of conciliation proceedings and also for preventing molestation of any individuals in order to prevent them 'from carrying on their usual work or business during a conciliation proceeding connected with such work or business'. In other words, it was the intention of Government that after conciliation proceedings began, picketing at the mill should not be allowed. Even if a strike is already in progress, it was intended that picketing in the mill premises should be stopped. If the two parties intend to come to a settlement, it was considered that this would be a desirable measure. On the other hand, we have no prohibition against the employees locking out the mill hands. It is considered in some quarters that the right of picketing is something like a sacred right and, after full and careful consideration, we have decided to move an amendment to omit the words in clause 15 which prevent picketing at the mill gate."

That was the position that he took, and, Sir, I do seriously contend that if a strike was permitted conciliation would be more probable. That is an aspect which I think has not been considered at all. Why should an employer be ready to conciliate when he knows that he has got 4 months and 25 days to mobilise his forces, when he knows that within the 4 months and 25 days no worker can mobilise, no worker can prepare, and when he knows further that the time within which to go on strike is limited only to two months ? There is no incentive, there is no pressure, there is no urge on the employer, in circumstances of this kind, to come to terms ; and if the honourable mover of the Bill is of opinion, and his object is, that this conciliation machinery should fructify, should result in some sort of tangible good which would be acceptable to both the parties, then I submit that the proper procedure to adopt is the procedure adopted by Sir Robert Bell, namely, to permit the strike to go on, in other words, to continue the provisions of the present Act. But, Sir, here the Government is not even prepared to take the position which a bureaucrat took. The position that was taken up by a bureaucrat was that a strike need not be prevented while a popular Government, which claims to be elected on Labour votes, which does not stand by the position taken by one whom they always regarded as a bureaucrat, with no interest for Labour and no interest in the welfare of the country. If this democracy—well, it might be, but I do not say it is democracy—a democracy which enslaves the working class, a class which is devoid of education, which is devoid of the means of life, which is devoid of any power of organisation, which is devoid of intelligence, I submit, is no democracy but a mockery of democracy. So much for the main provisions of the Bill.

Then, Sir, there are certain other provisions of the Bill to which I wish to advert, and these provisions are contained in clauses 4 to 20. Looking at the clauses, they refer to four different topics. They refer to different clauses of unions,—qualified unions, registered unions, representative unions. Sir, I had the opportunity of reading the previous draft of this Bill. That previous draft had a different phraseology, such as horizontal unions, vertical

unions, diagonal unions and perpendicular unions. I am glad that that phraseology has been dropped. I was never strong in mathematics, and certainly knew very little geometry, and I think for the small mercy that we have got for the change of phraseology it would be proper if I rendered my thanks to the honourable mover and those who have prepared the present Bill. The second thing with which these clauses deal is the terms and conditions and the procedure with regard to the registration of the different classes of unions. Thirdly, the terms and conditions and the procedure for these recognised unions or registered unions to be declared representative unions, and fourthly, the conditions for the registration of a union and for the cancellation of its declaration as a representative union. Now, Sir, I have been considerably at a loss to understand what practical connection these clauses have with the main provisions of the Bill. The main provisions of the Bill are, firstly, compulsory conciliation and, secondly, penalty for strikes during conciliation proceedings. To my mind, I do not see any organic connection between these clauses and the other clauses in dealing with these two topics which are the main purposes of the Bill. And, referring to the title of the Bill, I found that rather than disclosing the purpose it tries to conceal it. The Bill has a title which says "A Bill to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes". Sir, what are the other purposes ? And why have they not been specified in the title of the Bill ? Is it something of which one need feel ashamed ? I do not know. Either there is some practical connection between the two parts of the Bill or there is not ; if there is, that ought to have been disclosed, and if there is no organic connection, then the logical conclusion is that these sections ought to be deleted from the Bill. But, Sir, my search has been rewarded by the discovery that there is an organic connection between the two. What that organic connection is, will be readily seen by reference to clause 75 of the Bill. Clause 75 of the Bill says :

> "No employee shall be entitled to appear in any proceedings under this Act except through the representative of employees."

Sir, this clause is the most fundamental and I say this is the most destructive clause of all trade unionism in India. Who is a representative of employees who is entitled to represent labour in conciliation proceedings ? No one will have any *locus standi* in any negotiations for the settlement of an industrial dispute, no matter what his qualifications may be, unless he falls within the definition of what is called by this Bill as a representative of employees, and it is for the purpose of defining who is a representative of labour my honourable friend has introduced clauses 4 to 20 in the Bill. They all hang on this section. The important question, therefore, is who is a representative of employees under this Bill ?

Now, Sir, under this Bill, there are two categories of unions which will have the right to represent labour. The first is a union which has 20 per cent. of the workers as its members, or rather not less than 20 per cent of

the workers as its members, and recognised by the employer. Secondly, a union whose membership is more than 50 per cent. can represent labour in the conciliation proceedings. These are, therefore, the two categories of unions which alone have the right to represent labour. Now, Sir, my honourable friend the Minister chooses to call them "representative unions"—both of them. I disagree with his terminology. I think a spade ought to be called a spade. Calling a spade a spade, what I submit is this : there are, no doubt, two kinds of representative unions under this Bill, but the important point to note is that one is a slave union and the other a free union. Sir, there is no exaggeration and there is no violence done to language if I say that a union which can have *locus standi,* a legal existence, a right to represent and a right to speak, only if it secures the prior approval of the employer is a slave union and not a union of freemen. I wish he had used the word "approval"; the word "recognised" is very inappropriate ; the proper definition should have been "a union approved by the employer", as we would then have seen in plain term what we are asked to give our sanction to.

Now, Sir, what I do not understand—and my honourable friend will explain it to me—is why he has made registration under this Bill a condition precedent for a union to obtain a representative character. I find great difficulty in understanding these provisions in the Bill. Sir, the provision as it stands today is this. There is a Trade Unions Act passed by the Government of India in 1926. It is called the Trade Unions Act. The Bill does not repeal that Act ; in fact, that Act remains, and further this Bill insists that any union before it can be registered under the provisions of this Bill must be registered under that Act. That is clear from the definition of a union given in this Bill. I will presently tell the House why this has been done. I find that there is some design behind it. The position is, therefore, this : a union has to have two-fold registration, registration under the Act of 1926 and registration, under the new Act. It seems to me that it would be better if I adverted to the advantages which registration under the Act of 1926 gives to a union which is registered under it, so that we may know what is it that this Bill gives in addition or whether there is anything which this Bill takes away. Applying my mind to the effect of registration of a union under the Act of 1926, these are the results that follow. The union becomes a corporation with a right to sue and to be sued. As a corporation it has certainly a right to represent its members ; otherwise, a corporate entity has no meaning. Secondly, as the House will realise, under the Government of India Act, 1935, a union registered under the Act of 1926 gets the right of political representation, that is to say, a union registered under the Act of 1926 can elect members to this House, and there are honourable members in this House who will bear testimony to that fact. Similarly, members of unions which are registered under the Act of 1926 have the right also to send representatives to the Bombay Municipal Corporation. Now, Sir, the question that arises is this.

If registration under the Act of 1926 gives the unions the right to represent, where is the necessity of requiring further registration under this Bill ? If a union registered under the Act of 1926 is competent to send members as representatives of the whole labour body to speak in this House, to vote in this House, where is the necessity of requiring registration under this Bill ? I should like to have an answer to that question later on. What the Bill does is a very queer thing, which again I am not able to understand. A union registered under the Act of 1926 will not have, under the House to realise the anomaly of the position. A union registered under the Act of 1926, while it is competent enough to represent workers in the Legislature, is not competent under this Bill to represent labour before the Conciliator. Why is this anomaly ? The Bill does not merely create an anomaly. I say it takes away a privilege from the unions which are registered under the Act of 1926.

In this connection, I should like to draw the attention of the House to what used to take place under the provisions of the Bombay Act of 1934. When conciliation proceedings started, members who know the provisions of that Act will remember, under section 9 the labourers were represented by delegates. That was the provision in that Act. This is the wording of section 9 :

> "On receipt of notice under section 8, the parties to a trade dispute shall within the time specified in the notice or within such time as may be fixed by the Conciliator in this behalf, appoint delegates in such manner as the Conciliator may direct."

Therefore, labour, in conciliation proceedings under the Act of 1934, was represented by delegates. How were these delegates chosen ? Who were the parties who were entitled to choose those delegates to represent labour before the Conciliator, under the Act of 1934 ? Sir, I have gone to the rules made under this Act, and a reference to the rules will show that the parties who were entitled to elect delegates were the registered trade unions, the unions registered under the Trade Disputes Act of 1926. That is provided by rule 3 of the rules made under the Bombay Act of 1934. It is, therefore, clearly established that up to this moment a union which was registered under the 1926 Act of the Central Legislature, by reason of the fact that it was a corporation, had the right to represent workers in all places and at all junctions. Constitutionally, by the Government of India Act of 1935, they have been given the right to represent labour in the Legislatures, and the Bombay Act of 1934 specifically recognised that the trade unions registered under that Act, namely, the Bombay Act of 1934, were the only bodies entitled to send delegates before a conciliator. Sir, my first complaint is that this Bill takes away a valuable right which the unions had and gives it to whom ? It gives it to slave unions, as I am going presently to show. If it was given to free unions, I would not mind at all. Then, Sir, why is it—this is an important point to understand—why is it that the unions registered under this Bill are also required to be registered under the Central

Act of 1926 ? Sir, it is nothing else but a piece of carpet—bagging, as the Americans say. My honourable friend wants that the unions which will be formed under this Bill should not only get the right to represent before a conciliator but should also walk away with the political representation which the unions registered under the Act of 1926 now possess. It is a snatching policy.

And all this endowment of political and economic power, for whose benefit is it ? I repeat again that it is for the benefit of the slave unions. Of course, if my honourable friend thinks that there is nothing wrong in having unionism based upon the principle of approval of the master, I have no quarrel. It is his philosophy of life ; it is not mine. If he thinks that a man who is enslaved is a free man, it is his view ; if he thinks that in order that we may have peace in industry the worker ought to be chained to his master, as he will be, it is for him ; I have no quarrel. But, for myself, I am not prepared to accept that position. We do not want mere peace, and I repudiate the peace, the kind of peace that we are asked to have. (Mr. S. V. Parulekar : Hear, hear !) Certainly, it is the peace of a man who has a contended belly and whose stomach, touches his buttons. I do not want that kind of peace.

The question that I am interested in is this. I am prepared to take a charitable view of the matter, and I want to know whether this charitable view will fructify and produce anything. It may be, as my honourable friend says, that there is no unionism in India ; it may be that there are people who are spoiling the growth of unions. I am surprised that he should still entertain the fear of members of the communist party, who were a thorn in the side of the Congress before, but who have now walked in—they avow peace, they avow truth, they avow non-violence, and they have even paid four annas, as I understand,—why, I ask, should he have any fear now of anybody spoiling the game of peaceful development of labour ? Supposing it to be so, let us see how all this will end. If my honourable friend can satisfy me that there will come a time when what I call the slave unions will ripen into free unions, I probably might reconsider my attitude again. But I have not the slightest hesitation in saying that there will never be free unions at all ; and that is because the conditions that he has imposed upon free unions are so impossible that they could never be fulfilled. What is the condition for a free union ? The condition is that you must at all times show that on your roll you have got 50.1 per cent. membership ; that is the condition. Twenty per cent., not enough ; 25 per cent., not enough ; you must always show the mathematical proportion of 50.1 per cent. if you want to be free. Sir, the question I should like to ask is this : Is this a reasonable condition ? The laws of the Romans, if I may use the analogy, began with enslavement. There was a provision for manumission, as we technically say. The slave ultimately became emancipated and became a free man, a civis. Applying the same analogy, I say that we begin with slavery, because the approval and the recognition are nothing

less than slavery. But is there any provision for manumission ? And if there is such a provision, is it a reasonable and a possible condition which workers can be expected to satisfy ? The condition is that you must show 50.1 per cent. membership of the total number of workers then and then alone you can escape the chains and the throes and the punishment of your master. Is that a possible condition ?

Now, Sir, we, who have been what my honourable friend probably likes to call misguided fellows, have been asked to turn our attention to the ideal situation that exists in Ahmedabad. We are asked to take a leaf out of that Ahmedabad book and to follow that ideal. I am prepared to do that. As I study the example it becomes necessary to ask this question : is there any possibility, under this Bill, of even the Ahmedabad Majoor Mahajan becoming a free union ? I cannot see any hope of that union becoming a union of free workers. Ahmedabad is certainly a most ideal place ; as the Royal Commission has pointed out, there does not exist anywhere in India such an ideal institution. There, there are employers who belong to the same religion as the employees, barring a few Mahomedans, who are weavers, and who are outside the union ; the workers speak the same language as their masters. Cultural unity there exists in abundance. Therefore, whatever fissiparous tendencies, whatever recalcitrant tendencies, that one might expect in other situations do not exist there. On top of that, there is the great personality of the Mahatma, to whom every recalcitrant may refer and bow, and fall in line no matter what his personal grievances may be. The Ahmedabad Majoor Mahajan has grown under such auspices. It has had a life of more than two decades ; I am told it has been in existence for eighteen years. What is the state of that union ? I have got figures here in this book, called the Labour Gazette for May 1938, and on Analysis I find this to be the situation at Ahmedabad. I am taking only the textile industry. The total number employed in the Ahmedabad textile industry is 90,000. What is the total number of workers who are included in the union ? The Majoor Mahajan, as everybody knows, is a federation of five different unions ; and the total number is 22,000. That is on the first of May 3938. Sir, that works out—I am a poor mathematician, I will stand corrected if somebody rectifies my figures—that works out, according to me, at 21 per cent. of the total ; that is to say, the union membership is 21 per cent. of the total number of workers in the textile industry. Applying that test, as I said, even to Ahmedabad, can anybody say that the Ahmedabad Majoor Mahajan, if it were to apply for registration today, could do without the approval of the employers ? No.

(The House re-assembled after recess at 2-30 p.m.)

Dr. B. R. Ambedkar : Mr. Speaker, Sir, before recess I was trying to emphasise that under the conditions prescribed in this Bill there is no possibility of any free union growing up in this country and I illustrated what I wanted to say by reference to the position of the Ahmedabad mill workers' union, and I showed that even under the most propitious conditions

that exist in Ahmedabad, it would not be possible for the Majoor Mahajan there to be a free union, entitled to recognition under the Act without securing the approval of the employer. Sir, this is really such an impossible condition that it would be impossible to realize it even in such an industrially organised country as England. Unfortunately, in all the books to which I had access, we get a set of figures showing the total membership of different unions in the country, but we do not get anywhere, along with it, figures showing the total number of persons employed in the different industries in the country : and, consequently, it is not quite easy to find out what is the total percentage of the workers in England who can be said to be members of the unions in the country. But I have here a small book by Mr. Walter Citrine published in the year 1926. Every one who is familiar with the trade union movement in England, will know that he occupies a very important position in the trade union movement and his book, therefore, may be taken to be an authoritative statement on the issue with which we are concerned. He has shown that at the end of the year 1924—the figures are unfortunately not very recent—the position in England was this that the total number of persons employed in the different industries was 18 millions, while the total number of persons who were members of the unions, both males and females, was only 3,531,000. That means that it certainly was not more than about 30 per cent. Now, if that is the state of affairs in a country like England where labour is so well organised, where the industry is so widespread, what can we expect in a country like India ? I therefore submit. Sir, that this condition, which the Bill imposes, is an impossible condition and no kind of an organisation of labour, which I am able to visualise even for 10 or 20 years, will be able to muster itself so strong as to show at all times on its record a membership which would be as much as 51 per cent. Consequently, the conclusion is irresistible that the only kind of labour union that will be representing labour in the conciliation proceedings in the strike will be none other than the slave union recognised by the masters.

Now, Sir, there are two other questions, to which I wish to draw the attention of the House, and they are also very important questions. The first question is this. What is to be the effect of the Bill on the growth of the trade union movement in India ? From that point of view, I submit that the most important section in the Bill is clause 8, sub-clause (*a*). Now, that clause lays down a principle, which, as I will try and show, is of the roost unusual character. The clause says "the Registrar shall not register more than one union in any local area in respect of any industry or occupation, as the case may be". In other words, what the Bill provides is this. It says to the workers that if they want to organise into a trade union they can have only one union in one industry or occupation, as the case may be. In other words, what the Bill provides is this. It says to the workers that if they want to organise into a trade union they can have only one union in one industry or in one occupation in a certain defined local

area. Now, Sir, my contention is that is a provision in the Bill which, I am sure, will prevent unions growing up in this country. First of all, what I would like from the Honourable the Mover of the Bill to know is this. Is this principle applied anywhere in any other part of the world ? Now, Sir, I have studied the conditions of tirade union organisation in so far as Great Britain is concerned, and I am prepared to cite an authority of a person who is eminently versed in this field to prove that certainly in Great Britain the law makes no such provision at all. In fact, the English law has left it to the workers to organise on any lines that they choose to adopt. There is no rule as such that the union must be confined to one industry, that the union must be confined to one occupation. There is no rule that the union must cover a particular area. On this point I would like to draw the attention of the House to a passage in a recent book called "The Employment Exchange Service of Great Britain" by Chegwidden and Myrddin Evans, and this is their conclusion. I am reading from page 30 :

> "All the workers in a particular industry are not necessarily organised in the same union but may belong to several different unions : in some cases organisation is on a district basis, in others on an occupational basis, and a section of workers in a particular industry may even belong to the union which normally caters for workers in another industry or to a general labour union. In a number of cases sectional unions are federated either in a federation or union covering the whole or the greater part of the particular industry concerned, or in a federation or union covering members of the same or similar occupations in different industries, or any federations of general labour unions."

This shows that in England there can be general labour unions. That is to say, workers working in different industries may join together and form a union. That is what is meant by general labour union. One labourer may have no connection with another so far as the industry or so far as the occupation is concerned. There may be a general union. This author also says that in England persons belonging to different industries may form one union. A man may be, for instance, a minor. He may become a member of some other union which has nothing to do with mines. Therefore, in England, the law has left entirely to the workers to decide in what manner, under what circumstances, they will organise. All that the law has taken care of is to see that the union does not become an unlawful body. All that the law has taken care to see is that the union before it is registered has certain objects which the law regards as lawful. Beyond examining the objects of the union, the English law certainly does not see whether the union is organised in a particular way or is not organised in a particular way and I do not understand why this principle should not be imported in this country. I have not seen the justification and I do not know what is the reason for the principle that is being introduced now in this Bill.

Sir, is it possible to have a union of all labourers in one industry or in

one occupation ? Now I am sure that it is not possible and for this reason. As everyone knows, a trade union may have three different purposes or three different objects. A trade union may have purely what are called trade union purposes, that is to say, purposes connected with the promotion of their particular interests as workers, wages, hours of work, promotions in industry and so on. Those are called purely trade union objects. In addition to that a trade union may have what are called social objects conferring certain benefits, giving old age pension, giving unemployment benefit to these members, providing pensions for their widows. These are recognised in England as social purposes. In addition to that a trade union may have a political purpose. A purpose, the object of which is to promote a particular line of politics, which the union thinks is best suited for the protection of its economic and its social position. Now, Sir, the question that I want to ask is this. Is it possible for all persons who are employed in a particular industry to be agreed upon all these three purposes ? I cannot see that in all cases it would be possible to give an affirmative answer and I propose to discuss the matter in some detail in order to show why we cannot have an affirmative answer. Let me take a case like this. There is a body of people working, say for instance, in the textile industry in Bombay and I shall be very particular in this matter because I want to emphasise my point. There are certain Mahomedan members, workers in a mill industry. They are anxious to become members of a trade union. But the other persons who are non-Muslims desire that the workers of the union should follow the Congress line of politics. There are Muslim members who are prepared to join the union but who prefer to follow the politics of the Muslim League. How are they, the two bodies of people, to unite together unless one of the two parties is prepared to drop its political programme ? Take another illustration. There are certain workers belonging to the untouchable community. They are prepared to be members of a certain union, but they also insist that the union ought to promote certain social objects and social purposes for the benefit of the community from which they are drawn. They desire that certain ether facilities may be provided and the workers from other classes do not agree with them. How is a union to be formed ? I do not understand. I do not understand why, therefore, you should impose a condition which makes things so impossible of achievement I should have thought that the proposal which is included in this Bill is as wise or as prudent as it would be if a Health Officer were to lay down that you shall build a house of a particular kind, you shall have a door only facing the south, no door facing the north, you shall have only a particular kind of window, a house not higher than a particular height, a house which has only a particular kind of elevation. Either you build a house which conforms to these rules or you live on the street. That is the kind of alternative that this Bill presents to the workers. What would be the evil if the matter of the organisation of labour is left to the will of the worker ? Why are you concerned with it ?

I do not understand. Why is it and what is it that you will get by bringing all persons working in one industry in one particular union ? I fail to understand. On the other hand, my view is, as I submitted, that if you make these impossible conditions, people will not care to form unions at all. The Mahomedans who prefer, and I think we must all agree to allow them the liberty to choose their politics, if they prefer that there will be no use in having a trade union if their trade union is not able to follow the policy laid down by the Muslim League, they may not have any union at all. In the same way if the untouchables feel that if they are not allowed to make some provision for the education of their children and other amenities pertaining to their classes, they would rather not have it, what is the situation that you are creating thereby ? The situation that you are creating is you are compelling people not to have any union at all and I submit therefore, that this is a provision which is fraught with great mischief.

Then, Sir, the second point that arises out of the provisions 4 to 20 is this. What is going to be the effect of this Bill on the stability of the trade union movement ? Supposing that some kind of trade union which could ultimately aspire to be free from the control of the master does grow up, is there any guarantee under the provisions contained in this Bill that that union will remain as a functioning union? So far as I have been able to study the provisions of this Bill that a union once registered will continue to enjoy that registration. Clause 10 is the most dangerous clause. That clause will always be hanging like a sword upon a union : Though registered, its life will always be in jeopardy and it can never be certain that while it has a legal existence today, it will not continue to have a legal existence tomorrow, because under the provisions of this clause its registration may be cancelled at any time provided certain circumstances happen, and once a registration is cancelled, the whole structure which might have been built up with enormous industry, with enormous energy, will simply have been washed away. Now, Sir, there is a further mischief, if I may say so, which is contained in this Bill. It is this that the cancellation of the registration of a union is left to a rival union or to an employer, which means that there will be mutual rivalry, mutual jealousy and a cut-throat competition, if I may say so, between the different trade union men in order to destroy a rival union. A trade union therefore which is once registered under this Bill, in order that it may enjoy a perpetual existence, shall have to show at all times that it had 51 per cent. membership of the total number of workers. Sir, I again ask the question : Is it possible for any union to show that it will have 51 per cent. membership of the total number of workers employed ? It will be interesting. I believe, if I show to the House how trade union membership fluctuates from year to year and I give these figures which I have taken from the figures of Great Britain. In the year 1892 the total membership of trade unions was 1,576,000. In 1910 it was 2,565,000. In 1920 it was 8,346,000 but in 1934 it fell to 4,441,000. There was a drop in ten years of 50 per cent. of the membership of trade unions.

Take the figures of the particular industry. In agriculture in the year 1920 the total membership was 210,000. In 1932 it was only 33,000. It fell from 210,000 to 33,000. In the coal-mining industry in 1920 the membership was 1,115,000. In 1932 it fell to 554,000. In the metal industry the figures in 1920 were 1,172,000. In 1932 the membership was 527,000. In the building trade the number of members in 1920 was 563,000. In 1932 it fell to 275,000. In the transport and general labour the total membership was 1,685,000 in 1920 while in 1932 it fell to 660,000. Taking the membership of the trade union congress in 1920, the total membership was 6,505,000 while in 1932 it was only 3,613,000 members. Sir, if in a country like England, where trade unionism may be said to be like the breath of the nostrils to a workman, the trade union membership fluctuates by 50 per cent. within a decade, I cannot understand how any man can expect any body of organisers of trade unions in this country of ours to maintain on its rolls at all times a membership of 51 per cent. If the membership falls by 1 per cent., the union stands to have its registration cancelled. The whole show will have to be wound up. I ask is this a reasonable condition, is this a condition which could ensure the growth of the trade union movement ? If every trade union which is registered stands to have its registration cancelled and stands in fear of it from day to day, what prospect is there of trade unionism growing in this country ?

Then, Sir, another regrettable feature which is a matter of serious consideration. Under this Bill, a person who is given the right to have the registration of a union cancelled may not apply for the registration of his own union. I can quite understand the reasonableness of the proposal if the right to have the registration cancelled was given to members of a union who were in a position to get themselves registered by reason of the fact that they had a larger membership. I could quite understand that position, but a reference to clause 10 of the Bill will show that a person need not be in a position to have his own union registered, that is to say he may not have at his command 51 per cent. membership of the members employed in the industry. All that is necessary for this mischief-monger is to prove that having regard to the roll of the employer and having regard to the roll of the union the percentage has fallen below 50 per cent. As I said, under industrial conditions where work fluctuates, labour fluctuates, it is impossible to fulfil this condition.

Then, Sir, there is another provision to which I think it is necessary to draw the attention of the House. What is to happen to a union whose registration has been cancelled ? Can it again apply for registration ? The answer is No. Clause 54 of the Bill gives power to the Industrial Court to declare under certain circumstances that the union had forfeited its registration. It says :

> "If in any proceeding under this Act, the Industrial Court finds that the registration of any union or the declaration of any union as a qualified union or as a representative union was obtained under a mistake,

misrepresentation or fraud, or that such union has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such union or the declaration of such union as a qualified union or as a representative union shall be cancelled."

Now, turn to clause 8, which contains a direction to the Registrar as to what rules he has to observe in the matter of registration the House will see that what I am stating is absolutely correct. Clause 8 reads thus :

"On receipt of an application from a union for registration under section 7 and on payment of the fee prescribed, the Registrar shall hold such enquiry as he thinks fit and if he is satisfied that such union fulfils the conditions necessary for registration specified in section 7 and is not disqualified from registration under the Act."

That is also one of the conditions prescribed by clause 8, that a union must not have been disqualified under clause 54. Now the question that I would like to ask is this. Why is it that there should be this perpetual disqualification ? I can quite agree that there may be a disqualification for a temporary period. It may be possible to argue that persons who have obtained a registration by reason of fraud, by reason of misrepresentation, should be on probation for some time. I can quite understand the reasonableness of a proposal of that sort But I do not understand the reasonableness of a provision which says that because a man was guilty of fraud or misrepresentation, he should be perpetually debarred from even coming before the Registrar and obtaining the registration of his union. Sir, let me refer in this connection to the provisions which we have in the Government of India Act 1935. We, the members of the House, have to face certain disqualifications which are enacted in the Government of India Act. We know that persons cannot stand for election because they suffer from disqualification, that certain persons even though they are elected cannot become members of the Legislature because they are disqualified. I was one of those who were about to be disqualified, but the Government, it is said, came to my rescue and managed to save my seat for me ; otherwise, I would have been disqualified. But the point that I am seeking to make is this, that the disqualifications contained in the Government of India Act are certainly not perpetual. Those disqualifications are temporary. Once the disqualification passes off by efflux of time the member becomes qualified to seek election and become a member of this House. If this is the principle that is embodied in the Government of India Act, if the disqualification of members who are supposed to be free from all moral taint, to have no kind of moral turpitude in them so that they may exercise their rights, their privileges and duties in an honest manner in this House, are not permanent, I ask why the disqualification of persons who are organising labour should be permanent I see no answer to it As a matter of fact, I would say that this provision really nullifies the decision of the Full Bench of the Calcutta High Court. I am sorry, as I came in a hurry, I am not in a position to lay my hands exactly on the report. But there is a case. It may be within

the knowledge of many members, at any rate of those who are dabbling in labour politics, that in Calcutta when the Emergency Powers Act was brought into operation a certain union was declared to be illegal by the Registrar because it was managed by communists. That was perfectly legal so far as the Emergency Powers Act was concerned, but those gentlemen, the communists, who were in charge of the union were not going to be defeated in that way. They devised another plan and that plan was to present another application for registration under a new name. The Registrar who smelt a rat in it, because he found that the man whose registration was cancelled was the same man who brought this application, said, "I must wait and make an enquiry." So, he made an enquiry into the personnel and composition of the management of this new union which had brought forth the application for registration and found that the gentlemen whose union was cancelled by him were the same gentlemen who had brought this application for registration. He said, "You are the same gentlemen. I will not grant you registration." They went to the Calcutta High Court, and the Calcutta High Court held that it was none of the business of the Registrar to enquire into the personnel of the management. What all the Registrar was entitled to do was to examine the object for which the union was formed and to examine whether seven persons have signed the application, but beyond that he had no concern. That was the position under the old law, that is to say, that persons who were once disqualified could go and obtain registration without there being any hitch by the law placed in their way. This Bill puts a perpetual hindrance in the way of people who want to organise labour, simply because they happen to have committed some kind of misrepresentation or fraud. This is all that I really wanted to say on the provisions of this Bill.

Of course, it may be pointed out that this Bill introduces equality of treatment between the labourers and the employers, because, just as this Bill penalises the strike of workmen, it also penalises the lockout by employers. I do not think that this position can be substantiated, because I do certainly find one or two cases where there is a differentiation made between the employer and the employee. For instance, I refer to the question of notice under clause 28. The employer is required to give notice for any change (1) in standing orders, (2) in regard to industrial matters mentioned in Schedule II. When you come to the employee, the employee is required to give notice of any change in the standing orders and in any industrial matters, not necessarily confined to Schedule II. That is certainly not an equality of position. With regard to the appearance, the employer is certainly not penalised if he does not appear. But the worker can be compulsorily represented if the union does not appear. If there is nobody there is the labour officer, who can represent labour and the agreement made after conciliation may bind labour also, although labour has repudiated the conciliation and was not prepared to have its interests represented by that officer. These are trifling things. Apart from this, what I am trying to urge

is this. Sir, what we want is not equality, what we want is equity. What I want to urge before this House is this. Equality is not necessarily equity. (Interruption). I am going to prove it. In order that it may produce equity in society, in order that it may produce justice in society, different people have to be treated unequally. Why go far ? Take the case of income-tax. I am a student of finance and so this illustration comes to my mind readily. Why do we have progressive income-tax ? Why don't we tax all people alike ? The reason why we tax the rich at a higher rate and the poor at a lower rate is because the taxable capacity of the two is different. In a case like that equality would produce the greatest inequity. Take an ordinary case. Suppose, in a household, there are several persons of whom one is sick. In order that the sick person may get out of sickness and in order that he may become better, we give chicken soup to him, but we do not give chicken soup to the others. No one would blame the mother of the household if she gave chicken soup to the sick member and denied it to the other adult members who are enjoying robust health. What we want is equity. This equity cannot be produced, if we propose to treat the strong and the weak, the rich and the poor, the ignorant and the intelligent on the same footing. If my honourable friend wishes to treat the two classes equitably, then this Bill will not suffice. He will have to introduce some other provisions into the Bill and I would like to ask whether he is prepared to introduce such provisions in the Bill.

What is happening today in this industry of ours ? I am sorry I have to make a plain breast of what I feel on this occasion. We have mills in Bombay City managed by Parsis. There are mills there managed by Gujaratis. There are mills in Bombay which are managed by Jews or by Europeans. I visited all these mills in my younger days when some members of my family were working there. I used to carry their bread to the mills where they were working. Recently also I visited some of the mills though not often times. The most surprising thing about all these mills is that they have been made the heaven for the cousins of the Managers. Hundreds of useless people are employed in higher grades simply because they are related to the managing agents in some way. You go to a Parsi mill, you will see hundreds of Parsis employed whether they are wanted or not. Go to a mill managed by Gujaratis. You will see hundreds of Gujaratis employed whether they are wanted or not. Go to a mill managed by Jews. You will see hundreds of Jews employed, whether they are wanted or not. The best part of the earning of the workers are taken away by the managers in order to feed these people who are employed in the mills, whether they are efficient or not, or whether they are wanted or not. All these people who are controlling the industry float the capital and bloat it up by all sorts of paper transactions. When the worker says that he gets less wages, the man controlling the industry says. "It is my capital". All this is bogus capital, stock exchange capital, bolstered up by speculators. A good part of the earning of the industry is swallowed by these people. From the little

balance that is left, the workers are asked to eke out their existence. If the Honourable the Prime Minister wants to introduce equity, let him make the workers' wages the first charge on the profits of industry. I do not understand why the mill owners or, for the matter of that, any owner of any industry, should not be required by law to present his budget annually. Government is required to present its budget every year ; annually we get a budget of Government in which Government say how many Ministers are employed, how many chaprasis are allowed to the Ministers, how many superintendents are there in departments, how many clerks, this, that and the other. This House is in a position to understand whether the establishment is excessive or not This House gets to know whether the money is spent properly or not. Why is it that a millowner or, for the matter of that, the owner of an industry, who gets his earning, not entirely by his capital but also by the sweat of another man, be not compelled to give the details of his management ? This is a very fair demand to make. The advantage would be this. Once a budget of that kind is presented by the owner of an industry, the workers would be in a position to realise and scrutinise whether the balance that is left to be divisible among the labourers is fair or whether the employer has taken an undue portion of the total profit. What is the use of having a conciliation board and asking the employers to produce their account books when the employee is not placed in a position to scrutinise what is really the state of affairs ? If the procedure I suggest is adopted, I am sure about it that there will be less labour troubles, the conciliation would be more effective and there will be more industrial peace. If the Honourable the Prime Minister wants to treat labour and capital on a footing of equality in the sense in which I have suggested, namely, that there should be equity, then there is no basis for equity in the provisions of this Bill. Secondly, there is no basis for equality between capital and labour because the Government in any dispute is always on the side of employers. This is clear from the use of the police Government makes in strikes. The police force is maintained out of public fund, out of the taxes we all bear. It is intended for the benefit of all. Surely, no Government is entitled to use this police force merely because a strike by the workers results in a breach of peace. What is further necessary is to show that the breach of peace, has been caused by one particular section of the industry. If the breach of peace is caused by some unreasonable demand made by labour, you may be justified in using police force against them. If on the other hand the breach of peace is broken by something which has been done by the employer which does not stand to reason, and which is contrary to justice and equity, then Government have no right to use the police force against the workers. Real equality between employers and employees can be brought about only by incorporating these two provisions. The employer must be compelled to disclose his budget and the Government must cease to use the police force against the workers merely because there is breach of peace. Without this there can be no equality between capital and labour

as to bargaining power. Will you do it ? If you do this, you will lose case with the employers. If you don't, you cannot be the friend of labour. The Bill as it is, I am sure about it, should not be passed. It only handicaps labour. Labour may not now know what this Bill does. But when the Bill comes into operation and the labourer stands face to face with the Bill he will say that this Bill is bad, bloody and a brutal Bill. Sir I cannot be a party to it. (Applause).

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