters buildings on Queensway. This temporary building stands on land which

has been permanently leased to Tata Sons Limited for constructing their own building. According to the terms of the agreement, the entire building will remain with Government for three years with effect from the 1st October, 1946, but a portion of the building (about 1/10th) will be leased to Tata Sons Limited for use as their office.

(b) Government are only too conscious of the acute shortage of accommodation in New Delhi. The reason why a portion of the building was given to Tata Sons Limited for their occupation has already been stated in answer to part (a) above.

(c) Yes, at the rate of Rs. 876 per month.

(d) A statement giving the information is laid on the table.

(e) Government endeavour to see that every effort is made to utilise available accommodation to best advantage as far as possible. A memorandum on the present position of Government accommodation in Delhi as on the 15th December 1946 has already been supplied to all Honourable Members, of which copies have also been placed in the Library.

*Statement of Temporary Buildings surrendered to the Government of India, by the U. S. Forces and the purpose for which they are being or proposed to be used.*

S. No.	Particulars of the building	Purpose
(1)	Central Vista Mess, Queensway ...	Residential accommodation for Military officers.
(2)	Willingdon Barracks, Qutab Road ...	A portion is being occupied as residential accommodation by 100 R.I.A.F. personnel of the Willingdon Aerodrome. It has also been decided to allot the remaining accommodation to Indian National Airways for occupation by its staff. The amount of rent to be recovered from the Indian National Airways has not yet been settled.
(3)	Curzon Road Officers' Barracks ...	Nursing College and residential accommodation of the members of the Constituent Assembly.
(4)	A & B Barracks, Queensway ...	Office.
(5)	Factory Road, 100th Station Hospital ...	To be used as a Civil Hospital.
(6)	Gurdwara Road hutments. ...	Office.
(7)	Talkatora Road Barracks. ...	Office.
(8)	Curzon Road Barracks (A & B Blocks). ...	Office.
(9)	Recreation Hall, etc. at Curzon Road barracks. ...	Club room for members of the Constituent Assembly.
(10)	Theatre Communication Building, Connaught Circus. ...	Office.
(11)	H. Q. I. B. T. Queensway. ...	Office.

No.	Particulars of the building	Purpose
(12)	Utility Building, North Avenue.	Defence Deptt. (Transport).
(13)	U. S. Army Chapel, Parliament Street.	Leased to All India Fine Arts & Crafts Society for exhibition purposes.
(14)	Delhi, General Depot (excluding 15,000 sq.-ft. of accommodation which is still with U. S. Forces).	Storage of D. G. Disposal and office accommodation by the Headquarters establishment of the Aeronautical Communication Organisation of the Director General of Civil Aviation.

*Statements of Temporary Buildings still being occupied by U. S. Forces.*

- (1) Taj officers' barracks on Queensway.
- (2) Canning Road Motor Pool.
- (3) Canning Road Ice Plant.
- (4) 15,000 sq.-ft. of accommodation in Delhi General Depot.

**ACCOMMODATION FOR GOVERNMENT STAFF AND OFFICERS IN NEW DELHI**

**276. \*Sri R. Venkatasubba Reddiar:** Will the Secretary of the Works, Mines and Power Department please state:

(a) whether, it is a fact that more Government accommodation is going to be built for clerks and assistants and officers in New Delhi and surrounding areas, and if so, in what numbers;

(b) when such quarters are expected to be ready;

(c) up to what date, roughly, the various classes of officers have been given the accommodation they asked for; whether the names of officers who registered in 1942 or 1943 have been reached and if so, to what extent;

(d) to what extent it is expected that the acuteness of the shortage will be relieved by the construction of these new quarters; and

(e) if it will take some time for the new accommodation to be built, whether Government propose to approach the Defence Department for the return of all available barracks and messes and such buildings, and allot them after suitable adaptation to persons on the waiting list for accommodation, if not, why not?

**Mr. B. K. Gokhale:** (a) Proposals are under examination to build the following accommodation for officers and clerks in New Delhi and surrounding areas:

In New Delhi—200 officers flats, 2,000 clerks quarters.

In Old Delhi—1,000 clerks quarters.

(b) The projects have not yet been sanctioned and so it is not possible to give the date by which these buildings would be ready for occupation.

(c) Government residential accommodation is divided into two categories—  
(i) regular accommodation, and

(ii) special accommodation, comprising buildings, constructed, leased or requisitioned during the war, as well as hostels, chummeries and tents. The allotment of accommodation is governed by very complicated rules based on the status of the officers, the dates of posting to Delhi and other considerations. Roughly speaking, officers, assistants and clerks of various categories have got regular accommodation, provided their date of posting was prior to the date



indicated below—

- (i) Pay Rs. 3,000 and more—April 1943.
- (ii) Rs. 1,750 to 2,999—March 1943.
- (iii) Rs. 1,000 to 1,749—June 1942.
- (iv) Rs. 600 to 999—November 1941.
- (v) Rs. 499 to 600—June 1921.
- (vi) Rs. 351 to 499—May 1930.
- (vii) Rs. 225 to 350—February 1926.
- (viii) Rs. 76 to 224—August 1934.
- (ix) below Rs. 75—September 1938.

As regards special accommodation, the position is as follows—

- (i) Officers drawing above Rs. 600—up to August 1946.
- (ii) Assistants drawing Rs. 225 to 599—up to end of 1943.
- (iii) Those drawing from Rs. 76 to Rs. 224 up to end of 1941.
- (iv) Those drawing below Rs. 75—up to end of 1942.

(d) New construction will certainly give some relief. But the extent of relief will depend on various other considerations, e.g., the progress of derequisitioning and new construction and the increase or reduction of strength of various offices by the time new quarters are completed.

(e) Defence Department generally hand over from time to time all available barracks and other accommodation which becomes surplus to their requirements. This is then allotted, after suitable adaptation, if necessary, to civil personnel, unless of course such accommodation has to be derequisitioned.

**Haji Abdus Sattar Haji Ishaq Seth:** May I call the attention of the Honourable Member to the ruling given previously that such long statements should be placed on the table rather than read?

**Mr. President:** I am afraid this is not a statement but the information. Some statements have already been laid on the table in this connection.

**Mr. B. K. Gokhale:** Information was specifically asked for.

**Diwan Chaman Lall:** How long has this scheme been up for sanction and what difficulty is being experienced for getting the sanction?

**Mr. B. K. Gokhale:** Which scheme?

**Mr. President:** The building scheme which is awaiting sanction.

**Mr. B. K. Gokhale:** It has been under consideration for several months. The plans have to be prepared and estimates have to go to Finance, and then the question of cost has to be considered and the question of the standard of accommodation to be provided.

**Diwan Chaman Lall:** I am asking my honourable friend to let us know, after having prepared the scheme, the estimates, costs, etc.—my honourable friend said that this scheme was up for sanction for some time—how long has this scheme been up for sanction and what is the difficulty he is experiencing for getting that sanction.

**Mr. B. K. Gokhale:** I cannot give the exact date but it has been under consideration for several months. As I said there are questions like what amount exactly should be allotted to each particular buildings, what should be the standard of accommodation provided, etc. These matters are under discussion between the various Departments and the Engineers concerned.

**Diwan Chaman Lall:** Is it a fact that the scheme is now complete and is up for sanction before the Finance Department?

**Mr. B. K. Gokhale:** Unless a scheme is sanctioned, it can never be said to be complete: it is still in the process of discussion.

**Diwan Chaman Lal:** Will the Honourable Member be pleased to give us a specific and clear reply to this question? So far as his Department is concerned, has his department placed a complete scheme before Finance for sanction?

**Mr. B. K. Gokhale:** It is a question of one Department placing a proposal before Finance and Finance have certain questions to ask about it. It comes back and you have to reply to those questions and again it may go to the Finance Department. It is very difficult to say at what stage any scheme is final so far as any department is concerned. Nothing is final until it is finally sanctioned.

**Diwan Chaman Lal:** Is it a fact that my Honourable friend's Department have asked Finance to give them their final sanction? Has he received a reply to that request?

**Mr. B. K. Gokhale:** As I have said several times, the matter has gone to Finance and we have not yet succeeded in getting their sanction. When a scheme goes to Finance it is still a proposal for the time being: that does not mean that it is the final proposal.

**Mr. Manu Subedar:** In view of the great delay in proceeding with Government's new construction programme, due to reasons which my Honourable friend has explained, may I know what special steps Government are taking in order to induce private capital to come into the building trade to expand office as well as residential accommodation in New Delhi, which is right under their nose?

**Mr. B. K. Gokhale:** It is only when a scheme is finally sanctioned that the question of the agency for construction can be considered, whether it should be done departmentally or through contractors.

**Mr. Manu Subedar:** I was not referring to construction for Government or by Government. I was referring to construction by private capital of houses for residential and office purposes. I wanted to know whether the Government of India have taken any special steps to encourage or to give facilities to private builders to build houses in order that housing shortage may be relieved.

**Mr. B. K. Gokhale:** That question concerns the Health Department and I would suggest that my Honourable friend puts down a question to them.

**Mr. Manu Subedar:** May I know whether this departmentalism could not be put an end to, for today one of the most crying grievances of the country is shortage of housing and office accommodation?

**Mr. President:** This is only an observation and not a question.

**Mr. Sasanka Sekhar Sanyal:** Will the Honourable Member please state whether Government have considered the question of allotting accommodation on the basis of needs, which would be determined by the number of members of each family?

**Mr. B. K. Gokhale:** Our allotment rules distinguish between Government servants who are married or have families and those who are bachelors or unmarried or have no families. But beyond that we do not go into the question of the actual number of children or the total size of the family.

**Sjt. N. V. Gadgil:** May I know whether the Honourable Member is aware of the fact that the Standing Finance Committee has made a recommendation to this Department to proceed with schemes in anticipation of sanction?

**Mr. B. K. Gokhale:** May I know which particular schemes the Honourable Member is referring to? I shall be only too pleased to proceed with every scheme.

**Sjt. N. V. Gadgil:** The schemes relating to housing.

**Mr. B. K. Gokhale:** I believe, Sir, that the Standing Finance Committee did suggest at their last meeting that their sanction should not be allowed to stand in the way of schemes going ahead; but that does not get over the difficulty of the sanction of the Finance Department. We cannot anticipate the sanction of the Finance Department of the Government of India.

**Sri R. Venkatasubba Reddiar:** Have Government considered the desirability of providing quarters for low-paid Government servants instead of devoting their attention to high-salaried Government officials?

**Mr. B. K. Gokhale:** There is also a proposal under consideration to construct 1,000 quarters for peons in New Delhi and 250 quarters for peons in Old Delhi. I did not give details because this particular question did not refer to peons' quarters.

#### PROTECTION TO SUGAR, PAPER, STEEL AND TEXTILE INDUSTRY

**277. \*Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state when is the protection given to sugar, paper, steel and textile industry coming to an end?

(b) What arrangements have Government made for investigation of the problem and for adjustment of existing duties in respect of imported goods in the categories?

**The Honourable Mr. I. I. Chundrigar:** (a) On the 31st March 1947.

(b) Attention of the Honourable Member is invited to the Commerce Department Resolution No. 28-T (6)/46, dated the 20th January 1947, which was published in the *Gazette of India Extraordinary* on the same date. Government propose to adjust import duties on the basis of the decision taken on the Tariff Board's Reports on these industries. Such duties will it is expected be effective from 1st April 1947.

**Mr. Manu Subedar:** In view of the very acute shortage in some commodities like paper, steel and cloth, have Government examined the possibility of not continuing the heavy duties which these industries are enjoying, since most of these articles are being paid for on a cost-plus basis to these concerns?

**The Honourable Mr. I. I. Chundrigar:** That is exactly the subject matter of reference to the Tariff Board. Decision will be taken on receipt of the report from the Tariff Board on the question.

**Dr. Zia Uddin Ahmad:** May I know whether the report of the Tariff Board will be available before the 31st March?

**The Honourable Mr. I. I. Chundrigar:** On this question?

**Dr. Zia Uddin Ahmad:** Yes, on those things mentioned by the Honourable Member.

**The Honourable Mr. I. I. Chundrigar:** It is expected that the report of the Tariff Board will be received by the end of February.

**Mr. Manu Subedar:** The sort of preliminary examination which the Tariff Board could give to each of these major industries took on a previous occasion something like a year and they will probably place before Government a general position. But from the point of view of the shortage of this country's requirements in these articles, what steps do Government propose to take in order to end this shortage and to get in more goods in these particular lines?

**The Honourable Mr. I. I. Chundrigar:** A reduction or abolition of the import duty will have no effect whatsoever on the quantum of imports into the country and as to how far the duty should be modified is a question which will be considered when this report is received.

#### SHORTAGE OF RESIDENTIAL ACCOMMODATION FOR MEMBERS OF THE CENTRAL LEGISLATURE

**278. \*Sardar Mangal Singh:** Will the Secretary of the Works, Mines and Power Department please state:

(a) whether it is a fact that some Honourable Members of this House could not be provided with accommodation during this session;

(b) if the answer to part (a) above is in the affirmative the arrangements that Government propose to make to remedy this shortage of houses; and

(c) whether Government propose to consider the question of making available bungalow type houses of the Queensway and the Queen Victoria Road to the Members of the Central Legislature?

**Mr. B. K. Gokhale:** (a) All Honourable Members of this House who applied have been provided with accommodation during this session. But it was not possible to provide all Honourable Members with bungalows and some have therefore been provided with accommodation in hostels.

(b) and (c). In addition to 68 bungalows previously reserved for Honourable Members of this House, ten bungalows on Queensway and one on Ferozeshah Road have recently been placed at the disposal of the Legislative Assembly Department, making a total of 79 bungalows for Members of this house during this session. Similarly, in addition to 26 bungalows previously reserved for Members of the Council of State, three more bungalows situated on Queen Victoria Road, Electric Lane and Telegraph Lane have been placed at the disposal of the Council of State, making a total of 29 bungalows for Council of State members during this session.

There is acute shortage of housing in Delhi and Government are considering the whole question with a view to relieve the situation. But all the same Government took steps to get eleven bungalows vacated by Government officers for the Members of this House and three bungalows for Members of the Council of State in compliance with the recommendation of a conference called by the Honourable the President of the Legislative Assembly on the 13th November 1946.

I may add that all the bungalow type quarters on Queensway are already being used for Members of the Legislature. There are 15 bungalow type quarters on Queen Victoria Road which are at present occupied by Government officers. It is not possible to make these bungalows available for members of the Legislature unless alternative accommodation is found for these Government servants.

**Sardar Mangal Singh:** May I know whether this arrangement by which some new bungalows on the Queensway have been placed at the disposal of the Legislative Assembly Department will continue in future or is it only a makeshift arrangement for this session?

**Mr. B. K. Gokhale:** The idea is that it should continue in future also.

**Seth Govind Das:** Are the Government aware that before there was any shortage of accommodation in New Delhi, the shortage of housing for Members of the Assembly has been there since 1923 and during the last 24 years nothing satisfactory has been done in this respect and will the Government see that this shortage of accommodation for Members of the Assembly be done away with as soon as possible?

**Mr. B. K. Gokhale:** This matter was considered at the Honourable the President's Conference on the 13th November and whatever was asked for we have complied with.

**Mr. Manu Subedar:** May I know how many more houses, in addition to the eleven and three mentioned by the Honourable Member, would have to be provided in order to put an end to this annual difficulty on the part of the Members of the Legislature?

**Mr. B. K. Gokhale:** A total of 57 bungalows will have to be provided if every Member of both the Houses is to have a house.

**Mr. Ahmed E. H. Jaffer:** In view of the fact that some of us are prepared to construct our own bungalows, will the Honourable Member arrange for the sale of suitable ground in Kingsway or near the Council House so that this may considerably ease the shortage of houses?

**Mr. President:** I do not think this arises out of the question.

**Haji Abdus Sattar Haji Ishaq Seth:** Arising out of the suggestion that he may have to consider alternative arrangements for Government officers, will the Honourable Member kindly examine whether there are any single Government officers, that is those without families, staying in these houses who are willing to go to hostels and leave the bungalows for the use of M. L. A.'s?

**Mr. B. K. Gokhale:** I do not believe anybody would willingly go.

**Haji Abdus Sattar Haji Ishaq Seth:** I am talking of single officials, that is those who are not married.

**Mr. President:** The question is only this much, namely, whether the Honourable Member will consider this suggestion.

**Mr. B. K. Gokhale:** Yes, Sir.

**Mr. Manu Subedar:** In view of the fact that these bungalows were originally built for Members of the Legislature when New Delhi was constructed, will the Honourable the Works Secretary tell this House how many of these bungalows originally built for Members of the Legislature have been diverted to the use of officers of Government?

**Mr. B. K. Gokhale:** Not a single bungalow, as far as I know.

**Seth Govind Das:** In view of the shortage of accommodation which has been continuing for the past 24 years, will Government consider it desirable to get one portion of the Viceregal Lodge vacated as it is too big a house for any one individual to live?

**Mr. President:** Order, order. Next question.

#### UNSERVICEABLE FURNITURE IN BUNGALOWS FOR MEMBERS OF THE CENTRAL LEGISLATIVE ASSEMBLY

**279. \*Sardar Mangal Singh:** Will the Secretary of the Works, Mines and Power Department please state:

(a) when the furniture provided in the M. L. A.'s' quarters was purchased and whether it is a fact that it was second hand even at that time; and

(b) whether Government are aware that the furniture in the M. L. A.'s' bungalows is absolutely unserviceable, and whether they propose to take steps to replace the same at an early date?

**Mr. B. K. Gokhale:** (a) There are in all 95 M. L. A. quarters. Of these 62 were furnished in 1927 with new furniture. The remaining 33 quarters, located on Ferozshah Road and Canning Lane, were furnished in 1934 with serviceable furniture taken from Old Surplus Furniture Store after renovation.

(b) Government are aware that some articles of furniture in M.L.A. quarters have become unserviceable and an estimate for replacing them is now under consideration.

**Mr. Ahmed E. H. Jaffer:** Is it not a fact, Sir, that when the houses were recently furnished for Members of the Interim Government, new furniture was supplied, and if so why is old furniture being given to Members of this House?

**Mr. B. K. Gokhale:** The question of furniture for M. L. A. quarters and that of Honourable Members of Government is quite a different matter. Both are considerably separate.

**Mr. Ahmed E. H. Jaffer:** What is the difference?

**Mr. President:** That does not arise out of the question.

**Shrimati Ammu Swaminadhan:** May I ask the Honourable the Works Secretary whether at the time of their reconsidering the refurnishing of these houses for M. L. A.s they would take some women also as advisers?

**Mr. B. K. Gokhale:** The matter will be considered, Sir.

**Shri Sri Prakasa:** May I know the percentage of the prices, that the Government charges from the Members of the Legislature as wear and tear of the furniture and whether the furniture has not already been fully paid for?

**Mr. B. K. Gokhale:** I am afraid, Sir, I do not know the rates of depreciation.

**Dr. Zia Uddin Ahmad:** Is the Honourable Member aware of the fact that some of the furniture supplied to Honourable Members of this House—I am one of them—was really manufactured before this House came into existence?

(No answer was given.)

#### RATIFICATION OF SEATTLE CONVENTION RELATING TO SEAMEN

**280. \*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable the Commerce Member please state whether the Government of India have ratified the Seattle Convention relating to improvements for seamen? If not, what are the considerations which delayed its ratification by the Government of India?

**The Honourable Mr. I. I. Chundrigar:** The Conventions adopted by the International Labour Conference at its twenty-eighth (Maritime) Session in Seattle in June 1946 are being examined at present by the Government of India and in accordance with the Constitution of the International Labour Organization these Conventions will be placed before the Legislature as soon as possible but in any case before December 1947 with a view to ratification or rejection.

#### STOPPING OF RED SHIRT DELEGATION FROM ENTERING KHYBER AGENCY

**281. \*Maharajkumar Dr. Sir Vijaya Ananda:** (a) Will the Honourable Member for External Affairs please state if his attention has been drawn to the news published in the *Hindu* of 16th December that a Red Shirt Delegation was prevented from entering the Khyber Agency, by the Agency Officials?

(b) Was any inquiry made into the matter and if so, what was the explanation given by the Agency Officials for their conduct?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). The Honourable Member's attention is invited to the reply which I gave on the 4th February in this Assembly to the question (No. 55) asked by Mr. Sasanka Sekhar Sanyal on the same subject.

#### REFUSAL OF ADMISSION INTO CANADA OF MR. MAGANLAL HIRACHAND SHAH, M. L. A., BOMBAY

**282. \*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable Member for Commonwealth Relations be pleased to state:

(a) if his attention has been drawn to the news published in the *Hindustan Times* of the 17th December 1946 that Mr. Manganlal Hirachand Shah, an M. L. A., Bombay, had been refused admission to Canada on the ground that he had an argument with the British Vice-Consul in Detroit over India's self government; and

(b) if so, whether any representation was made to the Canadian Government on the matter and if any reply was received from that Government?

**The Honourable Pandit Jawaharlal Nehru:** (a) Yes.

(b) Mr. Shah was at first refused admission to Canada on the 6th December because the Government of Canada had information that he was connected with the underground movement in India in 1942, was imprisoned for three years as a dangerous person and was debarred from entering the State of Mysore, Mr. Shah, however, preferred an appeal against this initial order and the Government of Canada referred his case to the Government of India seeking definite information about the grounds on which his admission was held up. The Government of India replied that Mr. Shah's detention in India was for political reasons and represented to the Government of Canada that he should be allowed to enter

Canada. As a result Mr. Shah was allowed entry into Canada as a "non-immigrant", that is to say, as a temporary visitor.

Ordinarily there is no bar to Indians visiting Canada provided they had the necessary permit from the Canadian authorities.

**Shri Sri Prakasa:** Can the Honourable Member give us an idea of the nature of the argument that the gentleman seems to have had with the British Vice-Consul?

**The Honourable Pandit Jawaharlal Nehru:** No, Sir. I have no details of that.

**Sardar Mangal Singh:** May I know from the Honourable Member whether Mr. Shah had a regular passport when he went there?

**The Honourable Pandit Jawaharlal Nehru:** Yes, of course, he had a passport.

**Sardar Mangal Singh:** Then why should the Government object?

**The Honourable Pandit Jawaharlal Nehru:** The reason is only that it is open to any Government to object to the entry of a non-national.

#### REMOVAL OF RESTRICTIONS ON THE MOVEMENT OF PEOPLE IN AND OUT OF TRIBAL AREAS

**283. \*Maharajkumar Dr. Sir Vijaya Ananda:** Will the Honourable Member for External Affairs please state whether, in view of the present curtain of isolation cast on the tribal area and peoples, Government propose to consider the necessity of facilitating free movement of the people in and out of the tribal area by removing the existing restrictions thereon?

**The Honourable Pandit Jawaharlal Nehru:** Except on certain main highways under Government protection, for example the roads leading into the Kurram Agency and through the Khyber Pass where it is necessary to regulate the movements of visitors or travellers in their own interests, by a permit system, there is nothing to prevent free movement between the tribal areas and the settled districts of the N. W. F. P. In view, however, of complaints received of discrimination in allowing some people to enter tribal territory while others were not allowed to do so, general instructions have recently been issued to the Political Agents by the Frontier Administration that political workers of any party are free to enter tribal territory on the understanding that no responsibility for their safety can be undertaken unless they inform the Political Agent concerned and keep to the protected roads.

**Khan Abdul Ghani Khan:** Apart from political workers, in some of these areas even ordinary people cannot go and see their friends and relations, or go to the fields. Does this permission apply to everybody or only to political persons?

**The Honourable Pandit Jawaharlal Nehru:** It applies to everybody.

**Sreejut Rohini Kumar Choudhuri:** May I draw the Honourable Member's attention to the fact that although recently he has relaxed orders so far as the Members of the Constituent Assembly are concerned, there is generally a ban against others from entering into Manipur area?

**The Honourable Pandit Jawaharlal Nehru:** I am sorry I cannot tell the exact position about this without much more information. But as far as I know, freedom of movement has been allowed to certain areas. In regard to certain other areas Members of the Constituent Assembly can go where they like and it was stated that others could go after information had been given.

**Sreejut Rohini Kumar Choudhuri:** Do they have to take permit before they enter into Manipur State?

**The Honourable Pandit Jawaharlal Nehru:** May be so—in regard to certain areas in the North East frontier. I cannot readily give a reply to that.

## (b) WRITTEN ANSWERS

## MUSLIM STUDENTS IN THE SCHOOL OF MINES, DHANBAD

284. \***Mr. Tamizuddin Khan:** (a) Will the Secretary of the Works, Mines and Power Department be pleased to state what are the existing institutions for imparting education in mining in India?

(b) Do Government propose to extend facilities for such education and, if so, in what way?

(c) What was the total number of students each year in the School of Mines, Dhanbad, during the last three years and how many of them were Muslims and others?

**Mr. B. K. Gokhale:** (a) The Indian School of Mines, Dhanbad, and the Benares Hindu University, are the only institutions imparting higher education in mining in India.

(b) Yes. A committee has been set up to examine the possibility of enlarging the activities of the Indian School of Mines, to increase its annual intake and to raise its standard as near as possible to that of the Royal School of Mines, London. The Committee has held several meetings and its final report is shortly expected. Meanwhile some preliminary steps have been taken to increase the number of admissions in the School and to improve the standard of teaching.

A scheme for the development of the College of Mining and Metallurgy of the Benares Hindu University has been included in the Government of India's post-war plans. The Benares Hindu University authorities have been asked to submit their proposals which would be considered by the University Grants Committee and ultimately by the Government of India.

(c) The total numbers of students in the School of Mines, Dhanbad, during 1944-45, 1945-46, and 1946-47 were 113, 138, and 142, of which two, four, and six were Muslims.

## PAY OF LIFT STAFF VIS A VIS THE INFERIOR STAFF

285. \***Haji Abdus Sattar Haji Ishaq Seth:** Will the Secretary of the Works, Mines and Power Department please state:

(a) if it is a fact that the permanent staff employed in the operation and maintenance of lifts are on fixed rates of pay whereas similar staff on the work-charged establishment or in the heating and cooling plants have been granted incremental scales of pay which are 100 per cent. higher than the fixed rates of pay given to the permanent staff; if so, what is the reason for this discrimination;

(b) if it is a fact that the lift drivers and cleaners have to undergo greater physical strain in the performance of their duties which keep them on their feet continuously for 8 hours than the ordinary inferior staff, e.g., peons, duffries, etc. If so, why has the pay of the lift staff in question been fixed at a lower level than that of the inferior staff; and

(c) if it is a fact that the Government of India have not considered the representations of the permanent lift staff for the revision of their pay; if so, why?

**Mr. B. K. Gokhale:** (a) It is a fact that the permanent lift staff are on fixed rates of pay. There are no similar classes of employees on the work-charged establishment or in the heating and cooling plants.

(b) This is a matter of opinion but the rates of pay of lift drivers and cleaners are about the same as those of the ordinary inferior staff, i.e., peons and duffries.

(c) The representations from the lift staff for the revision of their pay were rejected by the Government of India in the past on the ground that, unlike work-charged employees, they were enjoying pensionary rights, leave benefits and continuity of service.



## EXPORT OF HIDES AND SKINS

286. \*Dr. Zia Uddin Ahmad: (a) Will the Honourable the Commerce Member please state whether it is a fact that the exporters of hides and skins are allowed only 15 per cent. of their stock for export? If so, in what way the surplus stock of hides and skins is being consumed in this country?

(b) What is the total quantity of wealth lost by the wastage of hides and skins, on account of refusal of permission to export them and get the value?

**The Honourable Mr. I. I. Chundrigar:** (a) It is not a fact that exporters of hides and skins are allowed only 15 per cent. of their stock for export. Exports of certain types of heavy hides are allowed to be exported freely but exports of other varieties of raw hides are allowed by exporters upto 15 per cent. of their average annual exports for the three years 1937-39 or the four years 1943-46.

The stocks of hides and skins which are not exported are processed by the tanners in the country either for internal consumption or export.

(b) No wealth is supposed to have been lost by the wastage of hides and skins as the tanning industry in the country is expected to absorb those hides and skins the export of which is not permitted.

TRANSFER OF JUTE AND GUNNY BAGS RECEIVED FROM INDIA BY CEYLON  
GOVERNMENT TO SOUTH AFRICA

287. \*Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable the Commerce Member be pleased to state whether Government are aware that the Ceylon Government have passed a large quantity of jute and gunny bags received by them from India to the South African Union Government? If so, what is the approximate quantity of such jute and gunny bags and when this was done?

(b) What is the attitude of the Ceylon Government in this matter and what measures Government propose to take to prevent them from repeating this in future?

**The Honourable Mr. I. I. Chundrigar:** (a) The correct position is that the Government of Ceylon allowed the export of 327,996 used gunny bags from Ceylon to South Africa by the steamship *Inchinga* in December last.

(b) The Government of Ceylon have decided not to permit further re-exports and have also agreed to cancel outstanding licenses in favour of South Africa.

## VALUE OF IMPORT LICENCES FOR CAPITAL GOODS DURING 1946-47

288. \*Sri M. Ananthasayanam Ayyangar: (a) Will the Honourable the Commerce Member be pleased to state what in terms of sterling is the value of import licences granted during the year 1946-47 for (1) capital goods, i.e., plants, machinery and tools, (2) foodgrains and other articles of food, (3) clothing and (4) other articles?

(b) In issuing licences as above, have Government taken steps to ensure that the sterling balances and other valuable foreign exchanges are not used up by imports of luxury goods?

**The Honourable Mr. I. I. Chundrigar:** (a) I lay on the table a statement giving the information asked for by the Honourable Member.

(b) Yes; instructions in force restrict the issue of licences for the import of unessential goods from difficult currency countries. In accordance with the declared policy of the Government of India gradually to relax import trade control, licences for many classes of consumer goods in short supply including items of food and clothing are granted freely unless it is considered necessary to prohibit or restrict the import of any such goods with a view to facilitating the orderly liquidation of temporary war surpluses in India or avoiding undue injury to Indian industries. I may add that several items of consumer goods

as well as parts of machinery have been included in Open General Licence and they do not require any import licence at all. Consistently with the Government policy of planned industrialisation of the country, import licences for capital goods are freely given from sterling and easy currency countries and also from difficult currency countries if the terms with regard to the periods of delivery or prices are more favourable.

*Statement giving the value (in sterling) of licences granted during the period from the 1st January 1946 to the 31st January 1947, asked for in part (a) of the question.*

	Value.
	£
(1) Capital goods, i.e., plants machinery and tools	95,170,823
(2) Food grains and other articles of food ...	17,783,565
(3) Clothing ...	69,278,092
(4) Other articles	3,63,092,428

The above figures do not include the value of licences issued at Karachi and Calcutta. They will be furnished to the Hon'ble Member as soon as received.

#### TRADE AGREEMENT WITH INDO-CHINA AND FRANCE

**289. \*Sri M. Ananthasayanam Ayyangar:** Will the Honourable the Commerce Member be pleased to state:

(a) whether the negotiations for trade agreement with Indo-China and France have been completed;

(b) whether Government are aware that credits amounting to about Rs. 10 crores belonging to Indian Nationals is frozen in Indo-China and that the release of the same depends upon this agreement;

(c) the terms of the proposed agreement and whether the House will be consulted before it is finalised and concluded;

(d) what, if any are the other trade agreements that are being negotiated and with what countries; and

(e) for how many countries trade commissioners have been appointed by Government during 1946-47?

**The Honourable Mr. I. I. Chundrigar:** (a) I presume the Honourable Member is referring to the Property Agreement which it is proposed to conclude with the Government of the French Republic in respect of the restoration to British Indian and French nationals of their respective properties situated in France and French Indo-China in the case of British Indian nationals and in British India in the case of French nationals, and subjected to special measures in consequence of the occupation of France and Indo-China by Germany and Japan respectively. The negotiations in respect of this Agreement have not yet been concluded.

(b) The proposed Agreement is in no way connected with the assets held in French Indo-China by the Indian nationals resident there. Government have no information about the amount of these assets but are aware that the grant of permission to Indian nationals to make remittances to India has been made dependent by the authorities in French Indo-China on the conclusion of the proposed Agreement with the Government of the French Republic.

(c) It is a mutual agreement for the restoration of the rights of the nationals of the two countries which have, in consequence of war emergency, remained in suspense since the occupation of France and French Indo-China by Germany and Japan respectively. The issues dealt with in the agreement are not of any great importance as compared with a Trade Agreement and I do not therefore propose to trouble the House with it.

(d) No trade agreements are at present being negotiated, but if the Honourable Member is referring to Property Agreements, negotiations are at present going on with the Government of Belgium, the Netherlands, Czechoslovakia and Norway.

(e) Two Trade Commissioners have been appointed during 1946-47, one for Ceylon, with headquarters at Colombo and the other for Portugal, Spain, France, Switzerland, Luxemburg, Belgium, Holland, Denmark, Norway, Sweden and Czechoslovakia with headquarters at Paris.

#### SPECIAL OFFICER FOR REVISION OF COMPANY LAW

**290. \*Sri M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Commerce Member be pleased to state whether a Special Officer has been appointed to revise the Company Law?

(b) When was this appointment made and on what terms?

(c) What progress has this officer made in the work entrusted to him?

**The Honourable Mr. I. I. Chundrigar:** (a) Yes.

(b) The appointment was made on 1st March 1946 and the honorarium was fixed at Rs. 3,000 per month.

(c) It is expected that the Officer on Special Duty will submit his report very shortly.

#### RECRUITMENT OF POLITICAL REPRESENTATIVES TO STAFF THE EMBASSIES

**291. \*Sri M. Ananthasayanam Ayyangar:** Will the Honourable Member for External Affairs be pleased to state:

(a) the countries to which Indian political representatives have so far been sent and the countries to which such representatives are proposed to be sent in the near future;

(b) whether it is the policy of Government to appoint officials as representatives as before, or whether Government propose to select public men for these places to replace the officials;

(c) whether any scheme has been evolved to train up men for being recruited to staff the various embassies and other offices of Political Representatives; and

(d) the qualifications required of such men before they are being taken up for training?

**The Honourable Pandit Jawaharlal Nehru:** (a) A statement has been placed on the table of the House showing the countries to which Indian diplomatic and consular representatives have been sent. The exchange of diplomatic representatives with other countries is under consideration and as soon as a decision has been taken in a particular case, it will be made public.

(b) A diplomatic service requires a highly trained personnel and it is important that the primary consideration in making appointments should be fitness for the work and the place. In the initial stages no definite policy as to how many officials and non-officials should be appointed can be laid down. This will depend on how the Service develops. Government propose to appoint both non-officials and officials during the present stage.

(c) and (d). Regarding recruitment, I would refer the Honourable Member to my statement in the Legislative Assembly on the 5th instant.

As a general rule it is intended to train young recruits to the Foreign Service at the training school to be opened shortly at Dehra Dun for recruits to the All-India Administrative Service. After completing a course at this School they will receive training at Headquarters and thereafter in Missions abroad.

*Statement giving countries to which representatives of India have been sent*

Country	Designation of Representative.
1. United States of America.	Ambassador.
2. China.	Ambassador.
3. Saudi Arabia.	Vice-Consul.
4. Iraq.	Vice-Consul.
5. Siam.	Consul.
6. French Indo-China.	Vice-Consul.
7. Japan.	Political Representative.
8. Union of South Africa.	High Commissioner.
9. Australia.	High Commissioner.
10. Ceylon.	Representative.
11. Burma.	Representative.
12. Malaya.	Representative.

#### UNITED NATIONS ORGANISATION SECURITY COUNCIL'S DECISION RE SOUTH AFRICA

**292. \*Sri M. Ananthasayanam Ayyangar:** Will the Honourable Member for External Affairs be pleased to state:

(a) the steps that are being taken to implement the decision of the United Nations Organization Security Council in regard to South Africa;

(b) whether any statement of our case has been prepared to be laid before the United Nations Organization Assembly;

(c) the latest position of the South African Government in regard to this matter; and

(d) when this matter is expected to come up before United Nations Organization Assembly?

**The Honourable Pandit Jawaharlal Nehru:** (a) and (b). The Honourable Member presumably refers to the resolution adopted by the General Assembly of the United Nations on the 8th December 1946. I would refer him to my answer to Question No. 64 asked by Babu Ram Narayan Singh on the 5th February 1947.

A statement of our case was prepared and laid before the General Assembly before the resolution was adopted. It would be premature to prepare any statement now to be laid before the next session of the Assembly.

(c) The House of Assembly of the Union Parliament has recently rejected a resolution moved by Dr. Malan, Leader of the Opposition, asking for the rejection of the decision of the General Assembly.

(d) At the next session of the General Assembly of the United Nations Organisation in September 1947.

#### GOVERNMENT NURSERY NEAR SAFDARJANG, NEW DELHI

**293. \*Mr. Tamizuddin Khan:** (a) Will the Secretary of the Works, Mines and Power Department please state the total annual income and expenditure of Government Nursery near Safdarjang, New Delhi, for the last three years?

(b) Are Government aware that the Nursery is running at a loss for the last three years; if so, what action has been taken to improve the state of affairs? If none, why?

(c) Are Government aware that the manurial value of the manure supplied from the Delhi gate dump is very poor? If so, do Government propose to consider the advisability of improving the quality of the manure?

(d) What amount has been spent on this type of manure during the last two years?

(e) What are the reasons for spending public money on manure, the manurial value of which is considered very poor?

**Mr. B. K. Gokhale:** (a) The figures for the last three years are:

Year	Income	Expenditure	Profit or loss
	Rs.	Rs.	Rs.
1943-44	67,990	60,217	7,773 Profit
1944-45	82,449	74,484	7,965 "
1945-46	73,507	70,584	2,923 "

(b) The Nursery did not run at a loss during the last three years. The latter portion of the question does not arise.

(c) Yes. Government are aware that a certain amount of unsatisfactory manure was excavated from Delhi Gate dump which was, however, rejected and not paid for. The manure pits generally in use were not available due to construction of residential buildings in the locality. New dumps are being explored to improve the quality.

(d) and (e). Nothing has been spent on poor quality manure. A sum of Rs. 54,860 was spent on good quality manure as shown below:

	Rs.
1944-45	24,725
1945-46	30,135

#### INCREASE IN FOOD PRICES BY U. S. A.

**294. \*Maharajkumar Dr. Sir Vijaya Ananda:** (a) Will the Honourable the Commerce Member please state if Government are aware that America had recently put up its food prices to us by 25 per cent. and Argentine Government had charged eight times the pre-war prices for its maize?

(b) Are Government aware that jute is an important hard currency earner?

(c) If the reply to parts (a) and (b) above is in the affirmative, do Government propose to consider the question of making our jute purchasers pay a competitive price for jute which besides helping our jute growers and providing us with more helpful means of fighting inflation, will enable us to utilize the foreign exchange thus earned for the most-needed imports of capital and essential consumer goods?

**The Honourable Mr. I. I. Chundrigar:** (a) While it is not correct to say that the American and Argentine Governments have been responsible for putting up the prices of wheat and maize, it is correct that the price of American wheat has increased by about 25 per cent. in the second half of 1946 as compared with wheat prices paid during the second half of 1945, and that purchases of Argentine maize have been made by the Government of India in the open market at about 4 to 4½ times the prewar prices.

(b) Yes.

(c) I presume that what the Honourable Member has in view is that the Government of India should fix such an export price for jute as will enable them to offset the increase in price arising from the purchase of cereals in America and the Argentine. If this presumption is correct, I would inform the Honourable Member that the value of jute lies in its comparative cheapness as a packing material and that its monopolistic position is likely to be endangered if very high prices are charged. As the Honourable Member, I have no doubt, is aware, the control over the export price of jute and jute goods was withdrawn on the 23rd October 1946, and that prices have gone up considerably since that date. Government have taken advantage of the rise in prices by increasing the export duty levied on raw jute and jute goods with a view to utilising the increased proceeds for the benefit of the grower and for meeting the increased cost to Government arising out of the subsidising of foodgrains imported from abroad.

## UNSTARRED QUESTIONS AND ANSWERS

### CONNECTION OF THE GOVERNMENT OF INDIA WITH THE CONSTITUENT ASSEMBLY

**44. Mr. Sasanka Sekhar Sanyal:** (a) Will the Honourable the Leader of the House be pleased to state what are the constitutional, legal, administrative, ministerial and other connections between the Government of India and the Constituent Assembly?

(b) What, if any, are the occasions when the representative of the Constituent Assembly has met and discussed with the representative of the Government of India as such?

(c) What is the machinery and method for settling any dispute that may arise out of the aforesaid or other connections between the two?

**The Honourable Pandit Jawaharlal Nehru:** (a), (b) and (c). The Government of India have arranged for the office and residential accommodation for the Constituent Assembly and for stationery and other facilities; the Government have also provided the necessary finance. But responsibility in respect of all matters relating to the functioning of the Constituent Assembly vests in the Assembly itself and is not shared with the Government of India. The Constituent Assembly is engaged in the task of drawing up a constitution and has nothing to do with the administrative or executive arrangements of the Government of India. There is thus no overlapping. No occasion for joint discussions has arisen, nor is it considered necessary to set up any machinery for this purpose. Some members of the Government of India are also members of the Constituent Assembly, because they have been separately elected to the latter.

### SIBAPAHARI RIVER EMBANKMENT.

**45. Mr. Sasanka Sekhar Sanyal:** Will the Secretary of the Department of Works, Mines and Power please state:

(a) whether the attention of Government has been drawn to the fact that there has been a longstanding demand made by a substantial number of people for an embankment in river Sibapahari which separates Bengal from Bihar across parts of Murshidabad district in Bengal and parts of Sonthal Pargannas in Bihar;

(b) whether Government are aware that the matter is one which requires to be settled between the respective Government of the two provinces mentioned above;

(c) whether Government are aware that the schemes which have the general approval of the people of the border land of both the provinces and for which the people are prepared to make liberal contributions raised from the public are not materialising mainly because the necessary co-ordination between the two Governments have not been brought about; and

(d) whether it is possible for the Government to make enquiries in the matter or to take initiative, for bringing about a speedy contact between them for the purpose of effecting the construction of the embankment at an early date?

**Mr. B. K. Gokhale:** The Government of India have no information on the subject but an enquiry has been made from the Governments of Bengal and Bihar and the matter will receive due consideration.

### ELECTION OF A MEMBER TO THE COURT OF THE UNIVERSITY OF DELHI.

**Mr. President:** I have to inform the Assembly that upto 12 Noon on Wednesday, the 12th February, 1947 the time fixed for receiving nominations for the purpose of election of one member to the Court of the University of Delhi, only one nomination was received. As there is only one candidate for the vacancy, I declare Mr. Muhammad Ismail Khan to be duly elected to the Court.

REPORT ON THE CONDITION OF LABOUR IN COAL MINING INDUSTRY IN INDIA—LAID ON THE TABLE.

**The Honourable Shri Jagjivan Ram** (Labour Member): Sir, I lay on the table a copy† of the report on an enquiry into the conditions of labour in Coal Mining Industry in India by Mr. S. R. Deshpande.

ARMED FORCES (EMERGENCY DUTIES) BILL.

**Mr. G. S. Bhalja** (Government of India, Nominated Official): Sir, I move for leave to introduce a Bill to enable duties in connection with vital service to be imposed in an emergency on the Armed Forces of the Crown.

**Mr. President:** The question is:

“That leave be granted to introduce a Bill to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown.”

The motion was adopted.

**Mr. G. S. Bhalja:** Sir, I introduce the Bill.

INDUSTRIAL DISPUTES BILL.

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

The amendment before the House is No. 4 by Mr. Joshi:

“That in sub-clause (3) of clause 7 of the Bill, the following be added at the end, namely:

‘and every member of the Tribunal shall be paid the salary of a Judge of a High Court.’”

**Miss Maniben Kara** (Nominated Non-Official): Sir, this question of giving the salary of a High Court Judge to a member of the Tribunal was discussed at length in the Select Committee. We have brought forward this amendment not with the motive that the Government should incur unnecessary expenses. Nor is it our intention that a union of High Court judges should be formed and they should get higher salaries. Many of the members of the Select Committee were unanimous in their opinion that the responsibilities which are placed on the members of the Tribunal are of such a serious nature that we should be very careful in selecting capable and able persons. After all these members of the tribunal will be deciding the fate of thousands and thousands of workers. It is a huge responsibility and the clause as it stands accepts our amendment in spirit, because it reads thus: Every member of the Tribunal shall be an independent person who is or has been a judge of a High Court or who possesses qualifications required for the appointment of a judge of the High Court”.

Now, Sir, this is rather vague to me. What is exactly meant by ‘who possesses qualifications of a judge of a High Court’. A briefless barrister who might have a standing of ten years practice can also be qualified to be a High Court judge. We the labour representatives are really anxious that the persons who are appointed as members of this tribunal are competent to do their jobs. To begin with, I do not at this stage want to repeat that we are not anxious for any compulsory arbitration or refer our disputes to the members of the tribunals but if it is going to be done in spite of us then we will be certainly justified in at least expecting that the members of the tribunal are competent persons.

† Not printed in these Debates. A copy placed in the Library of the House.—*Ed. of D.*

Now, Sir, a question arises as to why we should decide the competency of a person from the salary he gets. I am one of those who believes that competency comes as a result of higher standard of life. I do not believe in low standard of living and high thinking, because I do not think that higher thinking comes out of the lower standard of living. That is not my belief. I want people to be fed well, not only one section of the society but every section and it is only when the necessities of life are provided, a person reaches a stage of competency. We do not want to give our trade dispute cases to briefless barristers, especially when in these cases the fate of thousands of workers is involved. By the present clause there is a danger that the High Court judges who may want to favour their friends, may recommend them as members of this tribunal. It is not our intention that Government should indiscriminately spend money, nor am I interested at this stage in safeguarding the salaries of the High Court Judges.

But my contention is that the criterion of the ability of a man will be judged from the salary that he will receive, I am sure you will not pay him the salary unless he is worth that salary. The Government will not pay the salary of a High Court Judge to a briefless Barrister and that is why my friend Mr. Joshi has moved the amendment that every member of the tribunal shall be paid the salary of a Judge of a High Court. We suppose that when you pay that salary you will take particular care to see that the man who is a member of the tribunal deserves that salary. We shall then at least have the satisfaction that though the member of the tribunal has not necessarily any bias towards the trade union movement, he will at least be competent enough to study the cases, to listen to both the sides and to take into consideration the arguments advanced by both the parties. I, therefore, support this amendment which has been moved by my Honourable friend Mr. Joshi.

**The Honourable Shri Jagjivan Ram** (Labour Member): Sir, I have carefully listened to the arguments advanced on this amendment. If one were to concede to those arguments, it will follow that the degree of honesty and integrity depends upon the income or salary of a person. I cannot reconcile myself to that view and those who speak on behalf of the labourers should not take the view that honesty and integrity of a person depend upon the salary that he receives. The same argument applies about the competency as well. I do not think that the competency of the adjudicator or the conciliator will depend upon the salary that he will receive. Of course, I agree that the man should be of some standing, that he should preferably be a High Court Judge or a District Judge or a retired High Court Judge. Care has been taken by the Government of India and even by the Provincial Governments to appoint as adjudicators persons who have been High Court Judges. It has been only in those cases where they have felt difficulty in getting High Court Judges that they have appointed other persons. Even in those cases persons have been given in most cases the same salary as is paid to the High Court Judges. But if we provide it in the Act, I am afraid we will concede to the view that integrity, honesty and competency are to be measured by the salary of the person, a view with which I do not agree. I, therefore, oppose the amendment.

**Dr. Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, my difficulty is not so much with regard to the salary as the wording of sub-clause (3) of clause of the Bill. Sub-clause (3) says:

"or who possesses qualifications required for appointment as a judge of a High Court."

A large number of persons possess such qualifications, but in selection by the Public Service Commission or by any other competent authority, they will have no chance. If a man is a Barrister of some years' standing, he is eligible to become a Judge of the High Court, irrespective of his work in the Court. In practice, he will not be appointed as a Judge of the High Court. The apprehension which we on this side of the House have is that a person who is a briefless Barrister but on paper he is eligible to become a Judge of the High



[Dr. Zia Uddin Ahmad]

Court and who is in the good books of the Government of the day who want to patronise him, will be given this job. He may, for instance, have helped the Honourable Member in his election. These are the apprehensions that we have. A man may be appointed as patronage to him and not because of his qualifications. He may have won the favour of the capitalist who will probably recommend him as a suitable man although he is unsuitable otherwise. So, these apprehensions of ours should be removed.

**Mr. President:** The question is :

"That in sub-clause (3) of clause 7 of the Bill, the following be added at the end, namely :

'and every member of the Tribunal shall be paid the salary of a Judge of a High Court.'

The motion was negatived.

I did not say it in the beginning, but I think the real objection of the Honourable Member who moved this amendment seems to be about the wording "who possesses qualifications required for appointment". The addition of the amendment may perhaps result in paying a higher salary to an incompetent man.

**Mr. Vadilal Lallubhai** (Ahmedabad Millowners' Association: Indian Commerce): Sir, I move :

"That in sub-clause (3) of clause 7 of the Bill, for the words 'who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court', the following be substituted, namely :

(a) who is or has been a Judge of a High Court or a District Judge, or

(b) is qualified for appointment as a Judge of a High Court;

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have, its usual place of sitting."

My idea in moving this amendment is the same as was suggested by my Honourable friend Miss Maniben Kara. I want that the Government may not be able to favour some briefless lawyers and put them on the tribunal with the result that the work of the tribunal may not be properly done. I do not want that Government favours should be bestowed on those people who do not deserve to be appointed to the tribunal. To safeguard that eventuality, I have suggested this amendment and I hope my Honourable friend will accept it.

**Mr. President:** Amendment moved:

"That in sub-clause (3) of clause 7 of the Bill, for the words 'who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court', the following be substituted, namely :

(a) who is or has been a Judge of a High Court or a District Judge or

(b) is qualified for appointment as a Judge of a High Court;

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have, its usual place of sitting."

**The Honourable Shri Jagjivan Ram:** Sir, when the Honourable Dr. Zia Uddin Ahmad raised that point of favouritism by Governments in appointing briefless lawyers as members of the tribunal or as adjudicators, I did not rise to give a reply to him because I anticipated this amendment. This amendment meets the objections raised by Dr Zia Uddin Ahmad and others and it limits the scope of selection by the Government. It has to be done in consultation with the High Court. I accept this amendment.

**Mr. N. M. Joshi** (Nominated: Non-Official): Sir, this amendment does not serve the purpose which I had in view in moving my amendment, which is

that people to be appointed as judges of the tribunal should be men of experience and competence. That would not be served by the proposal of Government because they say that any man possessing qualifications for appointment as High Court Judge can be appointed. It has been pointed out that one of the qualifications is that he must be an Advocate of ten years' standing. But that is not enough test of experience and competence. That is why I made my proposal about salary; and the Honourable Member, I regret to say, misrepresented me if he was replying to my argument. I never said that a man's competence depends on his salary.

**Mr. President:** He was replying to Miss Maniben Kara.

**Mr. N. M. Joshi:** Then his argument was really no answer to mine. I want men of experience and competence, and that would not be secured by the Government proposal. That is why I made my proposal about salary, because by paying a good salary you are likely to get men of seniority and competence. I was anxious that senior men in the profession or in Government service for a long time as District Judge should be appointed; that cannot be secured by merely laying down qualifications necessary for appointment as a High Court Judge. My Honourable friend Mr. Vadilal's proposal also does not meet my objection. He wants the High Court to be consulted in making the appointment. But the High Court will surely ask Government what salary they are going to pay; and no High Court can dictate to Government that for a good man they must pay the salary which the High Court thinks necessary. The salary will be one of the tests and the High Court will proceed on that basis. Whether appointing a Presidency Magistrate, or a Judge of the Small Cause Court or even a High Court Judge, the High Court will surely take the salary into consideration. If the salary is Rs. 500 the High Court will recommend some particular person if it is Rs. 4,000 it will perhaps recommend a very senior and prosperous Barrister. The salary is therefore very important, which the High Court will surely go into; therefore Mr. Vadilal's amendment does not serve my purpose. If people say the High Court will not go into it they are very much mistaken.

**Mr. President:** The question is:

"That in sub-clause (3) of clause 7 of the Bill, for the words 'who is or has been a Judge of a High Court or who possesses qualifications required for appointment as a Judge of a High Court', the following be substituted, namely:

- (a) who is or has been a Judge of a High Court or a District Judge, or
- (b) is qualified for appointment as a Judge of a High Court;

Provided that the appointment to a Tribunal of any person not qualified under part (a) shall be made in consultation with the High Court of the Province in which the Tribunal has or is intended to have, its usual place of sitting."

The motion was adopted.

**Mr. President:** The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7 as amended was added to the Bill.

Clauses 8 and 9 were added to the Bill.

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

"That in part (c) of sub-clause (1) of clause 10 of the Bill, the following words be added at the end, namely:

'on the joint application of the parties to an industrial dispute'."

This clause enables Government, either Central or Provincial, to refer any dispute to a Board of Conciliation under sub-clause (a), to a Court of Inquiry under sub-clause (b) and to a Tribunal for adjudication under sub-clause (c). I have no objection whatever to the first two. As a matter of fact, I feel that if the Central and Provincial Governments had followed these

[Mr. N. M. Joshi]

two courses this Bill would not be necessary at all. On many occasions when they were asked to refer such disputes to a Board of Conciliation or a Court of Inquiry they refused to do it; but if that were done the situation which we are facing today would not have arisen. For instance, in England whenever such disputes are referred to these Boards or Courts the disputes are generally settled. With that experience the Act of 1929 was passed proposing these two methods. But unfortunately the Government of India and the provincial governments had no faith in these Boards or Courts; and instead of trying to settle such disputes by these methods they tried to put them down with the help of police forces. On account of that very fact, faith in conciliation machinery was not fostered in the trade union movement in this country. The workers also lost faith and they were afraid that the Government will make use of the machinery in their favour. The faith of the working classes in the conciliation machinery and in the machinery for finding out truth was sapped or destroyed by the Central Government and the Provincial Governments by not making use of the machinery which had existed. Sir, I met Members of Government and their principal officers many times in conferences. I had asked them one question, a very simple question, whether since the Act of 1929 was enacted, and since Courts of Enquiry and Conciliation machinery were allowed to be established, how many times the Government of India and the provincial governments utilised them?

**Sjt. N. V. Gadgil** (Bombay Central Division: Non-Muhammadian Rural): The two governments are now different.

**Mr. N. M. Joshi:** A man sitting on government benches, in my eyes, does not make any difference. I treat government as a government. I asked the Honourable Member to give me information how many times, during the past 18 years since this Act has been in force, this Act has been used by the Central Government or by the provincial governments and how many industrial disputes took place. The number of industrial disputes which may have taken place from 1929 up to this time may be even 100,000. In order to settle these 100,000 disputes, how many times Courts of Enquiry and Boards of Conciliation were used? The Honourable Member has not given me that information, his department has not supplied me that information. You will find, therefore, that if the present state has arisen, it is due to the unwillingness of the Government of India and the unwillingness of the provincial governments to give a helping hand in the solution of the difficulties of the working classes. The machinery was provided by the Act of 1929, but they refused to make use of it. They thought that if a Board of conciliation is appointed, that Board may settle the dispute and on the whole the working classes may gain. That was their fear. Therefore they refused to appoint Boards of Conciliation. They think that the easiest method of settling industrial disputes was to use the police and get strikes suppressed. That is the root cause of the present situation. If you really want to deal with the present situation and establish industrial peace in this country then make use of that machinery. Whenever disputes take place, let the Government be on the alert and let them through conciliation officers do their work. Let the Boards of Conciliation be appointed, let the Courts of Enquiry be appointed. If they do that, I have no doubt that they will be able to help in the establishment of industrial peace in this country. They will be able to render great help to the working classes in this country. As a matter of experience let me tell them that in Great Britain, since the industrial revolution, there were many strikes and they used a machinery of this kind and they could settle disputes with a machinery of this kind. They did not ask for the kind of machinery which the Honourable Member is now asking. Let him follow the experience of those countries which have gone through much earlier the same difficulties which we are passing through today. Let us not try to invent

something new. These new things may bring new problems which we will have to face again. I therefore suggest, let Government be content with the machinery for conciliation and courts of enquiry. If they want Boards or what are called Tribunals or a machinery for adjudication, my amendment suggests to them that this machinery be used on a voluntary basis. That is my amendment. If the two parties to the dispute approach the Government and tell the Government to refer every dispute to adjudication, they should do it and it is for that reason there may be a tribunal. Let Government make this experiment. I have heard many of the present day Labour Ministers saying that labour themselves, the working classes themselves, want sometimes disputes to be referred to a Tribunal. Certainly. We are not against disputes being settled by a Tribunal. What we do not want is compulsion. I have no doubt in my mind that on many occasions, working classes will be willing to get their disputes settled by a Tribunal. But what they object to is the Government compelling them to do so. Secondly, as I had stated in my speech, we consider this reference to a Tribunal and the procedure of adjudication as a leap in the dark. We would like to have an agreement the responsibility for which we accept on a voluntary basis. We want to come to an agreement with open eyes. That is what we want. If we go to adjudication, then certainly we have to accept whatever the Judge gives. We therefore prefer voluntary adjudication.

Now, Sir, there are many difficulties in this Bill. You, Sir, have got some experience of working in Courts. So long as a party is defeated in the lower court, that party will try, if possible to go to higher courts, if he has the money. That is human tendency, that is human inclination. If a man does not receive justice in the court of a Magistrate, then he will go to the District Judge's court. If he fails there, he will go to High Court. Or if the other party fails in the District Court, then that party will go to the High Court. So long as you provide some sort of higher court, especially as against the decisions of a Court of Enquiry or Board of Conciliation, the tendency will be for the parties not to accept conciliation at all but to try their luck with the higher courts. That is really the objection to referring disputes to adjudication. Your conciliation machinery will begin to fail, in my humble judgment, if once the people know that either party, the workers party or the employers party can go to higher court in the belief perhaps that they will benefit thereby. If once people come to know that beyond the Conciliation Board or the Court of Enquiry, there is nothing more and the decisions of the Court of Enquiry or the Board of Conciliation will be final, then they will accept that decision. If you throw temptation in their way by providing an appeal to the High Court, then you yourself, by your own action, are providing for the failure of your Boards of Conciliation and Courts of Enquiry. I therefore feel, Sir, let the Government of India and the provincial governments have the power of appointing Boards of Conciliation or Courts of Enquiry, let them appoint Boards of Tribunals, I have no objection. If they maintain a tribunal or whatsoever you call it let them appoint. But the reference to that court should only be on the joint application of both the parties. In this way, the object which both Government and we have in view will be served better. I know there are people in our country, who have no faith in conciliation, who have no faith in finding out the truth, but they say appoint a tribunal, have arbitration. It has been said before and I repeat it again that in perfect society arbitration is the best remedy for settling disputes, but we have not yet reached that stage. Let us not, therefore, go in haste towards the ideal of settling our disputes by arbitration; let us go step by step; let us have arbitration on voluntary basis first and then go to compulsory arbitration. I hope the Government of India will even now accept the amendment which I have moved, and I have no doubt that if my Honourable friend, Mr. Griffiths, had been here he would have supported me.

**Mr. President:** Amendment moved:

"That in part (c) of sub-clause (1) of clause 10 of the Bill, the following words be added at the end, namely:  
'on the joint application of the parties to an industrial dispute'."

**Diwan Chaman Lall** (West Punjab: Non-Muhammadan): I did not intend to speak on this particular amendment of my Honourable friend, Mr. Joshi, but he has raised an issue which I think ought to be clarified for the benefit of other members who are taking an interest in this matter. The main argument raised by Mr. Joshi is this: That in matters of conciliation it is generally more important that conciliation should be carried through with the consent of the two parties, and that there should be as far as possible no imposition of conciliation on those parties, and it is with that object that he has asked the House to amend part (c) of sub-clause (1) of clause 10. Part (c) of sub-clause (1) of clause 10 says:

"If any industrial dispute exists or is apprehended, the appropriate Government may, by order in writing, refer the dispute to a Tribunal for adjudication."

to which Mr. Joshi wishes to add the words, which you have just now read out, Mr. President,

"on the joint application of the parties to an industrial dispute."

that is to say that they may refer an existing or an apprehended dispute to a tribunal on the joint application of both the parties. Now I find that the wording of this clause 10 is such that both the things—Mr. Joshi wants and what the Government want—are included in this very clause. I will point out how this has been done. First of all let us look at sub-clause 2 of clause 10. This is what sub-clause 2 of clause 10 says:

"Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately. . . ."

the very words, but better words than the words of the amendment, because the words of the amendment are only in the case of a 'joint application', but here it is not only a joint application but also a separate application; each party may separately make an application "...for a reference of the dispute to a Board, Court or Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly." That is to say, the Government in this particular case, where the application is made jointly or separately to the Government and Government is satisfied that the applicants represent the majority of the interests concerned, then they have no other option—it is not a question of 'may', but it is a question of 'shall'—they shall have to make the reference to a tribunal. But in the other case, suppose there is no application made at all, and a certain responsibility does devolve upon the Government of the day, where it may be necessary to refer the dispute which may cause serious inconvenience to the workers themselves, the Government may take this power into its own hands and make the reference to a tribunal. So that we have both the aspects of the problem clearly stated as far as the proposition is concerned. In the one case where there is a separate or a joint application and the majority rule is satisfied, there is no option left whatsoever to the Government. They must make the reference to a tribunal, and that is where the compulsory nature of the tribunal's activities comes in. But there is a further power reserved with the Government, that apart from this where joint or separate application is made to the Government in an apprehended dispute, even when a joint application is not made cases may arise where it may be necessary in the interest of the workers themselves for the Government to move in this matter and refer the matter to a tribunal. So I think restricting it merely to joint application is tying down the power of conciliation to be exercised by

the authorities for the benefit of the workers themselves, limiting it in such a way as to make it operable only in the case of a joint or a separate application. I can understand the objection, and it is a very valid objection, to this particular clause—sub-clause 2—where it is stated:

“Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately. . . .”

But the fact is that both parties may not apply. The method of application laid down in sub-clause 2 is a joint or a separate application, but it is not stated that the Government shall go to conciliation or go to a tribunal if only one party applies. I should have preferred personally the change made in this sub-clause 2 making it possible only for one party to make the application for the setting up of a tribunal and the Government being compelled to do so.

**Mr. President:** I believe it is so.

**The Honourable Shri Jagjivan Ram:** It is so.

**Diwan Chaman Lall:** I will read it again:

“Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately. . . .”

There can be a joint application of both the parties putting their signature on one document, but there may be separate applications of each of the two parties, and if you construe this strictly according to law you will be tied down to the word ‘parties’. That is why both parties have to apply, whether the method of application is joint or separate. There is a very serious doubt which arises. But if that is the intention of the Government, it is necessary to clarify it lest there be any dispute afterwards. We have found time and again that where the working classes have been wanting conciliation under the old scheme to things, it had to be a joint application; both parties had to apply before the Government could be made to move in the matter; one party making an application could not move for the conciliation. Therefore, I submit that I do not think that my Honourable friend, Mr. Joshi’s apprehension in regard to this matter need be stressed too far. We have got here the very thing that he wants when he said in his amendment that there should be a joint application of the parties to an industrial dispute. That is contained in sub-clause 2 of clause 10. Over and above that the power exists with the Government to go to adjudication or go before a tribunal even when there is no such application. I think the case of action on the part of Government within the ambit of clause 10 sub-clause (1) will be very rare indeed. Governments are not prone to taking action of this nature on their own. And where a right exists for the working classes on the one side and the employers on the other, they would generally wait I think for applications to be made by the parties to a dispute before taking action. It is only, I take it, in very rare cases where the interests of the State comes in that the State would step in of its own accord to take this necessary action thinking it is the best not only in the interests of the public but equally in the interests of the parties to the dispute. Therefore, I submit, whatever my friend Mr. Joshi wants in regard to this particular amendment he has moved, it is amply justified by the provisions of Clause 10.

**Mr. Sasanka Sekhar Sanyal** (Presidency Division: Non-Muhammadan Rural).—May I have the indulgence of yourself and the House to offer some comments upon the objections raised by my friend, Mr. Joshi, which according to him was the reason for his own amendment. He prefaced some of his remarks by drawing an analogy with the Appellate Courts as we know it ordinarily. He made an appeal to your experience as a lawyer, although that was some good time ago.

[Mr. Sasanka Sekhar Sanyal]

He has looked at the matter only from one aspect of the question. His idea is that whenever an appellate authority is provided for, there is a tendency for the aggrieved party to run up to that authority and that according to him would amount to rally encouraging disaffection or dissatisfaction in the matter of the award that they would have from the conciliation board. Now, I do not think I shall be wrong if I say that it is not only that we have to look to the attitude that is created in the minds of the parties concerned, but we have also to look to the attitude of the deciding authorities. For all we know, whenever there is an appellate authority provided for under the law, the authorities of the first jurisdiction are naturally more careful in their decisions than they would have been if they knew that their decision would be final in the matter. In the Courts as we know there are some matters which are not appealable and some matters are appealable. In non-appealable questions the authorities of justice—and that is the general complaint—treat the question more or less as a rule of thumb and they do not apply that investigation to questions before them as they do ordinarily when they know that there will be other functionaries to sit on judgment over their decisions. That is one aspect of the question : to take away a higher forum. Even that has the effect of closing the mind of the party. That unconsciously encourages decisions of an arbitrary nature. In the second place, so far as the parties themselves are concerned, if they have got several forms one after another to try, ultimately the party who gets a decision against him gets reconciled to the decision. The grudging character of the acceptance more or less disappears. But when the party loses in the only forum he always nurses a grievance and a grudge that if he had another authority he would probably have another chance and according to the golden maxim we have to see not only that justice is done but also that the parties are made to feel that justice has been done. That is assured by other forums being available than the only forum prescribed by him. So far as the question has to be referred by a joint application, all that I want to say is that in that case there will be no reference at all because if parties cannot agree to an arrangement before a conciliation it is too much to accept they would also agree to make a representation before another authority. Therefore I submit, Sir, that the contentions that he has raised do not really meet the demands of the situation and the provision which is made is more appropriate in the matter of the question that would arise than what is proposed by him in the amendment.

**Sir Cowasjee Jehangir** (Nominated Non-Official): I think the matter requires a little further clearing up. **Mr. Joshi**, while moving his amendment gave us rather a lecture on the past but did not very clearly tell us, although he did in a way, what he wanted and what he apprehended. Now, Sir, under part (c) of Clause 10(1) Government may, if they choose, insist upon a dispute going to a tribunal. What would be the consequences of that? The consequences under the Bill will be that the decision of the tribunal can be enforced by Government. That is what **Mr. Joshi** is objecting to. He does not want that labour should be forced to accept a decision of the tribunal. Now, Sir, I have written a very short minute on this very point. If I may just read it out. It is three lines :

"I suggest that Government should be restricted in their power to refer a dispute to a tribunal for adjudication in all cases other than disputes in public utility services or in cases of grave national emergency."

Government take the power of sending a dispute to a tribunal. When the decision of the tribunal is obtained, under the Bill as it is, Government want the power to reject wholly or in part that decision of the tribunal. One would have expected that when Government take the power to send a dispute to a tribunal, the decision of that tribunal should be binding on both sides and Government should not have the discretion to change the

verdict of the Court wholly or partly. Well, the Select Committee took that point of view and considered it not fair that Government should be given that power and changed it to a certain extent. Now the Bill provides that if Government does not agree or is not in agreement with the decision of a tribunal, only in certain cases where a public utility concern is a party to the dispute, Government can bring the matter before the Legislature and get the Legislature to change the decision of the tribunal. But only in those cases. The Honourable the Labour Member disagreed with the decision of the Select Committee and said then and there that he would move an amendment that in regard to all the decisions of the tribunal, whether they concern public security or not, he would require the power to vary wholly or partly the decisions of the tribunal through the instrumentality of the legislature.

So he is going to move that amendment and he has given notice of 1 P.M. it. I object to Government taking power to send a matter or dispute to a tribunal and then refusing to accept the decision of the tribunal. That is my point. If Government would agree, as is stated in the Select Committee's report, to accept the decision of the tribunal wholly in cases other than those, as I have said in my minute of dissent, public utility concerns and in cases of grave national emergency, I would be quite prepared to accept the power being given to Government to send a dispute to a tribunal. Mr. Joshi's point is that he does not want that power to be given to Government nor that either labour or the employer to be finally bound down by the decisions of the tribunal. I do not quite agree with him. In cases of public utility concerns and in cases of grave national emergency, where conciliation fails, then I think Government should have the power to send the dispute to a tribunal. Perhaps in certain cases Government may find themselves unable to accept the decisions of the tribunal. Then they will allow it to be changed by the legislature. I do not see any reason why they should change the decisions of a tribunal in cases other than those of grave national emergency. I hope the Government will not move that amendment and leave the Select Committee's report as it is. If they do that I think the wind will be taken out of Mr. Joshi's sails, because a decision can be only varied by Government in cases of public utility concerns and in cases of grave national emergency. This, both parties are bound to accept. If labour is bound to accept, the employer is also bound to accept. Only where conciliation fails, a tribunal will be appointed and in that case why should Mr. Joshi expect labour not to accept the decision of a tribunal consisting of men, who as he himself has just moved, are to be paid the salary of a High Court Judge. I am very doubtful whether the salary of a High Court Judge is going to get the class of men he wants. It is not the salary that matters and you Mr. President are the best judge of that in this House. You know very well that in many provinces of this country the top men will not serve on the High Court notwithstanding the salary that they are paid. But that is another matter. Mr. Joshi's intention is that the men who sit on the tribunal should be men who will be respected, whose opinions will be respected and who will be fair and equitable. I can understand that.

I trust that the Government will not move the threatened amendment and that they will be prepared to accept the decision of the Select Committee as it stands and that they will only bring before the legislature a motion for a variation of the decision of a tribunal in cases of disputes, where public utilities are concerned or perhaps in cases of grave national danger.

**The Honourable Shri Jagjivan Ram:** We may perhaps accept an amendment to that effect.

**Sir Cowasjee Jehangir:** That is exactly what we are not doing. That is what the Select Committee have suggested.



**Mr. President:** The Honourable Member is now going into the scope of other amendments.

**Sir Cowasjee Jehangir:** I trust that the Government will not move that amendment and I trust that Mr. Joshi will also see the reasonableness of Government's demand to be allowed to send a dispute to a tribunal, where conciliation fails. I cannot agree with Mr. Joshi.....

**Mr. President:** May I point out to the Honourable Member that as the clause stands the exercise of power under sub-clause (c) is not conditional upon the other two methods being exhausted.

**Diwan Chaman Lall:** It is supplementary.

**Mr. President:** Mr. Joshi's point is different. Mr. Joshi objects to all compulsion. The Honourable Member is arguing that the Government should refer disputes to a tribunal for adjudication only if the first two remedies fail. There is nothing of the kind in the clause as it stands, because Government from the very beginning may refer a matter to a tribunal for adjudication. That is Mr. Joshi's point of objection.

**Sir Cowasjee Jehangir:** That has been thoroughly discussed and I do agree that Government should have the power to send a dispute to a tribunal straightaway or even when conciliation proceedings are going on Government should have the power to send the matter to a tribunal. I think that has been thoroughly discussed and need not be discussed further. We know that that is so. The point that I have been trying to make is that if Government take to themselves the power of sending a dispute to a tribunal, in cases other than those I have described, they should also be prepared to accept the decision of the tribunal as final. This argument of Mr. Joshi's that conciliation proceedings may fail simply because there is a tribunal to follow, I do not think it justified. Conciliation proceeding very often fail because my friends, not Mr. Joshi but his colleagues, very often are instrumental in their failure.

**Miss Maniben Kara:** What about you?

**Sir Cowasjee Jehangir:** I am not in it. It is you who are in it. When conciliation proceedings fail, according to Mr. Joshi there is no further remedy and the strike shall go on: Government shall have no remedy in their hands. I do not agree. I think the time has come when Government must be given that power and I do trust that when that power is in the hands of the Government my friends, like Mr. Joshi and his two colleagues, will realise that conciliation proceedings should be made to succeed. We do know and it is no use trying to hide the fact or close our eyes to it, that conciliation proceedings very often fail on account of the agitation of the leaders. The men will be willing but the leaders will not let them and therefore Mr. President I argue that Government should be given further powers which Mr. Joshi by his amendment tries to deny them.

**Mr. S. C. Joshi (Government of India: Nominated Official):** Sir, the amendment which my Honourable friend Mr. Joshi has moved relates to one of the two fundamental principles underlying this Bill and to which Mr. Joshi has been objecting from the very beginning. He has repeated his objections as often as he could get an opportunity. He is now trying by this amendment to see if his object could be achieved.

**Mr. N. M. Joshi:** I am only making a compromise proposal.

**Mr. S. C. Joshi:** It is no compromise as will be seen from the fact that Mr. Joshi, while moving his amendment to part (c) of sub-clause (1) of clause 10 has not given notice of an amendment to delete the sub-clause 2 of this very clause. He wants that other clause to remain, which is quite inconsistent with the amendment which he now seeks to make. According to his amendment under clause 10 (1) (c) the Government has got the power to refer the

dispute to a tribunal only if there is a joint application by both the parties, whereas under sub-clause 2 of this clause the Government has not only got the power but is bound to refer it to adjudication on the joint application of both the parties.

**Mr. N. M. Joshi:** This is only a consequential amendment.

**Mr. S. C. Joshi:** But the Honourable Member has not sought to delete that clause. When he has been so very careful to give notice of his amendments that if this fails he will move such and such amendment, as a part of that, it should have been done in this case also. It may have been an oversight. I am referring to this aspect only to show that it is not a compromise that he suggests but it is a very fundamental change that he seeks to make in this Bill.

Mr. Joshi has very lucidly referred to the enforcement of the Act of 1929 during its existence of 17 years. But practically the Act was in force for ten years till the war commenced. After the war the Defence of India Rules came into force and he has very studiously avoided any reference to the powers given to the Government under the Defence of India Rules and the exercise of those powers. Sir, the Defence of India Rules give powers to the Government to refer any dispute either to conciliation or to adjudication. This power to refer the matter to adjudication was not given to Government under the Act of 1929. Mr. Joshi complained that Government did not exercise the power which it possessed under the Act of 1929 and that if that power had been exercised possibly the result would have been different. He attributed a motive namely that that power was not exercised because Government felt that it would be better to use the police force in the trade disputes and thereby to stop the labour trouble. Instead of granting any conciliation machinery for the settlement of disputes or appointing courts of enquiry for the purpose of enquiring into the nature and the reasonableness of the dispute to a court of enquiry Government preferred to use police force for the solution of trade disputes. But what happened during the six or seven years of the war? Government have very frequently used the power given to them under the Defence of India Rules.

**Mr. President:** I think the Honourable Member may take up this point after Lunch.

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. S. C. Joshi:** When the House adjourned for Lunch I was referring to the exercise of the power under the Defence of India Rules in respect of trade disputes, conciliation boards and adjudication. During the war and even after the termination of the war, this power has been freely exercised by Governments, both Central and Provincial. In a large number of cases trade disputes have been referred to adjudicators for inquiry and award. It is significant to note that in the majority of cases the requests came from labour to make reference to adjudication and in fact in many cases, the workers, the trade unions and the labour leaders have accused Government for delaying matters and not referring the disputes to adjudication at an early stage. Unless there was faith in adjudication I do not see how such repeated requests would come from the trade unions and the labour leaders. That shows that adjudication is a good machinery and is a good and reliable method for inquiring into and settling labour disputes or at least granting relief to the workers where it is needed and in determining the fairness or the reasonableness or the justification for the demand made by the workers or on their behalf.

There is another significant factor also in regard to these awards and adjudicators. In a large number of cases, the awards have afforded relief to the workers. I do not mean to suggest that the awards granted every demand which the workers made but relief to a large extent has been granted to and

[Mr. S. C. Joshi]

obtained by the workers. Such awards again constitute what may be said to be a case law on labour matters. It is true that the award is for the benefit of those, who are parties to the dispute and is not strictly binding or cannot be taken advantage of by the vast majority of the workers who are not parties to the dispute. Yet, it very often happens that once an award is given on a particular point in favour of the workers that award is made the basis of the demands made by workers in other industries and the employer himself is willing to act according to what is recommended in the award. He agrees to give relief on that basis and even if he fails to do so, it constitutes a basis for going to adjudication in another case. In this way, the awards of adjudicators have proved to be very useful to the workers in general. Even though the number of workers whose cases have been referred to adjudication during this seven years may not be very large, the relief obtained by that section of the workers is passed on to the other workers also who constitute the vast majority. That is the advantage of adjudication.

I would like to refer to one more point referred to by the Honourable Members representing Labour. They say that we are not opposed to adjudication or arbitration but in their view it should be voluntary and not compulsory. Further they say that at least at this stage it should not be compulsory as the root cause of the labour trouble is bad working conditions. Therefore, they say:—"improve the working conditions, give them good housing, shorter working hours, relief against unemployment, sickness, accidents and in various other matters." These very labour leaders say that this relief should be granted by the Government through legislation. They therefore are in favour of State intervention. They want that State should afford relief by legislation. So, they are not opposed to State intervention. They, however, say that the State should not intervene when the question is not settled by the parties. If they want intervention in general matters, then when there are specific cases, which Government can inquire into by means of an independent tribunal with a view to seeing that justice is done to the workers one fails to understand why should they be opposed to the state intervention. In such cases the State cannot afford to be a silent spectator when the parties carry on their fight.

Again there is another reason for giving such power to Government as is contemplated by this section. It is admitted that the two parties to this dispute are not on a footing of equality. Mr. Joshi himself complained that the workers are weak and that they are not so well organised as the capitalists, who have got large resources behind them and are powerful, whereas the workers are not so. It is therefore the weaker party that ought to be helped by the State and therefore if the State refers these matters to adjudication it is in the interest of the workers who constitute the weaker party and who have got very little chance of succeeding against a stronger party if left to themselves. This is, therefore, the greater reason why the State should not remain a silent spectator and allow the parties to fight on, if conciliation fails or the negotiations are not fruitful.

While, therefore, the State is bound to grant relief to the general workers by legislation, the State is equally bound to afford relief to the individual workers in regard to specific matters. Again, legislation is not possible in all cases. There are a number of matters where immediate inquiry and grant of relief would be necessary and desirable. It is, therefore, quite natural and only fair on the part of the Government to intervene and to afford the relief.

Legislative action, again, takes a long time. We know how many months or how many years are required to go through the entire machinery of legislation. If the enactment is fairly comprehensive it takes years and years before it is passed into law. In the meanwhile, why should the workers suffer? The workers should get the relief even while the legislation is being enacted. Therefore, it is not fair on the part of the labour leaders or Honourable Members

representing labour in this House to say that first do these things before the conciliation is accepted. My Honourable friend, Mr. Joshi, for whom I have got the greatest respect and with whom I have worked for 25 years as his disciple and under his guidance and whose principles I have always accepted, says that, if you provide for a tribunal, then conciliation will fail. He gave the analogy of the appeal. He mentioned that if by reason of the fact that a provision for appeal is made in litigation in civil and criminal cases, cases are not settled and they are taken in appeal to the higher tribunal. I am sure that Mr. Joshi knows very well that it is not each and every case that goes in appeal. There are cases which are not taken up in appeal. The number of cases that are taken up in appeal is certainly much smaller than the number of cases which are taken up to the court of the first instance. Does he mean to suggest that appeals should be abolished even in ordinary civil and criminal cases? I think that he will not go to that length. On the contrary, if any provision has got to be made in any labour law, he will also insist that there should be a right of appeal.

**Diwan Chaman Lall:** No question of appeal arises here.

**Mr. S. C. Joshi:** There is no analogy also between the rights of appeal in civil and criminal cases and the provision of adjudication or the reference to a tribunal in matters of industrial disputes.

Mr. Joshi's point was that conciliation will not succeed if there is adjudication. My experience of the last two years is just the reverse. I have found that conciliation succeeds when there is a provision for adjudication. In my experience of conciliation I have been able to secure the consent of the parties to the recommendations made by me, because they feel that if they do not agree, the matter will be referred to adjudication and the result is an unknown factor as nobody knows what the award of the adjudicator will be. With that fear before them, they always feel that it is better to agree to a thing, which is known or to modify their demand in such a way as will be suitable to both the parties. Therefore, with the existence of the machinery of adjudication, there is greater possibility of the conciliation succeeding than if there were no provision for a reference to adjudication. My experience of the cases that have been dealt with by the Industrial Relations Machinery since it has been established in 1945 is that the conciliation has succeeded in 80 per cent. of the cases. It has no doubt failed in other cases. The relief granted has not been such as the labour leaders or workers had demanded, but they have certainly obtained substantial relief.

In view of what I have stated I submit that it is necessary that there should be a provision for arbitration and that power should be left to the Government to refer matters to the tribunal for inquiry and award in certain cases whether the parties agree or do not agree. If the parties agree, there will be compulsory reference. If the parties do not agree and if the Government feels that it is a fit case to be referred to adjudication, then the matter will be referred to the tribunal. If it is a dispute in a public utility service, then Government shall refer the matter to the tribunal for adjudication. That is a special facility granted to the workers in the public utility services in view of the fact that in disputes in such services the public interest is involved and also in view of the fact that the workers are required to give a notice of 14 days before they go on strike. I, therefore, submit that the provisions, as they are now contained in clause 10, are quite fair and reasonable and the amendment, which my Honourable friend Mr. Joshi has moved, is not in the best interests of the workers.

**Pandit Balkrishna Sharma** (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I rise to oppose the amendment which has been moved by the veteran labour leader, Mr. Joshi. His objections and his amendment are inspired by considerations of certain fundamentals, which he thinks as *sine qua non* of any labour movement and of any labour organisation in the country.

[Pandit Balkrishna Sharma]

In order to understand what is really at the back of his mind while he moves these amendments, it will be better for the House to know what those principles are which he considers as being jeopardised by the introduction of this piece of legislation. After having heard very attentively the speeches that he has made in this House, I have come to the conclusion that there are three or four principles which he thinks are being violated by the provisions of the Bill before the House. The first fundamental principle which he has enunciated is that it is the inalienable right of labour, in order to gain their points, to go on a strike. If the conditions of work and the standard of wages are not satisfactory, the labour has a right to get them changed and increased by resorting to strikes. That is one principle which he has enunciated. In the second place, he says that in so far as these matters are concerned, none except the workers are authorised to decide as to what constitutes reasonable grounds for a strike. The third thing which is at the back of his mind, perhaps he may not have expressed it in so many words here, is that all this talk of justice and equity is pure moonshine, in as much as the principles of justice and equity are primarily class concepts and as class concepts it is not possible for anybody who comes from a class other than labour class to see eye to eye with the demands of labour or with the workers, own concepts of principles of equity and justice. These appear to me to be the three fundamentals upon which Mr. Joshi has based his case and which have inspired him to propose this amendment to the legislation before the House. With your permission, Sir, I should like to examine one by one all these fundamentals. If we examine a little closely and try to come to grips, we will find that after all the principles of justice and equity are not so hide bound as we are given to understand they are. The principles of justice and equity in a society, for instance a proletarian society, may have a sort of over all concept beyond a class concept. If in a proletarian society one class of worker, say the textile worker or the steel factory worker, considers something as just and equitable for himself, but which is against the society as a whole, then naturally what the worker of a particular class in that so to say classless society or a proletarian society holds fast to as the principle of concept of justice and equity cannot be said to be the real ones. After all, the consideration of the good of the society will have to come before the consideration of the good of the worker of a particular industry in a proletarian society. Therefore, I submit that if we hold fast to this principle that concepts of justice and equity are purely class concepts, then we will be landed in all sorts and manner of contradictions. Therefore we have to admit that there is something in these principles which is beyond the narrow limits of one particular class or one particular society. Similarly the idea that the workers alone are entitled to decide as to whether there are certain reasonable grounds for going on strike is also untenable. That principle is untenable simply for the reason that the workers whose interests are closely connected with the raising of certain wages cannot be expected to take an over all view of things. Therefore, there comes an occasion when society as a whole has to regulate its way of dealing with the situation. Let me take an example. We have heard in this House that to strike is the inalienable right of the worker. When I heard this argument, I was reminded of the famous saying that natural rights are unadulterated nonsense and inalienable rights are nonsense upon stilts. We are in a society where even what we consider to be inalienable rights have to be alienated when the society as a whole is faced with the danger of extinction. During the last war, we have seen many of our inalienable rights being taken away and my Honourable friend Mr. Joshi, of all people, very well remembers how for the last seven years, this right to strike has been taken away by ordinances and by Defence of India Rules from the workers and for very good reasons. Those who believed in 'people's war' did not raise their voice against these rights being taken away at the time of what they considered to be a national danger or a world danger.

**Mr. N. M. Joshi:** May I ask my Honourable friend to show where I had talked of the 'people's war'? Has he got any evidence of my having talked of people's war. If he is attacking some people outside this House, it is a different thing, he is free to do so. But when he is referring to me, I think he is making a mistake and he is misrepresenting me.

**Pandit Balkrishna Sharma:** I do not wish in any way to hurt the feelings of my esteemed friend Mr. Joshi, for whom I have got the utmost respect. I am very happy to hear that during these seven years Mr. Joshi was one of those solitary labour leaders who never talked of the last armageddon as people's war and that he did not submit to that theory. I am glad to hear it. But, I say that those labour leaders who are raising a great deal of hue and cry over the provisions of the Bill before the House were the very people who did not take any exception when this inalienable right of labour to strike was being taken away under the Defence of India Act. Now, Sir, it may be said that that was an occasion which did not warrant any protest against that provision. The world was in danger, fascism was riding rough shod over human liberty and in order to defeat that menace, it was necessary that we should voluntarily give up some of the inalienable rights. My only submission is that a similar situation might arise in our country, in the society in which we are living, even without an international cataclysm. Look at Great Britain to-day. There are conditions which naturally call for emergency measures and who knows that during this age in which we are short of everything required for maintaining body and soul together, during this time when things are scarce, it may be that an insensate indulgence in this weapon of strike may create a national danger, a social danger, and in order to avoid that danger, the Bill provides that all possible avenues must be explored before the worker resorts to this weapon of strike. It may be said that in spite of your legislation, the worker may go on strike still. Well, Sir, I do not believe that the worker is an anti-social animal. I do not believe that he would delight in inflicting hardships upon society of which he himself forms a very important part. Yet if the worker delights in any such anti-social act, then there will be a weapon in the armoury of Government to deal with that situation. I therefore submit that the Bill before the House, particularly this provision in clause 10 is a very necessary provision. In order to understand the need for this clause 10 we will have to bear in mind the chequered history of the trade union movement in India. Everybody who is anybody in the labour movement knows that factionalism, groupishness and the desire for leadership,—all these have combined to keep trade unions in a state of loosely organised units.

**Mr. President:** Order, order. I am afraid the Honourable Member is covering a much wider ground which has already been covered more than once. The motion before the House is a very limited one, namely, that at the end of clause (c) the words "on the joint application of the parties to an industrial dispute" be added. The general arguments having been advanced at the consideration stage and having been thereafter repeated so many times, the Honourable Member might, without repeating them again, restrict himself to the scope of the motion.

**Pandit Balkrishna Sharma:** I am grateful to the Chair for having pointed out that I was going a little out of the way.

**Mr. President:** Much out of the way!

**Pandit Balkrishna Sharma:** I was only anxious to point out that the addition of these particular words in clause (c) will not advance the cause of labour. As I pointed out, labour is in a state of flux; strong trade unionism has not yet come into being; and if at this stage this House does not take upon itself the responsibility of regulating strikes and at the same time of guiding the labour movement into right channels we shall really not be shouldering our responsibilities properly. Therefore I submit that even though on the face of

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it my reference to the unorganised nature of the labour movement may appear wide of the mark, still I think that in as much as Mr. Joshi's amendment definitely restricts the field of arbitration it puts a spoke in the wheel of the progress of the trade union movement in this country. To that extent I think I was in order. But, as you said, I should not stray into wider fields and should confine myself to this aspect of the question only. Mr. Joshi said that the board of conciliation and court of inquiry will be enough and that this kind of adjudication is not in the interest of labour as a whole, and he also said that in Great Britain there are no such compulsory provisions for labour to go to the court of inquiry or to adjudicators. But I think we cannot confine ourselves only to Great Britain, for the simple reason that the trade union movement in that country has developed on very sound lines. In our country it is not so and we have to proceed differently.

Much has been said about one of the clauses of this Bill regarding Government not accepting the award of the adjudicator; Sir Cowasjee Jehangir referred to it and said that it was unfair that Government should not accept it and that it must ask the employer to accept the same. We all know that Government is not a profit-making concern and therefore the same standards cannot be applied to the terms of services which Government might be compelled to offer and which labour might accept from an employer who is running the industry for his own personal benefit. Therefore the argument on that ground does not seem to hold much water. Government have to reserve that right. It is just possible that the facts of the case might warrant the adjudicator to give an award which Government might find it difficult to meet from its exchequer and thus Government may not find it possible to accept the award. And if Government reserve the right to consider that award it is only fair and proper.

**Sir Cowasjee Jehangir:** I did not contest that, no one contests it. I said it was quite right.

**Pandit Balkrishna Sharma:** After reading this clause and after having heard my Honourable friend Mr. Joshi I have not been able to convince myself that the amendments that he proposes are really in the interest of labour. I think we have inherited a sort of wrong ideological approach to these problems. We think that letting labour loose to pursue whatever comes its way from time to time will really organise it. That is not so. The time has now come when we should set our foot down on these vagaries and show them how to organise on proper and healthy lines. Of course the rights of labour to change the order of society is not taken away by this. When labour is organised and feels strong enough to throw the gauntlet and take up the challenge and to come out with the idea of bringing about a change in the social order no one is going to come in its way, and whoever tries to come in the way will be smashed to smithereens. I therefore submit that the clause as it stands should be passed by the House and we should not modify it in the manner suggested.

**Mr. President:** At this stage of the debate I should like to make an observation. There should be no attempt to reply to all individual observations made during the course of the debate, and it will be very much better if Honourable Members restrict themselves to the scope of the particular amendment. As I said before, the whole background has been discussed thoroughly and threadbare during the consideration stage and up to now, in discussing the various amendments on the clauses. I therefore propose to be strict now so far as the scope and repetition are concerned. I do not of course suggest that all observations are irrelevant—they may be remotely relevant though not directly or immediately—and Honourable Members will kindly help me in keeping the debate within the strictest limits of immediate relevancy and scope.

**Miss Maniben Kara:** Sir, I rise to support the amendment which has been moved by my Honourable friend, Mr. Joshi. It has been stated here on the floor of this House that the amendments sponsored by Mr. Joshi, myself and

my Honourable friend Mr. Guruswami are not for the ultimate good of the workers. They are sponsored because we are wedded to some particular theory, and in pursuance of that theory, these amendments are being moved. Sir, since you have just now given a warning that we should restrict ourselves to the amendment in question, I will not attempt at this stage to give replies to the last speaker who has spoken on subjects other than the amendment itself. I will content myself by saying, that my support to the amendment is not just theoretical but it is based on sound arguments. I feel that the rejection of this amendment will be a great blow not only to the working classes' organisations but the workers in general.

Sir, the very fact that you accept the principle of compulsory arbitration, it means that you reject the principle of collective and voluntary bargaining between the two parties. The implication of the rejection of our amendment will be that you are not out to help voluntary negotiations, voluntary internal agreement between the two parties. Neither my Honourable friend, Mr. Joshi, nor myself in the debate on this Bill have said at any stage that we are opposed to the machinery of a conciliation officer, or a board, or a court of enquiry or adjudication. We are all for it. Let us base our argument on the democratic right of the workers. Have they the right to decide whether they desire their fate to be left in the hands of a third party or not? I do not think that even the last speaker, if he would see the force of my argument, will accuse me or will charge me of being wedded to some imaginary principle if I fight for this right of the workers. Is it not an encroachment upon the right of the two contesting parties when you say 'Thou shalt do this and you will accept arbitration'. Let us take the argument that if this machinery of conciliation is provided, is there any reason why the workers will not make use of it? I will make bold to say in reply to my friend, Mr. S. C. Joshi, who is senior to me in experience in the labour movement, that Section 81(A) of the Defence of India Rules did give power to the Government to appoint Conciliation Boards. I may tell this Honourable House that during the war period the Government imposed restrictions on the workers not to go on strike under the Defence of India Rules, but they did not accept the corresponding responsibility of setting up conciliation machineries. It will not be right to say that the Government did not have the power; the Government did possess the power under the Defence of India Rules, but they betrayed the workers; they left them in the lurch. It was a one-sided affair—the workers were not allowed to go on strike and at the same time the Government did not fulfil their responsibility of settling up Conciliation machinery. Sir, the Government even today do not want to refer disputes to the conciliation officers when approached by the labour leaders or trade unions or by the workers directly. They will not refer disputes to the Conciliation Officer unless and until the workers go on strike. In many cases when there is a strike then suddenly Government department starts moving in the matter.

I would remind my Honourable friend, Mr. S. C. Joshi, of bargemen's strike in Bombay. I was myself connected with that strike. Essential war goods could not be shifted on account of this strike. And Mr. Joshi will remember how long it took before we could get any assistance from the Government.

**Mr. S. C. Joshi:** It was available from the very beginning.

**Miss Maniben Kara:** I was connected with it, Mr. Joshi. If it was available there might not have been a strike.

I would like to point out some misconception which exists in the minds of many people who oppose our amendment. This clause as it stands is one-sided. On the one hand you say that when the parties ask you to intervene, you may



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or you may not intervene. I will request the Honourable Members to give their attention to sub-clause 2 of clause 10 which reads as follows:

"Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court or Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly."

Sir, according to this clause Government have to satisfy themselves before they refer a dispute to the board or to any other machinery. This is not a fair proposition. For example, what is exactly meant by the "majority of the parties". Assuming that there is a strike in a textile industry. The call may be for a general strike. All the workers may not go on strike and if workers of one factory apply to the Government, the Government may accept or may reject the application. Is it right that when the parties ask for assistance of conciliation machinery you may grant them or you may not? But when the workers have confidence in a particular dispute, that they have a fair case, they have strength in numbers, and have the confidence that they will be able to fight their own battle, at that time the Government may intervene, and after intervention stop the strike. When they intervene the workers have to lay down their arms. The implication of compulsory arbitration will mean unconditional surrender. Workers must withdraw their only weapon, the only strength they have for bargaining purposes—simply because the Government at a particular stage feels that they must intervene. I would ask those of my friends who are opposed to the amendment, is it fair that when the party in dispute wants to make use of the conciliation machinery and comes to you, you say that "we shall examine your case." "We may refer your dispute to a board or we may not". You do not say that if the parties to the dispute want to have the help of your machinery, you will grant it. But in the other case, Sir, where the parties do not want your intervention, you will intervene if you so desire. In that case, Sir, we from the labour side are certainly hesitant to accept this position because we feel that when the workers do not approach you for your help the intervention will always come at the request of the employers. When the employers find that the strikers are in a position to have a prolonged strike, when the employers feel that it is a critical time for them they will want the strike to be called off. The criterion for decision of the Government to intervene or not to intervene may be influenced by the employers. My argument is that by accepting our amendment your purpose will be served since we are not against conciliation machinery. We also accept what Mr. S. C. Joshi said that time and again we have applied for conciliation machinery. Give us conciliation, give us all these facilities, and we shall take advantage of it. But, Sir, we do not want compulsion. We will not want your intervention at a time when we feel that we are strong enough to knock out our demands from the hands of the unwilling employers. I can see no reason why such an amendment, in view of the experience of the trade unions and the workers that they would always resort to your machinery, should not be accepted. I might understand the reason of the Honourable the Labour Member in not accepting the amendment if from his experience he felt that workers do not want conciliation. If there was a danger, that without the Government's intervention the workers will not resort to conciliation procedure. But on the contrary, by your own speeches you have strengthened my argument, that workers will make use of the machinery if it is at their disposal.

Sir, Mr. S. C. Joshi has rightly stated that our position has been consistent. Our position is not only for the sake of opposition. It is not an opposition because we were wedded to some imaginary theories. Our opposition is to any form of compulsion. We have on the floor of this House talked of justice. We have also talked in a challenging manner whether workers can have the right to decide to withhold their labour. I may ask whether any attempt has been

made to challenge this right of any other section of society. Certainly labourer alone can decide whether he wants to apply his labour at a particular time and for a particular master or not. After all, workers form a very important section of the society. Workers are not anything apart from the society and as such it is as much their right as the right of any other section of the society to decide whether they will withhold their labour or not. Sir, as a result of selling away their right to strike and referring the matter to compulsory arbitration—what happens? The Government assume the responsibility, as was pointed out by my friend, Sir Cowasjee Jehangir, of intervention. But they are not prepared to abide by the decision of the board. Now, Sir, is it fair? Is it right? You want our disputes to be referred to you whether we want it or we do not. You also compel us to wait for a period of about two years for the award. Our future should thus hang in the balance and after going through all that agony the Government may accept the award or even may not. Now, Sir, those who have talked in that strain of natural justice I would ask them: Is it justice even in the present day society, is it right that you compel a person to refer to compulsory arbitration and then you are not prepared to accept the verdict of that arbitration. I think it is a great violation of justice. It will be violation of justice to punish workers who may break a civil contract, whether it be a classless society or a classful society. Even as society exists today and you, Sir, as the President, with your experience of law, will be able to judge this question on its own merits, a breach of contract is attempted to be turned into a criminal offence. One need not be wedded to a particular theory to understand this. These are the facts before you and I would therefore request the Honourable Member to accept this amendment with the assurances which have been given on the floor of this House by those representing labour that we want this machinery, we shall make use of it but for God's sake do not intervene at a stage when we feel that by our own strength we will be able to negotiate and compel the unwilling employers to grant us our demands. It will only be in the event of our being successful without intervention that we will not be wanting your help. This is all that is asked for in this amendment.

Now, Sir, the point is being made here that under the Defence of India Rules during the war the right of the workers to strike was taken away . . . .

**Mr. S. O. Joshi:** It was regulated.

**Miss Maniben Kara:** . . . and the workers did not protest. I have often asked Government on the floor of this House do you want to follow in the footsteps of the bureaucratic government? I am one of those who advocated and still today advocate that the last war was a people's war. It was a people's war according to my conviction, though it may not be the conviction of others.

**Shri Sri Prakasa** (Benares and Gorakhpur Divisions: Non-Muhanmudan Rural): We were also convicted!

**Miss Maniben Kara:** It was a war which was considered to be a people's war: it was a war for the oppressed peoples of the world, not only for the people of India. Therefore we accepted those restrictions but we did not stop there. We criticised the Government for not accepting the corresponding responsibilities of providing us with conciliation machinery that we needed. If the Honourable Member would go through his files he will see that we have criticised the Government for not providing us with the machinery that we wanted. Now we say, let us have this machinery. By all means, have them and we assure you our cooperation and our support. Gain the confidence and the goodwill of the workers by keeping this machinery at the disposal of the workers, so that they can make use of it. The only way in which you can bring real peace is by gaining the confidence of the working classes.

The present Bill is an attempt to stabilise the existing relation between the employer and the employee. We have been looking forward to the time when

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the National Government in office will bring a new era, whereby the existing relations may change for the better. Would anybody in this House, even though he may belong to the opposite side, quarrel with me if I expect that of them? But for Heaven's sake do not bring in legislation which will stabilise the present relation. This Bill as it stands goes further than stabilising the existing relations. We who represent labour certainly expect a new era in labour legislation.

Mr. S. C. Joshi has made out a very interesting argument, why should we expect good labour laws from Government if we object to their intervention? We expect this because you claim to represent yourself as National Government.

**Mr. President:** The Honourable Member is again digressing into generalities, which I cannot permit. If she has to say anything on the amendment, she may do so.

**Miss Maniben Kara:** I was only speaking on the points that I had jotted down from the speeches of members on the Government Benches. I have therefore pointed out in my speech that where the parties make an application for reference, the Government is not compelled to refer the matter and to that extent I feel that the clause as it stands is definitely one-sided and therefore the amendment which has been moved by my Honourable friend Mr. Joshi should be accepted.

**The Honourable Shri Jagjivan Ram:** Sir, during the speeches many points have been raised—points which were discussed not only at the time when the motion for consideration was made but also at the time when the motion for reference to the Select Committee was made. I do not want to examine all those points or to cover the ground which has already been covered. One fundamental principle on which the whole edifice of this Bill has been built is whether or not Government have the right to intervene in a dispute or in a threatened dispute between employers and employees. If Government have got that right and they should, in the interest of the community at large, interfere in that matter, then this provision is essential.

As regards voluntary arbitration or adjudication, the provision is there in sub-clause 2 of clause 10. By this clause—the clause under discussion—even if the workers or employers do not desire or do not approach the Government for conciliation or adjudication, the Government, if they are satisfied that it is necessary in the interest of society to refer this matter to a board or a tribunal. The Government must be given that power and I think in the present state of our society it is very necessary that Government should have this power. I therefore oppose this amendment.

**Mr. President:** The question is:

“That in part (c) of sub-clause (1) of clause 10 of the Bill, the following words be added namely:

‘on the joint application of the parties to an industrial dispute.’”

The motion was negatived.

**Mr. President:** Is not Mr. Vadilal Lallubhai moving his amendment to clause 10?

**Mr. Vadilal Lallubhai:** No, Sir.

**Mr. N. M. Joshi:** Sir, I move my next amendment:

“That sub-clause (3) of clause 10 of the Bill be omitted.”

What the sub-clause done is this. When a strike begins it may be legal, but Government takes power to itself to make illegal by issuing an order. I am proposing by my amendment that this power shall not be given to Government.

While explaining the reasons why I am moving this amendment I wish to make a difference between ordinary industry which is not a public utility industry and public utility industries. I make this difference because this Bill has made that difference. I take it that this difference has been made by the Government of India in their Bill because they want to treat the two kinds of industries differently. They perhaps intend to give a little more freedom to the workers in ordinary industries and they want to impose a little restriction on the workers in public utility services. In the language of the Government, if we consider that all these restrictions are in the interest of the workers, then they want naturally to give a little more benefit to the workers in public utility services, and they want to show a little more negligence to the workers in ordinary industries. In my view, whatever may be the view of the Government of India and the other Members in this Legislature as regards public utility, in the matter of the other industries the right of the workers to cease work should not be interfered with. Let me again and again assure my friends here that I am not a believer in strike as a very desirable weapon. I would say it not once but ten times. In my own life time, I have tried my best to avoid strikes. If there are any members here, including my Honourable friend Mr. Joshi, who have got any instances in their mind when I had encouraged strikes, I would like to hear it in this open session.

**Mr. S. C. Joshi:** By this you are possibly doing it.

**Mr. N. M. Joshi:** Everybody changes. I may change, who knows? He may not change. Perhaps his mind is more stable. Mine is not. Whatever people may understand rightly, or misunderstand, or misrepresent, I am against the policy of strikes as a policy. I have followed that policy consistently in my life time. If there are members here, I again challenge, who can say that I had given encouragement to strikes, I want to hear it. But I am against one thing. I am against a law which makes strikes illegal because I feel that that is the one last thing which an ordinary workman has got to protect his interests, when there is nobody to protect his interests. It is for that reason that I do not want a man to be compelled to work by any Government by law. I am not talking on this occasion about indentured labour. I shall speak about it a little later. I do not want people to misunderstand. I do not want also friends and foes to misunderstand me, that I am against Government intervention. When did I say that? I have not said a word against Government intervention.

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

I have said one thing, that I am against the right of strike being taken away. I am against arbitration also for that reason and for no other reason. If the right of strike has not been taken away by the provisions regarding arbitration, I would not have opposed arbitration. I am a believer in the method of arbitration, perhaps to a little larger extent than any member in this Assembly. Sir, it is for that reason that I am moving amendment.

People think that I am against arbitration. I would like to ask a few questions. Who is in favour of arbitration as a general method of settling disputes? Is the Congress in favour of arbitration? I ask those Congressmen, who give me a lecture on accepting arbitration, whether they will accept arbitration or whether they had accepted arbitration in all political matters. I shall remind them about a very recent happening. The statement of the Cabinet Mission, as recently interpreted, contains a clause expressing a hope that all matters in dispute will be referred to arbitration. I hope Members will sharpen their memories. I had seen in newspapers Congressmen complaining that this is a new item introduced by the Mission in their latest statement. Why do they complain if it is a good thing. They complain for a very good reason, for the same reason for which I am opposing arbitration in this matter. There are

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certain fundamental matters in which we cannot accept arbitration. I make an appeal to my friends of the Muslim League. They may vote with Government and not vote in my favour. But I ask them are they in favour of accepting arbitration? Ask your leader, Mr. Jinnah.

**Sjt. N. V. Gadgil:** It is a dangerous game you are playing.

**Mr. N. M. Joshi:** I am not playing any dangerous game. I am pointing out that you are asking for arbitration only for the workers not having faith in yourself. I want to point out that although arbitration is our final goal—perhaps my final goal and the final goal of others—still, we have not yet reached that stage of development of society when we can accept arbitration in all cases. That is my objection to arbitration, and there is no other objection. I believe in the ideal of all disputes being settled by arbitration. When occasions come it may be found that I have greater faith in arbitration. By faith and by ideal I am a pacifist. Therefore I do not like people to misunderstand that I am against Government intervention, that I am against arbitration, and that I do not want regulation. That is not correct. But I am against the Government taking power to make strikes in ordinary industry illegal. At any point and at any stage, I want these strikes to be legal. It is wrong to deprive these poor working classes of the only weapon by which they can defend their interests.

I now take what are known as public utility services. In that connection I am moving that sub-clause (3) of clause 10 be omitted. (Interruption by Sir Cowasjee Jehangir). Let me explain my point of view in my own way. I am telling you what I want. Taking the public utility service, the Government of India is providing by this measure to require workers in those services to give notice. This Government is taking up certain responsibility, asking their conciliation officer to investigate any complaint which the workers may have, of which they give notice. Beyond that Government's responsibility is very little. By this clause it is made to appear that Government takes up some responsibility but in my judgment it is mere eyewash. I shall read the proviso to that clause:

“Provided that where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced. . . .”

There is also another section regarding the appointment of Conciliation Boards. If they appoint a Board of Conciliation, the strike will become illegal for that period. Then they do not take also the responsibility to refer the dispute to a Tribunal. They say that Government ‘shall’—a very strong word. The strength of that word is taken by saying that if the Government finds that the complaint is frivolous or vexatious or it would be inexpedient to refer the dispute and so on. Sir, you are a lawyer. You know the implications of this. If Government considers it inexpedient, they shall not do it, they need not do it. (An Honourable Member: “You are trying to have it bothways’.) If you are prepared to listen, I am prepared to tell you what I want. Government does not take any responsibility. What Government does is this. Government says—if I like I shall appoint a Board of Conciliation. This is a dictatorial method of doing it. They say—if we like, if we find it expedient to refer the dispute to a Tribunal, we shall do so but, mind you, the strike may become illegal by that method. But if we find that your strike is likely to succeed, then you say you reserve to yourself the right to intervene. (An Honourable Member: “It may be the other way also’.) I shall deal with all your points. In my judgment, this is the rottenest clause of this Bill. Yesterday, when speaking on one of the clause I used some words which were strong, because of certain clause of this Bill. I do not remember

the exact words—they were possibly 'stupid and foolish'. The Honourable Member did not like my words. I assure you it pains me even more than my hearers when I feel compelled to use what you may call strong words or even wrong words. I regret it much more than my hearers. I find that the matters which are discussed before us are so unfair or so unjust that I allow myself to be irritated or provoked to use that language, which I generally do not use but, Sir, I want you now to consider what provocation these clauses give to a man, who has a strong sense of fairness and justice. Perhaps their strength is a little diluted when they deal with the working classes.

Now, I shall explain how I feel sometimes irritated and provoked to use strong words. What does this Government do. Government is given notice regarding the public utility services and the grievances of the workers. Government either refuses to appoint a Board of Conciliation or finds it inexpedient to appoint a Board of Conciliation with the result that the strike becomes legal. When it becomes legal, Government reserves to itself the right to declare that strike illegal.

There are three kinds of injustices and wrongs in this one clause. The first is; if people have a grievance and you have a law making these strikes illegal, you undertake certain duties to intervene in the interest of the workers and if you find that it is desirable to intervene then certainly give very careful consideration to your action and if after deliberation you find that it is not necessary at all to intervene then certainly allow the workers to go their own way and secure justice in the way in which they can; but that is not what you do. You come to a deliberate conclusion that you shall not refer the dispute to a Board of Conciliation. You shall not refer the dispute to a Tribunal or adjudication but if the workers show strength and go on strike, then you say 'I have reserved to myself the right to intervene. I am a very kind hearted man, interested in labour welfare. I shall intervene now, because you are strong and you have gone on strike.'

Now, Sir, I want to ask you, which is the better thing? If you really find that intervention is necessary, intervene. When you ought to intervene, do intervene and at that time do not come to the conclusion foolishly, to use a strong word again, that it is expedient. But after you do it and the workers go on strike and you find that the strike is going strong, to intervene is a double wrong. In the first place, you did not yield or surrender or did justice on the merits of a question. I can understand Government deciding to intervene on the merits; but you refused to intervene on the merits of a question and you intervened only when the workers showed strength. On the very first day when I spoke on this motion, I said one thing and that was that I am not a revolutionary. I, therefore, want the Government to behave in such a way that

4 P.M. people's faith in the constitutional methods of agitation will not only be maintained but fostered. That is my ideal and that is my faith. But if a Government does not intervene on the merits of a question, but it intervenes only when the workers show strength; I feel that Government is doing mischief. It is fostering disrespect for law; it is fostering faith in violence and physical power. Which is better, I ask you? To intervene in time or to intervene merely when strength is shown. I know there are many people here, who believe in the show of strength, but I am not one of them. I believe that method is wrong. I believe that it is right to do justice on its merits than to yield to force. I shall not deal with that point any more, but there is one more point.

It is quite possible that Government may have come to a wrong conclusion and I am not one of those people who believe that even if you know that you had made a mistake, you should not rectify it. I am a believer in everybody having an obligation to rectify his mistake when he finds that he has made it. Therefore, if Government finds that it made a mistake by not referring the

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dispute to arbitration or by not appointing a Board of Conciliation, it is its duty and obligation to rectify that mistake. I am not suggesting for a moment that when Government finds its mistake that it was wrong in not intervening, it should not intervene. That is not what I am suggesting. I am suggesting that if the Government makes a mistake in not intervening and it rectifies its mistake by referring the dispute to an arbitrator or a Board of Conciliation, they should not penalise the workers.

**Sjt. N. V. Gadgil:** They are not penalising the workers.

**Mr. N. M. Joshi:** They are; you have not read the section. You are taking power by this section to make a strike illegal.

**Sjt. N. V. Gadgil:** After the appointment.

**Mr. N. M. Joshi:** But why even after the appointment? You have made a mistake and you have rectified that mistake. That does not give you any right to compel the workers to make that strike illegal. By refusing to intervene, you have made the strike legal. But now you find you have made a mistake and you want to make the strike illegal. I, therefore, feel that Government is right in rectifying its mistake, but it is not right in penalising other people because it made a mistake once. If the strike has been made legal, let it remain legal. My own view is that Government need not ask for this power. When Government intervenes in order to rectify its mistake, I have no doubt that 90 strikes out of 100 will be withdrawn. But if there are 10 left, Government, in my judgment, has no right to declare those strikes illegal. Therefore, I move this amendment that Government should not possess this power to make strikes which were legal before, illegal by an order. Sir, I move.

**Mr. Deputy President:** Amendment moved:

“That sub-clause (3) of clause 10 of the Bill be omitted.”

**Sjt. N. V. Gadgil:** Sir, I only want to offer a few remarks. My Honourable friend Mr. Joshi is apparently confused, if I may use that word for him. The abolition of this sub-clause (3) will frustrate the whole scheme that is contained in clause 10. The provision for compulsory adjudication is not, as suggested by Mr. Joshi, in the interests of the employers, but it is really in the interests of the community. Mr. Joshi wants more and more progressive labour legislation and therefore more and more interference on the part of the State. But if he wants the State to interfere in the interests of workers, it is only logical if a representative of the consumers says that the State ought to interfere in the interests of the consumers or in the interests of the community as such. If the consequences of the struggle between the employers and the employees were confined to them only, then there would have been no trouble; but the consequences are social and the entire community suffers. When the entire community suffers, the State, as the guardian and as the representative of the entire community, must interfere and where contesting parties do not come to an amicable settlement, then the State must have power to interfere and enforce its decision. Therefore, I submit that the provision for compulsory adjudication is absolutely necessary. I just want to ask my Honourable friend Mr. Joshi how can proceedings of arbitration or conciliation go well while the strike is on or while the lock-out is on? What sub-clause (3) contemplates is that the lock-out or strike is not illegal *ab initio* but may be so declared when a reference is made under sub-clause 1 or 2 clause 10. My Honourable friend is good enough to say that Government may soon find that it was a mistake to have kept aloof and may refer the matter either to a Board of Conciliation or to an industrial tribunal. When this alternative method for the settlement of the trouble is made available, then only the strike or the lock-out is declared illegal and it has no retrospective effect whatsoever. Mr. Deputy President, you will see that sub-clause (3) of clause 10 reads:

"Where an industrial dispute has been referred to a Board or Tribunal under this section, the appropriate Government may by order prohibit the continuance of any strike or lock out in connection with such dispute which may be in existence on the date of the reference."

I fail to see, Sir, if my Honourable friend Mr. Joshi approves of reference by the Government to a Board of Conciliation or a Tribunal, why should he object to this particular clause, when what it seeks is really to help the adjudication proceedings. Suppose the proceedings are going on and if the strike or lock-out is continued, then new situations may arise which will very disadvantageously affect the proceedings before the adjudicator or the proceedings before the Board of Conciliation. I therefore submit that this provision is absolutely necessary. No strike which is started quite legally is penalised. What is sought to be done is in the interest of settlement, what is sought to be done is in order to create a sort of good atmosphere so that the adjudication proceedings or the conciliation proceedings may be crowned with success. In these circumstances, I submit my Honourable friend Mr. Joshi will be good enough not to press this amendment.

**Mr. S. Guruswami** (Nominated Non-Official): Sir, I rise to support the amendment which has been moved by my Honourable friend Mr. Josai. In spite of the persuasive arguments of my Honourable friend Mr. Gadgil I am afraid I cannot accept the reasoning which he has adopted in trying to oppose this amendment. The whole sub-clause (3) of clause 10 is entirely misconceived. What the Government should understand is that they have an obligation always to settle disputes, not only when a strike is declared, but before it, during a strike and even after a strike. It is the post-strike period which is most important. Therefore there is no question of the Government waking up just when the strike is on and then saying we have now awakened ourselves to realities, you keep quiet. Those of us who have always discouraged strikes and who have wanted strikes only on *bona fide* issues know how difficult it is to organise a strike and when it is organised and when it is in full stride, if the Government stops the momentum of a strike, it is equivalent to breaking the strike and making the workers to be at the mercy of the findings of the Board of Conciliation which are not obligatory on the employers or the Government themselves. Therefore, Sir, I have no hesitation in saying that it is a wrong principle to stop workers continuing a strike because a Board of Conciliation has been appointed. Mr. Joshi rightly pointed out a reasonable consequence of the appointment of a Board of Conciliation, or a Court of Enquiry or a Tribunal should be the stoppage of hostilities, or a truce. That is a reasonable consequence, but there may arise occasions when it is not desirable to do so. Workers have no confidence in the *bona fides* of the employers to listen to reasonings of a Board of Conciliation or a Court of Enquiry; until they are compelled by some other authority. The Government have themselves provided that if there is a Court of Enquiry functioning, engaged in factual enquiry about the dispute, there is no obligation on the part of workers to stop a strike. I trust the Government will realise the inconsistency of the provisions framed in clause 10. If there is a Court of Enquiry appointed under this Bill, the workers are free to go on strike, but if there is a Board of Conciliation appointed then they have to stop the strike on the orders of the Government. Why should this be?

**Sjt. N. V. Gadgil:** Because this is real remedy.

**Mr. S. Guruswami:** It is not a remedy. It is confusing the remedy for the disease. I am one of those who approve Standing Boards of Conciliation, Boards which should not be appointed *ad hoc*, but they should be Standing Boards for every important industry so that they may settle disputes as and when they arise without looking to the tender mercies of the Government to appoint them. This should not interfere with the right to strike. But if they



[Mr. S. Guruswami]

are to be appointed *ad hoc* as is contemplated in this Bill, and if there is a strike, which I would deprecate as much as possible, but which I would support if it becomes inevitable and if the workers see no reason to stop it in spite of the appointment of Board of Conciliation, why should you stop the momentum of the workers by saying that if the strike is continued, it would be illegal. That is why, I am against this. We do not ask that on every occasion we should be allowed to continue the strike. Workers are not unreasonable people. They undertake a serious responsibility when they go on strike, but when they are on strike, when there is a *bona fide* strike, then according to the principles prescribed in this Bill, if they continue the strike then you have no reason to sabotage the strike when the workers have no confidence in the outcome of the Board of Conciliation that may be constituted or the Tribunal that may be appointed. I have another reason to suggest why we are against this kind of restriction. The Government have appointed several Tribunals. Their findings have been sometimes contradictory. Their findings have sometimes created chaos and increased the disputes instead of settling the disputes. Therefore mere appointment of a Board of Conciliation or a Tribunal does not redress the grievances responsible for the strike. I know that a strike cannot succeed without the force of public opinion behind it and without the help of Government. I know that Madras Government have shown how strikes can be crushed by mere section 144 of the Criminal Procedure Code. Other provincial governments can do the same. I am not criticising them here on this occasion. What I am suggesting is this. In the face of this situation, why do you remove even this little power that workers have to declare a strike after exhausting all avenues of negotiations, in support of a good cause by merely saying that if a Board of Conciliation is appointed, if a Tribunal is appointed against the will of the workers, the strike should be stopped though leaving the issues unsettled.

**Sjt. N. V. Gadgil:** That itself is a success.

**Mr. S. Guruswami:** I say it is not, for the simple reason that we have no faith in *ad hoc* tribunals. I am personally a believer in compulsory arbitration of the Australian type after necessary social security legislation is introduced. In that respect, I differ from my Honourable friends Mr. Joshi and Miss Maniben Kara. But until you have that social security legislation, I think you should give us that right, which will enable us to have trust in the present Government only on merits and advice to withdraw a strike, although as a congressman myself I have no faith in this Government, but I have faith in the Congress. Still, let me tell you this that if you restrict the strike in this way by intervening without persuading them to withdraw the strike, you will be not a source of settling the dispute but of increasing the differences between the workers and the employers. That is why, I submit that the amendment moved by my Honourable friend Mr. Joshi is a reasonable one which I expect the Government to accept.

**Diwan Chaman Lal:** Mr. Deputy President, it has always been a pleasure to me to hear my colleague Mr. Guruswami. It is always a pleasure even when he speaks in contradictory terms, as he happens to have done today. My Honourable friend Mr. Joshi made out a very good case, but with his eloquence Mr. Guruswami has proceeded to demolish that very good case while supporting it. May I ask my Honourable friend Mr. Guruswami what is the end and object of a strike? Is it to continue the strike? The objective of a strike is to arrive at some sort of understanding. That is the objective, not merely going on strike, not merely organising a strike. I know perfectly well that my Honourable friend has never in his life, just as I have never done, organised a strike. We have assisted strikes, we have run strikes, strikes of a colossal nature and run them successfully. But never do I remember in my experience of 26 years have I ever originated and organised a strike, an expression used by my

Honourable friend Mr. Guruswami. The objective of a strike therefore is to arrive at some sort of settlement. If you can be assisted in arriving at a settlement, why do you object to it. My Honourable friend was very keen on having standing conciliation machinery on the Australian model. If you have not got standing machinery, why do you object to *ad hoc* machinery? What does standing machinery give you? It gives you a certain tribunal to which you can go and take your dispute. And if that tribunal is created for you for the occasion, merely because it is created for the occasion would you object to it? That is why I said that my Honourable friend is being exceedingly illogical in the argument that he is advancing.

Let me ask him a second question. Is he in favour of applying this prohibition in clause 10(3) to strikes without notice?

**Mr. S. Guruswami:** Yes.

**Diwan Chaman Lall:** He is in favour of applying it; therefore his objection is now halved straightaway. Originally he was not in favour of applying this prohibition at all; but now he comes to this point of view that he is prepared to apply this particular prohibition against those strikes which are without notice. Therefore the difference between him and the Honourable Labour Member is resolved by fifty per cent.

Now let us look at the other difference. When a strike does take place and conciliation machinery has not been applied for this purpose Government steps in and says that as the employer and the worker cannot come to an understanding the dispute should be taken to a tribunal,—unfortunately an *ad hoc* tribunal. I entirely agree with my Honourable friend, this is necessary and essential that the next step that Government should take is to set up a standing conciliation machinery in every industry. If this measure had not been a heritage that my Honourable friend has received from the previous Government. I daresay if my Honourable friend had had more time to consider it he would probably have brought in standing machinery of the nature that has been referred to by my Honourable friend Mr. Guruswami. And I daresay the time will come and come soon when this step will have to be taken. But meanwhile if Government do bring in some sort of conciliation machinery after a strike has been declared in order that that strike may be settled in an amicable manner, what objection can any man have to that? My Honourable friend Mr. Guruswami knows perfectly well what utter suffering the workers go through when there is a strike and when there is no method available to them to achieve a settlement with the employer. He knows it perfectly well; all over India it has been the same story; and if a method is provided why should we object to it? It is perfectly true, as Mr. Joshi pointed out, that a strike is prohibited, but, as Mr. Gadgil pointed out, it is not made illegal *ab initio*. It is on an entirely different basis to a strike which originally is illegal from the very beginning, no matter what happens. In this particular case it is only the machinery that is interposed, at a stage when the strike has taken place, in order to enable the working classes and the employers to come to an understanding amongst themselves. It will be the object of the board of conciliation and of the adjudicator to come to some sort of an understanding. We have had plenty of experience of adjudication. Quite recently we had experience of adjudication in the postal and telegraph dispute. We found a certain measure of success in the adjudication but we were not satisfied with it; we went to Government and we said that just as they were not bound by the decision of the adjudicator, we also were not bound by the decision of the adjudicator: that we had not given up our right to go on strike and if we did not get the demands that we asked them to give us we were prepared to call a general strike throughout India. And the result was that instead of ninety lakhs we got another crore of rupees out of Government. Now the interposition of the adjudicator at that stage did not adversely affect the working classes; in fact it actually helped to prevent

[Diwan Chaman Lall]

an all-India strike, which would have been a disastrous thing not only for the community, not only for Government, but actually for the workers engaged in that particular industry. I submit therefore that we must not be guided by sentiment in this matter. Let us be guided by practical issues; and I do submit that although I had my qualms regarding this particular measure, *i.e.*, clause 10(3), after due consideration I think it is necessary that at any stage whatever if Government are willing to introduce conciliation machinery we should be prepared to accept it.

I want to ask my Honourable friend Mr. Guruswami one other question. What happens if a union affiliated to the organisation of which he is General Secretary—the all-India Railwaymen's Federation—goes out on strike against the mandate of that Federation and Government come out with an offer of adjudication? What would be his attitude? It is not a strike without notice, it is a strike against the mandate of the very organisation of which my Honourable friend is the General Secretary. Would he not be prepared to accept adjudication in that matter, not only in the interest of the union itself and of the strikers themselves but in the larger interest of the Federation of which he is the General Secretary and to which, before this undisciplined action was taken, that particular union also belonged? Would it not be a desirable thing, or would it be a thing that would be against the interest of trade unionism in this country or against the interest of the working classes?

Sir, I therefore submit that we had better get on to more practical issues and leave these little issues alone.

**Dr. Zia Uddin Ahmad:** Sir, unlike my friends Mr. Guruswami and Diwan Chaman Lall and others I belong to a profession which is accustomed to put down strikes. We do not create strikes or help the strikers but we suppress strikes. Now the argument of Diwan Chaman Lall reminds me of another argument that I heard long ago. When late Sir Theodore Morrison went to a village in connection with some school, an old man attending a meeting during the course of discussion said, "What you have said is true and correct and just; what I will say against it is also true, correct and just." So this is really an argument among two people in the same profession, to which unfortunately I do not belong. But there are certain points that Mr. Guruswami made which I want to support. Our industrialists have always been demanding—and I have supported them—that instead of *ad hoc* tariff boards there should be a permanent tariff board. My Honourable friend Mr. Gadgil and others also have supported that. Mr. Guruswami on the same analogy is entitled to demand a permanent conciliation board. The argument of those who want a permanent tariff board is that decisions of different tariff boards may differ, according to their past experience.

**Sri S. T. Adityan** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, Is the Honourable Member relevant in referring to tariff boards?

**Dr. Zia Uddin Ahmad:** I am referring to the point by way of supporting Mr. Guruswami's contention about a permanent conciliation board. In an *ad hoc* conciliation board there may be people of different experience and it may consist of High Court Judges; another may consist of people who are qualified to be High Court Judges though they may not have been actually appointed as such. These difficulties will be avoided if instead of *ad hoc* conciliation boards we have a permanent one. A permanent conciliation board may in some cases avoid troubles, because the views of the board will be known and there will be hesitation in the initiation of strike. So I request the Labour Member to accept this suggestion about a permanent conciliation board,—if not for all the types of industry at least for particular types of industry. Take textile mills, for instance; there a permanent conciliation board is necessary, because they give opportunities for strikes, and in the name of national interest, in the

name of public good they create these strikes in order to get more dividends for themselves. Therefore I say that this one particular industry needs a permanent conciliation board and the members of this Board should be retired judges of High Courts and not persons who may become judges of the High Court in future. Sir, I hope the suggestion made by my Honourable friend, Mr. Guruswami, will be accepted by the Government.

**The Honourable Shri Jagjivan Ram:** The obvious intention of this sub-clause is that when there is a strike and when Government feels that intervention has become necessary and they appoint a board of conciliation or a tribunal, in that case the continuance of the strike would become illegal. In order to have a good atmosphere it is necessary that there should not be either a strike or a lock-out. I do not agree with the point that prohibition of a strike is detrimental to the workers. The very fact that the matter is referred to a Board of Conciliation or an adjudicator is an indication that the force of the workers has been realized, the force of the strike has been realized, and as Diwan Chaman Lall has remarked the ultimate objective of a strike is not the continuance of the strike but to gain the objective of the strike. I think 50 per cent. of the objective of the strike is gained when the Government, by the force of that strike, sees its way to appoint a Board of Conciliation.

As regards the second point raised by my Honourable friend, Dr. Zia Uddin, and Mr. Guruswami about having permanent conciliation machinery for this purpose, the whole Bill proceeds on this basis that there should be sufficient conciliation machinery for this purpose. There is nothing in the Bill which will prevent the appointment of a standing or a permanent conciliation machinery for the purpose of this Bill and I may assure this House that I shall take up the matter with the Provincial Governments to have permanent conciliation machineries in the provinces and I shall also try to expand the conciliation machinery which the Central Government has got. In view of this, I hope, Sir, that my Honourable friend, Mr. Joshi, will not press the amendment.

**Miss Maniben Kara:** Sir, . . .

**The Honourable Shri Jagjivan Ram:** I have given final reply.

**Mr. Deputy President:** The Honourable Member has already replied. I allowed this indulgence yesterday, but I would like to discourage this practice. After the Government Member has given a reply to the debate, another member stands up and makes a speech and so gives a chance to the Honourable Member to reply again. If any Honourable Member wishes to speak on the amendment which is before the House he should get up and catch the eye of the President before the Government Member stands up to reply.

**Miss Maniben Kara:** On this Bill the Honourable the Labour Member has been speaking in between—that is the procedure we have followed. At the request of my Honourable friend, Mr. Joshi, the Honourable the President had allowed us to speak after hearing the views of the Government. In this particular case I am sorry I did not catch your eye, but I did get up to speak.

**The Honourable Shri Jagjivan Ram:** This will be a bad precedent.

**Mr. N. M. Joshi:** May I say a word on a point of order. Let the Honourable Member tell us who represents the workers. If we move an amendment and the Government Member expresses his views, some of us may reply, but if the Government Members sit quietly what are we going to do. You tell me that he has replied. Did he or the Labour Commissioner speak on this amendment? None of the two spoke. He never gave us an opportunity to reply to his reactions. It is their duty to speak in the middle of the debate at least, it not immediately after an amendment is moved. If they refuse to do it, they cannot stop us from replying to their reactions. I shall never allow them always to have the last word, and that they shall never be criticised. No, Sir. That is not a parliamentary method.

**Mr. Deputy President:** Miss Maniben Kara.

**Miss Maniben Kara:** Sir, I rise to support the amendment moved by my friend, Mr. Joshi. The clause as it stands makes a legal strike into an illegal strike at a certain stage. A strike may begin after giving notice, it may begin after fulfilling all the conditions that are laid down; the Government may not take any notice of that strike which is about to take place; in other words the Government may allow the strike to take place and after it begins they may refer the dispute to a Board of Conciliation and ask the workers to withdraw that strike. It has been rightly questioned on the floor of this House what is the purpose of a strike; why do the workers go on strike? Many Members in this House seem to believe that workers go on strike simply because a few agitators go and ask them to go on strike, or simply because they like to create unrest or like to have industrial disturbance in the country. But, Sir, you know that in this country workers are not paid for the days of the strike, not so far at least. If the workers were getting their pay for the days of the strike, one may appreciate the point that workers are fond of going on strike. Workers go on strike only when they fail to have any response to their representations, letters, approaches and negotiations; when nothing happens as a result of all this they are compelled to go on strike. Now when they are already on strike, for which they must have already waited for about six months, the conditions of work must have been so intolerable that workers had to resort to the last weapon and the only weapon in their hands, Government steps in and says, all right, we are there to look after your interests. They also tell the employers we are there to look after your interests, and therefore the workers must withdraw their strike. Assuming that the workers did not withdraw their strike. What happens? Supposing you pass this Bill as it stands. The workers already on strike and who are compelled to accept your conciliation, if you tomorrow ask them to go back to work—and I can tell you that the workers are not going to be bullied into going back to their factories by passing this legislation—how are you going to compel them? Are you going to treat each and every individual who chooses not to enter the factory gate as a criminal? Will it be possible for you to do so? Sir, it will not be possible, firstly because the reference is not with the consent of the party. If the workers themselves referred this dispute to the Board of Conciliation, then it can be easily understood that the workers will not want to go on strike. Even if they have gone on a strike and because the workers themselves have asked for conciliation, why do you not have faith in the workers. Once they have got what they asked for they will themselves want to withdraw it. But in case where the Government will not refer the dispute to the Board of Conciliation because they think this is merely a threat and workers do not mean business, that they are not strong enough, and in such a case where the workers are actually on strike after going through all the various methods of negotiations and after continuing to be harassed under the intolerable conditions whatever they might be, then by which stroke of imagination are you trying to make a law that a thing which is legal today will be illegal tomorrow? It completely beats me to understand this process. After all, a strike is a weapon of bargaining in the hand of the worker. When he withholds his labour and when industry realizes the pinch of it then he will be compelled to help the conciliation machinery. I can tell you from experience that if a strike is withdrawn, whoever the conciliation officer may be, and even with the best intentions in the world, he will not be able to tackle the employers. The employers can only be tackled at the point of the revolver of a strike. The revolver in the hand of a worker is not the revolver which is possessed by the employer by getting a license. The revolver in the hands of a striker or a worker is his weapon of a strike. In a case like this, in order not to deprive the worker of the only weapon in his possession, of bargaining for better terms, you are trying to deprive him of that only weapon that he has got. I would appeal to the Honourable the Labour Member that it will certainly help the conciliation machinery if the strike is in process provided the intention of the

Government is to help the workers as they say. If that is the intention—to help the workers against the employers—then I can assure the Honourable the Labour Member that better terms can only be got from the unwilling hands of the employers at the point of this revolver, namely the strike of the workers. The employer today is in a position not to listen to any conciliation procedure, not to co-operate with the worker. You presuppose co-operation and large heartedness in the employer. You presuppose that with this machinery the Government will be in a position to arrive at a settlement. But in order to strengthen the hands of the Government which today claim to bring this legislation in favour of the workers themselves, I say that if the workers give up their only weapon, then it will not be possible for them to get better terms from the employer. After all, Sir, I cannot understand how a strike began in a legal manner—though before the strike begins an approach is made to the Government, and everything possible at the disposal of the worker is exhausted and with great difficulty our workers decide to go on strike—can be illegal because you suddenly decide to appoint a board of conciliation. The result is that that strike which is legal today will be turned into an illegal strike tomorrow. My fears as stated are not only in your passing of this Bill but in the maintaining of this Bill. If you make a strike illegal tomorrow, are you really sure, that the workers will withdraw their strike, when they have worked hard to canvass the support of all the workers in their industry? After having convinced the entire workers in that particular factory do you really think that by retention of this clause you will be able to get the workers back to your factory? Sir, it is not easy unless the conciliation board is demanded and given as a result of the asking of the workers themselves. The workers are not going to listen because you decide to appoint a conciliation board and you order them to go back to work. I am only asking you to fulfil the object of this Bill, namely, the industrial peace in the city which can be maintained not by encouraging lawlessness by bringing in such a Bill. Such Bills will be an inducement to the workers not to accept such laws. This Bill is an attempt . .

**Mr. Deputy President:** The Honourable Member should not go on the Bill but on the amendment.

**Miss Maniben Kara:** I am referring to the Bill on the basis of this amendment. For the reasons that I have stated and the reasons which were stated by my Honourable friends Mr. Guruswami and Mr. Joshi, we would request you to accept our amendment. Government cannot suddenly decide to intervene and compel the workers to withdraw their strike, it will not be fair. I would therefore request that the amendment which has been moved by Mr. Joshi may be accepted by the Honourable the Labour Member.

**Mr. Deputy President:** The question is:

“That sub-clause (3) of clause 10 of the Bill be omitted.”

The motion was negatived.

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

“That in sub-clause (3) of clause 10 of the Bill—

- (i) between the word ‘where’ and the words ‘an industrial dispute’ the words ‘in an industry which is not a public utility’ be inserted; and
- (ii) the words ‘where the strike or lock-out has been commenced without notice’ be added at the end.”

Sir this amendment offers a compromise to Government. My previous amendment expressed exactly what my views are but I am a believer in compromise. If I do not get the whole I am always prepared to take the half. Therefore I am moving the amendment. Though they are two amendments, they are really one.

In my view in the case of a public utility service Government having got notice, certainly they have absolutely no case for issuing an order but I am

[Mr. N. M. Joshi]

prepared to permit Government to issue an order after they appoint either a Board of Conciliation, a Court of Enquiry or a Tribunal, if in a non-public utility service there is a strike without notice, although I am against strikes in industry being made illegal altogether. I am prepared to make this compromise that if a strike takes place without notice, then Government may issue an order prohibiting the strike, if Government appoints either a Board of Conciliation or a Tribunal. To that extent I am prepared to make a compromise and I hope that the gesture, which I am making towards a compromise, will be reciprocated by Government. I quite realise that in a House where the Government has a large majority, we cannot get exactly what we want being a very small minority. Therefore, I am always prepared in a non-essential matter to make a compromise, because I feel honestly that in this world if you want to be practical you have to accept a compromise and in that sense I have put my amendment. I hope Government will not consider this to be such an essential matter that when a compromise is offered they should not accept it. I do hope that they will accept.

**Mr. Deputy President:** Amendment moved.

"That in sub-clause (3) of clause 10 of the Bill—

- (i) between the word 'where' and the words 'an industrial dispute' the words 'in an industry which is not a public utility' be inserted; and
- (ii) the words 'where the strike or lock-out has been commenced without notice' be added at the end."

**The Honourable Shri Jagjivan Ram:** Sir, I oppose this amendment, because the acceptance of this amendment would amount practically to the omission of this clause.

**Mr. N. M. Joshi:** I cannot understand how it means the omission of the clause. Does not the House expect the Honourable Member to explain himself?

**Mr. Deputy President:** The question is:

"That in sub-clause (3) of clause 10 of the Bill—

- (i) between the word 'where' and the words 'an industrial dispute' the words 'in an industry which is not a public utility' be inserted; and
- (ii) the words 'where the strike or lock-out has been commenced without notice' be added at the end."

The motion was negatived.

**Mr. Vadilal Lalubhai:** Sir, I beg to move:

"That in sub-clause (3) of clause 10 of the Bill, for the word 'may' where it occurs for the first time, the word 'shall' be substituted."

I am moving this amendment, because I feel that this amendment is consequential to the changes made in the Select Committee in clause 15. Clause 15 as originally in the Bill was not compulsory so far as the award of the tribunal was to be binding or not. Clause 15 sub-clause (2) says:

"On receipt of such award, the appropriate Government shall by order in writing declare the award to be binding."

If the award is to be binding, then there will be no reason why a labour union or an employer should desire a strike or lock-out to continue. My friend Mr. Guruswami argues that if the strike is withdrawn, because the Government want it to be withdrawn, the difficulty with the Labour Union would be that once they tried hard to start a strike, and it would be difficult for them to restart it, if they have to stop in the middle. But when once the award is considered as binding, there should be no need of a further strike and that is why I feel that it is a consequential change and the word "may" should be substituted by "shall". I cannot understand why the Government should like

to have wide powers with them at a time when it is decided that the award shall be binding. The result of it would be that if the Government does not decide to stop the strike or lock-out after having referred the matter to arbitration or to the board, it will do unnecessary harm both to the industry and labour as also to the consumers and the country at large. If there was any purpose to be served by this clause, that both sides should be allowed to fight, I can understand it. But if both sides are not to be allowed to fight, they are asked to decide by arbitration. Then where is the sense in keeping this clause as mandatory and not obligatory? Government, I am afraid, would lay itself open to the charge that at times they may want to use this power to strike either at the industry concerned or at the labour.

**Mr. Deputy President:** The Honourable Member can continue his speech on the next day.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th February, 1947.