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Topics of the Week.

Congress Metamorphosis.

IN a meeting organised for the purpose of defending compulsory Hindi, Mr. Rajgopalachari, Premier of the Congress Ministry in Madras, put forth an amazing plea for making use of the Criminal Law Amendment Act against the demonstrations of the anti-Hindi agitators. He said that both the Houses of the Legislature had agreed to the proposal of making Hindi compulsory and therefore those who protested against it were nothing but fools and knaves and should consequently be put down with a rod of iron. We wonder how a Congress Premier could indulge in these fulminations. Every citizen has an inherent right of protesting against a measure which is obnoxious to him, and to prevent him forcibly from doing so is the highest form of terrorisation by the State. We read from the newspapers that those people who cried "Rajaji ki Jai" were given free access to the meeting, while the anti-Hindi agitators were at once taken charge of by the police. Verily, Mr. Rajgopalachari is proving much worse than the worst of the bureaucrats. Under what canons of justice did he prevent peaceful demonstrators from voicing their feelings?

NOT only that, he even went further. He delivered a homily to the audience justifying his use of the Criminal Law Amendment Act in which his impotent colleagues quietly acquiesced. It is these people who not very long ago were carrying on a raging and tearing propaganda against all repressive laws prevailing in the country! Demoralisation cannot

go further. It is interesting to note that a non-Congress member of the Madras Assembly, Mr. T. Y. Krishnamachari has given notice of a Bill to repeal the Criminal Law Amendment Acts of 1908 and 1932. In the statement of objects and reasons of the Bill, it is stated that both the amendments of the Criminal Law were passed in the teeth of popular opposition. The Criminal Law Amendment Act of 1908 was passed to meet the situation arising out of the nationalist movement of that time, and it has always been considered a very undesirable and oppressive piece of legislation. Even more indefensible is the later Criminal Law Amendment Act of 1932, which was passed originally as an emergency measure for three years, but which by the exercise of the special powers of the Governor General was extended as a permanent law in 1935. Public feeling in the country has been vehemently opposed to this measure, directed as it was then against the activities of the Indian National Congress struggling for Indian freedom. Both the amendments of the Criminal Law are therefore highly objectionable and constitute a serious encroachment on the civil liberties of the people. Mr. Krishnamachari therefore pleads that these obnoxious amendments of Criminal Law be repealed forthwith.

WE thought that the Congress party in the Assembly would welcome with out-stretched arms the introduction of such a progressive measure. But since the acquisition of power they are not the simple Congressmen that they were before. They are the rulers of the country, and how can they possibly be a party to the curtailment of their powers to rule? So, under the wise guidance of Mr. Rajagopalachari, the Congress party in the Madras Assembly has decided to oppose the Bill of Mr. Krishnamachari. Thus, by a queer combination of circumstances, those that were loudest in their denunciation of the repressive measures are the very people who now hug them fondly to their bosoms. Who says that British diplomacy has failed in India? Is it not responsible for the metamorphosis of the Congress?

The War Bill.

COMING events cast their shadow before and so the coming war is casting its shadow on the Government of India. The Defence Secretary introduced in the Central Legislative Assembly last week a short Bill to amend the criminal law with a view to severely penalising persons who may carry on propaganda calculated to "dissuade would-be recruits from taking part in any war in which the British Empire may become engaged."

It is suggested in the statement of objects and reasons of the Bill that the Bill is not intended to penalise persons whose only object is the spread of pacifism. But we fail to see how a speaker or writer can achieve his object of preaching the gospel of pacifism without making references to concrete current problems and indicating the line of action that is desirable from the pacifist standpoint. However, the moment this is sought to be done the innocent pacifist will suddenly turn into a wilful criminal in the eyes of the law if the Bill is passed.

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THE Bill deserves opposition and resistance by all the representatives of the people on other grounds also. It is a patent and notorious fact that the foreign policy of India has absolutely nothing to do with the wishes or interests of the Indian people. The part that the Indian people play in the formulation of policies, for the enforcement of which the Indian army is utilized, begins and ends with the paying of taxes. Even under the federal scheme, if it should materialise, the position will remain much the same though the Governor General may "bear in mind the desirability of ascertaining the view of his Ministers... relating to the employment of our Indian forces on service outside India." Having thus deprived the Indian people of their natural right to control the use of their own army, the Government of India now wants the representatives of Indians to pass a self-denying ordinance that they would not hereafter, by spoken or written word, do anything to dissuade would-be recruits from joining an army which may, for all they know, be used in a manner entirely detrimental to the interests of the Indian people and of international peace and justice. We are sure that this sinister move on the part of the Government of India will meet with determined opposition from all progressive sections of the central legislature.

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The Superintendent of Insurance.

THE first adjournment motion in the Central Assembly related to the appointment of a foreigner as Superintendent of Insurance. Mr. A. Chettiar, moving the adjournment motion, said that when the Insurance Bill was being discussed on the floor of the Assembly, the European group brought an amendment to the effect that the Superintendent of Insurance should be a "fully qualified" actuary, meaning thereby that he should be an actuary with fifteen years' experience. Had the amendment sponsored by the European group been passed by the House, no Indian could have become for several years Superintendent of Insurance, for none of them could have fulfilled the necessary conditions. It is for this reason that the Law Member Sir N. N. Sircar objected to the amendment of the European group, and, thanks to his intervention, the attempt of the European group was nipped in the bud. But strangely enough, when the Law Member is not there to be questioned by the members, the Government of India has taken just the kind of action that it would have taken had the amendment passed, and appointed a Canadian to the office who will continue to hold it for a period of five years.

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THE Government of India cannot say that there were no Indians with the necessary qualifications. Sir Zafrullah Khan admitted in fact that there were six Indians with the necessary

qualifications. But he added that of them five were actuaries of no experience and the sixth was in enjoyment of such emoluments that the Government did not think that its offer would be acceptable to him. Mr. N. M. Joshi, however, destroyed the plausibility of the argument of the Commerce Member by saying that eminent Indians have made great sacrifices for serving their people and that, therefore, the Government was not right in thinking that the Indian actuary would have refused the post if the offer had been made to him. In any case, the Government of India had no justification to come to a conclusion without consulting the actuary concerned. The Government of India's policy is nothing less than scandalous.

* * *

Increase in India's Defence Expenditure.

INDIAN politicians were on the tenterhooks of suspicion regarding the probable effects on Indian military expenditure of the British War Secretary's policy of 'democratising' the army. It was being rumoured long ago that Mr. Hore-Belisha, the British War Secretary, intends to attract more people to the army profession, firstly, by the grant of liberal promotions in the army appointments; secondly, by the grant of scholarships to those successful candidates who by reason of their poverty are unable to pay for military training. These recommendations of the War Secretary are to be put into effect from the first of this month. A portion of the British Army being posted in India, it was long ago suspected that the scheme of Mr. Hore-Belisha would result in adding a few crores to the Indian military budget. As early as 4th April 1938, Pandit Hirday Nath Kunzru put a series of questions to the Commander-in-chief in the Council of State to ascertain as to what would be the exact increase in India's military expenditure, due to the proposals of the War Secretary. But the Commander-in-chief was extremely reticent. He did nothing more than telling Pandit Kunzru that the Secretary of State for India was in consultation with the War Secretary and that he would do his best to put forth the Government of India's point of view. But, evidently, the Secretary of State's appeals were of no avail, for recently while speaking on the adjournment motion of Mr. Satyamurti, Mr. Ogilvie, the Defence Secretary for India, admitted that the new proposals of Mr. Hore-Belisha would mean a total additional cost of 1½ crores annually to the Indian exchequer and that the increase in the pay of the army officers recommended by the scheme of Mr. Hore-Belisha had already been put into effect.

* * *

THUS, in spite of the unanimous and strong opposition of both non-official and official opinion of the country, Mr. Hore-Belisha's scheme has been forced upon the Government of India. The Government of India which expressed inability the other day to appoint an Indian trade agent at Alexandria, which has decided not to give effect to some of the recommendations of the Wedgwood Committee and which has failed to give adequate financial assistance to nation-building services has docilely submitted to an annual increase of 1½ crores in their budget. What can demonstrate more pathetically the utter subjection of India to England!

* * *

THE voting on Mr. Satyamurti's adjournment motion gave clear proof, if any proof was neces-

sary, of the strength of feeling of the Central Assembly on this point. Even the European group which remained neutral strongly protested against India being saddled with additional military expenditure. The motion was carried by a large majority: 71 voting for the motion and 33 against it. We hope this would serve as an eye-opener to the British Government and would dissuade them from following a policy, which in the long run will completely estrange the feelings between India and England.

Spread of Education in Bombay.

LAST February, the Bombay Government provided a sum of eight lakhs of rupees in addition to its usual expenditure on primary education to encourage the spread of primary education promoted by voluntary agencies. The Government found that there was a great disparity in the progress of literacy between one district of the province and another, and it therefore wanted this sum to be spent to bring the educationally backward areas more into line with the advanced areas of the province.

THE principal feature of this programme was to encourage the establishment of 'approved schools' by local initiative and by the effort of voluntary agencies, which it was hoped will be forthcoming in sufficient strength to take full advantage of the grant. The village panchayats and educational institutions interested in the spread of education among the masses would, the Government hoped, voluntarily come forward to start schools, partly with the help of the villagers and partly from grants provided by itself.

IN a press communique, issued in June last, the Government expressed its satisfaction over the

response that its appeal had received from the people and explained in full the measures which it proposed to take to promote literacy in the villages. It is stated in the press communique referred to above that the voluntary schools started by private persons and associations would receive a capitation grant from the Bombay Government. The Government was convinced that voluntary schools could not satisfy the conditions laid down for 'approved schools' and felt, therefore, that the conditions might be relaxed so that the voluntary schools might receive help from the Bombay Government.

IT has now been provided that if the Educational Inspector of the Division is satisfied that the voluntary schools are doing good work and are in the hands of earnest and reliable citizens, he will sanction grants for the schools from the amounts placed at his disposal. Thus, a sum of four lakhs out of the sum of eight lakhs mentioned in the Budget will be placed at the disposal of the Director of Public Instruction who will distribute it among the various districts in such proportions as will most effectively achieve the purpose of the grants. For instance, more attention and liberal grants will be given to districts where literacy among the population is low or where communities like the aboriginal tribes live in very large numbers. The grants for the relatively more backward districts will be larger than elsewhere and the grants for schools serving in areas principally populated by the backward tribes will also be greater proportionately. The total grant for a one-teacher school will not exceed Rs. 200 a year. Besides the annual recurring grants, the schools will be given equipment grants of a non-recurring nature in the first year of their existence.

THE BOMBAY TENANCY BILL.

THE long-awaited draft of the Bombay Tenancy Bill was at last published this week. According to previous expectations the Bill does not differ in any material respect from the outline presented to the Poona Conference. In writing upon the results of this Conference three weeks ago, we had commented upon the main features of the proposed legislation for the protection of tenants. It is unnecessary to repeat the criticism in this place. We shall indicate in what follows and in subsequent issues our views on certain additional points and on certain matters in respect of which complete information was not available before.

The most important respect in which this tenancy legislation differs from tenancy legislation already in force in other Indian provinces is the essentially uncertain nature of the right conferred. The Bill creates a class of protected tenants who are given security of tenure of the land they hold to-day subject to regular payment of rent and certain other conditions. This security of tenure is, however, not absolute. It is open to the landlord to terminate the tenancy of any protected tenant

and to abolish all the tenant's rights in land by giving him one year's notice, if the landlord requires the land for personally cultivating the land or using it for any other agricultural or non-agricultural purpose. This right of the landlord is absolute and persists for all time. Not only the present landlord but any of his successors—by purchase or inheritance—a generation or more hence can also exercise the right. A tenant who has fancied himself a protected and secure tenant for any number of years may thus find himself evicted with merely a year's notice.

What then is the nature of the security held out to the tenant by this Bill and what is the justification for this unusual and curious provision? In the agitation against this Bill much has been made of the supposed differences in conditions between the zamindari and rayatwari systems of land settlement. It has been argued that though the necessity of legislation for protecting tenants in the zamindari provinces of India may be granted (and this could not, in the face of the example of other Indian provinces, be very well denied), condi-

tions are different in the rayatwari tract. Now, so far at least as the talukdari, khoti and other alienated villages in this province are concerned, their position is in all essential respects the same as that of villages held by landlords in the zamindari provinces. The nature of the power of landlords and the existing status of tenants are mostly in line with the pre-tenancy law conditions in the zamindari provinces. In all the Zamindari provinces a class of privileged secure tenants was created by the method of conferring the privileges and security by law on the body of tenants holding land continuously for a period of years previous to the enactment. This is the method also followed by the Bombay Bill. What then is the justification for reserving this important power of terminating the tenancy in the hands of landlords which does not find place in any other Indian tenancy legislation? The talukdars, khots and inamdars are as a class a body of rent-receivers who have had ample opportunities of cultivating personally in the past, of which they have in a large measure failed to take any advantage. Such of them as are inclined that way have to-day lands under personal cultivation which will be entirely unaffected by the proposed legislation. Though we have nothing corresponding to the "Khudkast" or the "Sir" of other provinces, whatever is under personal cultivation of the landlords to-day, i. e. whatever is truly and literally "Khudkast", will continue to be exempt from the accrual of tenancy rights for all time. This additional provision regarding termination of tenancy, therefore, gives power to the landlord to convert any tenant land into "Khudkast" at any time that he pleases. This is, to repeat, a sweeping and an unusual provision which has not in the light of experience of other provinces any justification in at least the alienated villages.

The position is theoretically different in the rayatwari area. There is in this case not the same presumption or evidence that the holder belongs to a hereditary rent-receiver class. Ordinarily a landlord owning more than 100 acres or its equivalent need not be supposed to belong to the cultivating classes. But we can imagine cases where the bulk of the acreage held is waste or grass land, and the holder, though falling within the scope of this legislation, is not a substantial man. In such cases six years' continuous tenancy by another may not be sufficient evidence of purely rent-receiving status. A man may temporarily emigrate; there may be a minor, a widow or a disabled individual in possession. In order to provide against possible hardships in exceptional circumstances of this character it may be necessary to provide for the resumption of the land by the owner. But all that this indicates is a provision for resumption of land for personal cultivation, which would be in the nature of a strictly transitional provision. The provision should serve to bring out clearly the distinction between rent-receivers

on the one hand and actual cultivators, who had ceased temporarily to cultivate for one reason or another, on the other. A transitional provision need not be operative for more than five or in extreme cases more than ten years. It should again be operative only in favour of present holders and not in favour of any subsequent purchasers. What we are logically prepared to concede is thus the right of *present* holders to be given a choice between receiving rent permanently on existing terms from a class of protected tenants and personally cultivating these lands themselves. And they should be asked to make up their minds as between the two alternatives within a fairly short period of time.

The Bill contemplates a right which is vastly more extensive and absolute. The right thus reserved to the landlords will, in our opinion, tend in a large measure to defeat the intention of the law. The security now afforded to protected tenants will be of a very restricted character and at no time will it be absolute. There is the chance in the first instance that the present landlord or any of his descendants may want the land for any personal agricultural or non-agricultural use. Even if the landlord may not actually want to use the land he can vexatiously evict the tenant for short periods. After eviction, in case the landlord does not use the land personally on the completion of three years after resuming possession or lets it out at any time within six years, the tenant may re-obtain possession. It can, however, be imagined how difficult would be the position of a tenant thus evicted even temporarily. He could not be expected to hang on in the village on the off-chance of a revival of his tenancy rights. And a landlord who was prepared to suffer some loss for six years could permanently destroy the newly accrued rights of protected tenants. An arrangement by which some member of the landlord's family supervises holdings cultivated by some sort of share tenants, who may be called farm servants, would we believe be sufficient to evade the law successfully. There is thus enough scope in the provisions of the Bill for unscrupulous and clever landlords to drive protected tenants out of their rights. Even a threat to take up personal cultivation would prove a powerful weapon in the hands of landlords.

Apart, however, from a misuse of the provisions there lurks a real danger in their nature for the protected tenant class. As the Bill stands, the right to terminate tenancy is not confined to present holders. It will pass to their successors by purchase. The present holders may as a class be big men who perhaps may not be expected to undertake personal cultivation of their lands. But the same presumption would not hold good of future purchasers. In fact, looking to the usual relation between land values and rentals, the landholders will find it distinctly advantageous, in the future, to sell out lands

which are held by the class of protected tenants. In a large number of cases the new purchasers of such lands will belong to the cultivating classes who desire to manage the cultivation personally. The moment such a transfer takes place the rights of protected tenants will automatically vanish. Again, while the Bill prohibits the sub-division of land held by a protected tenant among his heirs, it does not prevent the landlord from selling any portion of it separately. Thus it may happen that a tenant with

an economic holding and, therefore, a settled stable economy may suddenly find himself deprived of a part of the holding because the landlord has sold the part to an actual cultivator. A number of other possibilities may be mentioned. What we have indicated is, however, enough to prove the need for a radical re-drafting of the section which gives power to landlords to terminate the tenancy of a protected tenant.

INDIAN EMIGRATION.

THE Indian Emigration Act of 1922 gave power to the Government of India to control, and even to prohibit, the emigration of unskilled Indian labour of the "assisted" kind. The Government of India have now introduced a bill in the Legislative Assembly to confer power on the Government of India to restrict and, if necessary prohibit, the emigration of "unassisted" or free emigration as well.

Those who were opposed to the existing Act are likely to be even more opposed to the new bill, for the bill seeks to do what the sponsors of the Act recoiled from. In moving the Indian Emigration Bill, which later became an Act in 1922, Sir George Barnes, then member of the Government of India, said on the 21st March 1921:

The Bill does not provide for the control over free emigration, that is to say, cases where the emigrant wishes to leave India without any assistance from anybody. It would, we think, be wrong to endeavour to hamper or control free emigration. It would be an unjustifiable interference with the liberty of the subject. No nation, so far as I am aware, controls free emigration. Free emigration presupposes a certain amount of intelligence, money and enterprise, and in cases of this kind we think we ought to leave the individual to decide for himself.

The Government of India have now taken up a position which they considered wrong in 1921.

Even when the Emigration Act of 1922 was under discussion there were those who advocated the total and absolute prohibition of emigration of unskilled labour; there were others who would brook no restrictions on the freedom of emigration of such labour. The Government of India took an intermediate position, which was to take power to regulate, and if and when necessary to prohibit, the assisted emigration of unskilled labour, while not interfering with the emigration of unassisted labour.

Those who have all along been in favour of the total prohibition of the emigration of unskilled labour will welcome the new measure. Their reason for prohibition was and is that Indian national self-respect has suffered by Indian emigration of the past. Sir George Barnes admitted that

No one who has studied the subject can doubt that the status of Indians generally has suffered by

the emigration policy of the past. People who had no knowledge of India have in many cases been led to think that the indentured labourers were a fair sample of the Indian people. . . . If we can put our emigration policy on sound lines, we shall do something towards improving the status of Indians in every part of the world.

The advocates of prohibition urge that so long as Indian emigration is largely, if not exclusively, of unskilled labour, whether indentured, assisted or free, the status of Indians, as a whole, is bound to suffer, and that the only remedy to this situation is its complete prohibition. They also hold that by their emigration the few Indian labourers gain very much less than what India, as a whole, loses, while the people who profit substantially are the British capitalists in the colonies which discriminate against Indians and that the balance of advantage is, in consequence, very much against India. These friends would wish the Government not only to take power to prohibit, but use that power and actually prohibit the emigration of all unskilled labour, assisted or otherwise.

As has been said above, those who were opposed to the Act of 1922 will be even more opposed to the new bill and will quote Sir George Barnes in support. Their arguments need careful consideration. In the first place, they are opposed on the fundamental ground that the bill as well as the Act restrict the liberty of the individual. But this will not be pressed in view of the large encroachments already made in different directions on the liberty of the individual in every state. The second argument is that inasmuch as the Indian labourer seeks to emigrate to improve his lot, it is against his interest that he should be prevented from emigrating freely. Thirdly, this restriction becomes a discrimination against the working classes inasmuch as the emigration of professionals is not similarly restricted. Why should a lawyer or doctor be free to emigrate to better his lot while the poor coolie is prevented from doing likewise? Fourthly, the restriction is, in their opinion, an anti-labour move, sponsored by landlords and other capitalists with the sinister purpose of keeping up the labour supply in India in order to press down the wage level.

The argument that restriction or even prohibition of the emigration of unskilled labour, assisted or otherwise, will press down the wage level in India, while theoretically plausible, has no practical value. Emigration has not always been in excess of immigration or repatriation. Even when it was in excess, the proportion of the excess to the total labouring population of the chief centres in India from which the emigration proceeds is infinitesimal. It is the proverbial drop in the ocean.

The Government of India have contended, and rightly, that the restrictions even when they amounted to prohibition, have had for their objective the *protection* of the emigrant labourers and not the restriction of their freedom of movement or the convenience of Indian capitalists. The Indian labour leaders have said that they were in favour of measures to protect the Indian labourer and to improve his lot in the new country, but contended that restriction or prohibition of emigration would not achieve the purpose. They would have the Government of India do their best to secure better terms for Indian labourers going abroad, but not restrict or prohibit their emigration.

Unfortunately, restriction and even prohibition is, in the present circumstances, the most potent weapon to secure betterment of conditions abroad. It is a bargaining weapon, even as a strike is. Certainly, it is not the objective of a strike to close down an industry and throw the workers out of work. Also, a strike, if it to serve its purpose, involves the restriction of the freedom of action of individual workers who are content with the existing conditions of work and wish to continue to work. Furthermore, it is only by restricting the flow of labour and by rendering it comparatively scarce in the new country that the conditions of work in that country will improve. If there is a surplus of labour already in the other country, it is certainly in the interest of Indian labourers that they should be prohibited from emigrating and adding to the surplus and bringing down the wages still further in the new country.

Granting, then, that restriction and even prohibition of emigration of unskilled labour is justified, is there any justification for the new bill which seeks to control or prohibit even unassisted emigration? It has been stated above that the justification for the interference of the Government even in the case of assisted emigration was the protection of the emigrants. It was granted that such labourers were unable to look after their interests as they were ignorant, unenterprising and poor and easily misled by interested parties. In justification of excluding free emigration from the purview of the Immigration Act of 1922, Sir George Barnes had presumed that free emigrants had a certain amount of intelligence, money and enterprise and were in consequence capable of looking after their own interests and needed no protective interference from the Government of India. This presumption

has since proved to be illusory at least in the case of Malaya. The so-called unassisted free emigration is not really such to a large extent. *A large proportion of such unassisted emigration is really assisted though not by the regularly constituted authority.* Such "free" emigrants are on a par with "assisted" emigrants regarding enterprise, money and intelligence and are as much in need of protective control as the officially recognised assisted emigrants.

Secondly, the proportion of the assisted to "unassisted" emigration has in recent years been reversed. There is a larger volume of "unassisted" emigration to Malaya than the assisted.

Thirdly, the assisted and "unassisted" emigration together has in recent months been larger than the needs of Malaya, with the result that wages are going down and large numbers of labourers have had to return to India. The supply of Indian labour to Malaya must be regulated according to the needs of Malaya if a surplus of labour and a deterioration of wages and other conditions are to be avoided, not to speak of the disappointment and disillusionment and financial and other dislocation involved in a journey to Malaya and return therefrom on account of lack of employment and low wages.

Fourthly, the Labour Department in Malaya may itself urge the necessity of restricting the immigration into Malaya of unskilled Indian labour, assisted or free. It would be far more honourable that India should restrict or prohibit the *emigration* of her nationals rather than that Malaya should restrict or prohibit their *immigration*.

The bill gives power to the Government of India to control free emigration of unskilled labour as the Act of 1922 gave power to control assisted emigration. The actual use of the power is contingent of the Indian Legislature agreeing to it in any particular case. That feature is retained in the new bill. No action can be taken without the active consent of the Indian Legislature. There is no reason to believe that during the last fifteen years either the Indian Legislature or the Government of India have used the power to control assisted emigration to the detriment of Indian labourers. There is no reason to suppose that it will be otherwise now or hereafter.

Unless the new bill is passed, the protective purpose of the Act of 1922 will continue to be frustrated. In the interests of the Indian labourers already abroad and those who wish to migrate, the Government of India should have power to regulate all unskilled emigration, whether statutorily assisted or otherwise, and should use that power without hesitation in the interests of Indian labour and of the national self-respect of India.

P. KODANDA RAO.

THE BOMBAY INDUSTRIAL DISPUTES BILL.

II.

THE declared object of the Government of Bombay in enacting this fresh piece of legislation is laudatory. The idea of an amicable settlement of trade disputes is welcome to all sections of the community. But we are afraid that in the statement of objects and reasons of the Bill adequate case has not been made out for its enactment. It is admitted that "in India we have the all-India Trade Disputes Act of 1929, which provides for the appointment of Courts of Enquiry and Boards of Conciliation." It is also admitted that "the Act has rarely been used in India during the nine years it has been on the Statute Book." This latter fact is attributed to the circumstance that "the machinery of this Act is cumbrous and inconclusive." It is true that the machinery of the Act of 1929 is cumbrous and inconclusive, but it is also true that the machinery provided by the new Bill is much more cumbrous and equally inconclusive. In fact, it may not be desirable to have a 'conclusive' machinery. That may mean a final ban on strike-action on the part of workers. Nothing is more unwelcome to the working class. Thus, the inconclusiveness of the machinery of the 1929 Act may well be an advantage.

It is a notorious fact that a fair trial has never been given to the Trade Disputes Act of 1929. Government can certainly put it to use with advantage. The object of discouraging strikes declared without first seeking conciliation can be realised to a considerable extent by the Government making the machinery of the Act more readily applicable to cases of strikes which are resorted to only after making reasonable efforts for conciliation beforehand. If this practice is consistently followed by Government we are sure that before long the workers will appreciate the desirability of trying for conciliation before resorting to direct action. Such policy will also have its educative value for the working class in that it will be persuaded to seek conciliation before going on strike instead of being compelled to do so as is sought to be done under the provisions of the proposed Bill.

Provisions in the Bill regarding the registration of Trade Unions are open to objection on more grounds than one. Any Union to be entitled to registration must first obtain a membership of not less than five per cent. of the total number of workers in an industry in a particular local area and also the recognition of the employer or employers concerned. If the Union wants to dispense with the recognition of the employer it must secure membership of more than fifty per cent. A stable membership of more than fifty per cent. of workers is an ideal which has not yet been realised, to any appreci-

able extent, by any Trade Union movement on the face of the globe, except that in the U. S. S. R. We, therefore, propose, in the following discussion to leave out of consideration the hypothetical case of such extraordinarily strong Trade Unions. We confine our remarks to Unions of the category in which most of the Unions fall, viz. those whose membership does not exceed 50 per cent. Everybody knows that the Trade Union movement in this country is extremely weak. Imposition of heavy conditions on Trade Unions will only result in rendering it still more so. In this Bill while recognition by the employers is made a condition precedent to the registration of Unions, it is by no means made obligatory on the employers to recognize any Trade Union under any conditions. Again, an employer can at any time withdraw the recognition of any Union and require the Registrar to cancel its registration. Government, not long ago, opposed Mr. Jhabwala's Bill for the recognition of Trade Unions. It is unwilling to bring any pressure on the employers to give recognition to the organizations of their workers; at the same time, it is eager to make such recognition a condition precedent to the very registration of such organizations. It is evident that if employers decide to recognize any unions at all they will think of doing so only on their own terms. What those terms will be like can be imagined from the recently proposed terms of the Employers' Association of Northern India for the recognition of the Mazdoor Sabha of Cawnpore. In fact, the employers will perhaps agree to grant recognition to what are called "Company Unions", and Government will grant registration to such Unions only. Want or withdrawal of recognition means want or withdrawal of registration, which latter is obviously a great handicap. In effect, the Trade Union movement is being quietly entrusted to the tender mercies of the employing class.

The Bill seeks to create another category of Unions, viz. 'Qualified Unions'. These Unions can under certain circumstances carry on negotiations with the employers and the Government on behalf of the workers, but they can do so only in the absence of a registered Trade Union in the same industry. The moment a registered Union, which must be a recognized Union and will very likely be a "Company Union", steps into the field the Registrar is required to cancel the declaration of a Union as a Qualified Union which from that time ceases to function. This propping up of "Company Unions" will obviously result in stultifying genuine Trade Unionism. Under these circumstances Government would do well to allow Unions to be registered even without the employers' recognition. Obviously

'Qualified Unions' will then serve no useful purpose. It is unjust to make registration dependent upon recognition and recognition dependent upon the employers' sweet will.

The conciliation machinery provided for in this Bill can be made applicable to all industries. The scope of the Canadian legislation on the subject, on which mainly the present Bill is based, is restricted to what are called public utilities. It may be reasonable to enforce a waiting period before a strike or lock-out is lawful in industries of public interest such as transportation or communication, water or electricity supply and the like. In these cases also if the State allows these public utilities to remain in the hands of private persons to be run for private profit, it should be prepared to take the risks; but under no circumstances should a ban be put on the legitimate right of workers to improve their standard of life by recourse to direct action. Let the conciliation machinery be available to them by all means. Let it first be based on the secure foundation of collective bargaining and compulsory recognition of Trade Unions and then let it be pointed out to the workers that it may be to their own advantage if they make full use of the machinery before going on strike. But it must not be imposed upon them against their wishes and under conditions which are inherently unfair to them. It is in the nature of things unlikely that a strike would be declared light-heartedly. It involves risks of starvation and destitution to the workers, and the workers know it. If the workers really believe that they can get their grievances redressed or conditions improved by the method of negotiation, they are sure to prefer this method to the dangerous gamble of a strike. The only duty of Government, therefore, would be to create conditions which will induce in workers the belief that a conciliation proceeding is preferable to direct action. They will be only too willing to resort to conciliation if there is the reasonable hope of the method being successful. Moreover, working conditions in India are admittedly so appalling that the effect of making strikes illegal will be to stabilise those conditions. We cannot, therefore, support the move on the part of Government even temporarily to deprive the workers of their only weapon of defence.

The period during which strikes will be illegal is made very long. The notice period of two weeks is followed by three weeks given to the drawing up of the statement of the case. This will be followed by a period of two months during which various attempts for conciliation will be made. Even this period may be extended by Government to the extent of two more months. The whole procedure may well take more than five months in all. Again, the workers, if they want to go on strike, must do so within a period

of two months after the conciliation machinery fails. If this particular occasion is unfavourable for strike action owing to a slack season or a similar cause, the workers have only to thank themselves. We may be permitted to suggest that these restrictions on strike action are very likely to prove intolerable, and Government may have to face a veritable crop of illegal strikes. That situation will be extremely detrimental to the interests of all concerned. If, therefore, Government are determined to make the failure of the whole cumbrous conciliation machinery a condition precedent to the declaration of a lawful strike, they can at least make the machinery simpler and its working less dilatory. The total length of the period of conciliation should in no case exceed two months. And after the failure of the conciliation machinery the workers should be entitled to resort to direct action on the same issues for at least six months. It is also advisable to restrict the scope of the Bill to public utility concerns as has been done in Canada.

The provisions regarding arbitration are not at all likely to be beneficial to the Trade Union movement as a whole. It is true that arbitration is made voluntary and not compulsory, but it is also true that employers, if they choose (as they certainly will), can bring effective pressure on the Trade Unions to enter into an agreement with them that disputes between them would be referred to arbitration. There is nothing to prevent the employers from further insisting that Unions should accept an arbitrator of the employers' choice. The arbitrator may not choose to refer any issue to the Industrial Court and the Unions will be bound down to the decisions of one man with a bias for the employing class. If the Unions refuse to enter into any such agreement the employers can withdraw their recognition and thus bring about the cancellation of their registration.

The settlements, agreements or awards arrived at under the Bill will be binding on all persons who are parties to it. There is nothing objectionable about this. But the Bill goes further. It seeks to empower the Provincial Government to direct that an agreement, settlement, submission or award shall be binding upon other employees in the industry also, provided that twenty per cent. of the employees are parties to such an agreement or settlement. This provision is very unfair to the overwhelming majority of the workers who may not be satisfied with the terms of the agreement. The only way open to them will then be to organise themselves into Unions with a membership of more than fifty per cent. It is evident that this task will be impossible of achievement for all practical purposes.

HOLIDAYS WITH PAY IN ENGLAND.

THE House of Commons recently passed the third reading of the Holidays with Pay Bill. The Bill does not make any compulsory provision for holidays with pay to workers in any industry. It is a Bill which only enables Trade Boards, the Road Haulage Conciliation Organization and the Agricultural Wages Committees to provide holidays with pay to workers, not exceeding one week during the year, in cases in which employers are found willing to do so. As a Labour M. P. pointed out in his speech in the House of Commons: "If the Bill has given anybody the impression that it will of itself secure the enforcement of holidays with pay, that impression is wrong; and if it has given the impression that it will provide universal holidays with pay to the working people, that is completely wrong. Millions of working people are completely outside the scope of the Bill."

It may be worthwhile looking a little into the background of the movement for holidays with pay in Great Britain. Holidays with pay for wage-earners were very rare before the Great War. After the war and up to 1925, there was a rapid increase in the number of collective and individual agreements providing for paid holidays. By March 1925 it was estimated that approximately 1,500,000 manual workers were covered by collective agreements for paid holidays. Since then there has been a great step forward, and between 3,500,000 and 3,750,000 wage-earners are now covered. Adding to this figure the number of salaried employees, shop assistants and others who get paid holidays, it was estimated in March 1938 that about 7,750,000 people—some 40 per cent. out of a total of 18,500,000 work-people in the employment field, get holidays with pay. The margin of 10,000,000 shows the field which there is to be covered. The present Bill indirectly serves this purpose for nearly 600,000 agricultural workers, 1,300,000 workers under the Trade Board Acts and 200,000 road haulage workers.

A private member's Annual Holidays Bill was introduced in the House of Commons in 1925, but it made no progress. In 1929 another Bill was introduced and got a Second Reading, although no time was found for its further stages. Another Bill also got a Second Reading in 1936 but stopped there. In March 1937 the National Government appointed a Committee under the Chairmanship of Lord Amulree to investigate the extent to which holidays with pay are given and the possibility of extending their provisions by statutory enactments or otherwise. The Committee included six representatives of employers, six of workers and three independent members. The Committee's Report, which was unanimous, did not recommend immediate general legislation, but it suggested that there should be legislation in the 1940-41 Session, making provision for holidays

with pay in industry generally. In the meantime the Committee recommended early legislation on the following three subjects: (1) giving powers to trade boards, agricultural wages committees and any other statutory bodies for regulating wages, to provide for holidays with pay; (2) entitling workers in domestic service to two weeks' annual holiday with pay; and (3) giving power to the Minister of Labour to assist in the administration of special holiday schemes for industries with intermittent employment. The Bill recently passed was introduced for the purpose of implementing these recommendations except the one relating to domestic servants. The Act now enables the trade boards and agricultural wages committees to provide for holidays with pay when fixing rates of wages. Before the Act was passed the power of a trade board was limited to determining wages for the time worked, and in certain circumstances for waiting time, but it had no power either to fix holidays or to determine holiday remuneration. Similarly, agricultural wages committees had no power to fix holidays with pay. This power has now been given to them.

The Act thus opens the way to paid holidays in those industries in which statutory bodies determine wages by enlarging the powers of those bodies. It does not interfere with their previous discretion in any way, but under Section 1 trade boards and agricultural wages committees are limited in their power to the extent that the duration of the holidays which an employer may be asked to allow is related to the duration of the period for which the worker is employed by him, and further to the extent that they cannot provide for more than a week's holiday in a year, and in agriculture not more than three of the days can be made consecutive. Apart from these restrictions, the times at which, the period within which and the circumstances under which holidays are to be given, are left for settlement by the wage regulating authorities.

Section 4 of the Act gives power to the Minister of Labour to assist in the administration of voluntary holiday schemes at the joint request of organizations of employers and workers in an industry. This part of the Act, like the first part, is not mandatory. The Amulree Committee had expressed the view that in industries with intermittent employment, such as the building industry and the dock labour industry, where employment may be of a casual nature, and with many employers in the course of the year, it may be necessary to introduce some such system as the stamping of employees' cards by the employers, so that the holiday payment may be made proportionately by the various employers who employed the workers. The Ministry of Labour had already in its possession an administrative machine—the Employment Exchanges—and the Act enables that machine to be used to assist in

the administration of holiday schemes if the parties to the scheme so desire.

As the Bill was based on the unanimous recommendations of a Committee composed of representatives of the employers, workers and the general public no Member could possibly oppose the principle of the Bill while it was being discussed in the House of Commons. However, the Minister of Labour came in for severe criticism at the hands of the representatives of Labour on various grounds. Their main contention was that the representatives of workers on the Amulree Committee had to make very considerable concessions in order to get a unanimous report and that it was, therefore, only fair that the Bill should have at least embodied the compromise to which they were agreeable when the report was drafted. They argued that if the Labour representatives had written their minutes of dissent, Government would have refused to take any action at all and now Government was not willing to implement even the very moderate unanimous report of a really responsible committee representing all interests adequately. They pointed out that Great Britain was lagging behind on this question, for abroad workers have a legal right to holidays with pay in 38 countries. In France there are 15 holidays with pay during the year, in Norway 9 and in the U. S. S. R. 12. The Labour members of the House of Commons, therefore, did not welcome the Bill. It was, according to them, much below the minimum that they had a right to expect. It was "less than the least that any Government ought to have embodied in the Bill, with such advice and recommendations as the Committee have given."

The Labour members pointed out that they would have very much preferred legislation giving a fortnight's holiday with pay to all workers. The Act falls very far short of this ideal. Even with regard to the recommendation of the Committee that Government should undertake comprehensive legislation in the Session of 1940-41, the Minister of Labour did not make any definite pronouncement though he was requested to do so by many members. The only outcome of this recommendation is that statutory provision of holidays with pay to all workers has been postponed by at least a couple of years.

With regard to the actual provisions of the Bill, the Labour members criticised Government on three main grounds. The question of giving holidays with pay to domestic servants was altogether shelved and this was done in direct contravention of the recommendation of the Amulree Committee on this subject. This was described as one of the meanest omissions from the Bill. On behalf of the domestic workers, it was pointed out that if there was an occupation in which holidays with pay was justifiable, practicable and necessary, it was domestic

service. In that occupation the hours of labour tend to be longish and irregular, the liberty of the worker tends to be restricted and there is not a day in the year on which domestic service is not required by the employers. Government, however, did not alter their decision to exclude domestic servants from the scope of the Bill.

Another blemish of the Bill is that it prevents the agricultural wages committees from giving more than three consecutive holidays with pay to agricultural workers. A statement on this point circulated by the National Union of Agricultural Workers had said :

A week's holiday is always understood to mean at least six consecutive working days, and so far as agricultural workers are concerned, they see no reason why there should be any differentiation between themselves and the other workers covered by wage regulating machinery. . . . Three days' holiday will not give time enough for an agricultural worker, his wife and family to leave the neighbourhood to obtain that necessary rest and change to which they are as much entitled as any other worker and his family.

This appeal, though supported by many Labour members, also fell flat on Government and the defect is retained in the Bill as passed

Another important point on which Government was justifiably criticised by Labour members concerns the proposed duration of holidays with pay. The Amulree Committee had recommended that holidays with pay to the extent of "at least one week" during the year should be made available to workers covered by the Bill. The Bill proposes to enable the statutory authorities like the trade boards to give holidays with pay "not exceeding one week." That makes a very material difference. It was argued that this attitude of Government, besides being very unfair and not in keeping with the recommendations of the Amulree Committee, would have a very unwelcome effect on the conditions of workers in industries in which holidays with pay are secured by workers by means of the machinery of collective bargaining. In some cases workers have been actually able to secure two weeks' holidays with pay every year. Employers in these industries would now regard this piece of legislation as a pointer and insist upon reducing the number of paid holidays.

On neither of these points, however, did Government think it fit to accept amendments to the Bill proposed by the representatives of Labour. Neither Mr. Ernest Brown, Minister of Labour, nor Mr. Lennox-Boyd, his Parliamentary Secretary could make out any cogent case against the criticism levelled against Government. It appears Government carried the Bill through the legislature almost as they had introduced it by sheer force of numbers. The Labour members also could not press any of their amendments very far for the fear that if they did so, the Bill would not be passed during this session and, for all they knew, would never be passed at all. They blamed the Government for having forced them

to discuss and decide the provisions of this important piece of legislation only during the dying hours of the session thus disabling the House of Commons from giving to the Bill the time and attention that it really deserved.

CURRENT COMMENT.

THE BENGAL MINISTRY.

There have been latterly serious defections from the Coalition Party which is in power in Bengal, and the no-confidence motions that were moved in the local Legislative Assembly last week made this clear. The motions were defeated, showing that the Ministry has still the support of a majority; but the majority is considerably reduced, making the Ministry's tenure of office somewhat precarious. We are unable to discern, however, any principle or question of major policy in the attack levelled by the Opposition parties, in which the Congress took the leading part. It was more or less a question of personalities that seems to have weighed with those who sought to put the Fazlul Huq Ministry out and some other Ministry in. That being the case, the debate in the Assembly has not much interest for us.

Of course, some attempt was made to make it appear as if the questions at issue were questions of policy. For instance, the Labour Minister was attacked for forming what are virtually company unions, for bringing into operation section 144 against labour leaders, and so forth. But all these charges can equally well be brought against the Congress Ministry in Bombay. In this province unions are being formed from which the right of collective bargaining has been taken away, although Pandit Jawaharlal Nehru has expressly condemned the formation of such unions. Similarly, not only has section 144 been applied in this province, with the full acquiescence and consent of the Parliamentary Subcommittee and the Working Committee of the Congress, but the far more drastic measure of the Criminal Law Amendment Act has been enforced, with no sign of disapproval from the Congress high command or even from the higher command, namely, Mahatma Gandhi. Why then is the head of the poor Mr. S. H. Suhrahwardy to be brought on a charger in Bengal, while Mr. Kher is to be paid every tribute of admiration? Those to whom personalities count for more than principles may regard the attempts to weaken the Fazlul Huq Ministry as of very great moment; we don't.

Mr. Sarat Chandra Bose, the leader of the Opposition, has, no doubt with a view to giving an ethical basis to his anti-ministerial campaign, drawn up a programme which he

would implement if he were enabled to occupy the position which Mr. Fazlul Huq occupies in the Bengal Government. But this programme would be judged by the world by the actual achievements to the credit of the Congress Ministries in other provinces. At most the Congress would share political power in Bengal with other parties; but in six provinces it is in an absolute majority; there is no need in these provinces for the Congress to enter into a coalition with other parties. What the Congress Ministries have not done in these provinces, Mr. Sarat Chandra Bose as the head of the Coalition Government is not likely to do in Bengal.

Here are some of the reforms which Mr. Sarat Chandra Bose promises to the people of Bengal if they are so credulous as to believe him:

1. fixation of an eight-hour day for industrial workers without reduction of pay and with a provision for a living wage;
2. provision of unemployment relief;
3. introduction of free primary education without taxes on cultivators;
4. raising the prices of agricultural produce;
5. effecting a substantial reduction in rent;
6. provision for recovery of arrears of rent in the same manner as civil debts and not by ejection.

Now, which of these reforms have been effected or even proposed by the Kher Ministry in Bombay, for instance? None.

In fact, the Kher Ministry's Tenancy Bill is a direct negation of the last two items given in the above programme. The Bill proceeds on the basis that the actual rents received at present are fair rents; and although it provides that a tenant may apply for a reduction of rent, this reduction will be possible only if he shows that the amount of rent to which he is liable exceeds the rent that others in his locality pay. This is only another way of saying that the current rents are fair rents, and that they will not be reduced. At best, the provision made in the Bombay Bill is a kind of safeguard against undue enhancement of the present rents. But the Bengal Tenancy Act has already put a stop to all enhancement of rents for ten years. Mr. Sarat Chandra Bose is, however, not satisfied; he wants a reduction of rents here and now. If the Bombay Ministry, which is not a composite Ministry as the Huq Ministry is, can not only not reduce existing rents but cannot stop enhancement of rents either, what prospect is there of the Sarat Chandra Ministry, which will necessarily be a composite Ministry, reducing rents in Bengal?

Again, the Bombay Ministry's Tenancy Bill provides for ejectment in the event of non-payment of rent for one single year. Will any one be able to find a tenancy law in which occupancy right is extinguished by default on payment of one year's rent? The proposed Bombay law is unique in this respect; only it is unique in its harshness towards the tenants. If the Congress Ministry in Bombay can become so hard-hearted, how is the public to believe that Mr. Sarat Chandra Bose will eliminate from the tenancy law of Bengal all provisions about eviction, if he becomes the Premier? The Bengal Government even before provincial autonomy abolished the system of distraint by the amendment it introduced in the tenancy law in 1928. Ten years later Bihar tenants ask for the same concession from their Congress Government; not only does the Congress Government not give it in Bihar, but it dubs those who ask for the favour as rebels who must be severely dealt with. No, the programme drawn up by Mr. Sarat Chandra Bose will be regarded by all neutrals as a feverish attempt to give to what is an unprincipled party move the complexion of a fight on a high moral basis. But the attempt cannot succeed, although the move perchance may.

THE PUNJAB "BLACK BILLS."

The four agrarian Bills of the Punjab Government, three of which have passed into law, are condemned by the non-agricultural section of the province as "Black Bills", and a Non-Agriculturists' Conference recently held advised the people to conduct a most intensive campaign against them — the campaign not being confined to constitutional but extra-constitutional agitation also, including passive resistance. But the Congress Party in the province does not share the view of this Conference either as regards the method of agitation or the merits of the Bills. The Party sees many objections to the Bills, which we have already indicated; but their objection is not that they hit the non-agriculturists, but that they do not give sufficient relief to smaller agriculturists and give to larger agriculturists relief that they do not need — a view with which many will sympathise.

The suspicion is that the Congress Party in the Punjab has been forced by the Parliamentary Sub-Committee not to take an attitude of root and branch opposition to the Bills, as for instance Dr. Gokul Chand Narang and Raja Narendra Nath and Mr. M. D. Puri have done, but to oppose them only in detail. It is felt that it was as a consequence of this command that the Congress members in the Punjab Assembly remained neutral in the voting on the third reading of these Bills as the Congress members

in the Bengal Assembly and Council did in the voting on the Tenancy Bill. If in fact the action of the Punjab Congress Party was dictated by the Congress high command, the matter can be easily explained. Bills similar to the Punjab Bills have been introduced by the Congress Party in the N. W. Frontier Province. At any rate these Bills are based on the Land Alienation Act, which is as much in force in the Frontier Province as in the Punjab, and it would be a curious spectacle if the Congress tried in one Province to strengthen the Land Alienation Act and in another Province to abrogate it as the source of all mischief. The Congress Party in the Punjab therefore deemed it necessary to direct its members not to countenance the agitation proposed to be set up by the Non-Agriculturists' Conference.

The Party held a conference of its own and defined its own attitude towards the agrarian Bills as follows:

This Conference holds that no elected member of the Congress in the Punjab should join any agitation against the agrarian Bills, launched by any organisation, other than the Congress, and expects from the primary Congress members that they will also respect the decision of the Conference.

Whilst realising that the Congress stands (a) for the reform of the system of land tenure and revenue and rent and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry (statutory or non-statutory, landholder and tenant) by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue and (b) for giving relief from indebtedness by means of declaration of moratorium, scaling down of debts after thorough enquiry, making provision for cheap credit facilities by the State and other equitable methods and for extending this relief to agriculturist tenants, peasant proprietors landholders, and petty traders:

The Punjab Congress Working Council wishes to declare its considered opinion on the agrarian Bills recently passed by the Unionist Government of the Punjab for the guidance of Congressmen and Congress Committees throughout the Punjab.

It declares:

(a) That the Unionist Government, while professing to follow in the footsteps of the Congress Government in the other provinces, have lamentably failed to give effect to the real underlying idea of the Congress, namely, of affording relief to the poor and saving them from the exploitation of the rich.

(b) That without proper amendments these Bills would fail to achieve their avowed object, and the rejection of the amendments by the Unionist Party to remove the defects moved by the Congress Party in the Assembly not only makes the Bills extremely defective but also affords an indication of its not being honest in its claim to help the poor.

(c) That the Bills introduce a measure of discrimination which is undesirable and give undue power to the executive authority which is liable to be abused.