

30th October 1946

# THE LEGISLATIVE ASSEMBLY DEBATES

## Official Report

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Volume VII, 1946

( 28th October to 11th November, 1946 )

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SECOND SESSION

OF THE

SIXTH LEGISLATIVE ASSEMBLY,  
1946



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*CORRIGENDA*

In the Legislative Assembly Debates, Autumn Session, 1946—  
In Volume VII—

1. No. 1, dated the 28th October, 1946—
  - (i) Page 71, In the footnote, for "Excluding" read "Including".
  - (ii) Page 118, line 15, for "joint" read "join".
2. No. 2, dated the 29th October, 1946—
  - (i) Page 174, line 3, for "the" read "they".
  - (ii) Page 186, line 3, from bottom for "an soul" read "our souls".
  - (iii) Page 187, line 4, for "preceed" read "proceed".
  - (iv) Page 198, line 24, for "18:48 crores" read "18.48 crores". ✕
3. No. 3, dated the 30th October, 1946—
  - (i) Page 271, line 8, for "chose" read "choose".
4. No. 7, dated the 6th November, 1946—
  - (i) Page 577, last line, for "appreciable" read "appreciate".
  - (ii) Page 601, line 15, for "infstation" read "infestation".
5. No. 8, dated the 7th November, 1946—
  - (i) Page 655, line 23, for "shatrus" read "shastras".
6. No. 10, dated the 11th November, 1946—
  - (i) Page 754, second line, heading to starred question No. 370, for "CASE" read "CASTE".
  - (ii) Page 813, insert the top heading "STATEMENT OF BUSINESS" between lines 2 and 3.

In Volume VIII—

7. No. 1, dated the 12th November, 1946—
    - (i) Page 884, line 14 from bottom for "iability" read "liability".
    - (ii) Page 886, line 29, for "evatars" read "avatars".
  8. No. 2, dated the 18th November, 1946—
    - (i) Page 926, the first line of part (c) to Starred Question No. 486 should read "(c) Are Government aware of the fact that earlier in 1939-40, Government".
    - (ii) Page 936, line 15 from bottom for "took" read "look".
  9. No. 3, dated the 14th November, 1946—
    - (i) Page 1015, in the table under "Pre-war" for "General Wagons Service" read "General Service Wagons".
    - (ii) Page 1027, line 28, for "supar" read "sugar".
    - (iii) Page 1037, line 6, for "person" read "persons".
    - (iv) Page 1043, in heading to Starred Question No. 568, for "se" read "re".
- 7/ (v) Page 1012, line 10 from bottom delete the asterisk. ✕

(vi) Page 1077, for the last 6 lines *substitute* the following lines—

“Regarding the powers of the industrial tribunals, the Government has put in in clause 15, that they will accept the decision of the tribunal wholly or in part. If you appoint high eminent judges to decide the disputes, I cannot understand why the Government desires that they may ask the industry to implement the decision wholly or in part. I feel that it is possible that the Government may also find itself in difficulties. Government owns so many industries. They”

10. No. 4, dated the 15th November, 1946—

(i) Page 1100, line 15, for “preter” read “prefer”.

(ii) Page 1116, for the existing heading to Starred Question No. 616, read “HOUSING OF INDUSTRIAL WORKERS”.

11. No. 5, dated the 16th November, 1946—

Page 1211, in the *last but one* line of the quotation in small type for “all” read “small”.

12. No. 6, dated the 18th November, 1946—

(i) Page 1237, under the heading “INSURANCE (SECOND AMENDMENT) BILL”, *delete* the fifth line.

(ii) Page 1265, line 27, for “countdy” read “country”.

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# LEGISLATIVE ASSEMBLY

Wednesday, the 30th October, 1946

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

#### DEREQUISITIONING OF PROPERTY SINCE THE BEGINNING OF 1946.

**67. \*Mr. C. P. Lawson :** Will the Defence Secretary please state :

(a) what progress has been made in the derequisitioning of property since the beginning of 1946;

(b) what is the present expenditure on account of requisitioned property ; and

(c) how many camps erected for war purposes are now standing unoccupied, what is their capacity and what steps are being taken to utilise them ?

**Mr. G. S. Bhalja :** (a) Between 1st January 1946 and 30th September 1946 the number of buildings derequisitioned was 2,947 and lands 647. The total percentage of buildings derequisitioned up to the end of September 1946 was 61 per cent. and that of lands 18 per cent.

(b) The rent for requisitioned buildings on 30th September 1946 was approximately Rs. 186 lakhs and for lands Rs. 434 lakhs per annum.

(c) Information is not readily available, but is being collected and will be laid on the table in due course.

All steps are being taken to transfer members of the Armed Forces from requisitioned property to vacant camps, but it is pointed out that during the demobilization period large numbers of troops are continually returning from overseas and some of these camps must be kept vacant for some time as they will be required at short notice to provide accommodation for troops on arrival in India.

**Mr. C. P. Lawson :** Is the Honourable Member aware that his predecessor gave this House an undertaking that derequisitioning would in all probability be complete by the end of the current year and can he say whether his predecessor's undertaking is likely to be fulfilled ?

**Mr. G. S. Bhalja :** I do not recollect that any undertaking was given to the effect that derequisitioning will be completed by the end of this year. I think it is very unlikely but I have not referred to the previous papers on the subject.

**Mr. C. P. Lawson :** Has the Honourable Member seen the Legislative Assembly Debates on the question to which I have referred ?

**Mr. G. S. Bhalja :** I have not seen.

**Mr. Manu Subedar :** Will the Honourable the Defence Secretary inform this House what categories, so far as buildings are concerned, are still continuing to be in occupation by the army people and why ? Have Government considered the possibility of sending out certain departments altogether from urban areas and vacating their premises ?

**Mr. G. S. Bhalja :** It will take us far from the question to explain why it has not been possible to derequisition all buildings immediately ; but, if I may, I might mention three factors which I hope will convince the House that it is not possible to expedite derequisitioning more than we are doing. We have at the moment a million men in uniform, that is roughly four times the strength of the army before the war. These men have to be housed, fed, clothed and equipped, all of which require accommodation. Then we have large scale movements of troops in the East and the West and for them we must have transit camps ready to receive them whenever they

come to India. And, thirdly, the Defence Department has the responsibility for storage and guarding of huge surplus stores, including the American surplus stores, whose value amounts to several crores of rupees. I can however assure the Honourable Member that nobody is more anxious than His Excellency the Commander in Chief and the Honourable the Defence Member to derequisition as fast as possible all buildings and lands which are in the possession of the armed forces at the moment.

**Mr. Ahmed E. H. Jaffer :** Is it not a fact that according to the original requisitioning order by which properties were requisitioned, the properties were required only for the period of the war and for six months after its termination? If so, why were the properties not derequisitioned yet, especially in Poona and Bombay?

**Mr. G. S. Bhalja :** I have already given the reasons why we were not able to derequisition the properties at the end of the period of six months after the termination of the war and my Honourable friend probably is aware that His Excellency the Governor-General issued an Ordinance legalising the continued possession of the requisitioned property after the termination of this period.

**Seth Govind Das :** How many more troops are still overseas, how many are expected back and within what time?

**Mr. G. S. Bhalja :** I can only say in general terms that the policy of the Interim Government is that the troops which are in overseas theatres should be withdrawn as quickly as possible. This of course is subject to the obligations arising from our past associations with other countries.

**Mr. Ahmed E. H. Jaffer :** Under what authority are Government retaining these properties which should have been derequisitioned at the end of the six months after the termination of the War?

**Mr. G. S. Bhalja :** Under the authority of the Ordinance issued by His Excellency the Governor General, which has the force of law.

#### INDIANS UNDER DETENTION AS GOVERNMENT OF INDIA'S PRISONERS

**68. \*Mr. Sasanka Sekhar Sanyal :** (a) Will the Honourable the Home Member please state how many Indians are still in detention as Government of India prisoners for:

- (i) contact with the enemy during war,
- (ii) actively participating in or collaborating the Indian National Army, Indian Independence League and similar organisations,
- (iii) political, terroristic or subversive activities including those connected with the Quit India movement of August 1942 and after, and
- (iv) otherwise taking part in activities for the Independence of the country?

(b) How many such persons are still prisoners in each or any of the provincial Governments?

(c) What is the policy of the Government of India with regard to both (a) and (b) above?

**The Honourable Sardar Vallabhbhai Patel :** (a) and (b). No person is now detained without trial under the orders of the Central Government or any Chief Commissioner.

Under the categories in (a) and (b) the number of prisoners undergoing sentences with whom the Central Government is concerned is as follows:

- (i) 10 (8 in Punjab jails and 2 in United Provinces jails);
- (ii) nil; (iii) nil;
- (iv) nil.

(c) Government have remitted the unexpired portions of the sentences of the 10 persons mentioned above and their release has been ordered.

The information given above does not include persons who may be in prison serving sentences awarded in trial by Courts Martial or military Courts. Question in regard to those prisoners should be addressed to the Defence Secretary.

**Prof. N. G. Ranga :** In view of the fact that the conditions obtaining in the Punjab jails were considered by many of the political prisoners who were kept there to be most unsatisfactory, will Government consider the advisability of transferring those prisoners who are kept in the Punjab jails either to the jails in the centrally administered areas or the United Provinces ?

**The Honourable Sardar Vallabhbhai Patel :** So far as the prisoners in the Punjab jails are concerned they have been ordered to be released. Why should they be transferred elsewhere ?

**Miss Maniben Kara :** Will the Honourable Member tell this House whether he considers trade union workers who are arrested as political prisoners ?

**The Honourable Sardar Vallabhbhai Patel :** I know of no such classification as trade union prisoners. I could not quite follow the Honourable Member's question.

**Mr. President :** The question is whether trade union prisoners are classified as political prisoners or are not.

**The Honourable Sardar Vallabhbhai Patel :** There is no such classification as political prisoners at all.

**Miss Maniben Kara :** Do I understand that along with the release of political prisoners trade union prisoners also will be released ? Is the Honourable Member aware that in Delhi there are a number of trade union workers still in jail ?

**The Honourable Sardar Vallabhbhai Patel :** I have no information on the subject, but if the Honourable Member wants any information I shall inquire. I require notice.

**Shri Sri Prakasa :** With reference to part (b) of the question, has the Honourable Member looked into the cases of such I. N. A. prisoners as are in the United Provinces and if so, when does he expect to release them ?

**The Honourable Sardar Vallabhbhai Patel :** This question must be addressed to the Defence Department.

**Sri M. Ananthasayanam Ayyangar :** May I know from the Honourable Member if he is aware that 12 or 13 prisoners who have been convicted under the Enemy Agents Ordinance and kept in the Vellore jail have been put in the 'C' class and their rations are little better than that of ordinary convicts, and that in spite of the efforts of the provincial Government we have not been able to do much for them ?

**The Honourable Sardar Vallabhbhai Patel :** So far as I am aware, there are only ten enemy agent convicts who have been ordered to be released and five who are in jails—four in Bengal and one in Madras. These Provincial Governments have been informed of our orders and we have recommended them for release.

**Miss Maniben Kara :** Will the Honourable Member tell us whether the people arrested at the time of the V. Day celebrations are going to be released ?

**The Honourable Sardar Vallabhbhai Patel :** I have no information on the subject. I will make inquiries. I want notice.

#### PUBLIC SPEECHES BY MUSLIM LEAGUERS AND THE DISTURBANCES IN BENGAL

†69. **\*Mr. Sasanka Sekhar Sanyal :** Will the Honourable the Home Member please state :

(a) whether the Government of India had any reports from their Intelligence services in Bengal about the tenor of the public speeches of some Muslim Leaguers, as likely to incite to violence ;

(b) if so, whether the Government of India tendered any advice or gave any warning to the Government of Bengal in that respect ;

(c) whether the Government of India gave any advice to the Bengal Government with reference to the declaration of 16th August as a public holiday as a Direct Action Day ; If so, what was it ;



(d) whether any, and if so, what steps were taken by the Government of India for forestalling disturbances and whether the Governor-General was asked to intervene ;

(e) whether any, and if so, what steps have been or are being taken to remedy the situation of helplessness that has been prevailing in Bengal ever since the outbreak of disturbances and still continuing ;

(f) whether the Government of India have any responsibilities in the matter of protection of lives and properties of the population in Bengal on partial or total failure of the Provincial Civil Authority to do so, and how the Government propose to discharge such responsibility ; and

(g) whether advice was given by the Government of India to the Governor-General to exercise his individual and special responsibility to the people of Bengal and for the maintenance of peace and tranquility in the said province ? And what was the result of such advice ?

**The Honourable Sardar Vallabhbhai Patel :** (a) Reports of the Intelligence services cannot be disclosed and I regret, therefore, that I cannot deal with them in the answer.

(b) The Government of India tendered no advice or warning to the Government of Bengal.

(c) No.

(d), (e) and (g). The responsibility for public order lies primarily with the Provincial Government. Discussions have taken place between the Governor-General and the Members of Government, but I regret their nature cannot be disclosed. I have dealt with the whole matter on the 28th October on the adjournment motion on the same subject.

(f) This is a matter of opinion and interpretation of the law, and I would refer the Honourable Member to Section 41 of the Ninth Schedule and other relevant provisions of the Government of India Act, 1935.

#### ENQUIRIES re DEATH OF NETAJI SUBHAS CHANDRA BOSE

**70. \*Sardar Mangal Singh :** Will the Honourable the Home Member please state :

(a) whether the Interim Government have made any enquiries if Netaji Subhas Chandra Bose is dead or alive ; and

(b) whether Government propose to make an authoritative statement on this question and set at rest once for all the frequent speculations about his whereabouts ?

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

(b) Government are not in a position to make any authoritative statement on this subject.

**Sardar Mangal Singh :** May I know whether any Indian was associated with this inquiry which has been conducted recently into the death of Netaji Subhas Chandra Bose ?

**The Honourable Sardar Vallabhbhai Patel :** No inquiry has been made by the Government of India.

**Mr. President :** The answer to the first part was in the negative. How does the supplementary arise ?

**Sardar Mangal Singh :** Has the attention of Government been drawn to the statement issued by Sardar Sardul Singh Caveeshar, President of the Forward Block, that he knows for certain that Netaji Subhas Chandra Bose is alive ?

**The Honourable Sardar Vallabhbhai Patel :** If the statement attributed to Sardar Sardul Singh Caveeshar turns out to be true, I will be very glad, but so far as we are concerned we have no information. I have seen contradictory statements in the press from responsible men, both here and outside India.

**Mr. Ahmed E. H. Jaffer :** In view of the fact that there are three questions tabled on the subject today and in view of the anxiety of Honourable Members on this subject, will the Government of India make an announcement one way or the other and say whether the gentleman is dead or alive ?

**The Honourable Sardar Vallabhbhai Patel :** The Government of India can make no announcement without any positive information on the subject.

**Sardar Mangal Singh :** A few days ago the Honourable the Leader of the House made a statement that Netaji Subhas Chandra Bose is dead. Is that the view of the Government of India or his personal view ?

**The Honourable Sardar Vallabhbhai Patel :** The Government of India have no view either way.

**Maulana Zafar Ali Khan :** When that view is challenged by a person in the responsible position of Sardar Sardul Singh Caveeshar who said " Pundit Nehru's statement does not satisfy us ", we want this House to be informed whether Subhas Chandra Bose is dead or alive actually ?

**The Honourable Sardar Vallabhbhai Patel :** As I have said, not only myself but the House will be very glad if it turns out to be true that he is alive. But it is for Sardar Sardul Singh Caveeshar to give any information he may have to the Government of India.

#### REORGANIZATION OF CENTRAL SERVICES.

**71. \*Sardar Mangal Singh :** Will the Honourable the Home Member please state :

(a) whether Government propose to make a general statement regarding the recruitment and reorganisation of the services now known as Secretary of States' Services and Central Services ; and

(b) whether any change in the syllabus of the competitive examinations for the Indian Civil Service and other Imperial services is contemplated ; if so, what is the new syllabus ?

**The Honourable Sardar Vallabhbhai Patel :** (a) of the three Services for which the Secretary of State makes appointments under the Government of India Act, 1935 viz., the Indian Civil Service, the Indian Medical Service (Civil), and the Indian Police, I am concerned only with the Indian Civil Service and the Indian Police. Any enquiry regarding the Indian Medical Service (Civil) should be addressed to the Honourable the Health Minister.

The Secretary of State has decided to suspend recruitment to war-reserved vacancies in the Indian Civil Service and the Indian Police and it is unlikely that the recruitment to these services by the Secretary of State will be resumed. A Conference of Provincial Premiers was convened on the 21st October 1946 by me to discuss arrangements to replace these services. The consensus of opinion at the Conference was in favour of the formation of new all-India Services for this purpose. Details are being worked out in consultation with the Provinces and when arrangements are finalised a public announcement will be made.

No proposal is under consideration for the reorganisation of the Central Services as a whole. In November last year Sir Richard Tottenham was placed on special duty to examine the question of the reorganisation of the Secretariat and to make recommendations. One of the recommendations made by him is that a new Central Secretariat Service should be constituted. Details regarding the formation of this service are being worked out.

(b) There is no proposal under consideration for changing the syllabus of the competitive examinations for the Indian Civil Service or the Indian Police. New methods of selection involving the use of intelligence and personality tests have been in use for some time to select candidates for the Forces and were also used for selecting 'war service' candidates to the war-reserved vacancies. The question whether the method of selection on the results of a competitive examination followed by an interview should be modified in any manner as a result of the experience gained of the new tests is being examined.

**Shri Sri Prakasa :** Have the Government assured themselves that such services are at all necessary in future ?

**The Honourable Sardar Vallabhbhai Patel :** That is the consensus of opinion of the provinces.

**Shri Sri Prakasa :** Is it not a fact that such services do not necessarily exist in other parts of the world ?

**The Honourable Sardar Vallabhbhai Patel :** I do not know about other parts of the world but in India the services have been in existence for a long period, and almost all the provinces desire that such services, except for the control of the Secretary of State, should be continued.

**Sri M. Ananthasayanam Ayyangar :** Is it a fact that the Punjab Government wanted to have its own superior services ?

**The Honourable Sardar Vallabhbhai Patel :** The Punjab Government was represented at the conference and its representative informed us that he had no objection to the proposed formation of a central administrative service. They however, wanted their own control over the service and had decided to have their own recruitment. If the control question was satisfactorily settled, they might fall into line with all the provinces in view of the discussions at the conference.

**Sardar Mangal Singh :** May I know whether the new candidates to the civil service will be selected by the Public Service Commission or by the Selection Boards to which the Honourable Member has referred ?

**The Honourable Sardar Vallabhbhai Patel :** The details, as I told you, are being worked out.

#### APPOINTMENTS TO THE VACANCIES IN SECRETARY OF STATES AND TO CENTRAL SERVICES.

**72. \*Sardar Mangal Singh :** (a) Will the Honourable the Home Member please state how many of the 336 war vacancies in the Secretary of States Services and how many out of the 468 war vacancies in the Central Services have been filled in so far ?

(b) How long the recruitment to these appointments will continue from amongst the war service candidates ?

(c) Do Government propose to throw open some of these appointments to be filled in through competitive examinations ?

**The Honourable Sardar Vallabhbhai Patel :** (a) and (b). As the Honourable Member is probably aware, the Secretary of State has decided not to proceed with the appointment of 'war service' candidates to the Indian Civil Service and the Indian Police. No question, therefore, arises of making any recruitment of 'war service' candidates to these two Services. As regards the Central Services, the selection of Indian 'war service' candidates is expected to conclude by the end of this year, although it may be necessary to hold a supplementary selection early next year for the benefit of those few overseas candidates who could not attend the selection this year for reasons beyond their control and in respect of some vacancies advertised rather late in the year. No appointment has actually been made so far, but the Federal Public Service Commission have recommended 162 Indian candidates for the Indian Civil Service, 57 for the Indian Police and 167 for the Central non-technical Services. The question of appointing Indian candidates selected for the Indian Civil Service and the Indian Police to an all-India Administrative Service and an all India Police Service, proposed to be formed to replace the Indian Civil Service and the Indian Police, is under consideration. No information is at present available regarding the number of candidates selected for the Central technical Services.

(c) Government anticipate that sufficient number of 'war service' candidates will not be available to fill all vacancies in the Central Services and are considering alternative means of recruitment, one of which is the competitive examination.

**Lt.Col. Dr. J. C. Chatterjee :** Have Government any plan for absorption in to these services war service candidates who had been given temporary appointments in the Indian Police or the Indian Civil Service or other Central Services ?

**The Honourable Sardar Vallabhbhai Patel :** Some of them have already been absorbed. There is a plan.

**Sreejnt Rohini Kumar Chaudhuri :** Why are these reserved for war service candidates ?

**The Honourable Sardar Vallabhbhai Patel :** The recruitment during the war period stopped and these people went and served in the war. At that time certain promises were given to them.

**Sreejnt Rohini Kumar Chaudhuri :** Do the Government realise that a large number of eligible candidates do not get the advantage, at least those candidates who belong to or where in sympathy with the Congress organisations ?

**The Honourable Sardar Vallabhbhai Patel :** It is not true.

**Mr. Sasanka Sekhar Sanyal :** Will the Honourable Member be pleased to state whether in these matters it is the policy of the present Government to fulfil all the promises that have been made by the previous Government ?

**The Honourable Sardar Vallabhbhai Patel :** As far as possible, it is the policy of the Government.

**Sreejnt Rohini Kumar Chaudhuri :** Is the Government aware that the Provincial Governments, particularly Assam, have refused to give any preference to war service candidates.

**The Honourable Sardar Vallabhbhai Patel :** I am afraid the Assam Government will reconsider its position.

**Sjt. N. V. Gadgil :** Has a certain percentage been reserved for these candidates merely because they are war service candidates ? Is it not the case that merit is taken into consideration ?

**The Honourable Sardar Vallabhbhai Patel :** No, because of their fitness. Some of them are considered to be better than even those coming from competitive examinations.

**Sri M. Ananthasayanam Ayyangar :** Will the Government reconsider the proportion and the ratio that has already been fixed by the previous Government, to see whether it is necessary to provide for such enormous or high percentage of war returned men ?

**The Honourable Sardar Vallabhbhai Patel :** The matter requires further examination.

**Sri M. Ananthasayanam Ayyangar :** May I know if the new recruitment that is proposed is to be thrown open to all persons both in India and overseas ?

**The Honourable Sardar Vallabhbhai Patel :** No, it is not so.

**Sardar Mangal Singh :** May I know whether the Government of India will consider the proposal that in filling war vacancies no communal proportions be adhered to ?

**The Honourable Sardar Vallabhbhai Patel :** That is quite a different matter altogether.

**Seth Govind Das :** Will the Government see that those persons who are not really capable and to whom promises have been given to retain after the war are dismissed and not retained ?

**The Honourable Sardar Vallabhbhai Patel :** In no case can a man be employed in service simply because he is a war service candidate. His capacity is also equally a test.

#### DEMONETIZATION ORDINANCE.

78. **\*Sardar Mangal Singh :** (a) Will the Honourable the Finance Member please state how far the objects of the Demonetization Ordinance have been achieved ?

(b) What is the amount of the high denomination notes which have not been presented for exchange for smaller denomination notes ?

(c) How much profit Government have made out of this ordinance ?

(d) How many prosecutions have been launched under the Demonetisation Ordinance and how many of them have resulted in convictions of the defaulters ?

(e) Have any prosecutions been started against any bank or banks ? If so, what are their names ?

**The Honourable Mr. Liaquat Ali Khan :** (a) and (b). Out of a total of Rs. 1,43,96,89,000 high denomination notes in circulation on the 11th January 1946 notes to the value of Rs. 1,28,58,55,000 were encashed upto the 27th September 1946. In addition a certain number of claims presented to various authorities within and without India are awaiting decision. The amount involved in these claims cannot be ascertained without undue expenditure of time and labour but it is understood to be small relative to the notes already encashed. As the declarations that were filed by persons presenting notes for exchange are still under scrutiny, Government are unable to state how far the objects have been achieved.

(c) The aggregate value of the notes likely to remain uncashed is not yet known.

(d) Seven prosecutions have so far been launched, all of which are, as yet, *sub-judice*.

(e) None so far.

**Sri M. Ananthasayanam Iyyengar :** Which is the authority which launches the prosecutions ? Does the Central Government investigate into every one of these cases before prosecutions are launched ?

**The Honourable Mr. Liaquat Ali Khan :** It is the Central Government.

**Seth Yusuf Abdoola Haroon :** These applications have been lying with the Government for a considerable time. Will the Government expedite these applications ?

**The Honourable Mr. Liaquat Ali Khan :** If the Honourable Member will bring to my notice any particular case, I shall have it examined. As far as I am aware there are no such applications.

**Seth Yusuf Abdoola Haroon :** There are certain applications under scrutiny and persons have not yet received the amount from the Reserve Bank. They have repeatedly reminded the Department regarding the same.

**The Honourable Mr. Liaquat Ali Khan :** If the Honourable Member will supply further particulars, I shall have the matter examined.

#### APPOINTMENT OF ARMY REORGANIZATION COMMISSION FOR POST WAR INDIAN ARMY

**74. \*Sardar Mangal Singh :** Will the Defence Secretary please state whether Government propose to appoint an Army Reorganisation Commission to determine the size, composition and organisation of the post war Indian Army ?

**Mr. G. S. Bhalja :** No, Sir. Government are at present engaged in examining the problem of the size, composition and organisation of India's Armed Forces in consultation with the H. E. the Commander-in-Chief. Due obviously to the highly complex nature of the problem, I cannot commit the Government to any particular course of action at this stage.

**Sardar Mangal Singh :** May I know if the Government of India will publish the report of the Army Reorganisation Committee which was appointed two years ago ?

**Mr. G. S. Bhalja :** No, Sir. That report is a secret document and it was prepared at the request of His Excellency the Commander-in-Chief by his staff officers to assist him in planning the size and composition of the forces and I think this announcement was made previously in this House.

**Sardar Mangal Singh :** May I know whether this House will be taken into confidence before a decision is taken on the report of that committee ?

**Mr. G. S. Bhalja :** Some of the important problems arising out of that report have already been placed before the Defence Consultative Committee and if and when other important problems arise they will also be placed before the same committee, which is a committee of this House.

**Mr. Manu Subedar :** May I know why this report has not been made available to every member of the Defence Consultative Committee of this House ?

**Mr. G. S. Bhalja :** I have said that this is a secret report presented to H. E. the C. in C. who appointed the committee. It was a committee of his staff officers. It was not a committee appointed by the War Department.

**Mr. Manu Subedar :** The report was made by public servants of this Government and unless there are specific public reasons, may I know why the bulk of this report should be kept secret, as there are many members who are very much interested in the problem. If there are a few paragraphs to be omitted, they may be omitted. I want to know why the Government will not make this report available to Members of this House ?

**Mr. G. S. Bhalja :** I have replied to that question, Sir.

**Mr. N. M. Joshi :** May I ask whether it is the policy of the Government of India not to place these matters regarding Defence, such as, re-organisation, before the Legislature and whether they are going to be content by merely consulting the Defence Committee ?

**Mr. G. S. Bhalja :** No, Sir. I should have no hesitation in saying that we wish to take the House in the fullest confidence that is possible consistently with considerations of security, but the report contains many technical matters. It is not considered to be in the public interest to disclose these matters on the floor of the House for the simple reason that such disclosure is not confined only to the Members of this House, because whatever is said here is public property not only in India but throughout the world.

**Mr. N. M. Joshi :** At what stage the Government of India will place the scheme of re-organisation before the Legislature ?

**Mr. G. S. Bhalja :** As I said, the Government have not yet come to a decision as to what the future size and position of the armed forces is going to be.

**Prof. N. G. Banga :** Has this report been circularised among the members of the Cabinet ?

**Mr. G. S. Bhalja :** No, Sir ; that question has not arisen yet.

**Sardar Mangal Singh :** May I ask whether this report deals with the subject of conscription because that was one of the terms of reference ?

**Mr. G. S. Bhalja :** I must ask for notice of that question.

**Sir Cowasjee Jehangir :** Does the Honourable Member wish to convey the idea in his answers to supplementary questions that any re-organisation scheme that the Government may be inclined to accept will never be placed before this Honourable House for discussion and consideration ?

**Mr. G. S. Bhalja :** I never said anything of that sort.

**Sir Cowasjee Jehangir :** Then what is exactly implied by the Honourable Member's answers ?

**Mr. President :** Next question. Sardar Mangal Singh.

#### PERMANENT COMMISSIONS TO INDIANS

†75. \***Sardar Mangal Singh :** (a) Will the Defence Secretary please state how many Indian officers have, so far, been given permanent commissions in the (i) Land forces, (ii) Air forces and (iii) Navy, stating their number separately ?

(b) How many British Officers there are now posted in the Indian Units ?

**Shri Sri Prakasa :** Sir, that is the sixth question. The Honourable Member has exhausted his quota. He does not know the difference between five and six. He is constantly tabling six questions.

**Mr. President :** Next question.

(The reply was laid on the table of the House).

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

**Mr. G. S. Bhalja :** (a) The number of Indian officers holding permanent commissions in the three Services is as follows.

Indian Army . . . . .	1,701
Royal Indian Air Force . . . . .	342
Royal Indian Navy . . . . .	221

The corresponding figures for British officers are—

Indian Army . . . . .	2,327
Royal Indian Air Force . . . . .	2
Royal Indian Navy . . . . .	169

(b) The number of British officers serving temporarily with the three Services is as follows.

Army . . . . .	20,960
Air Force . . . . .	11
Navy . . . . .	191

The corresponding figures of temporary Indian officers are—

Army . . . . .	10,250
Air Force . . . . .	973
Navy . . . . .	575

#### ADMINISTRATION OF THE W. A. C. (I.)

**76. \*Mr. Sasanka Sekhar Sanyal :** Will the Defence Secretary please state :

(a) whether Government's attention has been drawn to the allegations of inefficiency, discrimination, favouritism, nepotism, immorality, etc. that were made during the last budget session of the Assembly by various members through questions and debates regarding the administration of the W. A. C. (I.) ;

(b) whether any enquiry, departmental or otherwise, has been or is being or will be made to go into these serious allegations ;

(c) how many of the personnel of the Corps have been discharged and how many of such discharged personnel are Indians and how many of them are non-Indians ;

(d) how many non-Indians are still in employment in the top posts and why they are still being kept on fat salaries, and why no Indians are employed and kept on such posts ; and

(e) what arrangements are being made by the Government of India for finding employment for these discharged girls ?

**Mr. G. S. Bhalja :** (a) Yes Sir, but the allegations appear to have been exaggerated.

(b) No, Sir, such an enquiry, in view of answer to (d) below, which I shall shortly give, would now serve no useful purpose.

(c) The total number of WAC(I) personnel released up to 1st September 1946 was approximately 4,106; of these 1,246 were Indians. Further releases are since steadily taking place.

(d) The number of officers holding appointments of Senior Commander and above is as follows : Indians eight. Non-Indians 49. Government have recently ordered that the disbandment of the Corps should be expedited as far as possible. In view of this decision, no change in the existing personnel is considered desirable.

(e) (1) Each of the nine Regional Employment Exchanges distributed throughout the country has a Special Women's Section attached to it to deal with the registration and placing in employment of women.

(2) A special section of the Directorate of Employment, as a part of the Directorate-General of Resettlement and Employment, has been set up to explore and examine suitable avenues of employment for ex-service women.

(3) Training facilities have been provided under the Labour Department Scheme for the vocational training of ex-service women in order to equip ex-service women for suitable employment in civil life. To this end, a Deputy Directoress of Training has been appointed on the staff of the Directorate-General of Resettlement and Employment.

**Shri Sri Prakasa:** With reference to part (d) of the question, is it not a fact that the Honourable the Labour Member has offered to marry all of these women—not himself—but to suitable husbands? If so, how far has the scheme progressed?

**Mr. G. S. Bhalja:** I think the question should be addressed to the Honourable Member for Labour.

**Mr. Sasanka Sekhar Sanyal:** Will the Honourable Member please state the reasons for not going into the question of inquiry which is referred to in (3)?

**Mr. G. S. Bhalja:** I said that the Government had decided that the Corps should be disbanded and the last W.A.C.(I) we hope will have been demobilised by the 31st March 1947. In view of this decision, I trust the Honourable Members of this House will not make any comments or any allegations or cast any aspersions on a body of corps which did excellent work during the war.

**Mr. Sasanka Sekhar Sanyal:** But what are the reasons for not going into the question of inquiry?

**Mr. President:** Because the whole Corps is going to be disbanded by the 31st March.

**Mr. Sasanka Sekhar Sanyal:** But what is the reason for not going into the reasons disclosed?

**Mr. President:** The question has been answered.

**Mr. Vadilal Lallubhai:** How many of these discharged girls have been given employment by Government?

**Mr. G. S. Bhalja:** I must ask for notice of this question.

**Mr. Ahmed E. H. Jaffer:** Will the Honourable Member consider the question of appointing a Committee of Inquiry consisting of the lady Members of this House with a view to re-consider the question of re-employing those girls who are unemployed at present?

**Mr. G. S. Bhalja:** I do not think the question of re-employment or rather finding employment for demobilised ex-service women in civil jobs need be referred to a committee as the work is already being performed fairly efficiently by the Executive organisation set up by the Labour Department.

**Mr. Sasanka Sekhar Sanyal:** Will the Honourable Member kindly state why non-Indians are still kept in this employment on fat salaries since it is the policy of the Government that the organisation is going to be disbanded?

**Mr. G. S. Bhalja:** As we are going to disband the corps in a few months' time and as the work of the present personnel is satisfactory, it is not necessary nor advisable to disturb the present arrangement.

**Sjt. N. V. Gadgil:** May I ask why it is necessary to continue even whatever is left till the 31st March 1947?

**Mr. G. S. Bhalja:** Obviously, we must have an organisation to cope with the remaining personnel of the Corps.

**Shri Mohan Lal Saksena:** May I ask if the Deputy Directoress referred to in the answer is an Indian?

**Mr. G. S. Bhalja:** I must ask for notice of that question. It does not refer to my Department; it refers to the Labour Department.

**Sri M. Ananthasayanam Ayyangar:** May I ask if any of those persons against whom allegations were made that they were responsible for all sorts of indecent attacks on these women are still kept in service.



**Mr. G. S. Bhalja:** I cannot give any reply to a question like that because we have never admitted that these allegations which were made by irresponsible agencies were substantially correct.

**Sjt. N. V. Gadgil:** They may have been exaggerated statements, but there was some truth in them. Why don't you make inquiries?

**Mr. G. S. Bhalja:** In view of the approaching disbandment of the Corps, it would be impolitic and unwise to raise this whole issue again simply because these allegations were made by a few irresponsible persons.

**Sri M. Ananthasayanam Ayyangar:** Is it not a fact that one hundred women put their signatures on an article and it was urged on the floor of this House that an investigation ought to be made?

**Mr. G. S. Bhalja:** The document to which my Honourable friend refers was never authenticated.

**Sri M. Ananthasayanam Ayyangar:** May I know from the Honourable Member on what authority he says that these allegations have not been justified?

**Mr. G. S. Bhalja:** An inquiry was made as far as I recollect as to where the document was received; the original document containing the signatures never reached the War Department.

**Sri M. Ananthasayanam Ayyangar:** May I ask if the Honourable Member knows that his predecessor himself asked the A.P.I. agent secretly to go and make the investigation, but the lady against whom these allegations were made refused to answer this agent of the A.P.I. and he came back without making any investigation at all?

**Mr. G. S. Bhalja:** I have no information on that point and I would not accept the insinuation involved in that question.

**Mr. Manu Subedar:** May I ask if the All-India Women's Conference did not approach the Government in order to provide them with facilities for making this inquiry? If so, why was it that the Government turned down the request and suggested an authoritative women's organisation in India which was out merely to safeguard the reputation and the well-being of the women?

**Mr. G. S. Bhalja:** A request to that effect was received from the Chairman of the All-India Women's conference, but I must say again with due deference that as we had taken the decision to disband the whole corps, it was not considered necessary to go into details of certain allegations which were not creditable to certain persons.

#### CENTRAL SCHEDULED CASTES SCHOLARSHIPS

**77.\* Lt-Col. Dr. J. C. Chatterjee:** Will the Honourable Member for Education please state:

(a) if it is a fact that converts to other religion from scheduled castes are ineligible for the Central Scheduled castes scholarships awarded by the Government of India;

(b) if the answer to part (a) above be in the affirmative, are Government aware that the Madras Government categorically stated in the Madras Legislative Assembly during the debate on the Budget on education that converts to other religion from the depressed classes must be eligible for this scholarship as their economic standard did not change with their conversion; and

(c) whether in view of the reply of the Madras Government, the Government of India propose to reconsider the question?

**The Honourable Sri O. Rajagopalachari:** (a) Yes, it is a fact that converts to other religion from scheduled castes are ineligible for the Central Scheduled castes scholarships awarded by the Government of India.

(b) and (c). The Government of India are aware of the fact that the Madras Government grant scholarships and fee concessions out of the grants provided for depressed classes to members of the depressed classes who are

converts from Hinduism to other religions. The Government of India do not consider that this principle can be applied to the Central Scheduled-Caste-Scholarships scheme in as much as the scheme was devised specifically for the benefit of the Scheduled Castes, as defined in the Government of India (Scheduled Caste) Order, 1936, and was conceived as an uplift measure on the part of the State for the advancement of classes that are treated as untouchable and not as a scheme for all poor classes irrespective of untouchability.

**Lt.-Col. Dr. J. C. Chatterjee:** Do I take it that these scholarships awarded by the Government of India are given on the basis of religious belief and not on the basis of economic conditions of the applicant?

**The Honourable Sri C. Rajagopalachari:** I have already stated that this scheme is conceived as an uplift measure on the part of the State for the advancement of classes that are treated as untouchable and not as a scheme for all poor classes irrespective of untouchability.

**Lt.-Col. Dr. J. C. Chatterjee:** Does a member of the so called scheduled caste become touchable as soon as he becomes a convert to another religion?

**The Honourable Sri C. Rajagopalachari:** I assume so. That is the very claim made by the proselytizers.

**Lt.-Col. Dr. J. C. Chatterjee:** If that is the reason for denying the scholarship to other depressed classes and untouchables, then, will the Honourable Member inform me what are the special tenets of the scheduled caste religion so that they may also become converts to the scheduled caste religion?

**The Honourable Sri C. Rajagopalachari:** The question, Sir, is conceived very wrongly. The assumptions made in the question are not correct at all. There is a certain disability prevailing in certain classes of our society and we are taking measures to remove that disability by direct as well as indirect measures and this is an indirect measure to remove this particular disability. It has nothing whatever to do with the other question referred to by my Honourable friend.

**Shri Sri Prakasa:** Is it not a fact that if the Honourable questioner's suggestions are followed, there is a danger of a misunderstanding arising to the effect that the Government are favouring conversion, and is there not a further danger that the scholarships will go to the converts rather than to members of the scheduled castes that continue to remain in that old faith. And, if so, will the Honourable Member kindly convey his opinion to the Madras Government so that they may desist from the policy they are following now?

**The Honourable Sri C. Rajagopalachari:** While the Government are in favour of the most complete liberty of religion and freedom for any legitimate effort on the part of any person or institutions to spread any form of faith or worship, they do appreciate the point brought out by the Honourable Member from Benares as regards misunderstandings about influence exercised for obtaining advantages and facilities for new converts and about disputes likely to arise between the scheduled caste proper and converts from depressed classes. As regards the Madras order, it was specifically related to depressed classes and had nothing to do with scheduled castes whereas the present central scheme with which we are dealing was conceived for scheduled castes only as defined in the Statutory Order referred to. As far as possible this Government should not upset important schemes set in motion by their predecessors after great trouble and in which they had taken considerable interest. In this case, the author of the scheme was very particular about the limitation of the benefits to those falling within the category mentioned.

**Lt.-Col. Dr. J. C. Chatterjee:** What is the difference between depressed classes and the scheduled castes?

**Mr. President:** That does not arise.

**Mr. Ahmed E. H. Jaffer:** May I know whether the Honourable Member for Education received advance intimation from the Honourable Member for Benares about his supplementary question because he read a written reply?

**The Honourable Sri O. Rajagopalachari:** Mr. President, the question is very inappropriate. I think I am able to anticipate supplementary questions including probably what the Honourable Member for Bombay Southern Mahomedan may put.

**PROTECTION OF LIVES AND PROPERTIES BY THE GOVERNMENT OF INDIA OF THE POPULATION IN BENGAL**

**78. \*Sree Satyapriya Banerjee :** (a) Will the Honourable the Home Member please state whether the Government of India have any responsibilities in the matter of protection of lives and properties of the population in Bengal on partial or total failure of the Provincial Civil authority to do so, and how the Government propose to discharge such responsibility?

(b) If the answer to part (a) be in the affirmative, what steps, if any, have been taken by the Government of India in this regard in Calcutta, Dacca, Noakhali and other places since the 16th August, 1946, the "Direct Action" day of the Muslim League, where thousands of human lives have been lost and properties worth several crores have been looted and destroyed; if no steps have so far been taken, what steps do Government of India now propose to take? and

(c) Whether he is aware that there is a strong feeling in Bengal that the Government of India should take effective steps to control the situation in Bengal; and if so, whether Government of India propose to take any steps in this regard?

**The Honourable Sardar Vallabhbhai Patel :** (a), (b) and (c). I would invite the Honourable Member's attention to my reply to Question No. 69 put by my Honourable friend Mr. Sanyal and to what I have stated on the 28th October on the adjournment motion on the subject.

**RULES re PENSIONS, AWARDS AND GRATUITIES TO INDIAN COMMISSIONED OFFICERS AND OTHER RANKS.**

**79. \*Mr. Ahmed E. H. Jaffer :** (a) Will the Defence Secretary please state whether Government are prepared to consider the whole question of pensions, awards and gratuities to Indian Commissioned Officers and Indian Other Ranks and to amend all rules governing such payments?

(b) Will Government be pleased to place in the Library of the House copies of pension regulations of India, Part II and AI (I.) B. 3/40 and the subsequent amendments thereto?

(c) Is it a fact that no pensions, awards and gratuities are admissible under the present rules in respect of permanent disabilities arising out of the last war, whilst the individuals continues to serve in the army and is permitted to do light duties—in the case of men who have lost a leg, an arm or an eye, all on active service during the war?

(d) Is it a fact that all pensions, awards and gratuities are paid as compensation only for loss of *earning power* and not as compensation for injuries received while on Military Service?

(e) Do Government propose to consider the desirability of amending this rule?

**Mr. G. S. Bhalja :** (a) As announced in a press note on the 29th January, 1946, Government have already set up a Committee to make recommendations in regard to the post-war pay and pensions of Indian personnel of the three Services.

(b) A copy of Pension Regulations for the Army in India, Part II, with corrections up to date, has been placed in the Library of the House. There is no A.I. (I.) bearing No. B. 3/40.

(c) Yes. It is a recognised principle of the pension schemes now in force that an award of pension does not take effect till the claimant leaves the service.

(d) Presumably the Honourable Member refers to awards of disability pensions and gratuities. If so, the answer is that the degree of disablement is based on a

comparison between the condition of the person disabled and the condition of a normal healthy person of the same age and sex, without taking into account the earning capacity of the member in his disabled condition in his own or any other specific trade or occupation. Such an award is made to an individual who is invalided from the service on account of wounds, injury or illness, the cause of which is attributed to military service.

(e) No, Sir.

**Sri M. Ananthasayanam Ayyangar :** When was this committee set up ?

**Mr. G. S. Bhalja :** In January 1946.

**Sri M. Ananthasayanam Ayyangar :** Has it the same status or has it the same personnel as the one which is called the Pay Commission ?

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

**Sri M. Ananthasayanam Ayyangar :** Who is the President of this committee ?

**Mr. G. S. Bhalja :** The President of the committee is Mr. Irwin, an officer of the War Department. In reply to questions on this subject a copy of the communique was placed on the table of the House. I will read the communique.

"To make recommendations on the post-war pay, allowances and pensions of the three defence services, the Government of India have constituted a committee under the chairmanship of Mr. J. B. Irwin, C.I.E., D.S.O., M.C., I.C.S.

"The R. I. N. will be represented on the committee by the Chief of Personnel at N. H. W., the Army by Maj. Gen. J. B. Dalison, and the R. A. F. by the Deputy Air Officer Administration of Air headquarters.

"Mr. J. Dayal, of the Finance Department is the fifth Member. The Secretary to the committee will be Col. W. Byrne."

**Sri M. Ananthasayanam Ayyangar :** In view of the change of Government, will the Government review the position and try to include some important Indians so that the entire situation may be reviewed ?

**Mr. G. S. Bhalja :** I should explain, Sir, that this committee is really in the nature of a technical body examining proposals relating to pay, etc. of the three Services.

**Mr. Manu Subedar :** Have the Government no Indian officers of such standing that they may be included in this committee ?

**Mr. G. S. Bhalja :** The committee have already performed a good deal of work and it is expected that as soon as the report of the Central Pay Commission is ready, this committee will co-ordinate their proposals with the recommendations of the Central Pay Commission and will submit their report.

**Mr. Manu Subedar :** That does not answer my question. I wanted to know whether there were no Indian officers of the same status as the Britishers who are on this Committee now who can be included and associated, as expressed by the wish of this House, in the work which this Committee is doing ?

**Mr. G. S. Bhalja :** I shall consider this question.

#### RULES re MILITARY PENSIONS, GRATUITIES, ETC., IN FORCE IN U. S. A. AND BRITISH DOMINIONS

80. **\*Mr. Ahmed E. H. Jaffer :** (a) Will the Defence Secretary be pleased to place in the Library of the House, the rules pertaining to military pensions, awards and gratuities in force in the case of the United States of America and British Dominions ?

(b) Is the present state of recruitment in the new Indian Army considered by Government satisfactory ?

(c) Do Government propose to appoint a Committee to consider amendments to pensions, awards to military officers and men in the Indian army so as to induce young Indians to join the army and make it a suitable career in the matter of pay ?

**Mr. G. S. Bhalja :** (a) No copy of the rules in force in the U. S. A. and British Dominions is available.

(b) The recruitment for admission to the Indian Military Academy as officer cadets is at present not satisfactory, since sufficient suitable candidates have not been coming forward. The whole question of the provision and selection of cadets is now under consideration with a view to ascertaining how the situation can be improved.

Recruitment of I. O. Rs. was reopened in March 1946. For the first three months volunteers were only sufficient to meet approximately 50 per cent. of the requirements. Later however, recruitment has been satisfactory and meets all demands except those for the more technical trades which require a higher educational standard.

(c) I would refer the Honourable Member to the reply to part (a) of his question I have just answered.

**Mr. Ahmed E. H. Jaffer :** Is it a fact that five thousand Indian officers have been demobilised ?

**Mr. G. S. Bhalja :** I cannot give the exact number, but a large number of officers have been demobilised.

**Mr. Ahmed E. H. Jaffer :** Is it a fact that negotiations are at present pending with the War Office to import into India British officers in place of the Indian officers who have been demobilised ?

**Mr. G. S. Bhalja :** The implication there is that Government are demobilising officers who are suitable and are trying to bring other officers from outside. The fact is that the officers who are demobilised, as my Honourable friend knows, had enlisted voluntarily and cannot be compulsorily retained in the army. Apart from that fact, a large number of officers who were selected during the war for the grant of emergency commissions are not suitable for permanent commissions in peace time.

**Mr. Ahmed E. H. Jaffer :** If these officers were perfectly suitable during the war, why are they not suitable now ?

**Mr. G. S. Bhalja :** That is because the qualifications required for an officer during war are not necessarily the same as those required in peace.

**Mr. Manu Subedar :** Have Government made any effort to get men who were temporarily in the army and did good work for five years trained up for the specific jobs for which Britishers are now being imported ?

**Mr. G. S. Bhalja :** Government are very seriously and anxiously considering the whole situation as to how best and how quickest the armed forces can be completely nationalised.

**Sjt. N. V. Gadgil :** Until Government come to a final decision will Government stop the import of British officers into India ?

**Mr. G. S. Bhalja :** No, Sir. While the question is being examined the work must go on ; the King's Government must be carried on. And therefore if we cannot get suitable officers at any stage we may perhaps have to fall back upon technical officers whom we cannot get in this country. These officers will only be seconded to the Indian Army.

**Lt.-Col. Dr. J. C. Chatterjee :** Is it a fact that while a large number of emergency commissioned officers are being demobilised there are still advertisements asking young men to apply for commissions in all departments of the army ?

**Mr. G. S. Bhalja :** Exactly so. I explained that the officers who are being demobilised are being demobilised in accordance with their age and service groups. As I said, they are all volunteers and they cannot be conscripted in the armed forces. There are others who have applied for the grant of permanent commissions and their cases are duly considered with all sympathy.

**Lt.-Col. Dr. J. C. Chatterjee :** Is it a fact that there is a large number of persons who are now being demobilised because they entered service for a short period but against their wish and in spite of the fact that they had the very best war record ? Will the Honourable Member tell me what the advantage is in demobilising these people who wish to remain in the army and not getting them trained while bringing in raw recruits and asking them to apply for commissions ?

**Mr. G. S. Bhalja :** I have already answered that question. I know there is a good deal of apprehension on this subject and there is a great deal of feeling on it, that while on the one hand we are demobilising officers we are on the other hand complaining of shortage of officers. But I have tried to explain briefly in reply to the question that the qualifications required for the grant of permanent commissions in peace time are not considered to be necessarily the same as in war by our expert authorities.

#### INFORMATION RE SUBHAS CHANDRA BOSE

**81. \*Mr. Ahmed E. H. Jaffer :** (a) Will the Honourable the Home Member please state whether Government have any definite evidence that Subhas Chandra Bose is alive ?

(b) Have Government's attention been drawn to the announcement by the President of the Forward Bloc that Mr. Bose is about to announce his arrival in Delhi at an early date ?

(c) Is it a fact that the present Interim Government propose to keep a Cabinet seat vacant for Mr. Bose

(d) Have Government received any communication from Mr. Bose during the last few weeks ?

(e) Do Government propose to place any information on the subject before this House ?

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

(b) Yes.

(c) The question of finding a place for Mr. Bose will arise only if he makes an appearance.

(d) No.

(e) Government have no information to place before the House.

**Mr. Ahmed E. H. Jaffer :** Is it a fact that if he turns up he is going to be appointed Defence Member ?

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

#### BROADCASTING STATION AT KARACHI

**82. \*Seth Sukhdev :** Will the Honourable Member for Information and Broadcasting be pleased to state :

(a) whether it is a fact that Karachi was to be given a first place in the matter of installation of a Broadcasting Station :

(b) whether it is a fact that necessary budget provision was made as early as 1942-43 ;

(c) when it is proposed to install such a Station in Karachi ; and

(d) whether in view of Karachi being the first air port in India, it is proposed to have a Short-Wave Radio Station at Karachi ?

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

(c) Karachi figures in the first instalment of the post-war scheme of broadcasting development in India, which is expected to be finalised in the very near future. It is not possible at this stage to give any definite date by which the new Karachi Station would be installed.

(d) No. For an internal service a short-wave Transmitter is technically not as satisfactory as a medium wave Transmitter. Since Sind primarily needs an internal service, it is not appropriate to instal a short-wave station at Karachi. The fact that Karachi is an air-port has no bearing on the question.

**Seth Sukhdev :** Is the Honourable Member aware that Sindhi merchant are scattered all over the world and they would naturally like to have news from their home ? And is it not therefore necessary to have a powerful station ?

**The Honourable Sardar Vallabhbhai Patel :** But the short wave will not do for shorter distances and an internal service is more needed in Sind. Reference may be made to the Honourable Member's own letter and the reply given by my predecessor.

WAUGH MISSION TO U. S. A.

83. \***Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state in what terms the purpose of sending the Waugh Mission to U.S.A. was announced (i) in the Assembly and (ii) in the Press Note ?

(b) How did this Mission, which had gone to U.S.A. merely to talk about the surplus American stores, come to deal with the whole question of Lease-Lend, Reciprocal Aid and silver ?

(c) Is it a fact that the Lease-Lend Settlement between U.S.A. and U.K. took place on the basis of U.K. paying about five per cent, whereas in the case of India it involved the full payment, and what are the exact figures ?

(d) If all outstanding in connection with the war were settled by this Mission, how was it that the question of silver was dealt with separately ?

**The Honourable Mr. Liaquat Ali Khan :** (a) and (b). I would refer the Honourable Member to paragraph 12 of the last Budget Speech and the Press communique issued by the Government of India on the 31st May 1946. It will be observed that it was intended from the very beginning that the Mission should deal with the question of Lease-Lend and Reciprocal Aid as well as surplus American War property in India. The Mission was not asked to deal with, nor did it deal with, silver which continues to be covered by separate agreements executed at the time of each deal.

(c) No. I would refer the Honourable Member to the Press communique issued by the Government of India on the 31st May, 1946, and the joint statement issued by the Governments of the United Kingdom and United States of America in December 1945 which indicate the basis of their respective agreements.

(d) In view of the reply to (a) and (b) it does not arise.

**Mr. Manu Subedar :** In view of the improved relation between America and India in the status of their representatives and the fact that many people feel that India has had a very bad deal, will the Honourable Member assure this House that he will take this up and place all the details before the Standing Finance Committee, helped by one or two Members of this House if necessary, and see whether money cannot be yet retrieved from this very disastrous settlement which has been made ?

**The Honourable Mr. Liaquat Ali Khan :** I am afraid I cannot accept the Honourable Member's statement that the deal has been a disastrous one for India.

**Mr. Manu Subedar :** Will he then place all the details before the Standing Finance Committee ? In particular, will he examine whether in the categories of supplies to the allied armies including Americans themselves, some of the categories which were put in to lease-lend and were charged to India were really and properly chargeable ? In the interests of India and in conformity with the promise which he made yesterday, will he make serious inquiries into the matter to see whether some money cannot be saved to this country out of this ?

**The Honourable Mr. Liaquat Ali Khan :** The details of this deal are contained in the Appropriation Report of the Defence Department which will be supplied to the Honourable Members shortly, and after that if my Honourable friend wants further information I shall be very glad to discuss the whole matter with him.

**Mr. President :** Order, order. The question hour is over.

(b) WRITTEN ANSWERS.

WAUGH MISSION TO U. S. A. AND THE OBLIGATION TO PAY SILVER IN KIND

84. \***Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether the Waugh Mission to U.S.A. during its stay in Washington made any reference to the Government of India and were the terms fixed by them communicated to the Government of India ? If so, when, at what time, by whom and in what terms was the acceptance given on behalf of India ?

(b) Why did not the Government of India object to the obligation to pay silver in kind ?

(c) Had Government taken any measures subsequently to represent that this could not be done ?

(d) Do Government propose to lay on the table of the House a copy of the original silver agreement, under which India is called upon to pay ?

(e) What is the total liability, and how do Government propose to meet it ?

**The Honourable Mr. Liaquat Ali Khan :** (a) The Government of India were kept informed of the progress of the negotiations between the Waugh Mission and the United States Government and the terms of the Agreement were approved by the Government of India before the Agreement was executed.

(b) As stated in my reply to the previous question, the Waugh Mission had nothing to do with the silver agreements. The silver transactions, though popularly referred to as Lease/Lend, did not fall under Lease/Lend arrangements. In view of the exchange difficulties, the best way in which the silver could be obtained from United States of America was on replacement basis and silver was loaned by United States of America to all countries on this basis. There was, therefore, no question of objecting.

(c) In view of the basis on which the agreement was executed the Government of India could not ask for a change subsequently.

(d) No, Sir. There were a number of silver agreements the substance of which is contained in my replies to Questions 84 and 85.

(e) 226 million fine ounces. Government have various measures under consideration which it would not be in the public interest to divulge at this stage.

#### PRICE OF SILVER SOLD IN INDIA AND BROUGHT UNDER THE SILVER AGREEMENT DURING THE WAR

**85. \*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state at what price the silver, which was brought over under the Silver Agreement during the war, was sold in India ?

(b) What happened to the rupee realisations out of such sale ?

(c) What is the figure of the total loss to India if this silver is returned by purchase from the market at the existing rate ?

(d) What was the total amount of unsold American silver left with the Government of India out of the American supply ?

(e) At what rate was it sold, and when ?

(f) Was any of it returned in the form in which it came ?

**The Honourable Mr. Liaquat Ali Khan :** (a) The average sale price was Rs. 127-0-3 per hundred tolas.

(b) The rupee proceeds were credited to Central Government and are merged in Government's balances.

(c) The question is hypothetical as the silver is returnable to the United States of America within five years from the termination of the period of emergency as declared by the United States President. That declaration has not yet been made.

(d) and (f). It would not be in the public interest to disclose the information.

(e) The rate has been stated in answer to (a) above. The sales were made during the period 7th August 1944 to 3rd July 1945.

#### SILVER REALIZED FROM THE WITHDRAWAL OF SILVER COINAGE

**86. \*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state the total quantity of silver, which fell into the hands of Government as the result of the withdrawal of subsidiary silver coinage ?

(b) What is the total quantity estimated by Government, which is likely to fall into their hands as the result of the withdrawal of the security-edge rupee ?

(c) How many of these security edge-rupees were issued and was all the silver realised from the withdrawal of the standard silver rupee used up ?



(d) Was this supplemented by the use of silver from American sources ?

(e) Have Government taken a decision as to whether the security-edge rupee should be withdrawn ?

(f) Have Government ascertained public opinion on this subject ? If so, how and through whom, and when do they propose to bring this matter before the Assembly ?

**The Honourable Mr. Liaquat Ali Khan :** (a) I presume that by subsidiary silver coinage the Honourable Member means half and quarter rupee quaternary coins. As these have not yet been withdrawn the question does not arise.

(b) This is a hypothetical question on which no opinion can be given.

(c) First part—The total issues of quaternary alloy security-edged rupees upto the 15th October 1946 amount to 106,20,00,638.

Second part—Yes, Sir.

(d) Yes, Sir.

(e) No, Sir.

(f) Government have not taken any steps to ascertain public opinion on the subject. If Government decide to take action in this respect legislation will be introduced to mint and issue a new coin.

#### MODIFICATION OF CERTAIN SECTIONS OF RESERVE BANK OF INDIA ACT

**87. \*Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state when Government propose to modify sections 40 and 41 of the Reserve Bank of India Act ?

(b) Are Government aware that a large amount of British capital is being withdrawn from India and converted into sterling independently of the Reserve Bank through Banks ?

(c) What steps do the Government of India intend to take in order to block these capital conversions from rupee into sterling, which are set off against current trade ?

(d) Have Government noticed the increasing movement of Indian funds to the London Stock Exchange, and what steps Government propose to take with regard to this movement ?

(e) Have Government noticed the tendency for increased speculation in exchange and for forward dealings, and what steps Government propose to take with regard to this tendency ?

**The Honourable Mr. Liaquat Ali Khan :** (a) The question of the appropriate time for the modification of Sections 40 and 41 of the Reserve Bank of India Act is under the consideration of the Government.

(b) The report regarding the acquisition by Indian nationals of British owned undertakings in India show that such withdrawal and conversion is taking place but Government have no information about the amounts involved.

(c) Government have not considered it necessary so far to take any such steps but they are watching the situation.

(d) Yes, Sir ; but it does not appear that the volume of such investments is such as to call for any action on the part of Government.

(e) There has recently been some increase in the demand for ready and forward sterling, but it is understood that this is mainly due to causes referred to in parts (b) and (d), the relaxation of import controls and the improved shipping position. There has also been no corresponding increase in exports to balance the rise in imports. Government have been informed that banks authorised to deal in foreign exchange are providing exchange facilities only for genuine business purposes and are refusing to provide exchange for speculative transactions. The position is being watched but it does not appear that any action on the part of Government is called for at present.

## NEW DELHI MUNICIPALITY

**88. \*Pandit Sri Krishna Dutt Paliwal :** Will the Honourable Member for Health be pleased to state if Government intend to democratise the New Delhi Municipality ? If so, when and how ?

**Mr. S. H. Y. Oulsnam :** The matter is under consideration and a final decision will be arrived at shortly.

## BAN ON NETAJI SUBHAS CHANDRA BOSE

**89. \*Pandit Sri Krishna Dutt Paliwal :** (a) Will the Honourable the Home Member please state whether the Interim Government have made enquiries about the reported death of Netaji Subhas Chandra Bose ? If so, with what results ?

(b) Is there any ban on his return to India ?

(c) Have all the cases pending against him been withdrawn ?

(d) Can he return to India as a free man ?

**The Honourable Sardar Vallabhbhai Patel :** (a) The answer to the first part of the question is in the negative. The second part does not arise.

(b) No.

(c) The Government of Bengal have been requested to furnish the required information and their reply is awaited.

(d) There are no restrictions placed on Mr. Bose.

## BANNED BOOKS AND PUBLICATIONS UNDER SECTION 19 OF SEA CUSTOMS ACT

**90. \*Pandit Sri Krishna Dutt Paliwal :** Will the Honourable the Home Member kindly state if some books and other publications still remain banned under section 19 of the Sea Customs Act ? If so, what are the names of such books and publications and the reasons for their remaining banned ?

**The Honourable Sardar Vallabhbhai Patel :** Yes. Their names are given below. They are banned because they are considered to be offensive to Indian political or religious sentiment.

1. The Face of Mother India (by Miss Katharine Mayo).
2. Old Soldier Sahib (by Frank Richards).
3. The Land of the Lingam (by Arthur Miles).
4. Hindu Heaven (by Max Wylie).
5. Mysterious India (by Moki Singh).
6. Scented Garden (by Bernard Stern).
7. Britannia & Eve (monthly magazine) for July 1946.

## SECURITY FROM THE VANGUARD UNDER PRESS EMERGENCY POWERS ACT

**91. \*Miss Maniben Kara :** Will the Honourable the Home Member please state :

(a) whether Government are aware that an order from the District Magistrate, Delhi, was passed asking the daily *vanguard* and some other papers to show cause why security should not be demanded from them under the Press Emergency Powers Act for having published a news item in its issue, dated September 4th, 1946 ;

(b) whether it is a fact that the particular news item was circulated by the Associated Press of America and was substantially a true report of a meeting held in Lahore on 31st August 1946 ; and

(c) whether Government propose to give an assurance to the House that in future it will be the policy of Government not to interfere with the freedom of the Press ?

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

(c) The policy of Government in regard to the freedom of the Press has been stated in my speech to the All-India Newspaper Editors' Conference, a copy of which is placed on the table of the House.

*The Honourable Sardar Patel's address to All India Newspaper Editors' Conference on the 13th October, 1946*

I welcome the opportunity you have given me to meet the members of your Committee. Most of you, I am glad to say, are not strangers to me; indeed many among you I count as friends.

I am sorry—as doubtless you all are—that Mr. S. A. Brelvi, one of your former Presidents, is not here with us today. He has played a worthy part in enhancing the reputation of your profession and in building up the All-India Newspaper Editors' Conference. I am sure you will join me in wishing him a complete and speedy recovery.

#### *"Formative Period"*

You would naturally like me, on this occasion, to refer to the relationship between the Press and the Interim Government. I may at once say that the Interim Government is most anxious to have the co-operation of the Press in the difficult task that lies ahead of us. We shall scrupulously respect the freedom of the Press; in fact, we shall help it to exercise its legitimate functions; and we have every confidence that the Press, for its part, will assist us in administering the affairs of the country during the strenuous times through which we are passing because of the change-over from foreign rule to independence. It will be your responsibility to guide and reflect public opinion during this formative period. I am sure you will discharge it with credit to your calling and benefit to our motherland.

The All India Newspaper Editors' Conference was born at a time and in circumstances which today are only a bitter memory. Faced with an unprecedented invasion of the liberty of the Press by a regime, which, in the name of war, forged an unending chain of restrictions, you got together in 1940 to protect your rights. Intent on suppressing the freedom movement, the Government of the day strove to prevent publicity about the movement and even about the sufferings and sacrifice of the people. I need not recall specific instances; they must be fresh in your minds. The Press resisted, I suppose as well as it could, these inroads into its rights.

#### *"Mutually Beneficial Association"*

But all that is now history. Today the situation has radically changed. Foreign rule is about to end. There is now at the Centre a Government which is the forerunner of the fully independent State which we shall soon fashion. You will, therefore, naturally find yourselves in tune with the new set-up and I know you will extend to the Government your unstinted co-operation and support in carrying out the task of achieving complete independence without delay.

As one in charge of the Information Department, I look forward to mutually beneficial association with you. I am also responsible for Home affairs. As you are aware, anti-social elements are plying their nefarious trade in certain areas of the country. It is the primary duty of every Government to protect the life and property of the citizen. Our internal political and other differences must be solved not by force or violence but by negotiation and persuasion or, in the last resort, by arbitration. The Press has a great and worthy part to play in driving this maxim home to the people.

#### *Responsibility of the Press*

The Press must have unfettered freedom in the presentation of news and expression of views, but it also has the obligation to preserve the integrity of the State and support the legitimate activities of a popular Government. It must, when occasion demands, help the Government in defeating the forces of disruption. Negatively as well as positively, the Press should discourage unruly elements.

When feelings run high and tempers are frayed, it is the duty of every responsible person to desist from saying or doing things which are likely to inflame passions. Incitements to violence will, of course, not be tolerated. But there are other forms of writing containing veiled incitement which do great harm. I do hope and trust you will avoid both.

I understand that recently the Central Press Advisory Committee formulated certain suggestions for the guidance of the Press in respect of news and comments on communal disturbances. These are:—

1. During riots reports should not contain anything to indicate the community of either victims or assailants.
2. While every endeavour should be made to ensure that reports factually correct and are received from sources known to be reliable, such reports as give details of defiance of the law or are calculated to inflame public feelings or to create communal hatred should be treated with the greatest circumspection.
3. Reports of speeches, statements or news directly inciting people to violence should be avoided.
4. Care should be taken in editorials to avoid expressions calculated to encourage or condone violence or to arouse communal bitterness.

I am not sure that these suggestions fully meet the requirements of the situation, but they are, I think, a step in the right direction, constituting as they do a healthy guide to the Press.

#### Revision of Press Laws

I notice that you have as an item on your agenda the suggestion that Government should set up a machinery for revision of the Press Laws in the country with a view to bringing them in line with the Press Laws of other free countries. I do not propose to anticipate your discussion. This much I may say on behalf of Government, that they will have no objection to setting up a committee of officials and non-officials, including representatives of the Press, with a view to examining the repeal or modification of the laws now in force.

As I said in my opening remarks, I am happy to meet you. You have I expect, a heavy agenda to go through. Any resolutions you put forward will receive our careful and active consideration. The administration of the Press Laws is, as you know, a provincial subject; but there is unlimited scope for co-operation between the Interim Government and the Press in helping to build a new India. I have every hope that the Government and the Press will work hand in hand in that nation-building task.

#### ABOLITION OF CAPITAL PUNISHMENT

92. \*Mr. Sasanka Sekhar Sanyal: Will the Honourable the Home Member be pleased to state:

(a) whether the question of abolishing capital punishment is engaging the attention of Government; and

(b) when, approximately, Government are likely to come to decision in the matter?

The Honourable Sardar Vallabhbhai Patel: (a) Government are not considering the abolition of the death sentence.

(b) Does not arise.

#### PUNISHMENTS TO I. N. A. PERSONNEL

93. \*Shri Sri Prakasa: Will the Secretary of the Defence Department be pleased to state:

(a) the number of Indian National Army personnel that were arrested and kept in various jails in India;

(b) the number against whom cases were instituted and the nature of punishments that were meted out to them;

(c) the number of persons that are still in prison as (i) under-trials, and (ii) under sentence;

(d) the jails in which they are confined and the classification that is given to them; and

(e) if it is his intention to release any or all of them; and if so, when?

Mr. G. S. Bhalja: (a) The total number of military I. N. A. personnel who were at one time or another detained pending disposal was 16,790.

If, however, the Honourable Member is asking only for the numbers who were arrested in India, the number is very small.

(b) 24 cases were instituted before the fall of Rangoon, the punishments varying from six years' rigorous imprisonment to death. 13 cases were instituted after the fall of Rangoon, the punishments varying from dismissal to 14 years' R. I.

(c) There are no persons now under trial. There are 15 persons serving sentences.

(d) I would refer the Honourable Member to the statement laid on the table of the House on the 28th October 1946, giving the information promised in reply to Starred Question No. 779, asked by the Honourable Member on the 8th March 1946.

(e) Court martial proceedings of men undergoing imprisonment are reviewed from time to time and the same procedure has heretofore been followed in the case of I. N. A. personnel. Their cases are due for review shortly.

## RESTRICTIONS ON THE EMPLOYMENT IN PUBLIC SERVICE OF EX-I. N. A. MEN

94. \*Shri Sri Prakasa : Will the Secretary of the Defence Department be pleased to state :

(a) if any restrictions have been placed by the Central Government on the employment of ex-Indian National Army men in public service ; and if so, from what particular departments they are banned ; and

(b) if Government will consider the desirability of removing the restrictions ?

Mr. G. S. Bhalja : (a) No, Sir. No special restrictions on the employment of these persons have been imposed by the Central Government.

(b) Does not arise.

## ACQUIRED LANDS IN BENARES FOR PURPOSES OF WAR

95. \*Shri Sri Prakasa : Will the Secretary of the Defence Department be pleased to state :

(a) the decision of Government regarding the lands acquired for purposes of war at various places in the district of Benares ;

(b) if it was not the intention of Government to restore the lands back to the cultivators, and if there has been any change in this decision ; and

(c) if there has been no change, what steps Government are taking for the speedy restoration of these lands ?

Mr. G. S. Bhalja : (a) From part (b) of the question it appears that the Honourable Member refers to requisitions and not acquisitions. Except for two airfields, no land has been acquired in Benares District.

The decision of Government regarding lands requisitioned in Benares District for purposes of War is that they should be returned to their owners.

(b) Government's original intention in the case of lands requisitioned for the establishment of No. 2 Reserve Base, Benares, was that they should be acquired, because of the high value of the assets created on them and the heavy cost of restoring the lands to their original condition.

This decision has been changed and orders have been issued for the release of all requisitioned lands except those still required by the Armed Forces.

(c) All lands found surplus to the requirements of the Armed Forces are being released and the release is being speeded up by the decision to dispose of created assets piecemeal without waiting for the complete project to become surplus to Defence Services requirements.

## INCOME-TAX ON COMPENSATION FOR LANDS ACQUIRED FOR WAR PURPOSES IN BENARES

96. \*Shri Sri Prakasa : Will the Secretary of the Defence Department be pleased to state :

(a) if it is a fact that agricultural lands were acquired for war purposes by Government in various parts of the district of Benares ;

(b) if it is a fact that Government paid an annual compensation for these lands to the tenants ;

(c) if it is a fact that the lands now being regarded as non-agricultural, the compensation paid by Government had come to be regarded as subject to income-tax ; and

(d) if it is a fact that compensation was paid on the basis of the income of the tenants as being exempt from income-tax ; and if so, whether Government propose either to exempt such income from income-tax or pay the tax themselves ?

Mr. G. S. Bhalja : (a) Agricultural lands were not acquired except for two airfields but requisitioned in parts of the Benares District, mainly in connection with the establishment of No. 2 Reserve Base Benares.

(b) Yes.

(c) Yes. The income-tax Authorities have, in accordance with the rules governing income from lands temporarily acquired under the Land Acquisition Act, ruled that compensation for lands not used for purposes of agriculture is liable to Income-tax.

(d) Compensation was based on agricultural profits without taking into consideration the payment of Income-tax. Government will examine the whole question.

#### REMOVAL OF BRITISH SOLDIERS FROM CALCUTTA

97. \*Mr. Debendra Lal Khan : (a) Will the Secretary of the Defence Department please state how many British soldiers were present in Calcutta on and after the 16th of August last ?

(b) How many Indian soldiers were present in Calcutta during the aforesaid period ?

(c) Has any subsequent reinforcement been sent there afterwards ? If so, how many of them were British and how many Indians ?

(d) Are the Indian soldiers present in Calcutta considered sufficient to quell the communal disturbances there ?

(e) if the answer to part (d) above be in the affirmative, will the Honourable Member please refer to of the statement given by the Earl of Winterton, ex-Secretary of State for India in the Conservative Party's meeting at Blackpool, alleging " the use of British troops in India as hired mercenaries for quelling communal conflicts ", and take steps to remove the British soldiers from Calcutta to some other place ?

Mr. G. S. Bhalja : (a) 3,729 British soldiers were in Calcutta on the 16th of August 1946.

(b) On the same date there were in Calcutta 23,383 Indian soldiers.

(c) Reinforcements despatched to Calcutta subsequent to the 16th of August 1946, were :- British soldiers—1,768 (Reduced to 459 on the 25th of August 1946.), and Indian soldiers—2,231 (Reduced to 629 on 22nd of August 1946).

(d) The responsibility for quelling communal disturbances rests with the Civil Administration. The number of troops who might be required to aid the civil power can only be a matter of opinion ; it is the military opinion that the number of Indian troops at present in the Calcutta area is sufficient.

(e) No, Sir, Government are not concerned with the utterances of individual members of the British Parliament, who have no responsibility in the matter.

#### DECISIONS OF THE INCOME-TAX APPELLATE TRIBUNAL

98. \*Seth Govind Das : (a) Is the Honourable the Finance Member aware that on account of the provisions of section 54 (i) of the Income Tax Act, the decisions of Income Tax Appellate Tribunal cannot be published and are therefore not available to the assesses for citation or reference ?

(b) What steps does he propose to take to help the assesses to know the Tax Law as interpreted by the Appellate Tribunal ?

The Honourable Mr. Liaquat Ali Khan : The question should have been addressed to the Honourable the Law Member. It has accordingly been transferred to the list of questions for the 6th November 1946, when it will be answered by the Honourable the Law Member.

#### REFUNDS OF INCOME-TAX

99. \*Seth Govind Das : Will the Honourable the Finance Member please state as to whether he proposes to take steps by legislation, Rules or executive orders, (a) to expedite grants of refunds of Income Tax to assesses and others who are entitled to the same, (b) to provide for stay orders of assessment orders of subordinate officers pending appeals or references to higher authority ?

The Honourable Mr. Liaquat Ali Khan : (a) Executive instructions already exist that refunds should be granted as expeditiously as possible and Inspecting authorities look into this at the time of inspection and take necessary action.

when they come across refund claim outstanding for more than three months without adequate reasons. The Income Tax Department is also being reorganised as a result of which not only will the strength be greatly augmented but the quality of the officers will also be appreciably improved. This will further help in the reduction of delays.

(b) No, Sir, I consider the discretion that Section 45 of the Income Tax Act gives the Income Tax Officer, to treat a person as not in default as long as appeal filed by him is undisposed of, is adequate.

#### LIABILITY TO PENAL INTEREST FOR NON-DEPOSIT OF ADVANCE TAX

100. \*Seth Govind Das : (a) Will the Honourable the Finance Member please state whether Government are aware that the non-deposit of Advance tax in any instalment even due to inability of income tax payers to arrange for the deposit makes him liable to penal interest ?

(b) Will he state whether in cases of default as above both penal interest as well as separate penalty to a very great extent under Section 13 (a) and (b) of the Indian Income Tax Act are contemplated under the law ?

(c) Do Government propose to remove the ambiguity regarding the application of penal provisions under the "pay-as-you-earn" scheme introduced purely as a war measure ?

The Honourable Mr. Liaquat Ali Khan : (a) and (b). I take it that the reference to section 13 (a) and (b) in part (b) of the question is in fact to sub-section (10) of section 18-A of the Indian Income-tax Act, 1922. If so, the reply to part (a) of the question is in the negative. As for part (b) only a penalty under sub-section 10 (a) or (b) would be leviable in such cases to the extent warranted by the circumstances of each particular case.

(c) Does not arise.

#### CLERKS ON MEDICAL LEAVE SUMMONED FOR THE INCOME-TAX DEPARTMENT TEST IN SIND CIRCLE

101. \*Seth Sukhdev : (a) Will the Honourable the Finance Member be pleased to refer to reply to part (e) of starred question No. 939, dated the 13th March, 1946 in which Government denied that clerks on medical leave were summoned to appear for the Income-tax Department test in the Sind Circle and state whether Government are aware that the Sind Union has represented to the Central Board of Revenue the case of a clerk on medical leave who was summoned to appear for the above test ?

(b) If so, why has the affected person not been compensated so far ?

(c) Do Government propose to afford relief in this case ?

The Honourable Mr. Liaquat Ali Khan : (a) No representation has been received by the Central Board of Revenue from the Association of the Non-Gazetted Superior Staff, Income-tax Department, Sind and Baluchistan regarding any particular clerk on medical leave who was summoned to appear for the test though it was alleged in general terms that candidates who were on long leave or medical leave were recalled and made to appear at the test.

(b) and (c). Do not arise.

#### POSTS IN THE SIND AND BALUCHISTAN INCOME-TAX OFFICES

102. \*Seth Sukhdev : (a) Will the Honourable the Finance Member be pleased to state whether posts of Supervisors and Head Clerks have been sanctioned for Sind and Baluchistan Income Tax Offices in the Reorganization Scheme of the Income Tax Department ?

(b) If so, why have these not yet been filled up ?

(c) Is the Honourable Member aware that senior Upper Division Clerks in the Income Tax Department in Sind and Baluchistan are performing the duties of Head Clerks on their personal pay ?

(d) If the reply to part (c) above is in the affirmative, why is no allowance paid to them for performing the duties of the posts carrying higher responsibilities since January, 1945 ?

(e) Do Government propose to grant necessary allowance to them ?

**The Honourable Mr. Liaquat Ali Khan :** (a) No. The posts of Supervisors and Head Clerks will come into being when full effect is given to the Reorganisation scheme.

(b) Does not arise in view of my reply to part (a).

(c) Senior clerks in the Upper Division scale sanctioned with effect from the 1st January, 1945, *in lieu* of the pre-existing scales of Senior clerk and First Grade clerk, are doing the work of the pre-existing Senior clerks, not Head clerks.

(d) and (e) Since the Upper Division scale is better in the later stages than the pre-existing Senior Clerk's scale, the question of giving the Upper Division Clerks any allowance while performing the duties previously done by the senior clerk does not arise.

#### RECOMMENDATIONS OF THE BHORE COMMITTEE REPORT

**103. \*Mr. Madandhari Singh :** Will the Honourable Member for Health be pleased to lay on the table of the House a statement indicating the action that has been taken or is proposed to be taken on the principal recommendations of the Bhore Committee Report ?

**Mr. S. H. Y. Ousnam :** A statement is laid on the table.

*Statement indicating the action taken on the principal recommendations of the Bhore Committee's Report.*

##### 1. Recommendations relating to—

- (a) the objectives suggested by the Committee,
- (b) district health organisation,
- (c) Central and Provincial boards of health and health councils,
- (d) the amalgamation of the medical and Public Health Departments,
- (e) water supply and sanitation,
- (f) anti-malaria measures,
- (g) quinine production, and
- (h) the Indian systems of medicine, were discussed at a meeting of Provincial ministers held on the 10th to 12th October and copies of the resolutions passed are attached to this statement. Other recommendations are referred to below.

2. *Professional education.*—The recommendations of the Committee have been referred to the Indian Medical Council for their opinion.

3. *Regulation of the dental, pharmaceutical and nursing professions.*—Proposals for legislation for the regulation of the dental profession have been prepared and sent to Provincial Governments for their views. Legislation for the regulation of the pharmaceutical and nursing professions has been introduced in the Legislature.

4. *Training of personnel.*—(a) 54 students have been selected for advanced training abroad and arrangements for placing them in institutions in the United Kingdom and United States of America are in progress. Candidates are also being selected for higher dental training and training in industrial hygiene and nutrition.

(b) It has been decided to convert an American hospital at Calcutta into a temporary college for giving degree courses to medical licentiates from all parts of India.

(c) A College of Nursing has been established at Delhi to provide higher training for nurses.

(d) The staff of the All India Institute of Hygiene and Public Health has been increased to provide for 60 public health students a year and other specialised courses.

(e) The Malaria Institute is being expanded to provide increased facilities for training and research.

5. *All-India Medical Institute.*—The Committee's recommendation has been accepted in principle and a Committee is to be appointed to advise the Government on the steps to be taken to establish the institution.

6. *Medical Research.*—The recommendations of the Committee have been referred to the Indian Research Fund Association for their views.



7. *Bureau of standards.*—A bureau of standards for medical institutions has been set up. The bureau will supply model type designs for hospitals to Provincial Governments and serve generally as a clearing house for information relating to the design and equipment of medical institutions.

8. Other recommendations are under consideration.

*Statement showing Resolutions of the Health Minister's Conference on certain recommendations of the Health Survey and Development Committee*

*Resolution 1*

OBJECTIVES

"The Conference endorses the objectives proposed by the Bhoré Committee as objectives to be kept in view in formulating plans for a national health service".

*Resolution 2*

DISTRICT HEALTH ORGANISATION

The Conference considers that the District Health Organisation proposed is administratively sound and acceptable in principle. The programme for the first five years is not within present financial resources but it is agreed :—

Firstly, that the scheme should be implemented on as wide a scale as possible consistent with financial limitations, taking full advantage of existing institutions and staff ;

Secondly, that modifications in the scheme may be made where necessary to adapt it to local conditions ;

Thirdly, that in areas where the full organisation cannot be set up immediately, schemes for development should be framed with due regard to the objective of building up a curative and preventive health service on the general lines recommended by the Committee ;

Fourthly, that each Province should review its plans with these considerations in view

*Resolution 3*

THE PROVISION OF FACILITIES FOR THE TRAINING OF MEDICAL AND OTHER PERSONNEL

The conference agrees that a review of training facilities in the light of probable future requirements should be undertaken and that particular emphasis should be laid on the training of personnel. It also agrees that as far as possible, the larger provinces should assist those provinces which have not yet been able to provide their own training facilities by admitting students to their training institutions.

*Resolution 4*

CENTRAL AND PROVINCIAL BOARDS OF HEALTH AND HEALTH COUNCILS

The Conference agrees that Boards of Health and Councils of Experts should be constituted at the Centre and in the Provinces. It considers that representatives of the Central Legislature should be included in the Central Board of Health, that the constitution of the Provincial Boards should be left to the discretion of the Provincial Governments and that the health experts of the Central and Provincial Governments should attend the Central Board of Health. The Conference also considers that the functions of the Central Board and Council should be purely advisory.

*Resolution 5*

THE AMALGAMATION OF THE MEDICAL AND PUBLIC HEALTH DEPARTMENTS

The Conference accepts the principle of amalgamation of medical and public health departments and considers that the amalgamation should take place when a suitable opportunity occurs.

The Hon'ble Ministers from Madras and Bombay, dissented from this view. The Hon'ble Minister from Madras considered that coordination between the two departments was preferable to amalgamation.

*Resolution 6*

WATER SUPPLY AND SANITATION

The Conference agrees :—

(1) that an active programme for the improvement of water supply and sanitation in both urban and rural areas should be undertaken ;

(2) that in respect of water supply the objective should be to provide at least 50% of the population with a safe and abundant water supply within a period of not more than 20 years and the entire population within not more than 35 years.

(3) that in urban areas the objective should be to instal adequate sewerage in all towns with a population of 50,000 or over during the first 10 years ;

(4) that the constitution and functions of provincial water and drainage boards should be left to the discretion of Provincial Governments.

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*Resolution 7*

ESTABLISHMENT OF ANTI-MALARIA ORGANISATIONS

*The Conference agrees :*

- (1) that a vigorous drive against malaria should receive priority in development programmes ;
- (2) that, subject to adaptation to suit local conditions, anti-malaria organisations should follow the general frame work of the organisation proposed by the Bhoré Committee ;
- (3) that anti-malaria personnel trained in the Defence Services should be utilised to the fullest possible extent.

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*Resolution 8*

THE POLICY IN REGARD TO QUININE AND OTHER ANTI-MALARIA DRUGS

The Conference agrees that quinine production should be continued and developed up to about 200,000 lbs. a year, subject to review from time to time. It was also agreed that the views expressed by the Provincial Ministers on the subject of a guarantee to the producing provinces should be further considered by the Government of India in consultation with Provincial Governments.

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*Resolution 9*

I. In accordance with the recommendations of the National Planning Committee, this Conference resolves that adequate provision should be made in the Centre and the Provinces—

(a) for research in and the application of the scientific method for the investigation of the indigenous systems like Ayurveda and Unani with references to (1) maintenance of health and (2) prevention and cure of disease.

(b) for starting schools and Colleges for training for diploma and degree courses in Indigenous Systems of Medicine.

(c) for post graduate courses in Indian Medicine for graduates in Western Medicine.

II. In accordance with Resolution No. 13 National Planning Committee this Conference resolves to absorb the practitioners of Ayurvedic and Unani Systems of Medicine into the State Health Organisation by giving them further scientific training wherever necessary as health personnel, like doctors, physical training experts (Ustads), Sanitary staff, masseurs, nurses, midwives, etc.

III. This Conference resolves that, in the Central Council and Provincial Health Boards and Councils the departments and practitioners of Indian Medicine should be given due representation, wherever possible.

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DETENUS AND POLITICAL PRISONERS IN BRITISH INDIA PRISONS

104. \*Mr. Madandhari Singh: Will the Honourable the Home Member be pleased to state the number of detenus or political prisoners kept in the various prisons of British India and the reason for their detention ?

**The Honourable Sardar Vallabhbhai Patel :** The Honourable Member's attention is invited to my reply to question No. 68 put by the Honourable Mr. Sanyal on the same subject. The Government of India are concerned only with those detained under the orders of the Government of India.

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STEPS TO INCREASE THE PURCHASING POWER OF PAPER RUPEE

105. \*Dr. Zia Uddin Ahmad : Will the Honourable the Finance Member please lay on the table of the House a statement about the steps he has taken or is contemplating to take to increase the purchasing power of the paper rupee ?

**The Honourable Mr. Liaquat Ali Khan :** I do not accept the implied suggestion that paper rupee has a different value than the metallic rupee. As regards the purchasing power of the rupee, Government have continued the various anti-inflationary measures mentioned in the budget speeches and answers to previous questions in the House. Government are aware of the persistence of the inflationary trend in spite of a reduction in currency and increase in imports and have under consideration further measures for checking this tendency.

## UNSTARRED QUESTIONS AND ANSWERS

### SEPARATION OF JUDICIARY FROM THE EXECUTIVE

**16. Mr. Sasanka Sekhar Sanyal :** Will the Honourable the Home Member be pleased to state :

(a) whether it is a fact that the present Government are considering taking steps for the separation of the Judiciary from the Executive ;

(b) whether the attention of Government has been drawn to the large volume of public opinion in favour of such separation as expressed in the Press, on the platform of various conferences and on the floor of the Provincial and Central Legislatures from time to time over years and years ; and

(c) the difficulties, if any, in effecting such separation immediately or in the very near future ?

**The Honourable Sardar Vallabhbhai Patel :** Not only are Government aware of, but they are in sympathy with, the public demand for the separation of the Judiciary from the Executive. The matter is, however, mostly the concern of the Provincial Governments ; the Central Government are only responsible for the Chief Commissioner's Provinces. As has been pointed out by Ministers concerned in some of the Provinces, there are constitutional difficulties in the way of implementing this reform in our administrative system at present. These difficulties, we hope, will disappear shortly when the control of the Secretary of State over the services in India is terminated. It would then be possible to examine the problem in all its rather complicated details and review what changes in the criminal law of the country would be necessary. It is also a matter for some consideration whether the questions should not await the determination of the future constitutional structure of this country.

### TABOO OF THE WORDS 'JAI HIND' IN THE INDIAN ARMED FORCES

**17. Mr. Debendra Lal Khan :** Will the Secretary of the Defence Department please state whether it is a fact that the words "Jai Hind" which are freely used even by the members of the Interim National Government, are tabooed in the Indian Army, Navy and the Air Forces ?

**Mr. G. S. Bhalja, No, Sir.** But the Army has its own slogans in peace and war which have been in vogue for decades past and no change is contemplated in current usages.

### SHORT TERM PLAN FOR IMPLEMENTING THE RECOMMENDATIONS OF THE BHORE COMMITTEE

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

(a) what short term plan has been adopted for implementing the recommendations of the Bhore Committee which has submitted a comprehensive report upon the problem of Health in Rural India ;

(b) how, financially and organisationally, Government propose to co-ordinate the schemes between the Centre and Provinces ; and

(c) whether the matter has been placed before the Standing Committee for Health, and when the said Committee met last ?

**Mr. S. H. Y. Oulnam :** (a) No uniform short term plan has yet been adopted. The Bhore Committee's Scheme for a district health organisation in the rural areas was considered at a Conference of provincial ministers held on the 10th to 12th October and the Conference was of the opinion that although the scheme was acceptable in principle, it was not within present financial resources. The Conference, however, agreed that the schemes already prepared by Provincial Governments should be reviewed in the light of the recommendations of the Committee with the object of gradually building up a health service on the lines suggested by the Committee.

(b) The Central Government has agreed to make annual block grants for development to Provincial Governments. The grants will be subject to the conditions contained in the Planning and Development Department letter, No. 82/RC, dated the 16th April of which a copy is laid on the table of the House. In addition to financial assistance the Central Government will provide facilities of mutual consultation and will make available expert advice to Provincial Governments.

(c) The matter has not yet been placed before the Standing Committee for Health, which has not yet met, but it is proposed to call a meeting during the present session.

No. 82/RC.

GOVERNMENT OF INDIA

DEPARTMENT OF PLANNING AND DEVELOPMENT

Secretariat, North Block,  
New Delhi.

*Thd 16th April, 1946.*

FROM

T. M. S. MANI, ESQUIRE, O.B.E., I.C.S.,  
*Deputy Secretary to the Government of India.*

TO

ALL PROVINCIAL GOVERNMENTS.

SUBJECT :—*Provincial five year plans—Central grants formulation of a concordat.*

SIR,

The Government of India, having now completed, for all practical purposes, the scrutiny of interim plans forwarded by Provincial Governments, propose to address themselves to a review of five year plans. For this purpose, it is necessary to formulate, more definitely, agreed principles to be observed in finalising the five year plans and for determining the form in which the Central grants should be made and the conditions to which they should be subject. While the Government of India have no intention of interfering with the detailed execution of schemes, the Provincial Governments will doubtless agree that a certain degree of Central coordination of the Provincial plans is essential not only in view of the all-India nature of the problems, but of their magnitude which necessitates substantial financial aid from the Centre in the shape of grants and loan money. Then again the Central Legislature will naturally demand, before voting considerable grants, that they are utilised for development purposes in accordance with approved policies and plans. The Government of India have examined the question in the light of these general considerations and have arrived at the following provisional conclusions.

2. As regards the financial basis of the plans, for the present, the Government of India propose to scrutinise the financial feasibility of the Provincial five-year plans on the basis of this department letter No. 82/RC dated the 9th January, 1945, in which the Provinces were asked to assume, for the purpose of planning, that approximately one half to two-thirds of the total estimated Central surplus of 500 crores would be available for distribution. No closer estimate is yet possible. As regards distribution, Provinces were asked to assume that this would be done on the basis of population strengths, subject to special consideration being given to the poorer Provinces and those affected by enemy action. The Government of India are now disposed to think that this is not altogether appropriate and wish to examine whether a scheme more on the lines of the Australian system would not be more suitable for achieving reasonably equal standards of social and cognate services in the different Provinces. In this connection, a reference is invited to para. 33 of the Hon'ble the Finance Member's last budget speech. As it will be some time, however, before a final decision is reached, and as it is necessary in the meanwhile to proceed with the examination of Provincial five-year plans, the Government of India propose that the review should be conducted on the provisional basis already indicated.

3. As regards the detailed schemes it is proposed that the Provincial plans should be examined in consultation with the Provincial Governments concerned with a view to ensuring broadly that the development is reasonably well-balanced as between different heads of development, having regard to all-India policies and the total resources expected to be available. For the purpose of this analysis, it is suggested that the main heads might be as follows :—

(i) Multi-purpose waterways, irrigation, and power development (this head would include major irrigation and hydro-electric power schemes and also thermal power schemes).

(ii) Agriculture and kindred subjects including minor irrigation and forests.

(iii) Education

(iv) Health

(v) Roads

(vi) All other subjects.

It appears unnecessary to the Government of India for the purposes of their analysis to have a larger number of main heads.

4. As regards the grants it is the intention of the Government of India that for the purpose<sup>8</sup> of budgeting and accounting, they should make annual block grants to the Provinces. These grants will however be deemed to have been distributed over the different main heads referred to in para. 3 above in the proportion which the estimated development expenditure under each head bears to the total of all the development expenditure under the 5-year plan of the Province. (Productive expenditure, e.g. under heading (i) which should be financed from loan money will be excluded for the purpose of grants). Thus, for example, if the expenditure on education in an approved Provincial plan where 15% of the total expenditure on all subjects, then 15% of the Central grant will have to be regarded as allotted to the subject. Similarly as regards other subjects. Only a separate *pro forma* account will need to be kept for this purpose.

5. Having regard to the considerations stated in para. 1, the Government of India propose that the grant attributable to each main head should be subject to the following broad conditions :—

(i) That the schemes under each head form part of a policy or plan approved generally by the Government of India and have been scrutinised adequately both administratively and financially and sanctioned by the competent Provincial authority before they are executed; and that adequate steps have been taken to ensure administrative and technical efficiency in their execution.

(ii) Information should be supplied by the Provincial Government as required by the Government of India, regarding the details of schemes falling under the head in question.

(iii) Facilities should be given to the representatives of the Government of India to keep in touch with development and the progress of schemes, should they so desire.

(iv) An annual report of the progress made in the execution of the schemes should be made<sup>9</sup> available to the Government of India.

(v) Major variations in schemes should be notified in advance to the Government of India.

(vi) In special cases the Government of India may attach specific conditions to individual schemes.

The Government of India would also stipulate that the financial resources of the Province are adequately exploited and safeguarded and that in important matters of all-India policy, the Province should not do anything to impede development on the lines approved by the Government of India with the concurrence of the majority of Provinces.

If it is found that the conditions referred to above are not observed in any important particular, the Government of India would reserve the right to make such reductions in the grant as they may consider justifiable in the circumstances.

6. The Government of India trust that Provinces will agree that the conditions stipulated above are no more than necessary to enable them to discharge their responsibility, which is to see that the very large sums voted by the Central Legislature are spent effectively and in accordance with approved plans. I am to request to be informed at a very early date whether the Provincial Governments are agreeable to these proposals.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) T. M. S. MANI.

*Deputy Secretary to the Government of India.*

Copy forwarded for information to all Departments of the Government of India (except Legislative, Legislative Assembly and Political Departments).

(2) Secretary C. C. C.

(3) Secretary G. G. (Public) and Reforms Commissioner.

#### REPORT ON THE COMMUNAL DISTURBANCES IN BENGAL

19. Mr. K. C. Neogy: Will the Honourable the Home Member be pleased to lay on the table of the House a statement giving the purport of any representations or reports that may have been addressed to him in his official capacity or received in his Department dealing with the communal disturbances that broke out in Bengal on and after the 18th August last, indicating in each case the action taken thereon?

The Honourable Sardar Vallabhbhai Patel: Many representations have been and are being received but no action could be taken on them in view of the constitutional position, of which the Honourable Member is no doubt aware.

## SUBSIDIZED HOUSING SCHEMES BY THE LABOUR DEPARTMENT

**20. Mr. K. C. Neogy :** Will the Honourable the Finance Member be pleased to refer to paragraph 32 of the Budget Speech made on the 28th February, 1946, by the then Finance Member and lay on the table of the House a statement showing, Province by Province, the Labour Departments subsidised housing schemes and, the amount of subsidy paid or promised by the Central Government and the progress made in each case ?

**The Honourable Mr. Liaquat Ali Khan :** Owing to the continuance of very high building costs there has so far been little response to the offer mentioned in paragraph 32 of the Budget Speech and no subsidies have yet been paid under the terms of that offer. The question is being further discussed with the Provincial Governments.

## GOVERNMENT ASSISTANCE TO PRIVATE BUILDING ACTIVITIES

**21. Mr. K. C. Neogy :** Will the Honourable the Finance Member please refer to the Budget Speech made on the 28th February, 1946, by the then Finance Member in which proposals for assisting and stimulating private building activity were made, and special steps indicated as being taken to increase allocations of coal for the burning of bricks and release of timber, cement and steel, and to relax controls over these materials and to extend production capacity, and lay on the table of the House a statement showing Province by Province, the progress made, or expected to be made in this matter during the year, as well as the nature of the action taken in the various directions indicated in the said speech, and the result achieved therefrom ?

**The Honourable Mr. Liaquat Ali Khan :** This question should have been addressed to the Honourable Member for Industries and Supplies. It has accordingly been transferred to the list of questions for the 6th November 1946 when it will be answered by the Honourable Member for the Industries and Supplies.

## DEVELOPMENT SCHEMES TO CREATE EMPLOYMENT AT SHORT NOTICE

**22. Mr. K. C. Neogy :** (a) Will the Honourable the Finance Member be pleased to refer to paragraph 31 of the Budget Speech made on the 28th February, 1946 by the then Finance Member and lay on the table of the House a statement showing, Province by Province, the approved development schemes intended to create employment which could be started at short notice, indicating the funds provided by the Central Government for carrying out each such scheme during the current year ?

(b) What conditions, if any, have been imposed on the provision of funds to the Provincial Governments in this matter by way of administrative or financial control or supervision, and to what extent are such conditions being actually carried out ?

**The Honourable Mr. Liaquat Ali Khan :** (a) As was stated in the Budget Speech a lump sum provision of Rs. 35 crores was made in the current year's budget for payments to provincial Governments in respect of non-productive development schemes and a provision of Rs. 15 crores was made for loans to Provinces for productive development works. Out of the provision of Rs. 35 crores the Provincial Governments will be paid the amounts actually spent during the current financial year on approved schemes. Large numbers of schemes have been approved for each Province, but the approved lists include schemes relating to all the main development subjects and are not confined to schemes intended to create employment. The complete list of approved schemes for any Province will be supplied to the Honourable Member if he so desires,

(b) No conditions have been imposed in respect of the funds to be provided during the current financial year since the schemes have been approved individually by the Government of India and payment is to be made only on the basis of the actual expenditure reported by the audit officers concerned.

**SUBVENTIONS, LOANS OR ADVANCES PAID TO BENGAL GOVERNMENT BY THE CENTRAL GOVERNMENT FOR FAMINE, ETC.**

**23. Mr. K. C. Neogy :** (a) Will the Honourable the Finance Member be pleased to lay on the table of the House a statement showing the amounts that have been paid to the Government of Bengal from the Central Government funds, year by year, since 1943 by way of subvention, loan or advance, respectively, for meeting Provincial expenditure on famine relief or allied objects?

(b) Has any similar amount been granted to any other Province in recent years?

(c) What conditions, if any, were imposed on the provision of financial assistance to the Government of Bengal in this matter by way of administrative or financial control or supervision, and to what extent have such conditions been actually carried out?

**The Honourable Mr. Liaquat Ali Khan :** (a) The following special payments were made to the Government of Bengal in connection with the famine.

	1943-44	1944-45	1945-46
	(In lakhs of rupees)		
(i) Subvention . . . . .	3,00	7,00	8,00
(ii) Loans . . . . .	...	...	...
(iii) Advances . . . . .	...	...	...
<b>Total . . . . .</b>	<b>3,00</b>	<b>7,00</b>	<b>8,00</b>

(b) No.

(c) No conditions were imposed.

**PUBLIC DEBT (CENTRAL GOVERNMENT) RULES 1946—LAID ON THE TABLE**

**The Honourable Mr. Liaquat Ali Khan :** (Finance Member): Sir, I lay on the table a copy of the Public Debt (Central Government)\* Rules, 1946 published in the Finance Department Notification No. F. 9 (1)B/46, dated the 20th April, 1946 under sub-section (3) of Section 28 of the Public Debt (Central Government) Act, 1944.

**INDIAN TRADE UNIONS (AMENDMENT) BILL**

**Mr. President:** The House will now proceed with the Legislative Business, i.e., the motion of the Honourable Shri Jagjivan Ram to refer the Indian Trade Unions Act to the Select Committee as proposed by him yesterday.

In this connection I find that a circulation motion has been given notice of late last evening. I shall allow the Honourable Member if he wishes to move that motion to do so after Prof. Ranga has finished his speech on the subject, but I may just request members to be so good as to give notice in due time and not so late as that. Unless notices are received in proper time, I do not propose to exercise my discretion of allowing such motions notices of which are given at the last moment. Prof. Ranga may now address the House keeping in mind that this motion is coming before the House.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Yesterday before the House rose I was saying that this Bill has been conceived in the interest of Indian industrial labour and that those of us like Dr. Zia Uddin who claims to speak in favour of our labour ought to support this Bill instead of opposing it in toto. I would also like to add that those other Honourable Members who may be in favour of this motion for circulation will not be serving the cause of labour but will be, on the other hand, harming the cause of Indian labour.

\* Not printed in these Debates, copies placed in the Library of the House.

**Dr. Zia Uddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): How?

**Prof. N. G. Ranga:** It is quite easy for any one to see that when Indian labour is so very weak as to come to be in need of a Bill like this for the recognition of their trade unions, then it must mean that it is already too late to provide them at least this minimum of protection. They want this protection. It is not for people like my Honourable friend, Dr. Zia Uddin, to say whether Indian labour wants this protection or not. Indian labour has repeatedly demanded this protection. It has been doing so for the last 25 years, or even more. The mere fact that in England the English Trade Unions have been able to get on without a prop like this whereas our Indian labour has come to be in need of it, shows the very urgency for passing this particular Bill into an Act and affording this much of protection at least to our industrial labour.

**Dr. Zia Uddin Ahmad:** But it does not go far enough.

**Prof. N. G. Ranga:** My Honourable friend says that it does not go far enough. He wants something more and his way of giving our Indian labour something more is by delaying the passage of this Bill. This is an extraordinary piece of logic which I am not able to follow, and with which I am certainly not in agreement. Therefore, I hope that the House will not favour this motion for circulation and that the House will support the committal of this Bill to the Select Committee at the earliest possible opportunity.

I wish to refer only to a few points relating to some of the clauses of this Bill. Sir, I am wholly in agreement with the proposed clause 28 (b) in which it is stated that the industrial courts shall consist of one or more persons each of whom is qualified for appointment as a Judge of a High Court. It is a very good provision indeed, but the only remark that I wish to offer is that such a court should not consist of only one member at any time, but should on the other hand have the representatives of both the employers and the employees in addition to an appointed officers of the status of a judge of a High Court. Otherwise a court like this will not be able to discharge the functions which it is expected to discharge.

Then there is clause 28 (c). I have grave doubts in regard to the advisability of this clause. According to this, if there is any private agreement between an employer and a trade union, then immediately the trade unions will be able to achieve the status of a recognized trade union. All that has got to be done is to get that particular agreement registered with the Industrial court. I would like to know whether in addition to their agreement between themselves, *i.e.*, the employer on the one hand and the trade union on the other, this particular trade union has to satisfy the conditions prescribed for recognition in clause 28 (d). If any trade union comes to be recognized merely because it is able to win the consent or the support of the employer without having to satisfy the conditions prescribed in 28 (d) then I am afraid it is going to be very much against the workers because many L. O. Unions can come to be floated by employers and can come to be recognized by them through a sort of an agreement and can then be expected to enjoy all the privileges of a recognized union to the detriment of the properly organised and developed trade unions of workers. Therefore, Sir, there seems to be some inconsistency between these clauses 28 (c) and 28 (d). Some improvement has got to be made in the Select Committee in order to rectify this particular error and I would like the Select Committee to consider the advisability of renumbering them—28 (d) as 28 (c) and 28 (c) as 28 (d)—so that this doubt might be removed and instead of the agreement that might come to be concluded between the employers and the trade union, a trade union before it could be recognized would have to satisfy the conditions prescribed for recognition. Coming to clause 28F, it is stated that if the employer has arrived at a conclusion after previous discussions with the executive of a trade union, then it will not be possible for the trade union and its executive to start correspondence over such a question within at least six months. I would like it to be stated that the employer when he arrives at a



[Prof. N. G. Ranga]

conclusion should take care to notify the trade union that he has reached that conclusion and what that conclusion is so that the Trade Union would know at what stage a conclusion has been reached and what that conclusion actually happens to be.

There is one very good feature in this, and I am afraid it is because of it that this motion for circulation seems to have been inspired and that is to be found in one of the conditions mentioned for recognition in clause 28D: "that its rules do not provide for the exclusion of members on communal or religious grounds." This is a very salutary provision. It is most essential that this communalism should not be allowed to become a canker even in trade union ranks, and I am glad, Sir, that the predecessor of the present Labour Member had taken a very strong stand in regard to this, and I am glad also that the present Member has seen fit to retain this particular provision in this Bill. It is most essential that trade unions should be non-communal and every trade union should be so democratically organized that all the workers professing different religions would be entitled to join the trade union and derive the benefits therefrom.

Therefore, there is nothing wrong. It does not say that either the Hindus or the Muslims or the Christians or any other religious group should not have a union consisting predominantly of members of their own religion, but it does maintain that no union should debar the members of any one particular religion merely because they happen to belong to that religion. I know on the Continent of Europe there is this particular difficulty of religion in trade unionism. There are the Catholics there who have formed their own trade union, but they have taken care in many countries to throw open their ranks to other people also and to peoples of other religious denominations. Where they do so, they do not go to the State to ask for recognition. But where a trade union seeks the recognition of the State, and through the good offices of the State the recognition of the employer, it must take care to see that its ranks are thrown open and its doors are thrown open to people of all religions and only to people of one religion. Therefore, even more for this purpose of making our trade unions as far as possible denominational or cosmopolitan, I am in favour of this Bill. I hope, Sir, that the House will have no hesitation whatsoever in sending this Bill to the Select Committee and will reject this motion for circulation.

**Haji Abdus Sattar Haji Ishaq Seth** (West Coast and Nilgiris: Muham-madan): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th February, 1947."

I want to make it quite clear at the very outset that we in this Party are completely and wholeheartedly in favour of all the provisions in the Bill except one. This Bill has a long history behind it. It was introduced more than once in this House but could not be proceeded with because of the very strong opposition that the Muslim League Party had against this provision and also because in the earlier stages the labour representatives in this House used to take strong objection to certain provisions of this Bill. Even last session, Dr. Ambedkar was very anxious that he should proceed with this Bill but the Government found that the opposition both from labour quarters and from Muslim League was so strong that they thought it was not advisable to proceed with it. Now there is a new Government and a new Honourable Member in charge. I do not know whether they have applied their minds to all the provisions of this Bill. What I guess has happened is that they found a ready-made Bill in their hands and they have come up before this House.

I will first speak on the necessity for circulation. A Bill almost identical with this was circulated and opinions were elicited and I have this file of opinions that was received. I am bringing this to the notice of this House to prevent the Honourable Member from stating that I kept this matter back. The Bill was circulated. Many of the opinions make a complaint of the fact that the time allotted for expressing their opinions was very short. In some cases it was a matter of three days. There is a letter from the United Planters'

Association, South India, Coonoor. They had about four to eight days within which to express their opinion and they refused to do so. Then there is the Cochin Chamber of Commerce. They also refused to express their opinion.

**Shri Mohan Lal Saksena** (Lucknow Division: Non-Muhammadan Rural): How many expressed their opinions?

**Haji Abdus Sattar Haji Ishaq Seth**: What I want to point out is that the time given was very short and it was not possible for employers of labour and even for labour organisations, to express their opinions. Here is one from the Provincial Trade Union Congress, Madras. They say (their Secretary writes):

"I wish to state that it is not possible for the Union as a whole to formulate their views within the time specified by you, i.e., 15th February, 1944. . . . ."

Therefore my case for circulation is very strong.

Before proceeding, I want to answer my friend, Prof. Ranga. In moving this motion I do not want to create any hindrance or obstruction in the smooth passing of the Bill. The House will observe that the date I have given has been very carefully chosen. My motion requires that opinions should be available to this House before the 28th February, so that the Government, if they choose can proceed with the Bill in the next session of this Assembly. As a matter of fact, I do not think they can finish all the stages of this Bill in this session. Probably the Select Committee will meet during the session and the final stages will have to be gone through in the next session, and I am not trying to hinder that programme. According to the date that I have fixed, the final stages can be finished in the next session. Therefore, the charge that we in this Party wish to block the progress of the Bill is not substantiated. I know that at this stage I will not be permitted by you to go into the details of the provisions of this Bill. But there is a provision which has been all along opposed by our Party, and that is sub-clause (c) of Clause 28D which provides that a union shall not be entitled to recognition under this Act unless it fulfils the following conditions:

\* \* \* \* \*

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

In short, the idea is that communal unions or unions confined to certain communities or followers of certain religions should not be recognised at all. My friend Prof. Ranga thinks that this is a very salutary provision. He is entitled to his opinion and I am entitled to mine. I do not wish to provide that there should be communal unions. I do not say that there shall be unions confined to communities or followers of particular religions. What I want to state is that it should be possible for unions to be formed, if labourers so desire, confining them to communities or societies. I do not see why the liberty of labour to organise themselves in whatever form they desire should be curtailed. What is the necessity for it?

**Miss Maniben Kara** (Nominated: Non-Official): On a point of order: is the Honourable Member speaking on the merits or demerits of the Bill or is he speaking on his amendment?

**Mr. President**: He is speaking on both.

**Miss Maniben Kara**: He said in his opening remarks that he was restricting himself to his amendment.

**Mr. President**: He is speaking on both. Even on the amendment he seems to be in order.

**Haji Abdul Sattar Haji Ishaq Seth**: Our demand that recognition should be granted to labour unions which are confined to Muslims alone has been a long standing one. In this House as far as I can remember a resolution was moved by our party. It was no doubt negatived but we were very vehement in support of that resolution. Then in 1948 my Honourable friend Mr. Muhammad

[Haji Abdus Sattar Haji Ishaq Seth]

Nauman moved a cut motion on the Railway Budget, the subject matter of that motion being that recognition should be granted to Muslim labour unions formed under the Railway. There is nothing new in this demand that we are making today. This has been the stand of the Muslim League. It has been the stand of Muslim labour even outside this House and it is a fact that a number of Muslim labour unions have been formed and are working. I will remind Honourable Members of a statement made by the General Manager of the South Indian Railway in the course of the recent strike that took place there. He particularly mentioned the Muslim Labour Union as being against that strike and taking no part in it. That will show that there are Muslim labour unions which are influential enough to take decisions and to make their decisions felt. I do not see why we in this House should go out of our way to curtail this liberty that they have.

Again, to answer my friend Prof. Ranga, when a section of labour wants to organise itself separately there must be some reason for it. Prof. Ranga appears to think it a sacred principle that there should be no communal union. Prof. Ranga must realise that if a section of labour decide to organise separately there must be sufficient reason for it. When they do it, who are we or who is my friend Prof. Ranga to say Nay to them. He has not really advanced any arguments for the strong opinion that he has expressed against these sectional unions.

To save another point of order from my Honourable friend Miss Kara I will not go into very great details. I only want to say that our feeling, the feelings of the Muslims both inside and outside this House are very strongly in favour of forming Muslim labour unions. The labour unions if they are confined only to labour matters we can understand them but the labour unions go out of their way. They do take part in other matters also. For instance here is a press cutting from the Free Press Journal dated the 30th April. It contains a report of a meeting of the Central Executive of the B. B. C. I. Railway Labour Union. (Interruption.) It has something to do with labour. Along with the resolution pertaining to their own grievances there is a resolution on the political situation and that resolution generally favours the Congress standpoint. There are a number of Muslim labourers employed by the B. B. C. I. Railway and I am sure many of them must be feeling not quite in accord with the Congress opinion. This resolution which they have passed is supposed to be the resolution of the Union which includes Muslim labourers also. What is the way out for them? Will my friend Prof. Ranga tell me? How can those Muslim labourers who are not of this view express their opinions? (Interruption by Prof. Ranga). That is one point. When Muslim labour wants to organise itself separately there must be sufficient reason for it. As a matter of fact the experience in this country has been so bitter sometimes. Our experience in this very House with regard to our employees under the Railways, under the Government of India and under so many other establishments, and our special grievances with regard to our peculiar needs in respect of promotion for Muslims, conditions of enrolment and so on are such that they receive scant attention at the hands of joint labour unions. That is why we are for separate labour unions. As a matter of fact there is a strong Muslim Employees Association working in Delhi in connection with the Government Railways. It is a strong and well organised body and it has branches in Calcutta and Madras. There is a branch for the South Indian Railway. All these are working and they have shown that there is need for their existence. I do not see any reason why we should today in this House make a statutory provision that such labour unions shall not exist and if they exist they shall not be recognised. So far the law has not said anything. It is the policy of the Government not to recognise sectional labour unions. This is what they have said in reply to many questions and debates in this House. But that is a different matter. Today we are making a statutory provision. We provide by law that such labour unions shall not exist. I do not think that any of us on this side of the House would agree to this and I therefore strongly object to this provision.

There is only one point more and that is this. This new Government was finally formed only last week. I do not think that all the members of the Government sat together and discussed this matter. Therefore, all the more reason why a little time should be given, so that the members of the government should sit together and formulate their policy. My motion will help towards that. For these reasons I commend my motion to the acceptance of the House and I move it.

**Mr. President:** Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th February 1947."

**Miss Maniben Kara:** Sir, I wholeheartedly welcome this Bill which has been sponsored by the Honourable Labour Member. As a matter of fact this Bill was circulated as far back as 1941. (*An Honourable Member:* "The same Bill?") Yes. It was circulated for eliciting opinions. Certain useful suggestions were made by various labour organisations to the original draft which were accepted. The Bill was introduced after two years in this House, in 1943, and was allowed to lapse. As a matter of fact the very basic principle of this Bill which is the right of recognition of trade unions has been before the public ever since 1940. I cannot understand the views expressed by some members that they did not have sufficient time to consider the principle of the Bill. I was myself present at the last session and I can say with the authority of those who represent labour in this House that there was absolutely no opposition so far as the labour members were concerned to this Bill. It was not debated on, because of the opposition of one or the other parties in this House. I want to make this point very clear in view of the remarks made by the last speaker that even labour members of the House were opposed to the Bill.

Before proceeding into the details of this Bill and its various clauses, I would make some general observations on this Bill. The right of recognition is the most elementary right of the working classes. As a matter of fact in all civilised countries this right of recognition of trade unions has been granted by private negotiations and accepting the principle of collective bargaining between the employers and the employees. It is unfortunate that in this country, even at this stage, we are compelled to bring in such legislation for such an elementary right of the workers to have recognition. As a matter of fact the Royal Commission on labour had recommended voluntary recognition of trade unions about 15 or 16 years back, and all these years we hoped for a change of heart of the employers who call themselves as trustees and great patriots—we hoped for change of heart on their part, which would help the growth of healthy trade union movement in this country: unfortunately we see today that owing to the hostile attitude of the employers and of the government, there has not been that healthy growth of trade union movement. We are faced today with the position that even legislation is required for the very elementary right of the workers, viz., recognition of trade unions. I will make myself bold to say at this stage that I would lay the entire responsibility on the shoulders of the government and the employers that we have been required to have such legislation for the workers. It should have been possible for us to have recognition and the healthy growth of the trade union movement by collective bargaining and also by private understanding between the employers and the employees if they had accepted the principle of collective bargaining of the workers. I will say a few words in reply to my Honourable friend Mr. Siddiqi who spoke yesterday, and to the last speaker today. They made certain mention about what they called yesterday class organisation, and today they call communal organisations. I for one am not one of those who disputes the right or freedom of organisation to anybody. But I would certainly say that the very basic principle of trade union movement is a class organisation, and classes cut across all communities, religions and even nationalities. It is a class organisation to safeguard the interests of the employees, no matter whether they are Hindus or Muslims, Christians, Europeans, or any community they may belong to. It would be an impractical proposition to have communal trade unions because in

[Miss Maniben Kara]

a factory which employs labour of all communities, is it possible for us to have any collective bargaining with the employers unless and until we have the co-operation of all those people who are working there? I would therefore appeal to my Muslim friends that whatever the points of differences between the two major upper class political parties may be, the differences need not be dragged into the trade union movement. Up till now the trade union movement has been free of any of these communal differences, because we are concerned with the economic uplift and the betterment of the conditions of life of the oppressed people. The politics of the trade union movement is essentially the politics of the working classes. It has no other politics. I am sorry the last honourable speaker did not actually give us the contents of the resolution passed by a railway union, but I make bold to say that whatever resolution was published in the Free Press Journal, could not be detrimental either to the Muslim masses or the Hindu masses or the Christian masses or workers of any other religion. That is why I would appeal to my Muslim friends and say let us not drag these communal problems, from which the trade union movement has always been free and will always remain free.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa: Muhamadan): It has not been free; it will not be free, I am sorry to say.

**Miss Maniben Kara**: It will be free because the trade union movement is based on class struggle: it is a struggle between the employers and the employees. Here I would draw the attention of my friend Mr. Nauman and ask him whether a Muslim employer—is he going to treat his Muslim employee any better if he would get Hindoo employees for less wages?

**Mr. Muhammad Nauman**: On a point of personal explanation . . . . .

**Mr. President**: Order, order. Let the Honourable Member go on.

**Miss Maniben Kara**: We hold the view that there are only two castes, or classes, so far as trade unions are concerned, one is of the exploiter and the other of the exploited. These are the only two castes in the trade union movement I say this because I have spent my life in the working class movement and I speak with experience. I am the secretary of a union whose president is an ordinary sweeper—a Muslim of whom I am proud of. We have conducted our strikes and our struggles and fought our difficulties throughout all these years as brethren working in the same family. I would once again emphasise that where the question of economic uplift is concerned, even the differences between the political parties will be solved tomorrow. These questions are not solved by the upper class parties because the basis of political parties is not on economic uplift of the Indian masses—they are merely fighting for the loaves and fishes of office; I would appeal to my friends once again, that if we are to help the working class in this country, let us not be satisfied merely with independence—let us fight for the freedom from want of the Indian people; and I would therefore appeal to the members on both sides, both the upper class parties, to join hands for the entire reconstruction of the social order in this country which is now based on a feudal system, so that we can break up the entire social order which only will enable the people to be free from the want of the necessities of life. This is the only way we can healthily approach any problem.

Coming again to some of the arguments which are generally put forward for the non-recognition of trade unions, it is said that the trade union movement is not strong in this country. It is a vicious circle. Apart from various other factors which are existing in this country or which have existed for all these years, the main and fundamental reason for the lack of growth of unions is the refusal of the employers to recognise the trade unions. All sorts of suppression, victimisation and obstruction are placed in the way of the trade union movement. If the employers were enlightened enough to understand that the recognition of a union is the surest guarantee of industrial peace in the country I am sure industries would have been helped and so also the growth of trade union move-

ment in this country. It is high time when the employers realised that they cannot say that they are nationalists; but they want to protect their industries against foreign competition. They must realise that they will increase the export trade at the cost of depressing labour wages. The test of nationalism will be the good Bills they bring for the uplift of the Indian workers. I would therefore expect my Muslim friends not to press for circulation of this Bill but to see that this Bill is passed as quickly as possible. I shall now give the House some information about what is the state of affairs in certain South American countries where trade union movement is not as strong as say in America or England. In some places like Columbia, in order to help the formation of the healthy trade union movement, the consent of a labour judge is necessary even for the transfer of a trade union worker from one place to another. Even there the people have realised the value of healthy trade unionism, which would help the country as a whole. They have raised the status of the trade union leaders to an extent that an employer is not even in a position to transfer a worker from one place to another till a labour authority is consulted on the point. The same thing obtains in Brazil. There the law provides for the absence of trade union workers without leave. In Bolivia, Chili and Columbia there is no dismissal of a worker (even after giving sufficient grounds for such a dismissal) without the authority of a labour judge. They are not in a position to dismiss just anyway they like. Even now the provisions in the present Bill before us falls short of those conditions can be better judged from the instances which I have given you this morning. These instances, I would once again repeat are found in South American countries where the growth of the trade union movement is not very strong and they have come to realise that it is in the interest of the country to give as many privileges as possible for the betterment of the workers. In Ecuador, if a member of the executive committee of a trade union is dismissed the employers have to pay him one year's wages. That goes to show that those countries have also realised that every facility should be given for the growth of the trade union movement.

Now, I shall deal with some of the sections in this Bill. I do not intend to deal in detail with all the clauses because the Bill is to be referred to the Select Committee. I am sure the Select Committee will give sufficient time and consideration to various suggestions. My friend and colleague Mr. N. M. Joshi is also going to address this House on the same question and he will be quite competent to deal in details. Yet I cannot help making some remarks on Section 28D. After saying all I have done in support of this very elementary right of the workers for recognition, I am surprised that even now numerous conditions are placed for recognition. Is it not good enough for recognition if a union is registered? After all registration of a union is not an easy thing. One has to satisfy the Registrar on so many points. Life is pestered by so many letters and circulars from the registrar and you have to answer every time. Every six months we have to fill up forms saying how many meetings of the unions have been held, who are the office bearers, and so on. When all these conditions are already existing for a registered trade union, I cannot therefore understand why any extra difficulties should be placed in the way of the recognition of a trade union by keeping clauses (a) to (h). These clauses are absolutely redundant, because I feel that if a union which has been able to satisfy a Registrar and a union which has been registered should automatically get recognition from the employers.

Again there are certain other dangerous clauses in the Bill. Clause 28D (f)—only a representative Trade Union should get recognition. Who is to decide whether a union is representative or not. It is such a vague term, which is definitely dangerous and goes against the interest of the workers. I shall ask for the deletion of that clause.

I now come to 28E, item (3). I ask for the deletion of the last two lines beginning from 'and shall forward the application to the appropriate, etc.' Here we talk of the Industrial Court. An Independent Industrial Court has been appointed already. I do not see the necessity for recommendation to Government regarding the grant or withholding of recognition.

[Miss Maniben Kara]

Coming to 28F, *e.g.* Rights of Recognised trade unions, on the face of it, it appears generous. As a matter of fact, the right of a recognised union does not go far enough. It says that the employer will be good enough to receive and send replies to letters sent by the union. The right of the recognised union should not necessarily stop at receiving replies from the employers. They should be given facilities to hold meetings. They should be allowed to form mill committees, factory committees, make collections inside the pace of work. I may also draw the attention of this House that the Government are giving certain facilities to some unions, namely, the P. and T. Unions, and the Railway Unions. Passes are given to the railway unions and the P. and T. Unions are getting leave to attend their meetings. These are the facilities enjoyed already and they must be put in the Bill because I am not one of those who believe in the change of heart. I would, therefore, insist that everything should be put down in black and white, and these suggestions may be seriously considered by the Select Committee.

Sir, these are the few remarks which I wanted to make in support of this Bill and I would once again appeal to all the Members of this House that this Bill should be adopted as it has been put forward by the Honourable the Labour Member.

**Mr. P. J. Griffiths** (Assam: European): Mr. President, Sir, if the measure now under discussion had been originally drafted and sponsored by the present Labour Member, I should have regarded it as somewhat unfortunate that I was compelled to take a critical attitude of the first legislative measure brought before this House by the new Indian Government. Under those circumstances, I should have had to take comfort in the fact that the essence of the parliamentary system is the full and frank expression of opinion and that least of all would my friends on those Benches wish that any Group or any individual in this House should hesitate in expressing his honest views. I drew greater comfort from the fact that this Bill is not the product of the present Government or the present Labour Member but it is indeed a legacy, perhaps an embarrassing and unsatisfactory legacy, from their predecessors, or perhaps, to be more accurate, I should say this is a legacy from that Labour Department which has already acquired in all sections of this House and in the country outside, a reputation of some years' standing for nebulous drafting, loose thinking and undue haste. I trust, therefore, my Honourable friend will feel, that when I speak critically of certain portions of this measure that attitude does not denote any unwillingness on our part, in this Group, to help him to the utmost in ameliorating the conditions of labour and in bringing forward really progressive legislation. I want to make it clear at the outset that in spite of our critical attitude towards certain parts of this Bill, we propose to support the reference to Select Committee because we believe that, in spite of its many defects, it does contain, some germs of good.

In attempting to analyse the main contents of the Bill, I do not propose to follow the provisions *seriatim* as set forth in the Bill, but I prefer rather to adopt an order which seems to me more convenient for logical analysis. The Bill deals with four main principles. Firstly, though it is not first in the Bill, it defines the rights of recognised Unions; secondly, it discusses the procedure to be followed by a Union to obtain recognition; thirdly, it deals with the conditions under which and the procedure by which, recognition can be withdrawn; and, finally, it lays down certain practices which, on the part of the employers or the employed, are specified as unfair practices.

I want to take first the question of the rights of recognised Unions, and since after all, one of the issues implicit in this Bill is whether trade unionism is a good thing or a bad thing, I want to take this opportunity of making clear, once for all the attitude of the employers representing this Group towards the establishment of Unions. I would like to remind my Honourable friends that we are not speaking of 1896 when employers by and large regarded Unions as bad things. We are speaking in 1946 when the average, intelligent employer takes

towards this matter an attitude radically different from that which was taken some years ago.

**Sjt. N. G. Gadgil** (Bombay Central Division: Non-Muhammadan Urban): There are still die-hards!

**Mr. P. J. Griffiths:** There are die-hards in every community and my Honourable friend is one of them in his own community. I want to make it quite clear that those employers whom we represent here have no ground whatsoever, for regarding with disapproval or dislike the growth of trade unionism. On the contrary, they see in the development of well-run, balanced and sound unions the best protection of the interests of the employers and the State alike. I do not know whether that statement carries conviction to some of my Labour friends in this House. Miss Maniben Kara said that she had no belief in a change of heart. I also do not believe in much changes of heart, either of individuals or parties, but I do believe that there is such a thing as a change of understanding and a readiness to adjust views to changed social and economic circumstances. The attitude of employers today towards the question of trade unions is based on a new understanding of what is required in the whole economic and social world. And there are three main reasons, it seems to me, why any intelligent employer today must look with a friendly eye upon the growth of good unions. The first of these reasons is a simple one, namely, that at times of disputes and even when a dispute is merely smouldering—before it bursts into flame,—it is much easier and much more satisfactory to deal with one strong, organised and recognised body, than it is to deal with a thousand different people, each of whom wants something different why because they have no proper spokesman, leaving you all the time in the dark as to their real demands. It is clear and sound logic confirmed by experience that, provided a Union is run with a genuine desire to fulfil the proper functions, of a Union, it puts the employer in a far better position in dealing with his work folk. The lack of organisation amongst working people was all right in the past, when they were passive and when they were content to be as they were and when they demanded nothing. But happily those days are now past. Now, the day has come when working people all over the world demand reasonable standards. It is far better for the employer that those demands should be expressed in a readily intelligible form by a strong and well-organised body, than that they should be un-expressed. There is another reason too. If Trade Unions are properly run, they provide the best protection for a good employer against under-cutting by unscrupulous employers. Most big industries in this country are organised into Associations, and those Associations make recommendations with regard to wages and other conditions of work. Ninety per cent of the employers carry out those recommendations, but a small percentage does not. The good employer, at present, has no means whatsoever of bringing pressure to bear on the bad employer to comply with those recommendations which the industry as a whole regards as reasonable. From the point of view of the good employer the existence of a trade union movement is a means of compelling the bad employer to come to his senses, and is thus not a harassment but a protection. I am giving not just my own views but the views which are held, after careful consideration, by the great body of employers which we in this Group from our various constituencies, represent. There is a third reason, too, why the growth of trade unionism is desirable even from the point of view of an employer and that is that nothing helps more than healthy trade unionism to build up the self-respect of the workers—and nothing, in the long run is better for the employer than to build up that self-respect. Short term considerations might suggest that the self-respect of the worker is an obstacle to the prosperity of the employer, but further consideration shows that view to be a thoroughly unsound one. If a worker has more self-respect he will demand a higher standard of living and want to do more work; benefit will accrue to the employer as well as to the employee. There are great industries in this country today where the workers want so little—or at any rate, they are prepared to earn, so little, that they cannot be got to work for more than three or four days in the week. Employers in these industries go about almost cap in hand begging



[Mr. P. J. Griffiths]

them to work more—and as a rule, with no successful result whatsoever. Why is this so? It is because these workers have not yet attained that degree of self-respect which makes them demand something better of life and makes them, therefore, ready to earn more than they now do. From all these points of view and without any of that change of heart of which Miss Maniben Kara is so rightly suspicious, there has come about amongst intelligent employers today a change of understanding, a readiness to fit in with the social and economic conditions not of the 19th century but of today. Some form of representation, and so of protection for the interests of the workers there must be.

There are three forms which in theory might be regarded as possible. Firstly, there is protection by the State—and we all know what disadvantages that has though at times it may be necessary. In the second place, in some industries experiments have been made with Labour Advisory Committees. Those Committees have their advantages, but they have their limitations too. It is not unnatural, therefore, that India should seek to experiment with the third method, the method which has been tried with success in the West, the method of trade unionism. I say, therefore, that no thinking employer today is going to object to the formation of Unions provided these Unions have the best interests of the workers at heart. Looked at in the light of these considerations, Section 28F which deals with the rights of recognised Trade Unions, appears to us wholly satisfactory. I am now speaking in general terms, not in details which are to be discussed in the Select Committee, and I say that the provision in this section seems satisfactory. Incidentally when

**I P. M** I read it for the first time, it provoked an amusing thought in my mind, that an employer should be compelled to reply to letters received from trade unions. I wished the Government itself would follow that principle, so that when we wrote to Government departments, we should obtain a reply at any rate within a reasonable time.

Passing on from that pleasantry, we do accept the principle contained in Section 28F, but we think, there should be some reciprocal obligation—that a Union should not be allowed to remain silent if questions are put to it, oral or written, by the employer. Much more important and much more difficult than this question is the second principle of the Bill, the principle of compulsory recognition. In this Bill two methods of recognition are envisaged. First there is voluntary recognition by the employer. When that fails, there is recognition by the State, made binding on the employer. This is our main quarrel with this part of the Bill. I have made it clear that we regard as vital the growth of healthy unions and when I speak of healthy unions, I mean unions led for the benefit of labour, not led by self-seeking agitators or by hysterical emotionalists. However important the growth of such unions may be, it is equally important to prevent the growth of certain kinds of unions, unions formed primarily for the purpose of fomenting discord (interruption). I will come to my friend Mr. Joshi's point later on—I promise him I won't leave anything out, we will have nothing to do with unions the primary aim of which is not the benefit of workers but the fomenting of discord, unions which have some unjustifiable political motive—it may be to force the acceptance of a new form of economic structure, or a new ideology, by making it difficult, if not impossible, for the employer to carry on his business with profit. Let me repeat this point, that while we recognise the value to the community of the growth of unions which are really aimed at the welfare of the workers, we will never recognise the value of unions which are aimed at forcing a particular ideology on a country or a community which does not want it. We therefore apply this criterion to any legislation dealing with this matter of unions—will it encourage the growth of sound, healthy, legitimate, unions or will it retard the growth of such unions? Will it stimulate the right kind of unions or will it establish the wrong kind of unions? We have considered this measure very carefully from that point of view and it is our considered view—and I believe it is shared by most of those who from the employers' angle have experience of large scale

labour—it is our considered view that this Bill will do harm and not good. This kind of hot-house-plant forcing, this compulsory recognition irrespective of the fitness or otherwise of a particular union will in the long run benefit neither the trade union movement nor the State nor the employer. Let us suppose that a group of men embark on some enterprise—say, a new business. There are two ways of dealing with them. You go to them and say—“you deliver the goods, and turn out what is wanted, we shall then become your customers.” On the other hand you can say;—“as soon as you start the shop, we shall, of course, become your customers, we shall give up our right to examine or criticise the quality of your goods. Good or bad we will buy. Which of these two ways does one adopt in the ordinary transactions of life? Does that not present a very good analogy to the position which is before us, with regard to this proposal for compulsory recognition of trade unions. There are two ways of dealing with a new union. You can go to it and say. “It is not for us to say whether your union is good or bad—we shall of course recognise it”. Or you can say —“We shall watch your achievements, and if we find that yours is a genuine union, aimed at the benefit of the workers, we shall certainly recognise it.” Which is the better way? Let me make clear what I mean. If a union makes it its business to demand higher wages, better medical facilities, shorter hours of work and if you like and all those things which are really in the interest of labour, then that union is doing what it ought to do. As far as we are concerned, a union which does that fairly and legitimately will receive our recognition. We are not however willing to give up the right to watch the working of a union and decide whether it is *bona fide*, whether it is really aiming at the welfare of labour or whether there is some ulterior and unjustifiable political motive, some motive which is not really germane to the objects of the trade union movement. It is very important here not to confuse two entirely separate questions. Do not let us confuse the question of the desirability of unions with the question of compulsory recognition. There are many things in this world which are desirable, but it does not always follow that the State should rush in and make them compulsory. I understand the spirit, I respect the motive behind this particular part of the Bill. It arises out of a natural and justifiable impatience on the part of my labour friends, who think they can find a short cut to the growth of the union movement by introducing this principle of compulsion. But I believe they will find that the history of the labour movement throughout the world, as indeed the history of the world in most of its aspects, shows that in these matters there are no short cuts. Unions have to earn their recognition by showing that they are sober, reasonable bodies, bodies intending to do the job for which they were set up and not to do some other job. Take my own country. There is no country in the world where unions have acquired a more honourable position, where they have exercised more reasonable power where the relation between the unions and the employers are better than in Great Britain. How has that position been built up? It has not been built up under the shadow of compulsion, it has been built up because in their early days, unions had to learn by their own mistakes, unions had to prove not only to their employers, but to the public and to the State, that they were reasonable bodies. They went through that ordeal, they emerged successful, they showed the world at large that trade unions in my country were such sober and reasonable bodies that they ought to be given an honoured place in the State. Sometimes in the early days, employers were unreasonable and refused to recognise even reasonable unions. But once these unions convinced the public at large that they were in fact sober and responsible bodies, the employers' opposition was quickly swept away and you soon reached a stage where trade unions were regarded as integral part of the economic structure. What were the points on which the unions there had to satisfy the public and in the last resort the Government. Firstly that they were sober and responsible bodies, secondly that they were representative. I am not using that word in the technical sense for the moment. They had to satisfy the public that they were really representative of workers, thirdly that they were efficient, that they could collect their subscriptions regularly for, after all it is no use having trade unions

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where the members do not subscribe regularly, and where in case of a strike the unions cannot contribute to the upkeep of the members. A trade union which is not able to collect its members' subscriptions is of no use either to the employee, to the employer or to the State. If unions can satisfy the public that they are responsible, that they are reasonably representative and that they are reasonably efficient, then no employer can resist them. It does not matter a scrap whether an employer says he recognises them or not—he will have to deal with them. If on the other hand unions fail to satisfy those conditions—if they are not reasonable and representative and if they cannot collect their subscriptions, then they are either useless or dangerous and should be discouraged. And so my plea today is this—I believe with all my heart that the healthy growth of trade unionism will be one of the most important needs in this country in the years to come. Give that healthy growth a chance; and you do not give it a chance if you adopt hothouse methods from the very start. Still less do you give it a chance if you apply to it certain mechanical criteria. If a union by satisfying criteria, some of which have no relation to its attitude, no relation to its sobriety or its responsibility—if merely by satisfying criteria of the kind specified in the relevant clause of this Bill a union can enforce recognition on the employer, you will take away any incentive to that union to grow into a reasonable and thoughtful body. You cannot build a new institution on a Government fiat; you can only build it by convincing reasonable men, in different parts of the community, that it is a necessary and a desirable institution. That indeed was the view which was taken by what was perhaps the ablest body which ever considered labour conditions in this country,—the Royal Commission on Labour. In their report they made it clear that recognition was not a matter for compulsion, because in the last resort the fruits of recognition would not be gathered unless recognition was based on willingness on the part of the employer and unless it was recognition in spirit as well as in the letter. My Honourable friend the Labour Member will I think agree that these are very cogent arguments. But I will apply myself to the question whether there are any arguments on the other side. Is there anything which, in spite of these cogent arguments, still justifies us in going ahead with the principle of compulsion? When I received this Bill, as an old campaigner I naturally began by reading the Statement of Objects and Reasons. Then I went back to the previous Bill on the same subject and I read the Statement of Objects and Reasons there. All I could find there in justification of compulsion was this.

“The position has not, however, improved in regard to voluntary recognition by employers.”

Then being of a suspicious nature I turned again to the previous debate in this House and I saw that Dr. Ambedkar at that time had produced no better reason to justify this extraordinary measure of compulsion. All I could find by way of reason adduced by him was this:

“The House will remember that the Royal Commission at that stage stated that they would very much desire that the recognition was achieved voluntarily by the consent of the employers without any legal obligation upon them. The House will also remember that the Royal Commission reported in 1929. Practically 12 years have elapsed and there has been no willingness on the part of employers to recognise trade unions voluntarily. Indeed, the objections which employers made before the Royal Commission for opposing recognition of trade unions are still the objections which the employers are pressing for non-recognition.” (Vol. IV, 1943, p. 253).

When I read that I naturally turned back again to the report of the Royal Commission on Labour in order to find out the grounds on which employers at that time were opposing the recognition of trade unions. I found on page 323 that the most important ones were five in number,—as given in 1929. The first reason was:

“That the union embraces only a minority of the class concerned.”

Let me tell my Honourable friends, particularly my labour friends, that that objection has now been given up by every responsible body of employers in this country. If they will take the trouble to read the conditions which have been framed by various industrial associations on which they are prepared to recognise unions, they will find that the condition that the union must embrace a majority of workers has everywhere been given up. That presumably is one of the conditions which Dr. Ambedkar had in mind in 1941, when he stated that the employers were still pressing the old objections as a reason for not recognising unions.

**Mr. President:** If it is convenient to the Honourable Member he may stop here and resume 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.

### COMMITTEE ON PETITIONS

**Mr. President:** I have to announce that under sub-order (1) of Standing Order 80 of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions:—

- (1) Syed Ghulam Bhik Nairang.
- (2) Mr. Sri Prakasa.
- (3) Mr. C. P. Lawson.
- (4) Sardar Mangal Singh.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

### INDIAN TRADE UNIONS (AMENDMENT) BILL—contd..

**Mr. P. J. Griffiths:** Mr. President, before lunch after beginning by trying to establish that no modern intelligent employer is averse to the growth of healthy trade unions, I marshalled some of the arguments against the introduction of the principle of compulsion. From that I passed on to consider whether there were any compelling reasons which in spite of all the disadvantages of compulsion might still justify the inclusion of a clause of this nature. I went back to the time where the Labour Member's predecessor had said that the arguments used by employers against recognition of unions in 1929 were still being used against them now. To find out what those arguments were I had turned back to the report of the Royal Commission on Labour and in that Report I found it stated that five different lines of argument were used by employers against the recognition of unions. Of those five lines of argument I had dealt with two. I explained then that the first objection to the union, that it did not contain a majority of the workers, had since been given up by all employers. I then dealt with the second objection raised in 1929, which related to the presence of outsiders in the executive of the union, and I pointed out that that objection too had now been given up by practically all important industrial associations. Three objections remain. The third was, as stated by the Royal Commission on Labour, the failure of the union to register under the Trade Unions Act. I do not believe that any single member of this House, certainly no labour member, maintains that an employer today ought to recognize a union which has not even observed the elementary formality of registering itself under the Trade Unions Act. There remain two other grounds of objection which according to the Royal Commission were then being urged by employer. One of those was refusal of the union to dispense with the services of a particular official. That has taken place undoubtedly in a certain number of cases. But if my Honourable friends will look at any of the recent statement, by industrial associations and large

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employers as to the conditions on which they are prepared to recognize the unions, they will find no reference whatsoever to any right on the part of an employer to demand that a union shall dispense with the services of a particular official. So that out of the five grounds of objection taken at the time of the Royal Commission on Labour, four are no longer sustained by the employers.

The fifth reason is a very delicate matter. (Interruption). My friend says, why have you changed. The answer is because employers are sufficiently intelligent to adjust themselves to the march of events; they do not stand on ancient slogans and shibboleths, but they are ready to adapt themselves to the needs of the hour. The fifth ground then given is a very difficult and delicate matter indeed. It was the prior existence of another union. This is an extremely difficult question. It is a question about which there is room for two reasonable points of view: I may hold, as I do hold, that the existence of more than one recognized union in the same concern can be disastrous for the employer and the employees alike. Be that as it may, it is a question which is not dealt with in the present Bill. The point I want to make now is that when Dr. Ambedkar stated that the objections which were being urged by employers in 1929 for the recognition of unions were still being urged he was stating something which was completely incorrect. Of those five objections four have been openly and publicly given up, and the fifth is a matter in which there is a room for reasonable difference of opinion. So that the argument set forth in the Statement of Objects and Reasons that this compulsion had to be introduced because things had not improved, has no foundation in fact. My Honourable friend, Miss Maniben Kara, who unfortunately has to be elsewhere this afternoon for another Labour Conference, said in effect that unions had not developed in the last twelve years—or fifteen years it may have been—and that of course this was the fault of the employers. They had not developed because the employers would not let them develop. Had it occurred to my Honourable friend that there are two parties to the development of a union and to the recognition of a union. On the one hand there is the employer and on the other there is labour. And I should be prepared to assert that at any rate in many industries, the reason why unions have not developed is that my Honourable friends in this House, who are distinguished labour leaders, in spite of all their efforts have not yet succeeded in those industries in persuading the labour to recognise that unions are what they need. It is an utterly unfair and unsound assumption that because unions have not developed, employers must necessarily have been putting obstacles in their way. I can give an example of one large industry, an industry which employs more labour than any other industry in this country and as far as that industry is concerned I say categorically that the allegation is not true. We have not put and we are not putting obstacles in the way of the formation of trade unions. The formation of unions in industry generally will take place as and when labour begins to feel that it needs unions and as and when it begins to get confidence in those who come forward to lead them. One of the biggest reasons for this backwardness is the lack of a sufficient number of leaders of the right calibre. I have said in this House before and I will say it again that if we had a thousand Joshis the labour movement would go fast. Every one respects Mr. Joshi for what he has done and is still trying to do in the cause of labour, but one Mr. Joshi and one Mr. Gadgil and two or three others cannot lead labour movements designed to cover millions of people. The lack of labour leaders of the right kind is the main reason for the little progress that has been made since the time of Royal Commission sat in the organisation and recognition of labour unions. It is a calumny, it is not to say that employers in these recent years are in general refusing to recognize unions and are putting obstacles in the way of their development. Several of the large industrial associations with which I have dealings have sometime since drawn up simple conditions of recognition for unions. They

have made it perfectly clear that they will recognize any union tomorrow which grows up in compliance with those conditions. I am prepared to show those conditions to the Labour Member, or my Honourable friend, Mr. Joshi, or to any labour member of this House, and I can tell you, Sir, that when he reads them he will be surprised to find a complete absence from them of any pettifogging restrictions. He will be convinced that they represent a genuine desire on the part of employers to meet the needs and wishes of labour as soon as those needs and wishes begin to make themselves felt. So that the argument that you must have this compulsion because employers have played unfairly is without foundation. And here I want to make a plea to my Honourable friend, the Labour Member, and to this House. Of recent years, particularly within the last two or three years, a new spirit has been born, not only in this country but throughout the world with regard to all these labour matters. Employers today approach these problems from a different angle and with a different emotional background. A new atmosphere has been created. Give this new atmosphere a chance to make itself felt. Give us a chance to see what can be done in the way of developing good relations between employers and the employees, without vitiating that atmosphere by the distasteful principle of compulsion. What my Honourable friend says in effect is "you must have compulsion because in the bad old days before the war when men's minds were different in many respects, before new light on these subjects had dawned—because in those days employers were hidebound—just as in those days labour leaders were hidebound—because of the conditions which prevailed then, now we must have the element of compulsion." Give the new spirit a chance to work. Accept the view of the Royal Commission on Labour. In the last resort, the power and the strength and the development of unions will depend not on formalities and legal principles, but on the spirit in forming their action on the one hand and of the employers on the other. I will tell my Honourable friend, the Labour Member, that if he will adopt that policy, he will find the employers of 1946 ready to meet him and labour very much more than half way. I do therefore beg that this element of compulsion shall be removed from this Bill.

**Mr. N. M. Joshi** (Nominated Non-Official): What will remain of it?

**Mr. P. J. Griffiths:** The first thing remaining will be the statement of the rights of a recognised union: secondly, moral recognition will have been given by Government and by this House and by employers to the fact that trade unions are a desirable and essential part of the economic structure. My Honourable friend, Mr. Joshi, tends to live in legal formulas of textbooks. Let us get into the spirit of compromise. I can promise my Honourable friend, that as far as those whom we in this group represent are concerned, he will not find us stiff, but ready to develop this Trade Union movement. If Government will not accept my plea, I have another suggestion, a kind of halfway house, and the idea of this halfway house really arises from a very useful interjection by Mr. Joshi. When I was speaking this morning and was trying to develop the theme that it was important to encourage a sound, balanced and healthy union and to discourage the unsound, unhealthy union having some ulterior motive other than the mere benefit of labour. Mr. Joshi nodded that wise head of his and said, 'Who is to be the judge?' There, of course, is the crux of the problem. Who is to be the judge as to the behaviour and attitude of any particular union. My contention is that in the first place the employer must be the judge. But if Government will not accept my plea for the abolition of compulsion altogether, my next contention is, let there be a court of appeal. Let the employer be the judge in the just place and have the right to refuse to recognise a union. Then let the union come and allege that recognition has been refused unreasonably. Let all the relevant facts and circumstances be taken into consideration, as to whether the refusal by the employer has been unreasonable or not. This present Bill, as now drafted, does not provide for that. It lays down certain mechanical criteria to which and by which the industrial court is confined. As the Bill is now

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framed, if an employer refuses recognition, three months later the union can go to the industrial court and there it has to establish certain criteria. Those criteria are all in a sense mechanical in their nature. The most important of them are, firstly, that all the ordinary members are workmen employed in the same trade or industry; secondly that it has for twelve months been a registered union. I pass over the third as I do not want to be involved in this extremely contentious matter of a communal nature. Fourthly, that the rules provide the procedure for declaring strikes; fifthly that the meeting of the executive shall be held once in every six months; sixthly, that it is a representative trade union. I will come back in a minute to the question of a representative trade union.

The point I wish to make is that all that the industrial court is entitled to do is to consider whether the union has complied with these conditions or not. There is not a word here that authorises the industrial court to consider how the union is behaving or what are the evidences to its intentions—whether it is a responsible body, whether it exists for making trouble or whether its primary purpose is political. The moment the union can satisfy the industrial court that it conforms to these purely mechanical criteria, the industrial court can do nothing but recommend recognition to Government.

In the next section you have some words which may mean anything or nothing. They say: "On the receipt of a report, a Provincial Government, if satisfied that a trade union is fit to be recognised, may by notification, etc. . . ." I have two points about that. Is it really right when we in this House are trying to lay down the conditions under which a union shall be recognised, that we should wave an airy hand and say we cannot lay down the details, but that if Government thinks a union is fit to be recognised, that is good enough for us? Is that legislation or is it shirking our duties? I say with all respect that it is entirely wrong in principle for the Labour Member or his predecessor to come to this House, and ask us to give our sanction to a blanket clause of a kind which says that a Provincial Government can recognise whatever it likes to recognise. Let us say so, if we mean that. If that is our wish let us say with regard to trade unions that the Provincial Government can please itself as to what it does with regard to union. But I do not believe the House will accept that view. We are here to give guidance by legislation to Provincial Governments as to the principles they should apply in deciding whether a union is fit for recognition or not. I do urge that this kind of vague blanket legislation is not satisfactory.

I come back to my point that as things stand, a union may be irresponsible, dangerous, and devoted to some improper object, but it still may satisfy the criteria laid down by the Bill for the industrial court. The only protection then that we are given—and by 'we' I mean the employer and the State—is that the Provincial Government can make up its mind whether the union is or is not fit to be recognised. This does not go far enough.

I want to go further. I do ask my Honourable friend, the Labour Member to consider the desirability of laying it down that in the normal way, the employer is to have the right to recognise or refuse to recognise a union. From that refusal if necessary the right of appeal may lie with the proper authority and the grounds for the right of appeal should be that the employer has acted unreasonably. I shall have much more to say about that when we come to the Select Committee. But I do ask my honourable friend to accept the principle that more definition is necessary, that the onus of recognition rightly belongs to the employer and that it is only in those exceptional circumstances, where an employer unreasonably refuses to recognise a union that Government or an industrial court ought to intervene. That intervention ought to be governed by principles clearly laid down in this Act.

I pass on from that, because I have already taken too long a time over it. There are still a few points with which I must deal.

The first is with regard to the complete lack of any definition in this Bill as to what is meant by a representative union. That phrase, representative union, seems to be the keypoint of the whole Bill, for in fact what the Bill says amounts to this: That if a union is a representative union, then provided it satisfied certain criteria, it shall be recognised by the State and that recognition shall be binding on the employer. That means nothing to me, unless you tell me what your starting point is. It is no use saying that a representative union is to be a recognised union, if you do not tell me what a representative union is. It is wrong in principle to take a matter of this kind and leave it entirely to the rules. Rules exist to carry out the purposes of the Act and not to define those purposes. The essential purpose of this Act is to give recognition to a representative union, and yet forsooth, we cannot be told what principles are involved in deciding what representative unions are. As I have said on previous occasions, this means a shirking of our responsibility. We are here to lay down guiding principles. We are here to define those points on which the working of the Statute will depend. I do urge my friend to accept the principle that when the Select Committee stage is reached, an attempt will be made and must be made, to make clear what we mean by a representative union.

My friend says, and I understand his point, that in these matters elasticity must be left: some discretion must be left to the Provincial Government. I agree for circumstances do vary from province to province and from Industry to Industry. But he must lay down some overriding principle. Let him lay down that there must be a minimum percentage for membership, and having done that if he likes to leave Provincial Governments to vary the percentage, I have no objection. But if this phrase "representative union" is to mean anything at all, you must have some kind of minimum membership clause in it. I know the arguments against such a clause. It is very often said that a small trade union may be better than a large trade union, but that is one of those nice copy book sayings that you cannot translate into practice. How does it work in real life? If you had a union to which only 5 per cent. of your labour force belonged, what would it mean, if you said that it was a representative union? It is merely misusing words. You have in practice to deal with the other 95 per cent. outside the ambit of the union. On the other hand, if a trade union contains 90 per cent. of the labour force, it does not matter whether you recognise it or not: it will in fact be representative and you will have to deal with it. There must therefore be some connection between representative capacity and numerical strength. I am not here concerned to argue that a particular percentage should be fixed, nor am I concerned necessarily to insist that that percentage must be the same in all industries and in all parts of the country. But the principle must be laid down in this Bill that no union can be deemed to be representative unless it contains a minimum percentage, to be defined according to the circumstances of the industry and the Province, if you like, of the membership of each individual concern. I want to stress this point—each individual concern. You may have a union covering 70 or 80 different concerns, but which may not have a single member in the particular concern in which I happen to be interested or which I happen to own. If you were to call that union 'representative' in my concern, would it mean anything in practice? I will develop this point in more detail at the select committee stage. I do trust the Honourable the Labour Member will give the most serious consideration to this aspect of the matter. I have urged upon him three points. I have urged that the principle of compulsion is bad. I have gone on to urge that recognition is the normal function of the employer and that intervention by the State or by an Industrial Court is only justified where it can be shown conclusively by the union that the refusal to recognise has been unreasonable. I have gone on from that to argue that before he gets even to that stage, he must give some more point to his definition of a "representative union."



[Mr. P. J. Griffiths]

I have only two more points to make now and the first relates to the question of withdrawal of recognition. In this Bill, just as we define the procedure for granting of recognition, so it is sought to lay down the procedure for withdrawal of recognition. This section requires the most careful examination, for it contains features which may well become a prolific source of strife and dispute. For example, as the Bill now stands, any Union can apply for the withdrawal of recognition from another union. What a pretty kettle of fish. What a state of affairs if when two or three rival unions have started in a particular concern, each starts coming along and claiming that Government ~~must~~ cancel the recognition already granted to another union. There is bound to be difficulty there and I realise that the Labour Member has an awkward problem to solve. We will try to discuss in Select Committee as to what the solution ought to be. But I do want to stress the fact that the section, as it stands at present, will not solve the problem. It is defective in other respects too. For example, it is illegal in the extreme, that an employer in the first place has the right to grant or not to grant recognition but has no right whatsoever to withdraw recognition, even if the union behaves in exactly the kind of way which would have justified him morally in not granting recognition when it was first formed. Clearly there ought to be some provision as to the right of withdrawal of recognition by an employer, subject, if you will, to an appeal, on the ground that the withdrawal has been unreasonable, to some competent authority.

My last topic is a very brief one and it relates to that section which deals with unfair practices. Here I have no general objection to the section as it stands, but it seems to me to require very much more detailed examination with regard to certain important points. For example, we are told that if the majority of the members of a union take part in an illegal strike or if the executive of the union encourage any irregular strike, that shall be a ground for the withdrawal of recognition. This sounds grand on paper but in practice it does not take a majority of the workers of a union to dislocate an important industry. It may easily happen that an important section of the workers in a particular industry, for less than a majority, can bring about dislocation and produce exactly the same disastrous results as would ensue if a strike had been called regularly by the union in the ordinary way. A small percentage of the members of a union acting against the views of the union can go on strike and cause dislocation, even when a majority of the members of the union are opposed to the strike. Does it not seem that there ought to be some provision for a union to prove its *bona fides* to show that it was not behind the strike, that by expelling those of its workers who indulge in irregular strike without its sanction. I am not now saying anything dogmatic or putting forward a final opinion. I am mentioning the problem as a matter for consideration: What can be done to deal with this particular difficulty is a matter which we shall have to discuss in the Select Committee.

There is one more point under this same head which seems to require clarification too. There is a section or clause, clause 28 (K) which speaks about the rights of a trade union. That may be a very good section or it may be a very bad section. I find it hard to judge, because I have no idea as to what the Honourable the Labour Member has in mind, when he talks about the rights of a trade union. Have they, for example, the right to hold their meetings in working hours? Is the employer expected to allow them to hold their meetings in the time for which he pays his workers. Have they the right to hold their meetings within business premises? All this is not clear. I dislike and apprehend greatly the use of these vague blanket phrases such as the rights of a trade union. I believe that more harm has been done in this world by the loose use of vague general phrases about rights like this about the rights of a trade union than by most other political causes. Do not let us talk in such abstract terms about the rights of a trade union. Let us

say what those rights are. This is one of the many points in this Bill which requires clarification.

Sir, that is all that I have to say at this stage, except for one final appeal to the Honourable the Labour Member. I have been forced to adopt today an attitude towards his Bill which must be distasteful to him, although I propose to support the reference to select committee, I have made it clear that the draughtsmanship is defective that in the Bill there are many lacunae and that altogether, I think, it is a badly thought out Bill. That point of view must be distasteful to the Honourable Member but I have expressed myself frankly to him now because I want to ask him to take the chance, the chance which has been provided to him by his coming into office in the present Government of giving his Department a new start. For years past the Labour Department has gone on bludgeoning its way through—producing hastily drafted legislation—either not consulting the interests concerned or consulting them after the draft has been completed—calling tripartite conferences, not presenting those conferences with the agenda beforehand and putting bills before them for the first time actually in the middle of a conference. Those have been the kind of bludgeoning tactics adopted by the Labour Department for some years past. Every section of this House subscribes to my view on this matter and every section of this House hopes that, with the advent to power of a new Government there will be—I dare not say change of heart, in view of what I have said about changes of heart this morning—a change of understanding. The Labour Member will realise that we are not now in the old diehard days of 20 or 30 years ago. He has to deal on this side of the House with a body representing employers who will co-operate with him, who will back up his efforts to promote the welfare of labour and in return we expect from his department that consideration, courtesy and consultation which have been conspicuously lacking in recent years.

**Pandit Balkrishna Sharma** (Cities of the United Provinces: Non-Muhamadan Urban): Sir, I rise to support the motion that the Bill be referred to the select committee. When I was hearing the very able exposition of my Honourable friend Mr. Griffiths on the Bill before us I was reminded of a conversation that I had with the President of the Employers Association of Northern India, Sir Tracy Gavin Jones, in the year 1938. At that time there was a very serious labour trouble in my own city, the city of Cawnpore, and I had to do something with that strike which ultimately took place. I almost went on my knees before him and I requested Sir Tracy Gavin Jones to be good enough to grant recognition to that union, which was smarting under the disability of not having been recognised; and Sir Tracy put the question to me—“You raise this question of recognition, but I want to know what the aims of your labour union are.” I said that the aims have been laid down in the constitution. He said “No; you are not purely a trade union; there is something of an ulterior motive behind your trade union, which is your politics; and hence I am not going to advise the Employers Association to grant recognition to you.” I appealed to him to broaden his policy. I requested him to give the labour leaders and the representatives of labour a chance to sit with the employers and to thrash out matters which were agitating labour at that time. But Sir Tracy would not budge an inch; and today while I was hearing Mr. Griffiths I was reminded of that conversation, and I found that there was precious little change so far as the understanding of the situation was concerned. As Mr. Griffiths said, it is not proper here perhaps, where intellectuals are sitting, to talk about change of heart, but only of a change of understanding. Till 1938 or 1939, that change of understanding did not come over the members of the Employers Association of Northern India.

A great deal of time has been wasted by talking about what actually trade union activities are and what should be the motive which should guide the various trade unions in the country. Mr. Griffiths would not object to a trade union demanding higher wages, better conditions of service, old age pensions and all that; but perhaps Mr. Griffiths would not touch a trade union with a

[Pandit Balkrishna Sharma]

pair of tongs if that trade union were to place before it the ideal of bringing about a complete social change in the body politics of society, which means that wherever there is the least possible doubt regarding the motive with which the trade union functions, and which according to Mr. Griffiths is not within the ambit of trade unionism, he would not tolerate it. To me it appears that at this hour of the day it is not possible for us to circumscribe the activities of a trade union. A trade union should be perfectly at liberty to have as its objective the reconstruction of society on such economic principles as do not today find acceptance with friends of the way of thinking of Mr. Griffiths. If you do not permit trade unions to function with these aims and objectives before them, you will be really putting a great deal of hindrances in the way of the development of trade unionism in the country. After all, life cannot be divided in watertight compartments. For the life of me I cannot understand why a trade union which has got that ideal before it should not be considered as a properly constituted trade union, and why merely because it happens to bring about or to strive to bring about, a change in the economic and social conditions it should not find recognition or it should not be considered as working on trade union lines. I quite understand the trouble which the employers feel from trade unions which have not been formed on proper lines. I myself, in my capacity as a humble servant of labour, have felt that sometimes, or even oftener, the labour leaders and workers go out of their way to create trouble; but then, we are passing through a period of transition, and we cannot, situated as we are, all of a sudden, try to bring all our movements under effective control. Such lapses should not in any way be put down to the idea that because that particular labour union happens to have a wider objective before it, therefore all these troubles are arising.

My Honourable friend Mr. Griffiths has gone into the reasons which are responsible for not bringing trade unions into proper shape in this country. Ours has been a position peculiar to ourselves. Nowhere in the world had the labour movement to work under those conditions under which our trade union movement had to function. The primary consideration before the country for the last twenty five years has been political freedom and the best intellects of the country have devoted their time and energy to that cause. Naturally, it was not possible for us, in this very peculiar political condition in which we found ourselves, to devote our energies to the development of sound trade unions in the country. That is one of the main reasons why trade unionism has not functioned in the country in the way it should have.

I quite agree with Mr. Griffiths that we could not find trade union leaders of calibre. That difficulty again has been before us but the one factor, which Mr. Griffiths so hotly repudiated, has also worked to our disadvantage and that has been that during the last 25 years we have never received any encouragement whatsoever from the employers to organise our labour on sound trade union lines. Mr. Griffith's protestations cannot take away this fact from consideration.

Then, again, Sir, we have heard criticisms of various clauses in the Bill. Some criticisms are of the nature which require consideration in the Select Committee but there are some criticisms which have been levelled against this Bill which more or less are of a fundamental nature. My friend Mr. Sattar Seth has asked why we should put hindrance in the way of organising labour on communal lines. As a man who has been associated with labour for the last 25 years of his life in a way, I can say that if we promote or encourage anything of that sort I can assure Seth Abdus Sattar that the whole labour movement in the country will go to dogs. Maulana Hasrat Mohani, a revered friend, was approached by certain friends in my city and he was asked to organise a Muslim trade union in the city. I had an occasion to talk with Maulana Hasrat Mohani about this question and he said 'Well, Panditji, it will be disastrous if we promote this sort of organisation so far as the labour of the country is concerned'. I can quite understand some of the labour unions functioning on

communal lines but I certainly cannot understand why the Government should encourage this, knowing as we do that that will certainly cut across the labour interests in the country, be they Hindu or Muslim. If anything, the leaders of public opinion in this House should take into consideration one fact, that so far as the employers are concerned, they know no distinction either of nationality or of race or of religion or of community. Nearly all the employers in Northern India who are employers worth the name are members of the Employers Association of Northern India. Hindus, Muslims, Europeans, Christians, whosoever they are, they are there. Then, if the employers are feeling that comity of interest so far as their economic interests are concerned, how is it that we here should raise our voice against the very sound principle that labour should not have any organisation whatsoever on communal lines. After all labour organisations are not faced with political questions day in and day out. There are certain occasions, as my friend Mr. Seth pointed out, when some burning political topic comes up before a certain trade union organisation and the majority of the members perhaps express their opinion contrary to the views of the minority. Well, if certain occasions like this arise, the minority in that organisation must be left free to express its opinion in the way it likes; but because such occasions arise we should not encourage communal unions to be formed. If that happens, then we shall be weakening the trade union movement and the labour movement of the country to a very great extent. I would appeal to my friend not to insist upon getting this Bill circulated and to withdraw his motion.

Naturally there are certain clauses in the Bill which require redrafting and reconsideration. Some of them have been mentioned by Mr. Griffiths. He has put forward certain suggestions also and I hope in the Select Committee he will be of immense help to all those who are there to make the Bill acceptable to all sections of the House

So far as the question of compulsion is concerned, I think we cannot be too legalistic about it. And we cannot stand on principle to such an extent that we may endanger the development of the whole labour movement in the country. Even the veteran labour leaders do not like the trade unions to be recognised merely by the fiat of executive authority, merely because the State has granted recognition to a particular union. That is all right, but then the whole trade union movement is in its infancy and when we want to build it up on proper lines it is necessary that the State should accord some help towards the building up of that movement and I think this Bill is nothing more than a help towards making the trade unions function on proper lines. Compulsion is not a very good thing and the employers will naturally resent that sort of compulsion but then after this great armageddon we have seen how employers have readily fallen in with the amount of compulsion which nobody could dream of before the last war. Even in England, we have seen employers carrying out the wishes of the State without insisting too much upon the principle of *laissez faire*, and, therefore, today to raise our voice against a slight compulsion that might be in one legislation or the other, is like going against the current. Compulsion is there. Compulsion will have to be there if we want our society to be reconstructed on proper lines. I therefore think that we should not in any way come in the way of the present government in bringing on the anvil various labour legislations which the Honourable the Labour Member has before him. As I was hearing another friend of mine in this House on this Bill, I was thinking whether we shall allow this canker of communalism to eat into every walk of our public life. So far, we have succeeded in keeping the Trade Union movement of the country free from any bias of religion or communalism, but if we allow the slightest possible encouragement from the side of the State in that direction, then I think we shall be harming the labour interests which look up to you in this House for protection. With these words I support the motion for the Bill being referred to the Select Committee.

**Mr. N. M. Joshi:** Mr. President, the Bill which we have been discussing for some time since yesterday evening is a small measure intended to remove one

[Mr. N. M. Joshi]

of the difficulties experienced by the trade union movement in this country. The employers in this country have pleaded many excuses for not recognising trade unions of their employees. I do not wish to traverse over the ground which has been covered by my Honourable friend Mr. Griffiths, who quoted the arguments pleaded by the employers against the recognition of their employees as given by the Royal Commission on Indian labour. They have pleaded many excuses, but Mr. Griffiths quoted five of them as given by the Labour Commission. Mr. Griffiths said that most of these arguments which the employers used against the recognition of trade unions have been now given up by the employers. He said that the employers may not have changed their hearts but they have changed their understanding. He made us understand that the employers of this country have given up their former attitude towards the trade unions. But, Sir, from the speech to which we all listened this morning and part of this afternoon, I feel that not only the employers of this country have not shown any change of heart but I am afraid they have shown no change even of understanding. I do not find from his speech that he understands the trade union movement in this country any better than his predecessors of 25 or even 50 years ago.

**Sjt. N. V. Gadgil:** They are Bourbons!

**Mr. N. M. Joshi:** He told us that the employers now do not object to the outsiders working in the trade union movement. Even there he was not quite accurate. If he had said some of the employers now do not object, he would have been right. But I know even today some of the employers who object to the outsiders taking part in the trade unions of their employees. I am however prepared to admit that some of the employers have given up some of their old pleas. Unfortunately, when people do not really at heart realise that the trade unions are an essential part of the industrial organisation and if they cannot plead the old arguments, they are brainy enough to find out new arguments. My friend Mr. Griffiths told us that the employers would be very willing to recognise trade unions if all the trade unionists, were very good men and if their objects had been such as the employers approved. If they did not take part in politics and if they did not create any discord, then there would be no difficulty in the employers recognising the trade unions.

**Mr. Manu Subedar** (Indian Merchants Chamber and Bureau: Indian Commerce): And they have to bring a Joshi.

**Mr. N. M. Joshi:** When I have become old and incapable of starting new unions and making fights on their behalf, he is quite willing to show consideration to me personally.

**Sir Cowasjee Jehangir** (Nominated Non-Official): He appreciated your services all along.

**Mr. N. M. Joshi:** He said that the trade unions must not create any discord between the employers and the employees. It is not the business of a trade union to create discord. A trade union is intended to protect the rights of its members, the employees. If the rights of the members could be protected by negotiation, a trade union worthy of its name would prefer that method of settlement. But it is not always possible to protect the rights of the members of the trade unions without some kind of fight. He said that the trade unions, in India took part in semi-political activities. He wants the trade unions to be content with asking for the reduction of hours, asking for the increase of wages and such things. But he suggests to us that it is not the business of a trade union to enter into politics. And then, Sir, he told us that he was an admirer of the British trade union movement and he told us perhaps to follow the great example of the British trade union movement. Let me assure him that I am one of the admirers of the British trade union movement, but I have yet to learn that the British trade unions do not enter into politics or do not fight with the employers in that country.

**Mr. P. J. Griffiths:** They do.

**Mr. N. M. Joshi:** They do. Therefore, a trade union movement will on some occasions create some discord between the employers and the employees. It is therefore not right for him to expect trade unions not to create any discord.

**Mr. P. J. Griffiths:** On a point of personal explanation, Sir. I did not object to the fact that the Union would in practice have to fight against the employers. I referred to the motive underlying the formation of a union and I objected to an Union which was created for the purpose of fomenting discord rather than for the purpose of looking after the real welfare of the labour.

**Mr. N. M. Joshi:** I said very clearly the object of a trade union is to protect the interests of its members.

**Mr. P. J. Griffiths:** It should be.

**Mr. N. M. Joshi:** That is the object.

**Mr. P. J. Griffiths:** Not always.

**Mr. N. M. Joshi:** And if to fulfil that object it has to fight the employers, well, the union will have to fight. Has the British Trade Union Congress given up politics? He may know something about the British Trade Union Congress, though he may not have attended any of their meetings.

**Mr. P. J. Griffiths:** I have attended their meetings.

**Mr. N. M. Joshi:** So have I. The British Trade Union Congress has not eschewed politics. On the contrary, they give great importance to political questions. The British Trade Union Congress has not given up asking for the abolition of the capitalist system. The British Trade Union Congress is trying its very best to see that a socialist democracy is established in Great Britain as early as possible. I, therefore, feel that when Mr. Griffiths told us that the trade unions in India were not good unions because they created discord between the employers and the employees and because they took part in the political movement of this country.

**Mr. P. J. Griffiths:** I rise on a point of personal explanation again. I am sorry to interrupt the Honourable Member but he is unintentionally misrepresenting me. I did not object to unions taking part in politics. I objected to those unions the primary object of which was not the welfare of the labour but the forcing of a particular economic structure on society. To put it more plainly, a union whose primary aim is not labour welfare but communism is a bad union.

**Mr. N. M. Joshi:** Well, Sir, I again repeat for the benefit of my Honourable friend Mr. Griffiths that the primary object of a trade union is to protect the interests of its members.

**Mr. P. J. Griffiths:** Should be.

**Mr. N. M. Joshi:** And whatever legally and legitimately is necessary for the protection of those interests, the union is justified in doing. If the interests of the members cannot be protected without the abolition of the capitalist system, well the union will advocate the abolition of the capitalist system.

**Sir Cowasjee Jehangir:** Will it go on strike for that purpose?

**Mr. N. M. Joshi:** I will come to the question of recognition. It is in these circumstances when the employers even today do not show a proper understanding of trade union movement in this country that the Honourable Labour Minister has brought forward this small measure. Sir, my Honourable friend Mr. Griffiths quoted the Royal Commission on Indian labour. I happened to be a Member of that Commission and as a Member of that Commission after having studied the whole question very anxiously and carefully at that time, we came to the conclusion that if recognition is to serve its object completely, it will be better if the recognition was voluntary and genuine. Sir, I subscribe to that view sincerely and fully. We felt that you may give the trade union some kind

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of recognition by law, but a real and sincere recognition is difficult to be obtained by law. You may take a horse to the water, but it is not easy to make him drink the water. You may make a law compelling an employer to write a reply to a letter sent by a trade union, but in any case it is very difficult to compel an employer to write a reasonable reply.

**Mr. P. J. Griffiths:** You cannot even compel Government to do that.

**Mr. N. M. Joshi:** You may compel an employer to grant an interview to the representative of a trade union, but you cannot by law persuade an employer to be just and fair to his employees. It is on account of these difficulties that the Royal Commission at that time came to the conclusion that it is better to see that the employers in this country learn in the course of time the wisdom of recognising unions, the wisdom of recognising that trade union is an essential part of the industrial organisation of the country. Unfortunately employers in this country did not learn much during the fifteen years that have elapsed since the Royal Commission wrote its report. It is on account of that that the Honourable Member in charge of the Labour Department has been compelled to bring forward this measure. As has been explained both by Mr. Griffiths and the Honourable Member in charge, the measure creates a right, in my humble judgment a very small right, for the working classes in this country by laying down a principle that an employer shall reply to the letters written by a recognised trade union and grant interviews to the representatives of that trade union. Even the small right which this Bill proposes to give to the trade unions is again whittled down. The employer is only bound to reply to the letter written by the trade union once, but if the employer comes to a decision either favourable or unfavourable, then for six months the trade unions cannot write another letter on that subject to the employer and expect a reply. You will see even the small right which the Bill proposes to give to the trade union has been whittled down to a great extent by the provision that the employer need not reply to the letter, if the point had been covered once by a previous letter and decided by the employer. I feel that the rights given by this legislation are very small and very meagre. But that is not the complaint which I propose to make just now at this stage. The complaint which I make now against the Government is that in order to give this small right to the trade unions the Government is imposing very heavy conditions upon the trade unions in this country. After all what is the right the Government is giving to the trade unions? The Government is giving to the trade unions the moral right which every employee of an employer has got. The employee has the moral right if he has to make written representations as regards his conditions of work to the employer, to get a reply from his employer. Similarly an employee has the moral right to see his employer and talk to him on the conditions of life and work in the factory or in that industry. If the Government therefore gives this moral right and puts it into legislation the Government is not justified in imposing heavy conditions. I would have preferred the Government of India to lay down in simple language this moral right, in legal phraseology that every employer shall reply to the representations made by the employee or his representative, the trade union, similarly every employer shall grant an interview to the employee or his representative, the trade union. Sir, a simple laying down of a principle of this kind in legal phraseology would have been enough for the working classes in this country. But, Sir, the Government of India whenever they want to give something to labour they are always afraid of the employers. They feel that if a small right is conferred upon the employees, they must exact the price and therefore the Government of India have laid down in this Bill very heavy conditions. I shall not go into details of these conditions. But I must state in this House that not only are these conditions heavy, but they are likely to create complications which will make the administration of this law difficult and may even hamper the growth of the trade union movement in this country. One of the conditions is that the union to be recognised must confine itself to one industry. I lay the charge on the Government of being vague as regards this condition. One does not know what an

industry is. You insist that a trade union must derive its membership from one industry. Is the textile industry one industry? You may say that the cotton textile industry is one industry, woollen textile is another industry, silk textile is a third industry and the handloom industry is a fourth industry. The word "industry" is not defined and, I am afraid, will not be easy to define. Similarly we would like to have one union for the transport industry. But the transport industry may consist of railways, motor transport and air transport; and unless we define the word "industry" we shall not know what sort of unions to start. So far as I am concerned, I feel that this restriction or condition imposed upon trade unions is not only unnecessary but is likely to create great difficulties and may hamper the growth of trade unions. We want large trade unions in order that these trade unions should function effectively and should protect the interests of their members. If the word "industry" is narrowly interpreted the growth of the trade union movement in this country will be hampered and weakened.

I will also mention another condition laid down by the Government of India, and along with my Honourable friend Mr. Griffiths I will say that the condition is very vague. It says that the union to be recognised must be 'representative'. I do not exactly understand what the meaning of that is. And again if you try to define it you will find that the administration, even looking at it from your own point of view, will not be easy, and from the labour point of view it will certainly create obstacles in the way of the growth of the trade union movement. A union extending over a province will be representative in Bombay, having a membership prescribed by the provincial Government—10 or 15 per cent., whatever may be laid down—but it may not have a representative character in another place like Sholapur in the Bombay province. We want all these trade unions to amalgamate themselves and work together; and if you lay down a condition by which unions which are recognised in one place and not recognised in another place you will create great difficulties. Even in the same city it will not be easy for you to define the word in such a way that the smooth working of that condition will become practicable and the laying down of this condition will not create an obstacle in the way of sound trade union movement.

Then, Sir, the Government of India propose to give power to the Provincial Governments to lay down any condition which the provincial Government wants. Sir, these are days of dictatorships; Hitler is gone and the Tzars are gone, but their spirit has not disappeared. I do not really understand what the Government of India mean by giving this power to the provincial Governments. It is true that the Government of India say that the new conditions to be imposed must not be inconsistent with the conditions laid down in that section. This clause will give power to the provincial Governments to lay down any conditions. My Honourable friend Mr. Griffiths wanted perhaps some condition to be laid down as regards the unions taking part in politics. What will prevent a provincial Government saying that a union to be recognised must possess politics of a certain character and must not possess politics of some other character? It is quite possible that such a condition may be laid down and I do not see how, if such a condition is laid down, it will be inconsistent with the conditions mentioned in that clause. The power which he proposes to give to the provincial Governments is a very wide power and the trade unions in this country will not be willing to give such power to the provincial Governments. I realise that the Honourable Member may say that the powers given to the provincial Governments are to be controlled by the Central Government. Sir, I have great respect for the members of the Central Government, but I am not prepared to give even then my confidence to this extent that they may lay down any conditions they like for the recognition of trade unions in this country. I therefore feel, Sir, that the Government of India have unnecessarily gone into the question of laying down conditions. The rights which they are giving to trade unions are very small rights, the fundamental primary right that belongs to every employee that he has access to his employer to discuss the conditions



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of his life and work; and therefore the laying down of these conditions is not at all necessary.

Sir, there are other smaller matters in this Bill to which I shall refer very briefly. The Government of India propose in this Bill to establish an industrial court in order to judge whether a trade union seeking affiliation has fulfilled the conditions laid down in this Bill. Here again the Government of India desire to keep power in their own hands. They are willing to appoint an industrial court and they ask the court to judge an application and make recommendations to Government. Now after the industrial court has made a recommendation what else can the Government of India judge upon? They are not willing to trust the industrial court; they simply say that the court should make a recommendation to the Government of India, and if the Government of India are satisfied, then only they will grant rights of recognition to that body. What are the Government of India going to do to be satisfied? They will depend on some other information which has not been placed before the industrial court. I therefore feel that the Government of India are needlessly increasing their own responsibilities by not trusting the industrial court. I suggest that they should trust that court and not increase their own responsibilities. I am quite sure that the Honourable Labour Minister will himself not like to take up this responsibility of sitting in judgment on the recommendation of the industrial court.

**Mr. President:** I believe it is not the Government of India but the appropriate Government which is given power; and it may include the Government of India.

**Mr. N. M. Joshi:** Unfortunately the Government of India also happen to be the appropriate Government in respect of certain industries.

**Sjt. N. V. Gadgil:** Now it is certainly appropriate!

**Mr. N. M. Joshi:** Yes. Sir, the Honourable Member is providing not only for the grant of recognition but also for the withdrawal of recognition; and there he makes a suggestion by his Bill that if a trade union goes on an irregular strike the recognition should be taken away. In my judgment this irregular strike, as is defined in this Bill, is an internal matter of a trade union. The recognition of a trade union cannot be withdrawn because an officer of the trade union breaks the constitution of that trade union.

**Prof. N. G. Ranga:** If no disciplinary action is taken against that officer.

**Mr. N. M. Joshi:** It is an internal business of the trade union.

**Mr. President,** I have placed my general views before the Assembly on this question. The subject of this Bill is a very difficult one, but I have no doubt that if all the members of the Select Committee consider this question only from the point of view of the interest of the working classes of this country, we may be able to arrive at conclusions which may be acceptable to the working classes. Therefore, Sir, I support the motion for sending this Bill to the Select Committee, and I have every hope that the Bill as will emerge out of the Select Committee will be acceptable to the working classes in this country.

**Mr. Muhammad Nauman:** I rise to support the motion for circulation and in doing so I feel I am doing it in the ultimate interest of labour. By circulation we do not propose to delay as was suggested by Prof. Ranga, but what we want really is to have on the Statute Book a complete legislation in the matter of recognition of trade unions and in the matter of relation of labour with the Employers organisations here. I do not want to dilate on the issue whether this is a complete codification required for a civilized country, or not. On that question my Honourable friend, Dr. Zia Uddin, has made certain suggestions. He pointed out the way in which labour would be satisfied, and how labour unions should be organised.

Then, Sir, I want to discuss how the Bill stands today. My Honourable friend, Mr. Ishaq Seth, in moving his motion for circulation made a very able speech and said that although this Bill was circulated for public opinion the time given for eliciting public opinion was too short. It was done probably by an executive order. Besides, in doing so this draft Bill was not sent for opinion to many important organisations which are interested in the issues involved in the Bill. We find that this draft Bill was not sent to the Associations of Musalman merchants either in Bihar, Ajmer, U. P., or for the matter of that in any other province. The Muslim Chamber of Commerce, Bihar, and similarly so many other Muslim Chambers of Commerce and Muslim Labour organisations do not know about this, and the Government, intentionally or otherwise, did not send a copy of the draft Bill to them for eliciting their opinion. Of course the draft Bill was sent for opinion to the Bihar Chamber of Commerce which is an organisation of merchants of nationalities other than Muslims. So we find that the Muslim organisations in the country have not been given a chance to express their opinion on this draft Bill. How and why it has happened I am not concerned with that. In the circumstances I hope the House will agree with us that this is one of the reasons why this Bill should be circulated for eliciting public opinion once again.

My Honourable friend, Mr. Ishaq Seth, in moving the motion said that we do not propose to indulge in any dilatory tactics, and the circulation of this Bill will not cause any unreasonable delay. We want that opinions should be called for by the end of February and if we proceed with the Select Committee immediately after that, it will take approximately the same time for its passage as it will take now. There may be a difference of few weeks, but it will not make any material difference. That is also one of the grounds on which we have every reason to suppose that the House will agree with us in the matter of circulation. I am saying this once again as I wish to dispel from the minds of some Honourable Members the idea that we have brought this motion of circulation in order to delay the passage of this Bill.

We have full sympathy for every legislation which is meant for the betterment of labour conditions, but at the same time we have got to give serious consideration as this legislation may bring on a certain class or community in India.

Now I will make certain observations on the merits of the Bill. Clause 28D provides:

"A trade Union shall not be entitled to recognition under this Act, unless it fulfils the following conditions, namely:—

\* \* \* \* \*

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

Mr. Ishaq Seth has already referred to the Resolution which I moved in 1948 with regard to the recognition of Muslim Labour Unions. It was not the first time when such a resolution was moved. I have been doing so since 1939 onwards, and other members of the Muslim League Party have also been moving resolutions on this subject practically every year in the Budget Session since a long time. In reply to my speech on the resolution which was moved by me, in 1948 in this House Mr. Raper said that it was done by an order of the Government of India, but there was nothing on the Statute Book with regard to non-recognition of Commercial Unions. He said:

"In the State Railway Code, Volume I, it is provided that recognition will not ordinarily be granted to any association unless it complies with the following conditions:—

- (1) It must consist of a distinct class of Government employees; and
- (2) All Government employees of the same class must be eligible for membership."

[Mr. Muhammad Nauman]

In spite of this Government of India debarred members of any community to form themselves into a union because the Government was influenced by other sections of the people here. This legislation proposed is a deviation even from that position, for it seeks to bring on the Statute Book a legislation which debars a union from being recognised if it consists of people of a particular community. That is a very peculiar thing to do. I will now compare the conditions with other countries where probably the national and religious issues are not so diverse as in this country, and I would like to point out that even in the European countries where such feelings are not quite so strong as in India you will notice that there are trade unions recognised by Government which consists of a certain class and community. I will quote certain instances which my Honourable friend Dr. Zia Uddin has included in his book on the Indian Railways. In Holland there are at present seven principal Unions and the three most important of them are Netherlands' Federation of Trade Unions having 190,179 members, Roman Catholic Workers Federation having 90,475 members and Netherlands' Federation of Christian Trade Unions having 48,327 members. These unions do definitely prohibit the admission of Jews or for the matter of that in the Roman Catholic Workers Federation of any Christians but Roman Catholics and yet they are recognised unions by the Government of the time there.

In Holland even Communists' Unions are recognised. In England the Jews have a separate Union called Jews Bakers' Union. In Holland  
4 M.P. they have a separate Union for diamond workers. In Poland they were not allowed to become members of the Socialists Union. They organised themselves in a general Union for all the professions. In this Jewish Federation only Jews can become members and it is recognised by the Government.

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

In Italy and Germany the Unions have all combined under the influence of Mussolini and Hitler. Even the Roman Catholic Unions in Italy have been merged into a General Union, as agreement has been reached between the Pope and Mussolini. The sentiments of Catholic religion have been accepted by Mussolini. But before that the Italian Union and the Christians were different from the Union of Jews, and the Jews Bakers' Union was also a recognised organisations. I would ask the Honourable Member in charge of Labour to place before me the constitution of any legislation in Europe or in any other part of the world where it is written that a certain class or community cannot get recognition, because the union consists of a particular community or people of a particular religion.

**Prof. N. G. Ranga:** But have they asked for this sort of recognition?

**Mr. Muhammad Nauman:** They have.

**Prof. N. G. Ranga:** Certainly not!

**Mr. Muhammad Nauman:** If Prof. Ranga is trying to plead ignorance, I can only cite facts. I can plead my case but I cannot carry conviction if he is not prepared to be convinced.

**Prof. N. G. Ranga:** But give facts. It is no use abusing.

**Mr. Muhammad Nauman:** I am quoting the particular names of the unions. I am quoting the countries and their membership. What else you want me to do?

**Mr. Vadilal Lalubhai** (Ahmedabad Millowners' Association: Indian Commerce): Is there compulsory recognition there of communal unions?

**Mr. Muhammad Nauman:** But they are recognised unions. They are recognised by the Government of the day. They are recognised by the Governments of Italy, Holland and Germany. Whether recognition is compulsory or optional is a matter for your own research.

**Sjt. N. V. Gadgil:** Do not listen to Prof. Ranga. Go ahead!

**Mr. Muhammad Nauman:** This is a very peculiar clause which has been attempted to be introduced into this country. If you look to the labour legislation of England, you will not find any clause like that where the rules do not provide for the exclusion of members on communal or religious grounds. The mere fact that there is no clause on the statute book on labour legislation in England and Germany means that any union can be organised with any other limitation they may choose to have. I do not suppose that any organization of the textile mills or railways will have a quarrel as to why they have called the Road-Rail Union instead of saying it a Railway Union or "A Textile Union". There could not be any argument to say that it should not be recognised because the members as a rule are wearing a certain particular garment and that others not dressing in that way are to be eligible for membership of that union.

**Mr. Vadlal Lallubhai:** But there are communal unions here!

**Mr. Muhammad Nauman:** There are, but they are not recognised. On the Statute Book so far there was no bar against them. But now the Government of the day is proposing to bring a bar against the recognition of a union which consists of a particular community or people of a particular section or religion. That, Sir, is a position which we cannot accept in any case. I do not want to dilate on this issue and quote the entire history of the national denominations in this country and the point of view that the Mussalmans and the Muslim League hold because that is too open a secret and I do not want to take the time of the House in discussing it over and over again. I wanted to impress upon the House that there is no legislation in any part of the world with regard to the recognition of a union which has got a clause that a particular section or a group of people forming a union will not have recognition. The other point which I want to make and which I have made by citing examples that in all parts of the world instances are not lacking where the membership is restricted to a particular section of people of a certain community or religion and those unions are recognised by the Governments of the day. Also they are recognised by the employers and industrialists in their own way in all other countries. I do not want to give names: probably I do not know many. But the few I know I do not want to expose them here. Even in Manchester and Lancashire those mills do recognise certain unions which have got their membership limited to a certain particular section of christianity. They do not object to the fact that a certain particular union is meant for Roman Catholics or Protestants or for the Jews. But in this case, if we place this clause on the Statute Book, it will mean that no section of the people of this country will be able to organise a union and say that persons of other community will not have a right of entrance. Professor Ranga was trying to say that it is only a question of predominancy. It can be predominantly Hindu or Muslim. Predominantly it may be anything but an organisation has got to have some basic principles.

My lady friend, Miss Kara was trying to say where is the issue that one labour union may have a different ideology from the ideology of another union of a section or community, meaning, where is the question when Muslim employees may have different issues as against the Hindu employees. But probably she does not know that there are many instances and many questions about leave and holidays that we have got absolutely different problems distinctly different from Hindus and people of many other religions. During the Ramzan, the Muslim labourers require that they should have one or two hours recess earlier than the others. Whereas, this is not the question with the Hindu labourer. About Juma Prayer, celebration in Id and other festival, leave rules, have to be different.

Then again, Miss Kara was trying to say something about which she was not fully acquainted. In Calcutta it has happened that over 500 to 600 Muslim labourers have been dismissed from the mills by the Hindu industrialists on the ground that they were Muslims. I can cite several cases from the railway records. I say that all the cases that the Railwaymen's Federation has been

[Mr. Muhammad Nauman]

bringing up have been concerning Hindus and mostly against the interests of the Muslim employees. If in spite of those things, someone says that we cannot see eye to eye, he is not speaking the truth. He knows the facts but he does not want to confess it. That is the trouble. What more facts are we to place before the House when the house knows that the Members of this House have their own separate existence on religious grounds, we have developed a position in this country in which a separate organisation of the two nations Hindus and Muslims has got to be maintained in every sphere of activity. That has been in the past and we have done it now in spite of the fact that the Government has not recognised different railway unions of the Muslims and the railwaymen's federation cannot claim more than one per cent. of Muslim representation just as the Congress claim representation in their own group. That is the position I want to clear. I would request the House to face the reality and see that we cannot have any harmony in this country unless we do recognise the rights and privileges of the few sections of people living in this country, say the Hindus, the Muslims and the Scheduled Castes. They will remain where they have been all through the past.

My friend Mr. Gadgil was trying to tell you that this Bill has been prepared by a Scheduled Caste Representative, Dr. Ambedkar. It is not important to us who it was that prepared it. It has always been the British influence which brought the Bills. The present Government should face realities in a more real manner than was done by Dr. Ambedkar and others. If this combination of the Interim Government is also going to behave in the same manner as Dr. Ambedkar's group did I would only say that I do not know what is going to happen to this country. I am not prepared to accept the position that this was a Bill which took any cognisance of the situation in this country or that its authors thought what effect it will have on the members of the different nationalities, which includes the Scheduled Castes also as a separate nation. Whether we like it or not the fact remains as it is today. I think the House will agree, if the Bill is sent for circulation, as the mover has said this morning, this Government will also be able to have a little more time to think over the clauses and come to the House with better facts and figures and face the position in which we are placed today. I do not want to take much more time of the House and with these words I support the circulation motion.

**Sir Cowasjee Jehangir:** Sir, I was very sorry to hear my old friend Mr. Joshi say that he was getting too old to bring new unions into existence and to fight an honourable and legitimate against the employers. I can only express the hope that he will live long to organise more unions and continue these healthy and honest fights.

Now, Mr. Deputy President, I think the range of the discussion on this Bill has been fairly wide. As I read the Bill the main object of it is to lessen the chances of strikes in this country and it is as a subsidiary to the Bill that the Honourable Member has just introduced the Industrial Disputes Bill. Everybody sympathises with any legislation which is brought before this House or a provincial House whose object is to lessen the chance of strikes and industrial disputes in this country. But, Sir, as I said, the discussion on the Bill has ranged over a wider field. Personally I will not dispute the right of a union, the right of any association, the right of any collection of men to discuss politics or to express their views freely on the political future of their country. But the point is, how far are unions likely to make political objects the reasons for strikes? If unions are allowed to use political objects as an instrument for strikes they will be bad unions but if unions are brought into existence and they continue to be in existence for the purpose of ameliorating the conditions of the workmen in any particular industry, they are well justified, however much they may fight against the employer. I can imagine a strike engineered for a purely political purpose. The Union may advocate a socialistic principle. It has every right to do so. It has every right to carry on propaganda for an ultra socialistic purpose. But has it a right to create a strike in an industry in order to further that propaganda. That is the question that I ask and I answer it definitely in

the negative. I will give you an instance that has come very prominently to my notice very lately. There is a threatened strike in a part of India by the whole of a particular industry—I will not call it an industry, it is not exactly an industry—but by a whole class of employees and they have produced what they call a Charter of Rights. That Charter of Rights is now before an Industrial Disputes Court. Two of these rights that they demand are:

(1) That the dividends paid by that class of company shall be limited to a certain small percentage on the capital value of the shares and that the profits of that company after paying those limited dividends shall be divided half and half between the staff and the reserves of that company.

**Sjt. N. V. Gadgil:** That is very moderate!

**Sir Cowasjee Jehangir:** The second demand is that there shall be two Directors on the Board of the company appointed by the staff. Now, Sir, I have not the slightest objection to any union advocating a share in the profits for its employees, nor have I any objection to any union or any congress of unions advocating that the employees should have representation on the administration of a company. But I strongly object to a strike being fomented for the purpose of these two objects which are of all-India importance, which can only be discussed by the legislature and by Government—objects which are of a character which should not be used to foment strikes, objects which should be advocated, which should be propagated both inside and outside the legislature and objects which should be enacted in the law of the land. Such demands in that charter are in contravention of the articles of association of the company and the provisions of the Companies Act. Notwithstanding that, these two demands have been clearly laid down in this charter of rights with a threat of strike behind it.

Therefore there is a great difference between saying that unions shall not take part in politics and unions shall not make political demands the reasons for strikes. I contend the latter is the correct view—that unions or congresses of labour unions may discuss politics as much as they like. In England the present political life of the country has been built up by unions and congresses of unions. Today the Labour Government is in power in England, due to the work of those trade unions; but labour never threatened strikes in England in order to attain their object. They attained their object by laborious and hard work of propaganda, by converting people to their point of view—not with a pistol at their heads. That is the difference between what Mr. Griffiths advocated and what some others say they want to do. I would suggest that trade unionism in this country has gone far ahead since the time of the Labour Commission. To deny that fact would not be keeping our eyes open to the present labour position in this country. Unions are freely recognised by the industry today. I admit that 25 years ago, when the Labour Commission was sitting, industry was reluctant to allow the formation of unions and far more to recognise them. But today any legitimate union is freely recognised by employers. I can say that from experience and with some authority with regard to my own part of the world—Bombay. To make a bold assertion that India is today where she was 25 years ago with regard to labour agitation is making a statement that is not correct. In those days the only representative of labour in this House was my old Honourable friend Mr. Joshi. Today we have ladies representing labour and an Honourable friend behind me who can speak in a voice that can be heard not only in this House but outside without the aid of a loud speaker. Do you mean to tell me that today labour's voice is not heard in this House or outside this House, as it might not have been 25 years ago? Have they made no advance? Nobody can swallow that statement. The strikes all over the country are proof of the advancement of labour—a bad proof, an unwholesome proof. It is in order to prevent that that such legislation is brought before this House, but that is a very different thing to asserting boldly that labour has made no advance; and if labour has made an advance let me repeat that it was due to the work of men like my friend Mr. Joshi—and I repeat without hesitation—I do not wish to pay my old friend of forty years' standing unnecessary compliments—but I really assert

[Sir Cowasjee Jehangir.]

that if we can get labour leaders of his calibre, of his sincerity, and of his honesty of purpose, labour never shall regret having a leader. But is that possible? Is that likely? The answer must be in the negative. As has been said, one of the reasons why labour unions and labour organisations have not advanced as they should have done in the past 25 years is that we have not had labour leaders of the proper calibre. Let us avoid that. Let us get away from that. Do not make labour suffer for want of honest leadership. Do not let labour be out of work for a day for reasons other than their complete and entire benefit. Let that be the foundation of the Bill or any Bill that the Honourable Member may bring before this House. It is possible—it is a fact, that there are some black sheep amongst employers as there are amongst labour leaders. Nobody is perfect in this world, nor are there any class of people that is perfect; and I am prepared to admit that there have been and are employers of labour who are prepared to sweat labour if they can. I am prepared to admit that. Let my labour friends on the other side willingly admit that labour leadership is not so easy and that a little more honesty in labour leadership will do no harm to this country, as a little more honesty amongst the employers of labour. Both go together.

I am also of the opinion that compulsion in any form between labour and employers is not a good thing. I am prepared to admit that there are cases or have been cases where employers have refused to admit unions for the simple reason that they do not like unions. I am prepared to admit that. But for a few black sheep, to introduce principles which may do harm ultimately is not an issue that should be considered lightly. If there is a *via media* such as the one suggested by my Honourable friend Mr. Griffiths, I am sure that the Select Committee that has been appointed will produce a Bill that will satisfy all.

But there is one point I would like to make. Do not rush labour legislation through legislatures without mature consideration and consultation. We are suffering from that in my province. A very important piece of labour legislation was driven through the local legislature without circulation and without a select committee. A similar sort of legislation has been introduced by my Honourable friend a couple of days ago. Do not let him attempt to push it through this House as my Government pushed it through the local legislature. I think he will do well to allow it to be discussed, to be considered and improved in every direction. In most things consultation is advisable. In labour legislation it is absolutely necessary. You must know all points of view and it is not possible to get all points of view expressed in this Honourable House—it is only when experts in each direction apply their minds to each clause of a Bill that you get the real significance of that clause; and to push Bills through without circulation and without a select committee will result in nothing but harm to the country. That is the note of warning I do sound after some bitter experience. If this Bill, when it becomes an Act, is going to lessen the chances of strikes in this country, every Honourable Member of this House ought to give it his blessing.

**Sjt. N. V. Gadgil:** Mr. Deputy President, I rise to support the motion moved by the Member in charge for reference of the Bill to the Select Committee. In doing this I am guided by one consideration, namely, whether this Bill will secure peace in industry. A motion has been made on behalf of the Muslim League Party that the consideration of this be postponed and the Bill be circulated to elicit opinion thereon. I only want to point out to my friends the urgency of this Bill. In fact, this Bill should have been passed in the last Assembly session. You will be surprised to know that in the course of the first six months of this year there were 985 labour disputes—135 in January, 180 in February, 160 in March, 185 in April, 180 in May, 145 in June. Now, 12,97,886 workers were involved in this. The man hours lost, come to 62,64,048. Now, out of 985 disputes, only 40 per cent. were for better wages and out of the remaining, quite a substantial number of them was for petty matters and if there

had been a machinery for joint consultation through recognised unions, probably there would have been less trouble in the industrial world of India.

My Honourable friend Mr. Abdus Sattar stated that the public did not have enough time to express itself so far as the merits of this Bill are concerned. I understand that this Bill has been before the country for more than two years. In any case, since this was introduced in the last session, more than six months have elapsed and those who were interested in labour problems have certainly studied it in greater details and they have not complained lack of time to express their views and submit their opinions on the merits of the Bill; but assuming that there may be some still left, some who are very earnest and who sincerely want to give some suggestions towards the solution of the problem which everybody knows to be very serious, I suggest a course which was adopted by this House when the Bill to amend the Indian Motor Vehicles Act was under consideration. The House accepted a reference to the Select Committee on the understanding that the Select Committee should meet after a couple of months and during that interval by executive order the Government could invite opinions thereon. Some such course is easily possible and I am sure Government will not find it difficult to accept this but I submit that the matter is really urgent and if the motion of my Honourable friend Mr. Abdus Sattar is accepted, it means that this matter will not come before the House anyway before the end of February 1947. Everybody knows that the month of March is exhausted in the consideration of the budget proposals and the Finance Bill and other matters which may be very urgent will get top priority then. It will virtually mean that this Bill will not reach the statute even in the winter season of 1947. I know my friend Mr. Sattar for a dozen years and I do not want to suggest that he has any intention to obstruct the passage of the Bill but the constructive suggestion that I have made, I am sure, will meet with his approval and I am sure he will contribute whatever suggestions he has in the deliberations of the Select Committee.

With respect to the other item which was urged with more heat than light by my old friend Mr. Nauman, I want to tell him that economic interests do not coincide with religious interests. It must be his experience, as it is mine, that Hindu zamindars make no distinction between their Hindu tenants and Muslim tenants and Muslim zamindars between their Hindu tenants and Muslim tenants. Even in this House we have found, when it is a question that touches one's pocket, there is no regard paid to questions of caste, creed or religion.

**The Honourable Mr. Liaquat Ali Khan** (Finance Member): Or colour.

**Sjt. N. V. Gadgil**: I accept the amendment of my friend, the Finance Member—or colour. Now, I would only tell my Honourable friend that he should have no objection to what is stated in this Bill, because that is intended to keep the solidarity of the working class. I just pose a question for him. If the employer happens to be a Hindu—and employers are all alike—he can encourage two unions on religious and racial lines and can play off one against the other and thereby get on with his work without giving anything either to the Muslim Union or the Hindu Union. My Honourable friend will find that in the interest of the workers themselves a provision of this character is necessary. He seems to be under the misapprehension that if such a clause is ultimately accepted and put in the Act that may be finally passed, it will not be possible to start unions purely on religious grounds. In the first place there should be no unions on such grounds. Have we not had enough of "Muslim pani" and "Hindu pani". Do you want Muslim unions, Hindu unions, Brahmin unions and unions of the 340 castes which, I am told, exist in this country. In the second place, if you come to the Government and you want the help of the Government, at least Government must be far above these party considerations, far above these sectional considerations, more so in the case of a Central Government the function of which is to pass what we usually term normative laws. They should be a model for the provinces or for the Constituent States, whatever may be the nomenclature in the Constitution. Therefore, if this clause is incorporated, I think it is in the highest interests of the working class itself.



[Sjt. N. V. Gadgil.]

It was pointed out by Mr. Nauman that this may not be liked by the scheduled castes. I notice new-found sympathy for the scheduled castes in that section of the House but that itself shows that you cannot in politics remain confined merely to religion. That implication is clear. Why not extend it? It is a good principle and none should be ashamed of it. It should be constructively handled and incorporated in our social life no less in our political life. I may however point out to him that this Bill was introduced by the Honourable Dr. Ambedkar, himself a leader of a certain section—and an important section—of the scheduled castes. Obviously, he could not have introduced it before putting it before the Government of the day and we must presume, till the contrary is proved, that it was approved by that Government. If that Government thought it wise, that it was a good piece of legislation, I do not think anything has happened between then and now to necessitate any change in that view or in that outlook.

**Mr. Muhammad Nauman:** Do you accept everything that that Government thought to be wise?

**Sjt. N. V. Gadgil:** I therefore submit for the consideration of this House that let us not be affected by considerations which are extraneous but let us judge it from the view point of the working classes.

Now, Sir, what is the main object of this Bill? The main object of it is to facilitate the solution of trade disputes or questions that may arise between the employers and the employees. As has been stated in the Statement of Objects and Reasons, this demand for a statutory recognition has come from the labour section, from the labour leaders. My friend Mr. Griffiths said that recognition must be purely a voluntary act and that it must not be based on fear of State. Assume that the employers do not consent and do not voluntarily grant recognition. What then? If the State has to interfere and there is no other influence that can successfully interfere between the employers and the employees in a nation, then the State to which both the parties owe and must owe allegiance must interfere. Now, if there are questions on which parties don't agree, what should be the machinery to resolve the differences? The employer may say: Here is a man who has nothing to do with labour; he has come here to try his political philosophy and is creating trouble in these factories or in that industry. The labour unions may reply that it is not so. If we have not got real grievances, it does not matter who represents them. But if the grievances are substantial, if they are real, apart from the personal philosophy of the representatives they have got to be considered on their merits. In case of such a dispute, who is to decide? It can be settled through consultation. Only through some machinery of conciliation, peace and progress in the industry are possible and not otherwise. We must put our heads together and evolve a mechanism which will answer that purpose. As I said before, you cannot have any other agency except the State, and the State must have an agency as judicial in character as possible to consider whether a particular thing is reasonable or not. Recognition must be based on reason and that is exactly what has been laid down as the proper foundation of recognition in the report of the Royal Commission on Labour.

Admittedly the State has a right to interfere; we are not going back to the philosophy of *laissez faire* where there is perfect freedom of contract. It is no longer valid and no longer respectable, although in their heart of hearts many of the employers will like to have it. The State interference has come to stay. When industries of the modern character are being set up in this country, the corresponding reactions in the labour world are bound to take the same lines as they have taken in Western countries where they have gone through the process of industrialisation. If in the early stages trade unionism has not come up to a standard which was expected, the fault is not with the workers nor even with those who led them. The fault is more with the employers who are, on any hypothesis, better educated and who obviously know more. I want to know from my Honourable friend Mr. Griffiths what the employers as a class in this country have done in order to encourage a proper spirit of trade unionism. On

the contrary, as appears from the report of the Royal Commission on Labour, pretending to agree with the general theory of trade unionism, they made much of the difficulties and have not shown any love for recognition. And that was not the attitude of the private employer only, it was also the attitude of the Government of the day. After the taking over of the railways in this country by the Government, the Government virtually became the biggest employer.

You will permit me, Mr. Deputy President, if I make a reference to what happened in the case of the G. I. P. Railwaymen's Union after the strike in 1930. I was one of the members of the Strike Committee and the whole trouble started with recognition. The strike ended; it was called off. For nearly a year and a half the Government was not prepared to restore recognition and I had an occasion then to interview one of the highest official in the Railway Department. He was good enough when I got down at the Victoria Railway Station to come and receive me, but during the conversation he said that if we have X in our Executive Committee, we might not have recognition. That was the attitude of the Government of the day then. Therefore, when I say that the employers, whether private or the Government, have not done anything, except very recently, to encourage real trade unionism in this country, I am only stating what is the truth.

Now, Sir, recognition undoubtedly confers some status. Are not Employers' Associations very anxious to get representation on every committee that Government may appoint for the consideration of some trade question or industrial question either here or outside? They always get the ear of the Government. There are Chambers of Commerce and they always like to be put on the list of Government invitees. Why should not that ambition, if at all it is an ambition, be entertained by workers? In the case of workers recognition is a necessity. Why should they not feel that in industry they must have a recognised status. After all, which is the real source of production? Not mere materials. As was well said by my Honourable friend Dr. Ziauddin Ahmad, materials will remain materials, coal will remain in the womb of the earth, the corn will remain in the field, cotton will remain in the godown, unless the workers' hands touch them and turn them into consumer goods. Does it not mean that it is really human labour that really gives everything its utility and worth. It is very regrettable that that factor of production, the most important factor of production is most neglected. I think it is time that it must come into its own. It is very good to preach the philosophy that after all industry is a joint enterprise in which capital and labour, like the lion and the lamb must come together and work for the mutual and common benefit. That is a good idea. But the point is, that it is expected of one party only to live up to that idea. When the question of wages comes up before us, we are always told that you must take into consideration the capacity of the industry to pay. But when we say that a man who works from morning till dusk must have enough to live, apart from any leisure which your system may not allow him, he at least must have enough to live and when he makes a modest claim for that, then in nine cases out of ten, it is turned down. Therefore, if he exercises his right as a citizen to combine and its collateral right to refuse to work till conditions are improved, you cannot say that he is acting against the industry or he is acting against the good of the country. Is he not included in the country? Has he nothing to do with the country? Is he simply to slave and sweat for my Honourable friend Mr. Griffiths to live in luxurious bungalow in his plantation or for Mr. Gadgil to live in some modest house in Poona? Has he no right to live at least as decently and comfortably, if not more comfortably and more decently, like any other in the middle class family. What is it you have done so far? It was only in the last Assembly session that a Bill to fix minimum wage has been introduced. I am sure it will meet with greater opposition (interruption)—wait and see—from other quarters also. It will meet with greater opposition than we are finding so far as this Bill is concerned.

Now, Sir, this recognition is tantamount to some status to the working classes as organised in unions. Whatever the nature of the organisation, whether it is vertical or whether it is horizontal, the meaning is that the worker

[Sjt. N. V. Gadgil]

must have a place, he must have a status. I know, Sir, only last year when I had an occasion to appear before the President of this Assembly, he was not then the President, in a dispute between a big engineering concern and its workers in the Deccan, the management plainly told us that if it came to closing down the entire work, they would rather prefer that than add an anna or two to the wages of the workers. So, Sir, I do not accept my Honourable friend Mr. Griffith's version of the fact that the employers have changed and they have also now come to believe that even for the better running of the industry and earning more profit, good trade unionism is necessary. They are accepting it as inevitable, as an evil which they cannot avoid and if the State interferes, they always feel that the State is going beyond the orbit of its proper function. Let me tell my Honourable friend Mr. Griffiths and all the employers who are here, there and behind that the right to interfere in an industry which the State has come to exercise will grow more and more and will be exercised in more and more industries in wider and wider areas. My Honourable friend Sir Cowasjee Jehangir referred to an incident in which a Union demanded that there should be a limit on the distribution of dividends, that at least two Directors should be taken from labour on the Board of Directors and he was surprised at the audacity of these suggestions.

**Sir Cowasjee Jehangir:** On a point of explanation, Sir. I am not surprised at their demand. I was surprised that they should threaten a strike in order to get this demand fulfilled.

**Sjt. N. V. Gadgil:** The demand should not have been pressed with the threat of a strike. The remedy is to fight it out here in the Assembly.

**Sir Cowasjee Jehangir:** How is one to fight it out in the Assembly when it is a strike for an illegal purpose.

**Sjt. N. V. Gadgil:** Up till now there has been no opportunity for labour to get into power by constitutional means. It was only recently that in the town in which my Honourable friend lives municipal franchise was granted on the principle of adult franchise. In the higher sphere labour is nowhere. When labour finds that it can by constitutional means enforce what it wants, it will certainly not be very anxious to give them up and take to means which are violent. It knows that violence very rarely pays. That is the recent experience also. But in the absence of any real remedy if workers take to strike, then certainly they have a right to strike.

**Sir Cowasjee Jehangir:** For illegal purposes!

**Sjt. N. V. Gadgil:** What is wrong there?

**Sir Cowasjee Jehangir:** It is against the law of the land at present.

**Sjt. N. V. Gadgil:** The law of the land made not by the representatives of the people. May I tell my Honourable friend that the validity of a law depends upon the consent of those on whom it operates. Do not go by the old Austinian principle that law is law because it has been promulgated by the government in power. That would be wrong. That is a discarded philosophy. The basis of law is the willing consent, the willing obedience of those on whose lives it operates.

**Mr. Deputy President:** It is now five of the Clock. The Honourable Member may resume his speech tomorrow. The House will now adjourn.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 31st October, 1946.