

19 February 1921

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

FIRST SESSION
OF THE
LEGISLATIVE ASSEMBLY, 1921



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LEGISLATIVE ASSEMBLY.

Saturday, 19th February, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock.
The Honourable the President in the Chair.

The Honourable the President : Members desiring to take their seats, will please advance to the table to take the Oath or to affirm in the manner prescribed.

There being no further Members to take the Oath, we will proceed to questions.

The Honourable the President then called upon Lala Girdhari Lal Agarwala to put Question No. 143.

The Honourable Mr. Moncrieff Smith : The Honourable Member is not here.

The Honourable the President : When a Member is absent, unless, under Standing Order No. 19, the Member of the Government, in charge of the Department concerned, wishes to answer the Question, the Question will lapse, and notice will have to be given of it anew.

QUESTIONS AND ANSWERS.

ALLAHABAD HIGH COURT.

143. **Lala Girdhari Lal Agarwala :** Do the Government of India propose to consider the question of securing the appointment of an Additional Indian Judge to the Honourable High Court at Allahabad and transfer the judicial work hitherto disposed of by the Board of Revenue to that Honourable Court?

(This Question was not answered as Lala Girdhari Lal Agarwala was not present.)

CALCUTTA UNIVERSITY COMMISSION.

144. **Babu K. C. Neogy :** (a) Will the Government be pleased to state when the report of the Calcutta University Commission was submitted to them, and when the report was published?

(b) Is it a fact that on the publication of the report the Secretary of State for India asked the Government of India for a reasoned despatch containing their proposals, and suggested that sufficient time should be given to him to consider the same?

Mr. H. Sharp : (a) The report of the Calcutta University Commission was published on the 9th August 1919. No definite date can be specified on which it was submitted to the Government of India ; but before its publication, proofs of it were received by some of the Government officers concerned.

(b) The Government of India are not prepared to give any information on this subject.

REPORT OF THE CALCUTTA UNIVERSITY COMMISSION.

145. **Babu K. C. Neogy :** (a) Is it a fact that on or about the 27th January 1920, the Government of India published a Resolution on the report

of the University Commission, foreshadowing early legislation in the Indian Legislative Council for the re-construction of the Calcutta University on the lines indicated in the said Resolution?

(b) Is it a fact that in the said Resolution the Government of India proposed to leave it to the Local Government to undertake the re-organization of Secondary and Intermediate education in such manner as the Local Government might think fit?

(c) Is it a fact that the said Resolution was published without the knowledge or concurrence of the Secretary of State for India?

Mr. H. Sharp: (a) and (b) The answers are in the affirmative.

(c) The Government of India are not prepared to give any information on this matter.

CALCUTTA UNIVERSITY.

146. **Babu K. C. Neogy:** Is it a fact that beyond stating that funds will be required for carrying out the proposed changes, the Government Resolution on the report of the University Commission was silent as to the financial aspects of the question, and that it contained no assurance whatever as to the measure of financial assistance which Government proposed or was prepared to give to the University or to the Colleges to enable them to take part as effective units in the new administration?

Mr. H. Sharp: Yes.

CALCUTTA UNIVERSITY.

147. **Babu K. C. Neogy:** (a) Is it a fact that on or about the 31st March 1920, the Calcutta University addressed a representation to the Government of India, expressing profound disappointment at the terms of the Government Resolution on the report of the University Commission and protesting against legislation without a previous examination of the financial aspects of the proposed reforms and without adequate financial guarantees that the requisite funds will be available for at least ten years?

(b) Is it a fact that in the said representation the Calcutta University suggested the appointment of a small Committee, to consist of a nominee of the Government of India, a nominee of the Government of Bengal, and three nominees of the Senate, for the purpose of working out the details of a financial scheme?

(c) Is it a fact that a Draft Bill was actually prepared by the Government of India for the re-construction of the Calcutta University, and submitted to the Secretary of State for India? If so, will the Government be pleased to state when it was prepared, and when it was submitted to the Secretary of State?

(d) Will the Government be pleased to state if the said Draft Bill was prepared after giving due consideration to the said representation of the Calcutta University?

(e) Is it a fact that the Secretary of State's sanction was asked for to the publication of the Draft Bill, without previously submitting to him the text or purport of the Bill, and without previously informing him of the Resolution published by the Government of India, or of the representation submitted by the Calcutta University?

(f) Is it a fact that the Secretary of State finally declined to accord sanction to the Draft Bill submitted to him? If so, will the Government be pleased to state the reasons assigned by the Secretary of State for his action?

Mr. H. Sharp: (a) and (b). The answers are in the affirmative.

(c), (d), (e) and (f). The Government of India are not prepared to make any statement on these points.

REPORT OF THE CALCUTTA UNIVERSITY COMMISSION.

148. **Babu K. C. Neogy:** Will the Government be pleased to state if any despatch has been received from the Secretary of State on the subject of proposed legislation in connection with the report of the Calcutta University Commission? If so, will the Government be pleased to lay a copy of the Despatch on the table?

Mr. H. Sharp: The Government of India are not prepared to give any information on the matter.

RECONSTITUTION OF THE CALCUTTA UNIVERSITY.

149. **Babu K. C. Neogy:** Is it a fact that in a reply to the Calcutta University's representation dated the 31st March 1920, the Government of India merely informed the University on or about the 26th July 1920, that it was not intended to introduce the Bill for the reconstitution of the University in the September session, and did not deal at all with the request made by the University for a scrutiny of the financial aspects of the question or the appointment of a Committee for working out the details of a financial scheme?

Mr. H. Sharp: It is not a fact that the Government of India, in replying to the letter of the 31st March from the Registrar of the University of Calcutta, merely informed the University that it was not intended to introduce the Bill for the reconstitution of the University in the September session. The Government of India's letter of the 26th July further requested that the remaining Resolutions of the Senate and an explanatory statement which had been promised might be forwarded as soon as possible, since the Government of India would be glad to be in possession of the views of the University at the earliest possible date. The letter did not, however, deal with the request made by the University for the appointment of a committee for working out the details of a financial scheme, since it would clearly have been premature at that stage to appoint such a committee even if the appointment of such a committee were at any stage desirable and necessary.

RECONSTITUTION OF THE CALCUTTA UNIVERSITY.

150. **Babu K. C. Neogy:** Is it a fact that the Government of India stated in reply to a question put in the Indian Legislative Council that no financial arrangement could be made until the Executive Commission proposed in the report of the Calcutta University Commission had made its recommendations? If so, will the Government be pleased to explain its reasons for this view?

Mr. H. Sharp: The reply to the first part of the question is in the affirmative. The reason for the view held by the Government of India is

to be found in the reply to the question to which the Honourable Member has alluded and also in paragraph 95 of Chapter XXXVII of the report of the Calcutta University Commission.

CALCUTTA UNIVERSITY.

151. Babu K. C. Neogy : Is it a fact that in reply to a question put in the Indian Legislative Council the Government of India stated that before Government consider the request made by the University in their representation of the 31st March 1920, the Government desire to have before them the complete body of Resolutions on the report of the Commission which the Senate proposed to submit? If so, will the Government be pleased to explain its reasons for this view?

Mr. H. Sharp : The reply to the first part of the question is in the affirmative. The Government of India naturally desire, if possible, to obtain the views of the University of Calcutta before deciding on so important a question.

CALCUTTA UNIVERSITY.

152. Babu K. C. Neogy : (a) Are the Government aware that the Senate of the Calcutta University has recently passed a Resolution, suggesting that legislation for the re-constitution of the Calcutta University should be undertaken in the Bengal Legislative Council, and not in the Legislative Assembly or the Council of State?

(b) Are the Government aware that there is a strong body of public opinion in Bengal in support of the above proposal?

(c) Do the Government propose to consider the desirability of giving effect to the said Resolution of the Calcutta University?

Mr. H. Sharp : (a) The Government of India have seen in the press a statement that such a Resolution has been passed.

(b) The Government of India have no information on the point.

(c) The question is already under consideration.

CAPITAL CITY FOR THE UNITED PROVINCES.

153. Lala Girdhari Lal Agarwala : Will the Government be pleased to lay on the table the correspondence which they have had with the Government of the United Provinces on the choice of a Capital city for the United Provinces?

(This Question was not answered as Lala Girdhari Lal Agarwala was not present.)

PROVINCIAL EXECUTIVE COUNCILS.

154. Lala Girdhari Lal Agarwala : (a) Will the Government of India be pleased to state whether they had been consulted in the appointment of the Members of the Executive Councils in those provinces in which new Councils have been formed for the first time, if so, will the Government be pleased to lay the correspondence on the table?

(b) On what considerations was the strength of the Executive Councils in Madras, Bombay and Bengal fixed at four instead of two inasmuch as about half the public business of the transferred subjects had been put in charge of the Ministers?

(c) On what grounds was the Executive Council of Bihar and Orissa fixed at three instead of two and why was only one Indian appointed to it against the expressed recommendations of the Joint Select Committee?

Mr. S. P. O'Donnell: Sir, might I answer Question No. 154?

The Honourable the President: Yes.

Mr. S. P. O'Donnell: (a) The answer to the first part is in the affirmative. It would be contrary to the established practice in such matters to lay the correspondence on the table.

(b) I would refer the Honourable Member to the reports of the Joint Committee on the Government of India Bill and on the Government of India Act draft rules. In the latter report, the Joint Committee, referring to their recommendation that if an Executive Council contained two Members with service qualification neither of whom was by birth an Indian it should contain also two non-official Members, observed that they recognized that this decision might involve a slightly greater man-power in Government than the present statistics would strictly justify, but that they had little doubt that the increase of work arising out of the new legislative bodies would be such as to render past experience a doubtful guide as to the volume of business likely to fall upon the executive, and that in any case they thought it more important that as many Indian gentlemen as possible should obtain experience inside the Government than that the salaries of a few officials should be economised.

(c) I would refer the Honourable Member to the answer already given to the question asked by Khan Bahadur Saiyid Muhammad Ismail.

Mr. Jamnadas Dwarkadas: Might I ask a supplementary question with regard to clause (b) of Question No. 154? May I ask the Honourable Member who just spoke to inform the Assembly as to whether any of the Provincial Governments desired that the strength of the Executive Councils should not be increased?

Mr. S. P. O'Donnell: I cannot enter into the details of the discussion that have taken place between the Provincial Governments and the Government of India on this subject.

NORTH-WESTERN RAILWAY GUARDS.

155. **Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if their attention has been drawn to an editorial in the *Sind Observer* of the 7th January regarding the threatened strike of guards on the North-Western Railway?

(b) Is it a fact that there are three classes of guards, A, B and C, on the North-Western Railway?

(c) Is it a fact that Hindus and Muhammadans, Indian Christians and Parsis are not recruited direct in the C grade, but Europeans and Anglo-Indians only?

(d) Is it a fact that no Hindus or Moslems are recruited direct in the B grade, but Indian Christians and Parsis only?

(e) Is it a fact that no European, Anglo-Indian, Christian or Parsi is taken on the A grade which is the lowest?

(f) Will Government be pleased to lay on the table a statement showing the total number of guards in A, B and C grades according to their nationality, whether Hindus and Muhammadans, Christians, Parsis, Anglo-Indians or Europeans.

(g) If the answers to (c) and (d) are in the affirmative, will Government be pleased to state the reasons why Hindus and Moslems, who have equal educational qualifications with the Parsis and Christians, are not recruited direct in the B grade, and why Parsis and Christians with the same qualifications as Europeans and Anglo-Indians are not admitted direct into the C grade?

Colonel W. D. Waghorn: (a) The attention of Government has been drawn to the editorial in question.

(b) The answer is yes.

(c) Direct recruitment has not been made recently, but Indians have been promoted to C class from B class and the recruitment of Europeans and Anglo-Indians restricted during the war.

(d) The answer is in the negative.

(e) Europeans and Anglo-Indians are not appointed in class A nor are any applications received from these classes for such appointments. Indian Christians and Parsis are appointed to class A.

(f) A statement is laid on the table.

(g) In view of the answers at (c) and (d), no reply to this part of the question is required, but I may mention for the Honourable Member's information that recruitment into such class either by promotion from a lower class or otherwise is made according to the qualifications and capabilities of the men applying without distinction as to race or creed.

Statement of guards employed on the North-Western Railway.

Class.	Europeans.	Anglo-Indians.	Muhammadans.	Hindus.	Parsis.	Sikhs.	Christians.	Jews.
C	145	111	2	5	9	1	...	1
B	2	150	32	65	38	11	...	12
A . . . . .	...	...	179	311	...	68	7	1
	147	261	213	381	47	80	7	14

Indian Christians of C and B classes are included in C and B classes under the head of Anglo-Indians.

HOUSE RENT ALLOWANCE IN THE NORTH-WESTERN RAILWAY.

156. **Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if it is a fact that the North-Western Railway have sanctioned a house rent allowance for their employees in Karachi, whereby Indian employees getting up to Rs100 get from Rs7-8-0 to Rs10 per mensem as house rent; while

European, Anglo-Indian, Christian and Parsi employees on the same pay get a house rent allowance of Rs. 25?

(b) Is it a fact that while Indian employees over Rs. 250 have been given no house rent, Anglo-Indian and European employees over Rs. 250 have been given 10 per cent. allowance by way of house rent on their pay?

Colonel W. D. Waghorn: (a) and (b) House rent allowances granted in the case of Europeans and Indians alike are based on the wages earned by different classes of employees and are shewn in the statement laid on the table.

Statement shewing house rent allowances admissible to North-Western Railway employees at Karachi.

(i) In the case of employees who are not entitled to free quarters :

(a) Indians drawing pay up to Rs. 74 per mensem, Rs. 7-8 per mensem.

(b) Indians on pay of Rs. 74 to Rs. 100 per mensem, 10 per cent. of pay.

(c) Europeans on pay up to Rs. 250 per mensem, Rs. 25 per mensem.

(d) Europeans on pay of Rs. 251 to Rs. 500 per mensem, 10 per cent. of pay.

(ii) Employees who are entitled to free quarters, but for whom no railway quarters are available, 10 per cent. of pay in addition to above rates of allowances.

PERMANENT-WAY INSPECTORS ON THE NORTH-WESTERN RAILWAY.

157. **Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state what is the total number of Permanent-Way Inspectors, on the North-Western Railway, and lay on the table a statement showing the number of such Inspectors separately for (1) Hindus and Moslems, (2) Indian Christians and Parsis, (3) Europeans and Anglo-Indians?

(b) Is it a fact that the posts of Permanent-Way Inspectors are conferred on Apprentices selected by the Railway, mostly from among non-Hindus and non-Muhammadans?

(c) What is the total number of (1) Permanent-Way Inspectors, (2) Permanent-Way Inspector Apprentices on the North-Western Railway and their number according to their nationality, (1) Europeans and Anglo-Indians, (2) Indian Christians and Parsis, (3) Hindus and Moslems?

Colonel W. D. Waghorn: (a) The total number of Permanent-Way Inspectors on the North-Western Railway is 97, 50 of whom are Hindus and Moslems, 1 is a Parsi and 46 Europeans and Anglo-Indians. It has not been possible in the time to ascertain how many of the Indians are Christians.

(b) Permanent-Way Inspectors are recruited from Apprentice Permanent-Way Inspectors, and from promotion of Sub-Permanent Way Inspectors. The number of sanctioned appointments of Apprentices is 30 for Europeans and Anglo-Indians and 12 for Indians.

(c) (1) As regards Permanent-Way Inspectors I would refer Honourable Member to the answer already given to (a) (2). The number of Apprentice Permanent-Way Inspectors, is:

- 4 Hindus.
- 2 Sikhs.
- 4 Mussalmans.
- 22 Europeans and Anglo-Indians.

THIRD AND INTERMEDIATE CLASS PASSENGERS.

158. **Mr. Harchandrai Vishindas**: Are Government aware that great inconvenience is caused to third class and intermediate class passengers proceeding by Quetta Mail to Hyderabad and stations on Jodhpur-Bikaner Railway and Bombay by their transhipment at Kotri?

Colonel W. D. Waghorn: Government is not aware that passengers who travel by the Quetta Mail and consequently have to tranship at Kotri in order to get to Hyderabad are caused great inconvenience thereby.

QUETTA-KARACHI MAIL.

159. **Mr. Harchandrai Vishindas**: (a) Are Government aware that although the Quetta Mail train arrives at Karachi Cantonment at 5-45 p.m., the mails brought thereby are not delivered till the next morning?

(b) Are Government aware that these were formerly delivered the same evening?

Mr. C. A. Innes: The Government will make enquiries and let the Honourable Member know the result.

CONCESSION TICKETS.

160. **Mr. Harchandrai Vishindas**: (a) Are Government aware that the North-Western Railway issued concession tickets during Christmas and other holidays before the war?

(b) Do Government contemplate the resumption of this practice?

Colonel W. D. Waghorn: (a) The reply is in the affirmative.

(b) The resumption of this practice is not possible at present.

COLONEL WEDGEWOOD'S ARTICLE IN 'INDIA'.

161. **Mr. Harchandrai Vishindas**: (a) Has the attention of Government been drawn to an article entitled 'Hell in the Andamans' by Colonel Wedgewood, M.P., which appeared in *India* of the 7th January 1921?

(b) If so, do Government intend to make any enquiry into the allegations regarding the conditions of the prisoners there?

(c) Do Government intend publishing the report referred to in that article?

Mr. S. P. O'Donnell: (a) Yes.

(b) The system of transportation to the Andamans was investigated by the Jails Committee. The recommendations of the Committee are under the consideration of the Government.

(c) Secretary of State has just intimated that the report will be presented to Parliament in due course. It will be published simultaneously in this country.

161 (a) **Mr. Harchandrai Vishindas**: I have one supplementary question. Will Government place the report on the table?

Mr. S. P. O'Donnell: I have just said that it will be published simultaneously in this country.

ASSESSMENT OF INCOME-TAX.

162. **Beohar Raghubir Sinha**: (a) Is it a fact that there is a good deal of difference of opinion as to the assessment of income-tax on the interest on arrears of rent and that several officers in different provinces hold that the same is an agricultural income not liable to assessment of income-tax?

(b) Has the attention of the Government been drawn to Question No. 2 put by me at a meeting of the Central Provinces Legislative Council held on the 17th November, 1919, and the reply thereto to the effect that '..... Government is not prepared to pronounce any opinion at present on the points raised in the question?'

(c) Do the Government realize that this is causing unusual hardship to landholders in general?

(d) When do the Government propose to finally decide this question and place its decision before the Assembly?

The Honourable Mr. W. M. Hailey: (a) I am aware that there is a difference of practice in different provinces regarding the assessment of this type of income.

(b) The full reply (of which the Honourable Member has only quoted a portion) given by the Government of the Central Provinces was 'the Income-tax Act provides for the decision of any questions regarding liability to income-tax by permitting applications for revision to the Financial Commissioner, and, if necessary, by a reference to the High Court, and Government is not prepared to pronounce any opinion at present on the points raised in this question.'

(c) That is a matter of opinion.

(d) The Government of India agree with the reply given by the Government of the Central Provinces, that a decision as to the legality of any such assessment can only be obtained by a reference to the High Court under section 51 of the Income-tax Act, 1918.

MARTIAL LAW ADMINISTRATION IN THE PUNJAB.

163. **Rai Bahadur Bakshi Sohan Lal**: Will Government be pleased to lay on the table a list of officials (European and Indian) who were held by the Hunter Committee to be guilty of acts of cruelty, oppression, infliction of humiliation or gross error of judgment during the administration of Martial Law in the Punjab; and to state what punishment, if any, has been awarded to each of the officials?

Mr. S. P. O'Donnell: A statement is laid on the table.

Name of Officer.	Action criticised.	Appointment held.	Action taken.
1. Khan Sahib Ahmed Jan.	Failure of police reserve in Amrit- sar City Police Station.	Deputy Superin- tendent of Police, Amritsar.	1. The Khan Sahib who was a temporary Deputy Superin- tendent of Police, has been reverted to his substantive rank of Inspector, 3rd grade, and retired from the service as such on a reduced pension of Rs. 75 per mensem, from the 27th June 1919.
2. Inspector Asraf Khan.	.....	Inspector, Amritsar	2. This officer has been reduced from the grade of Inspector, 2nd grade, to the rank of Sub-Inspector, with effect from the 1st April 1920.
3. Sub-Inspector, Railway Po- lice, Kasur.	Inaction on 12th April.	.....	3. No action is proposed as it does not appear that any censure was suggested by the Hunter Committee.
4. 20 Police const- ables of Patti.	Ditto . . .	.....	4. The Hunter Committee have not indicated in what particu- lar respects these officers failed in their duty. Their conduct was in some respects commended, and no action is therefore contemplated.
5. Khan Bahadur M. Sultan Ahmed.	Refusal of permis- sion to fire at Gujranwala.	Acting Deputy Com- missioner, Gujran- wala.	5. This officer has since retired after a long period of distin- guished service. The re- marks contained in para- graph 25 of the Government of India despatch No. 2, dated the 3rd May 1920, have been communicated to him.
6. Lieutenant-Colo- nel O'Brien.	Approval of Martial Law order regard- ing salaaming. Reprisals on pro- perty of absentees and their relations.	Deputy Commis- sioner, Gujranwala.	6. The Government of India have asked the Local Government to communicate to this officer their strong disapproval of these particular actions which were injudicious and improper. In deciding what action should be taken in this case, the Government of India have taken into account Colonel O'Brien's excellent previous record and the valuable services rendered by him in suppress- ing the disturbances.
7. Mr. Marsden .	Whipping of school- boys in Kasur.	Sub-Divisional Officer, Kasur.	7. The Government of India have asked the Local Government to inform this officer that this action was improper and that the Government of India disapprove of it.

Name of officer.	Action criticised.	Appointment held.	Action taken.
8. Mr. S. M. Jacob	Whipping and flogging of Lambardar and taking of hostages when on duty with mobile column.	Director of Agriculture, Punjab.	8. The Government of India have asked the Local Government to communicate to this officer their strong disapproval of these actions which were injudicious and improper.
9. Mr. Penhearow	Whipping of wedding party in Lahore.	Extra Assistant Commissioner.	9. This officer was at once deprived of his power to try such cases and the Local Government communicated to him their disapproval of his action. The Government of India have further ordered that no promotion should be given to him till the 1st December 1920.
10. Mr. Kitchin	Abdication of civil authority in Amritsar.	Commissioner, Lahore.	10 and 11. The Local Government has been requested to communicate to these officers the view expressed in the Government of India's despatch, to which they adhere. They consider it regrettable that the Commissioner failed to retain control over the Military Commander and that the Deputy Commissioner failed to remain in close touch with him throughout the subsequent events.
11. Mr. Miles Irving	Ditto	Deputy Commissioner, Amritsar.	
12. Mr. Bosworth Smith.	Reprisals on property of absentees and their relations. Proposed erection of a Repentance House. Arrest and detention of Balia Ram.	Joint Deputy Commissioner, Shekhupura, Gujranwala.	12. This officer proceeded on leave preparatory to retirement, after a request to remain on active duty till the spring of 1921 had been refused. The Government of India have asked the Local Government to communicate to him their strong disapproval of the actions in question which were injudicious and improper.
13. General Dyer	Firing at Jallianwala Bagh and issue of certain martial law orders at Amritsar.	Officer Commanding, 45th Brigade, Amritsar.	13. Retired. The case of this officer has been considered by this Army Council and by His Majesty's Government who have confirmed the orders passed by His Excellency the Commander-in-Chief. No further action is proposed or can be taken.
14. General Beynon	Issue of defective instructions to Royal Air Force Officers sent to Gujranwala.	General Officer Commanding, 10th Indian Division, Lahore.	14. The Air Force had never been employed on such duties before and the situation arising could not be foreseen. In these circumstances it is not considered by the military authorities that more precise instructions could have been issued to the Air Force officers. Action is being taken to prescribe rules for future guidance.

Name of officer.	Action criticised.	Appointment held.	Action taken.
15. Lieutenant Dodkin.	Conduct in connection with the use of bombs from aeroplanes at Gujranwala.	Observer, Royal Air Force.	15 and 16. In view of the extreme difficulty of the position of these officers, their conduct cannot, in the opinion of the military authorities, be held to be blame-worthy.
16. Major Carbery.	Ditto	Flight Commander, No. 21 Squadron, Royal Air Force.	
17. Lieutenant-Colonel Frank Johnson.	Issue of certain martial law orders relating to school-boys, etc., in Lahore.	Administrator of martial law, Lahore Civil Area.	17. This officer held a commission in the territorial force and has since been demobilised. The military authorities do not, therefore, propose to take any action.
18. Brigadier-General Campbell.	Issue of martial orders relating to salutes.	Brigadier-General Commanding Sialkot Brigade.	18. His Excellency the Commander-in-Chief has conveyed to this officer his strong disapproval of the saluting order which was injudicious and improper.
19. Captain Doveton	Fancy punishments in Kasur.	Area Officer, Kasur	19. His Excellency the Commander-in-Chief has informed this officer that these punishments were injudicious and irregular and served no useful purpose.
20. Colonel Macrae.	Whipping of school-boys in Kasur.	Officer Commanding, Kasur Area.	20. His Excellency the Commander-in-Chief has informed this officer that he disapproves of his action in this matter which was improper.

SUFFERERS OF THE 1919 DISTURBANCES.

164. **Rai Bahadur Bakshi Sohan Lal:** Will Government be pleased to lay on the table a statement, in the following tabular form, showing the names of Europeans and Indians who were awarded compensation in each of the Provinces of British India on account of injury to person or loss of property due to disturbances of April 1919:

- (1) Serial No.
- (2) Name and residence of the victim.
- (3) Loss or injury caused.
- (4) Name of person to whom compensation was awarded.
- (5) Amount of compensation awarded.
- (6) The persons against whom the compensation was awarded.
- (7) The names of Judges, Assessors or other authority who awarded the compensation.

Mr. S. P. O'Donnell: The information is being collected; the full particulars asked for are not available, but will be furnished when available.

JALLIANWALA BAGH.

165. **Rai Bahadur Bakshi Sohan Lal:** Will Government be pleased to lay on the table a list of persons killed or wounded at the Jallianwala Bagh at Amritsar on 13th April 1919 under orders of General Dyer and to state whether any compensation was awarded to the families of those who were so killed or injured and the amount of the compensation, if any, thus awarded?

Mr. S. P. O'Donnell: A statement is laid on the table showing the persons who have so far been given pecuniary relief and the amounts paid. A further sum of Rs. 5,000 was sanctioned recently for distribution among those who were permanently injured. I would also refer the Honourable Member to the statement made on the 15th by the Honourable Home Member. I will send the Honourable Member the list of the names of the persons killed and wounded, as far as they can be ascertained.

List of persons compensated on account of those killed at Jallianwala Bagh.

AMRITSAR TAHSIL.

Serial Number.	Name, etc.	Amount paid to each dependent.
		Rs.
1	Jiwani, mother of Viroo of Makhanmundi	300
2	Hawan, widow of Viroo of Warpal	300
3	Dewan, widow of Narain of Wanhari	500
4	Alahi Baksh, father of Rukandia of Thande	200
5	Isari, widow of Prem Singh of Kaler Mengat	500
6	Bhagat Ram, father of Chanan of Majitha	200
7	Gulab, father of Karam Din of Sohian Kalan	300
8	Tabi, grandmother of Sunder Singh of Manawala	300
9	Buta Singh, son of Kesar Singh	500
10	Attari, widow of Ganga Singh of Mahul	500
11	Mankaur, widow of Gopal Singh of Vallah	300
12	Asa Singh, father of Kehru of Varpal	200
13	Bisso, widow of Lachhman Singh of Chahba	500
14	Abnashi Ram, son of Amin Chand of Muradpur	400
15	Lachhmi, widow of Ganda Singh of Qilla Jiwan Singh	500
16	Bhagwadai, widow of Lachhman Singh of Muradpur	500
17	Mat. Harnam Kaur, widow of Thakur Singh of Mahman, Tahsil Amritsar.	800
18	Kishan Singh, son of Khazan Singh Jat of Galwali, Tahsil Amritsar.	600
19	Hardit Singh of Mama Pondori	500
Total .		7,400

These two men were wounded and have been compensated.

List of persons compensated on account of those killed at Jallianwala Bagh.

TARN TARAN TAHSIL.

Serial Number.	Name, etc.	Amount paid to each dependent.
		Rs.
1	Chuni Lal, father of Vashno Das of Tarn Taran .	400
2	Puran Kaur, wife of Bawa Singh of Bhakua Kalan .	400
3	Haro, widow of Surain Singh of Manpur . . .	400
4	Allah Din, son of Bag-ud-Daulah Baksh, his uncle of Ladhewala.	300
5	Bhago, wife of Bodi of Bhojia . . .	300
6	Bhudha Singh, father of Ujar Singh of Manpur . .	300
7	Harnam Kaur, widow of Ujar Singh of Dhand . .	300
8	Basant Kaur, widow of Partab Singh of Dhand . .	300
9	Mst. Gulali, mother of Kala Singh deceased of Chahbhal Manan.	300
10	Diali, father of Mangal Singh deceased of Chahbhal Kalan Berugi.	200
11	Mst. Lachemi, widow of Diya Singh Jat of Chak Sikandar, Tahsil Tarn Taran.	400
12	Mst. Malan, widow of Natha Singh Jat of Jagatpura, Tahsil Tarn Taran.	250
13	Rasula, son of Chandu, weaver of Jhapal Kalan remitted by R. T. R. to P. Blair.	200
	Total .	4,050

TAHSIL AJNALA.

Serial Number.	Name, etc.	Amount paid to each dependent.
		Rs.
1	Basant Kaur, widow of Bur Singh of Bhallapind .	500
2	Mst. Tej Kaur, widow of Thakur Singh deceased of Pathan Nangal.	300
3	Ishar Singh, father of Dial Singh deceased of Pathan Nangal.	300
4	Nathu, father of Sunder Singh of Khutra Kalan .	300
5	Udham Singh, son of Dewa Singh, uncle of the minor of Bitewach.	400
6	Chandu Mal, son of Subha Ram Arora of Raja Sansi .	500
7	Mst. Asskour, mother of Harnam Singh deceased of Adliwala.	400
	Total .	2,700
	GRAND TOTAL .	14,150

Sir Jamsetjee Jeejeebhoy : Is it not a fact, Sir, that, so far as we were concerned, we had unanimously agreed to bury the hatchet after the debate of the 15th instant ?

Mr. S. P. O'Donnell : The answer to that, I think, is in the affirmative.

MARTIAL LAW PRISONERS.

166. Rai Bahadur Bakshi Sohan Lal : (a) Will Government be pleased to lay on the table a statement showing the number of Martial Law or other political or semi-political prisoners and such other persons as are still detained or confined in India or out of India without regular trial in ordinary courts of law ?

(b) Will Government be pleased to state whether there is any proposal for consideration before Government to release these prisoners ?

Mr. S. P. O'Donnell : As regards Martial Law prisoners, the Honourable Member is referred to the reply given to Rai Bahadur Pandit Jawahir Lal Bhargava. As regards political prisoners, two persons belonging to the North-West Frontier Province whose cases will be considered against before long, and one Arab are still in custody. The Government is not aware that there are any persons detained without trial outside India.

REPRESSIVE LAWS.

167. Rai Bahadur Bakshi Sohan Lal : Will Government be pleased to state whether there is any proposal for consideration before Government to repeal the repressive laws, such as the Rowlatt Act, the Press Act, the Deportation Regulations or any of them ?

Mr. S. P. O'Donnell : As regards the Press Act, I would refer the Honourable Member to the Resolution, of which I have given notice. As regards the other Acts referred to, the policy of Government has been indicated in the course of the discussion on a Resolution in the Council of State.

ALLEGATIONS IN CERTAIN NEWSPAPERS.

168. Rai Bahadur Bakshi Sohan Lal : (a) Has attention of Government been drawn to the following articles :

(i) Under the heading '*Gandhi Cap*' published in last paragraph of first column at page 7 of *Search Light*, dated 19th January 1921 ;

(ii) Under the heading '*He is an Arya Samajist*' published in the last paragraph at page 1 of the *Tribune*, Lahore, dated 22nd January 1921 ;

(iii) Under the head '*alleged stone throwing from Lahore Fort*' published in the last paragraph at page 4 of the *Tribune* Lahore, dated 23rd January 1921 ;

(iv) Under the heading '*Qaumi Lidaran ki Tasawir se khauf*' published in vernacular paper *Bande Mataram* of Lahore, dated 23rd January 1921, at page 2.

(v) Under the heading '*Bad amri ka bais kaun hai*' published in vernacular paper *Bande Mataram* of Lahore, dated 25th January 1921.

(vi) Under the heading '*Begar aur sakhti*' published in vernacular *Desh* of Lahore, dated 30th January 1921, at page 2.

(b) If so, will Government be pleased to state whether it intends to make any inquiry, public or private, into the truth of such incidents?

Mr. S. P. O'Donnell: The Government have no information regarding the alleged incidents referred to under (a) (i), (ii), (iv) and (v) of the Question; and they do not propose to make any inquiry, since the allegations relate to matters which are primarily the concern of the Local Government. The Government have not seen nor have they been able to trace the article referred to in (a) (vi) of the Question.

As regards (iii) a report of the incident which is much regretted, was received by the local Military Authorities, from the Temple Secretary on the 2nd February. Inquiries were at once instituted and every endeavour has been made to trace the actual individuals who were responsible but without success. On the same day that the report was received the troops were paraded at the Fort and warned of the serious nature of the offence. Measures have been taken to prevent a repetition of an occurrence of this nature.

On the 2nd February, the day on which the report was received, the Officer Commanding the Fort, Lahore, wrote to the Temple Secretary, informing him of the action he had taken, and requesting him to report at once to the Commander of the Fort Main Guard, should any similar incident occur again.

IMPORT AND EXPORT DUTIES.

169. **Rai Bahadur Bakshi Sohan Lal:** Will Government be pleased to lay on the table a statement showing the articles subject to export and import duty in India and the rate of such duty charged on each article?

Mr. C. A. Innes: A copy of the Indian Tariff Act, 1894, with the schedules relating to import and export tariffs brought up to date has been placed in the Library for the information of Honourable Members.

ILLITERATE MEMBERS IN COUNCILS.

170. **Rai Bahadur Bakshi Sohan Lal:** Will Government be pleased to lay on the table a list of illiterate Members who have been returned in the last elections to the Legislative Councils of each province and to state whether it has any proposal for consideration before it to prescribe for future elections any qualification of literacy for a candidate to a seat in any of the Legislatures in India?

Mr. S. P. O'Donnell: The Government of India have no information, and do not propose to take any action on the lines suggested by the Member.

POLICE ADMINISTRATION REPORT OF THE NORTH-WEST FRONTIER PROVINCE.

171. **Rai Bahadur Bakshi Sohan Lal:** With reference to the Chief Commissioner's review of the Police Administration Report of the North-West Frontier Province for 1919, published in the *Civil and Military Gazette*, Lahore, dated 26th January 1921, at page 14, and to the account of a serious riot given at pages 2 and 3 of the vernacular paper *Bande Mataram* of Lahore, dated 26th January 1921, under the heading '*ek khaufnak daka aur ton mardon aur masum bachon ki halakat*,' will Government be pleased to state what steps, if any, it has taken or intends to take in order to deal with the raids by the transborder tribes on

innocent British Indian subjects residing in the North-West Frontier Province and in the Punjab districts adjoining that Province so as to make murderous and looting raids within the limits of British boundaries impossible for the future?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): There are no grounds for believing that trans-border tribesmen were implicated in the particular crime in question which appears to have been the work of local men. All possible steps are being taken by the North-West Frontier Province Administration to prevent raids from across the border and reference is invited in this connection to the last North-West Frontier Border Administration Report. In addition to political arrangements with tribal leaders, and the presence of large garrisons of regular troops on the frontier, the border is guarded by Militia, Frontier Constabulary, Police and tribal levies, while active military operations are in progress against the Wazirs and Mahsuds in consequence of their misdeeds. The efforts of the local administration to reduce trans-border raiding have of late met with success, but they are hampered by political unrest in British India which reacts on the tribal situation, increasing tribal lawlessness, and exposing the districts adjoining the frontier in greater degree to trans-frontier depredations.

SITUATION IN FIJI.

172. Rai Bahadur Bakshi Sohan Lal: What steps, if any, have the Government taken:

- (a) to enquire into the real causes of the recent riots in Fiji;
- (b) to secure to British Indians there all the rights of free citizenship equally with the white population?

Mr. C. A. Innes: (a) The Honourable Member is referred to the answer given on the 14th instant in the Council of State* by the Honourable Sir George Barnes to a similar question asked by the Honourable Sir Maneckji Dadabhoy.

(b) The Honourable Member is referred to the report of the Committee appointed by the Indian Legislative Council last year to report on the colonisation scheme suggested by the Fiji Deputation. The Fiji Government have intimated their willingness to give the guarantees asked for by the Committee and also to give a general guarantee by Ordinance that the position of Indian immigrants into Fiji will be in all respects equal to that of any other class of His Majesty's subjects in Fiji.

Mr. T. Rangachariar: Sir, when reference is made, as in the present answer, to answers given in another Chamber, it would be more convenient if the answers are repeated here, as we have no means of knowing what the answers were, until they come out.

The Honourable the President: I will take into consideration the point raised by the Honourable Member.

VALUE OF RUPEE.

173. Rai Bahadur Bakshi Sohan Lal: Is there any proposal for consideration before the Government to fix the value of a rupee at 2 shillings?

The Honourable Mr. W. M. Hailey: The answer is in the negative.

* *Vide* page 20 of the Council of State Debates, Volume I, No. 3.

COLONEL WEDGEWOOD AND ANDAMANS.

174. **Mr. T. V. Seshagiri Ayyar:** (a) Has the attention of the Government been drawn to the letter of Colonel Wedgewood, M.P., on 'Hell in the Andamans' reprinted from the *Daily Herald* in the *Hindu* of the 25th January?

(b) If so, will the Government be pleased to state whether the allegations therein contained are true?

(c) Will the Government be pleased to place on the table, the report on the Andamans Administration therein referred to and the evidence, if any, taken by the officer employed in the investigation?

Mr. S. P. O'Donnell: (a) Yes.

(b) The system of transportation to the Andamans was, as I have already stated, examined by the Jails Committee. The recommendations of the Committee are under consideration, and the Government will in due course publish a Resolution thereon. Pending the publication of that Resolution, they do not propose to make any statement on the subject of the allegations referred to.

(c) Secretary of State has just intimated that the report will be presented to Parliament in due course. It will be published simultaneously in this country.

CONSTITUTIONAL REFORMS IN BURMA.

175. **Mr. P. P. Ginwala:** Will the Government be pleased to state—

(a) whether it has any information that the Right Honourable the Secretary of State for India originally intended, in accordance with the recommendation of the Joint Select Committee, to grant to the Province of Burma a constitution analogous to that provided for the major provinces of India, by the extension to Burma of the Government of India Act, 1919?

(b) whether it is the fact that the Right Honourable the Secretary of State for India has recently decided to initiate reforms in Burma by separate legislation instead of by extending to Burma the Government of India Act, 1919?

(c) whether it is the fact that the Right Honourable the Secretary of State for India decided upon separate legislation by reason of differences of opinion between himself and (i) the Government of India, (ii) the Government of Burma?

(d) if the answer to question (c) is in the affirmative, whether the Assembly will be informed of the points on which the difference of opinion arose, and the reasons for them, and whether the correspondence relating thereto between the Right Honourable the Secretary of State for India and the Government of India and the Government of Burma, will be published for general information, and if so, when?

(e) the reasons why the Devolution Rules have been made applicable to Burma before the introduction of constitutional reforms in that province?

Mr. S. P. O'Donnell: (a) The Joint Committee, of which the Secretary of State was a Member, stated in their Report on the Government of India Bill, as follows:

'They do not doubt but that the Burmese have deserved and should receive a constitution analogous to that provided in this Bill for their Indian fellow subjects.'

The Secretary of State, in the debate on the Government of India Bill, said :

‘ I quite agree with the Joint Committee. Burma is not India, but Burma must get an analogous grant of Self-government, a similar grant of Self-government, subject to differences in the local conditions of Burma.’

(b), (c) and (d). The Honourable Member is referred to the published despatch of the Government of India of March 25, 1920, and to the Reforms Office Communiqué of January 4, 1921. The Government of India do not propose, at present at any rate, to publish any correspondence which passed between them and the Secretary of State subsequent to the issue of the despatch of March 25, 1920.

(e) Not all the Devolution Rules have been made applicable to Burma. Those which have been made so applicable are rules which are calculated to confer a larger measure of fiscal autonomy on that province.

BURMA AND LEGISLATIVE ASSEMBLY.

176. **Mr. P. P. Ginwala :** Will the Government be pleased to state—

(a) if it is aware that for the election of the three non-European Members of the Legislative Assembly from Burma the constituency at present consists of elected members of Municipal Committees whose total strength does not exceed 105 electors ?

(b) if it is aware that the other part of the constituency for the election of the three non-European members consists of members of Circle Boards, which were not even in existence at the date of the last election, and are not yet in existence ?

(c) the date on which the proposals of the Government of Burma, suggesting the creation of this constituency, reached the Government of India ?

(d) whether any and, if so, what attempts were made by the Government of Burma, between that date and the preparation of the electoral roll for Burma to bring this constituency into being in accordance with the qualifications prescribed by the Rules ?

(e) whether there is any other part of India in which, for the purpose of electing all the non-European members to this Assembly, the principle of indirect election is applied ?

(f) if the answer is in the negative, the reasons for the acceptance of this principle in the case of Burma.

Mr. S. P. O'Donnell : (a) Yes.

(b) Yes.

(c) March 17, 1920.

(d) The Local Government was engaged in drafting the Bill for the constitution of Circle Boards and District Councils. That Bill is now before the Government of India ; but it was impossible in the short time available to bring the Circle Boards into existence before the date of the election.

(e) The answer is in the negative.

(f) The Local Government considered that to use the assessments to income-tax or to land revenue as the basis of the franchise would, in the

special conditions obtaining in Burma, have involved great difficulties. Income-tax is not levied in Upper Burma outside the city of Mandalay. Land revenue assessments vary from year to year according to the crop raised, area sown and other factors. Moreover, in some districts, a large percentage of assesseees are non-cultivating absentee landlords, and an electoral register based on land revenue assessments would have disfranchised a large proportion of genuine cultivators. On the other hand, the capitation tax in Lower Burma and the household tax in Upper Burma provide a unique register of households such as is not available in any Indian Province, and a franchise based on these would yield over two million voters. It was therefore considered that by utilising this franchise for election to Circle Boards and by giving the vote for legislative bodies to members of Circle Boards thus elected, the adequate representation of the rural population would be better secured than by direct election based on a far more limited and much more haphazard franchise. The Local Government has, however, since expressed its willingness to try to frame a franchise based on the income-tax and land revenue assessments and approximating as closely as may be to the franchise in force in other provinces.

BURMA AND COUNCIL OF STATE.

177. **Mr. P. P. Ginwala**: Will the Government be pleased to state if it is a fact—

(a) that of the only two seats allotted to Burma in the Council of State, one is reserved for European Commerce by which is meant the Burma Chamber of Commerce, whilst the other is open to Europeans, Anglo-Indians, Burmans, Indians and all other races combined?

(b) that in the latter constituency out of 25,000 Europeans and Anglo-Indians resident in Burma, the number of registered electors is 933 as against 892 Burmese registered electors, out of a population of 10 millions?

Mr. S. P. O'Donnell: (a) The answer is in the affirmative.

(b) The numbers are approximately as stated. The Council of State is intended to be a revising Chamber, and the electoral qualifications must therefore be high. Those prescribed in the case of Burma are not relatively higher than in the Indian provinces. Indeed, the qualifications for the Burma general constituency are decidedly lower than those prescribed for similar constituencies in some of the latter. The number of Burmese electors would have been appreciably higher if all persons possessing the required qualifications had taken steps to get their names registered. The reorganization of local bodies which could not be carried out before the elections, will add to the number of Burmese electors at future elections.

DINNER AND REFRESHMENTS ON THE EASTERN BENGAL RAILWAY.

178. **Mr. Kabeerud-Din Ahmed**: (a) Will the Government be pleased to state for how many years Messrs. D. Sorabjee and Company have been supplying dinner, refreshments, etc., on the Eastern Bengal Railway?

(b) Are the Government aware that the dinner and refreshment supplied by them are inferior both in quality and quantity to those supplied by Messrs. G. F. Kellner and Company on the East Indian Railway and others at cheaper rate? If so, do the Government propose to take immediate steps for the removal of this grievance of the passengers?

(c) Is it not a fact that the refreshment rooms on board the steamers at ferry occupy a very large space causing great inconvenience to the passengers?

(d) Do the Government propose to consider the question of maintaining different kinds of popular stalls for the supply of refreshment and dinner suitable to the passengers?

The Honourable the President: Do Government wish to answer Question No. 178?

Colonel W. D. Waghorn: Yes, Sir, I would like to answer it.

(a) The exact period is not traceable, but Messrs. D. Sorabjee and Company have been contractors to the Eastern Bengal Railway for about 31 years.

(b) The general statement that the dinner and refreshments supplied by Messrs. Sorabjee and Company are inferior in quality and quantity to those supplied by Messrs. Kellner and Company is not admitted to be correct. As regards prices a comparison of the rates of the two firms is placed on the table. The Eastern Bengal Railway have appointed a catering superintendent to look after arrangements in connection with the supply of refreshments to passengers.

(c) No complaint as to inconvenience caused by the space occupied by refreshment rooms on steamers has been received from passengers by the railway.

(d) At all stations of importance the Eastern Bengal Railway have platform vendors who sell sweetmeats, puris, curry and rice, chapatis, tea, bread and butter, cakes and biscuits, pan, cigarettes, etc., and steps are being taken to provide Muhammadan and Hindu Refreshment Rooms at certain of the principal stations.

Refreshment Rooms at Stations.

	MESSRS. SORABJEE AND Co.			MESSRS. KELLNER AND Co.		
	1st class.			1st class.		
	Rs.	A.	P.	Rs.	A.	P.
Breakfast, hot	1	8	0	1	0	0
„ cold	0	0	0	1	0	0
Tiffin, hot	1	8	0	1	0	0
„ cold	1	0	0	1	0	0
Dinner, hot	2	0	0	2	0	0
Supper, hot	1	8	0	1	8	0
Tea or coffee per cup	0	4	0	0	4	0
Tea or coffee or milk with bread, butter and jam.	0	8	0	0	8	0
Tea or coffee or milk with bread, butter and eggs.	0	12	0	0	12	0

Restaurant cars.

	MESSRS. SORABJEE AND Co.		MESSRS. KELLNER AND Co.	
	1st class.	2nd class.	1st class.	2nd class.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Early tea	0 8 0	There is no second class on the Eastern Bengal Rail- way.	0 8 0	0 4 0
Breakfast	2 0 0		2 0 0	1 0 0
Dinner	3 0 0		3 0 0	1 8 0
Afternoon tea	0 8 0		0 8 0	0 4 0

. PRESIDENCY OF BENGAL AND ITS FINANCIAL DIFFICULTIES.

179. **Babu K. C. Neogy** : With reference to the observation made in the second Report of the Parliamentary Joint Select Committee on the Government of India Act, 1919 (Draft Rules), to the effect that 'The Committee desire to add their recognition of the peculiar financial difficulties of the Presidency of Bengal which they accordingly commend to the special consideration of the Government of India', will Government be pleased to state what action they have taken in the matter?

The Honourable Mr. W. M. Hailey : A reference has been made to the Secretary of State asking him for a clear definition of the meaning of the observation quoted in order that the Government of India may have precise information as to the concession which it is desired should be given to Bengal.

Babu K. C. Neogy : With your permission, Sir, I would like to put a supplementary question. Are Government aware that a Resolution has recently been passed in the Bengal Legislative Council suggesting that effect should be given to this recommendation of the Joint Committee, and that, speaking on behalf of Government, Mr. Kerr, the Finance Member, said that although the Government of India had been addressed on the subject, no response had yet been received?

The Honourable Mr. W. M. Hailey : Is the Honourable Member asking me a question or making a statement?

Babu K. C. Neogy : I want the information as to whether it is a fact or not.

The Honourable Mr. W. M. Hailey : It is a fact, Sir, that we have been unable as yet, for the reason which I have indicated in my main answer, to give any definite answer to the Bengal Government. The reason is that the recommendation of the Joint Parliamentary Committee was not couched in such terms as to enable us to say what they meant by 'favourable treatment to Bengal'. We have, therefore, asked the Secretary of State to obtain for us a clearer definition as to the meaning of that recommendation and when we obtain that definition, we shall attempt to give effect to it.

REPORT OF LORD MESTON'S COMMITTEE.

180. **Babu K. C. Neogy** : Will Government be pleased to lay on the table all correspondence that has passed between them and the different Local Governments and the Secretary of State on the question of financial relations, since the submission of the report of Lord Meston's Committee ?

The Honourable Mr. W. M. Hailey : The correspondence with the Provincial Governments and the Secretary of State has been printed and presented to Parliament. It is a bulky compilation of 92 foolscap pages in small print, and it is not therefore proposed to lay it on the table, but a copy will be supplied to the Honourable Member.

Mr. Jamnadas Dwarkadas : May I ask a supplementary question, Sir ? Will Government be pleased to inform the Assembly whether or not it is a fact that the Secretary of State is reconsidering the award made by the Meston Committee ?

The Honourable Mr. W. M. Hailey : Not to the knowledge of Government, Sir.

ALLOCATION OF BALANCES IN PROVINCES.

181. **Babu K. C. Neogy** : Will Government be pleased to make a statement showing—

- (a) the balances which have been allocated to the different provinces under the financial arrangements proposed by the Rules under the Government of India Act, showing in each case as to how much of the same is earmarked for definite objects and how much is 'free' ;
- (b) the gross share in the income-tax revenue made available to the different provincial Governments in the year 1921-22 under the said financial arrangements, as also the pie rate adopted in the calculation of the said share in each case ;
- (c) the assignment to be made to the Governor General in Council by the respective provincial Governments in consideration of the allocation of the said share in the income-tax to the latter, as also the share of the cost of special income-tax establishments to be borne by each Local Government in 1921-22 ?

The Honourable Mr. W. M. Hailey : (a) No allocation of balances has been made in the financial arrangements referred to. The balances are left untouched at the free disposal of each Local Government. As stated in paragraph 32 of the Report of the Financial Relations Committee and in paragraph 208 of the Montagu-Chelmsford Report, there will be no more earmarking of any portion of provincial balances and portions previously earmarked will be available for general purposes.

(b) and (c). As stated in rule 15 of the Devolution Rules, the pie rate adopted in the calculation of the share of a province in income-tax is the same in each case, *viz.*, 3 pies. The actual assignment to be made to the Governor General in Council by each Provincial Government cannot be definitely settled, until the assessments and collections for the current year are

ascertained, and the actual amount of the gross share of each province in income-tax revenue and of the cost of the special income-tax establishments in the year 1921-22 will not be finally determined until similar figures for that year are available. A statement is, however, placed upon the table showing the estimates of the figures asked for which are based upon estimates made by the various Local Governments.

(In thousands of rupees.)

Name of Province.	ESTIMATES FOR THE YEAR 1921-22 OF		
	Assignment to Governor General in Council under rule 15 (2).	Share of income-tax revenue under rule 15 (1).	Share of special income-tax establishment under rule 15 (3).
Madras	36,29	38,35	1,29
Bombay	94,93	97,00	2,07
Bengal	91,57	93,00	1,43
United Provinces	18,76	21,64	1,79
Punjab	22,90	26,50	1,50
Burma	23,40	23,81	41
Bihar and Orissa	10,43	11,94	56
Central Provinces	9,36	10,11	75
Assam	4,09	4,35	1

Babu K. C. Neogy : May I ask a supplementary question ? With reference to clause (c) of my question, will Government be pleased to state whether it is a fact that the financial rules regarding the allocation of a share of income-tax to the provinces were originally based on the assumption that the gross provincial share of the income-tax would always exceed the amount of fixed assignment to be made by the provinces in return and that of the provincial share of the cost of special income-tax establishment, but that in the newly promulgated sub-rule (4) of rule 15 which has been published in the Gazette of India, dated the 5th February last, it is assumed that the reverse may happen in which case there would be no net gain to the province

The Honourable the President : I think the Honourable Member must give notice of a question containing so much detail.

PROVINCIAL LOAN ACCOUNT.

182. **Babu K. C. Neogy :** (a) What amount is represented by the Provincial Loan Account to be now debited to the different Local Governments under the new financial arrangements ?

(b) Have the Government of India retained obligation for any part of such loan account in regard to any province ? If so, for what specific items and for what amounts in each case ?

(c) What are the rates and amounts of annual interest payable to the Government of India by the different Local Governments on the amount of the Provincial Loan Account, and what aggregate amounts will be annually recoverable by the respective Local Governments as interest, under existing conditions, from parties to whom the advances have been made?

(d) What is the period fixed by the Governor General in Council in the case of each province for repayment of the principal amount of the provincial loan to the Government of India, and at what figure has the minimum annual instalment for such repayment been fixed in each case?

The Honourable Mr. W. M. Hailey: (a) A statement is laid on the table showing the estimated outstandings of the Provincial Loan Account of each province on the 31st March 1921.

(b) The only portion of a Provincial Loan Account which has been transferred to the Government of India consists of the following loans to notabilities in Bengal, viz.:—

	Estimated outstanding on 31st March 1921.
	Rs
Loan to Nawab Bahadur of Dacca	8,89,000
Loan to Maharaja Sir Prodyot Kumar Tagore	25,87,000

(c) Under rule 23 of the Devolution Rules, the interest payable to the Government of India will be at a rate calculated on the average rate carried by the total amount owed to the Governor General in Council on this account on the 31st March 1921. The exact rate payable by each province cannot be finally determined until the outstandings of each Provincial Loan Account on the 31st March 1921 are ascertained. No information is available here regarding the amounts which Local Governments will receive as interest from the parties to whom advances have been made by them, as the Local Governments do not report to the Government of India details regarding the individual loans granted by them. Bengal, the Punjab, Burma and Assam propose to pay off the outstanding balance of the Provincial Loan Account on the 31st March 1921 from the Provincial balance on that date. No decision has yet been arrived at regarding the period within which the other provinces will pay off the outstandings nor the amounts of the minimum annual instalments.

Statement showing the estimated outstandings of the Provincial Loan Account of each province on the 31st March 1921.

Name of Province.	[In thousands of rupees.] Estimated outstandings of the Provincial Loan Account on 31st March 1921.
Madras	1,13,35
Bombay	3,13,23
Bengal	1,16,34
United Provinces	2,88,40
Punjab	54,49
Burma	59,27
Bihar and Orissa	59,53
Central Provinces	87,88
Assam	14,10
	<hr/> 11,06,59 <hr/>

PROVINCIAL EXECUTIVE COUNCILS.

183. Babu K. C. Neogy: What are the factors that have determined the numerical strength of Members of the Executive Council and Ministers in the different Governors' province.

Mr. S. P. O'Donnell: The strength of the Executive Councils in the provinces of the Punjab, the United Provinces, the Central Provinces and Assam has been fixed at two Members which is in accordance with the recommendation of the Joint Committee on clause 5 of the Government of India Bill and is the minimum necessary for the discharge of the duties devolving on the Councils. As regards the Executive Council of Bihar and Orissa, I would refer the Honourable Member to the answer given to the question asked by Khan Bahadur Saiyid Muhammad Ismail, and as regards the Executive Councils of Madras, Bombay and Bengal, to the answer given to the question asked by Lala Girdhari Lal Agarwala.

EXECUTIVE COUNCILS IN MADRAS, BOMBAY, ETC.

184. Babu K. C. Neogy: (a) Will Government be pleased to state the reasons for appointing a larger number of Members to the Executive Council in the provinces of Madras, Bombay, Bengal and Bihar and Orissa, than in the United Provinces and the Punjab?

(b) In what manner, and to what extent does the work of administration differ in these provinces so as to justify such disparity?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the answers given to the question asked by Khan Bahadur Saiyid Muhammad Ismail and Lala Girdhari Lal Agarwala.

BENGAL EXECUTIVE COUNCIL.

185. Babu K. C. Neogy: Is it a fact that, so far as Bengal is concerned, the total number of Members of the Executive Council was at one time proposed to be fixed at two? If so, will Government state when and under what circumstances was the said number fixed at four?

Mr. S. P. O'Donnell: The question whether a Council of two would suffice was considered and decided in the negative. As regards the reasons for fixing the strength of the Council at four Members, I would refer the Honourable Member to the answer I have given to the question asked by Lala Girdhari Lal Agarwala.

PORTFOLIOS OF MEMBERS IN EXECUTIVE COUNCILS.

186. Babu K. C. Neogy: Will Government be pleased to make a statement showing, province by province, the distribution of portfolios as between the different Members of the Executive Council, comparing the same in the case of Madras, Bombay, Bengal and Bihar and Orissa, with the distribution obtaining just on the eve of the inauguration of the reformed constitution?

Mr. S. P. O'Donnell: The distribution of portfolios between the Members of each of the Provincial Executive Councils is a matter entirely for the Governor of each province. The Government of India have not the information asked for, and I would suggest that the Honourable Member should address this question to the Local Governments concerned.

MEMBERS OF EXECUTIVE COUNCILS.

187. Babu K. C. Neogy: Will Government be pleased to state, whether, in the case of the provinces of Bengal, Madras, Bombay and Bihar and Orissa, the sufficiency or otherwise of work of the individual Members of the Executive Council has influenced the fixing of their numbers in any manner?

Mr. S. P. O'Donnell: I have already explained in answer to a previous question of the Honourable Member the reasons that determined the strength of the Executive Councils.

MEMBERS OF EXECUTIVE COUNCILS.

188. Babu K. C. Neogy: Is it a fact that the primary consideration determining the number of Members of the Executive Council in the Provinces of Madras, Bengal, Bombay and Bihar and Orissa, has been the appointment of at least two non-Indian Members of the Indian Civil Service to the Executive Council?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the answer given to Question No. 183.

Babu K. C. Neogy: May I ask a supplementary question, whether the number of I. C. S. men on the Executive Council has been fixed in the interests of the service itself or in the interests of the efficiency of administration?

Mr. S. P. O'Donnell: It has been fixed in the public interest.

PROVINCIAL EXECUTIVE COUNCILS.

189. Babu K. C. Neogy: In the case of the provinces of Bombay, Bengal and Bihar and Orissa were their present financial circumstances at all taken into consideration in fixing the numerical strength of the Executive Council?

Mr. S. P. O'Donnell: Not specially. The Government of India have no reason to believe that the finances of these provinces are insufficient to meet the charges in question.

PROVINCIAL EXECUTIVE COUNCILS.

190. Babu K. C. Neogy: Will Government be pleased to lay on the table all correspondence that has passed between them and the different Local Governments and the Secretary of State on the question of the numerical strength of the Members of the Executive Council and Ministers in the different provinces?

Mr. S. P. O'Donnell: It would be contrary to the established practice to lay such correspondence on the table.

IMPORTS OF SUGAR.

191. Mr. Sambanda Mudaliar: (a) Will Government be pleased to state the quantity of foreign sugar imported into India in pre-war days and what was the price per ton?

(b) Will Government be pleased to state whether beet root sugar is being imported after the war?

(c) Will Government be pleased to state whether any import duty on sugar is levied now, and, if so, at what rate?

(d) Are Government aware of the high price of sugar now? If so, will Government be pleased to state whether the Government are prepared to take any steps to bring down the value of sugar?

Mr. C. A. Innes: (a) In the three years before the war the average imports of sugar into India amounted to 661,221 tons valued for the purposes of import at Rs. 197 a ton.

(b) As far as Government is aware, beet sugar is not now being imported into India in any appreciable quantity.

(c) Sugar is taxed on import into India at the rate of 10 per cent. *ad valorem*.

(d) The Government are aware that prices of sugar in India are high, but the Honourable Member no doubt noticed the considerable fall in the price of sugar in the last three months of last year. The Government of India do not propose to take any steps artificially to regulate the price of sugar.

JAILS COMMITTEE'S REPORT.

192. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether the report of the Jail Commission has been submitted? If so, when will it be published?

Mr. S. P. O'Donnell: I would refer the Honourable Member to the answer given to the Question No. 174 asked by Mr. T. V. Seshagiri Ayyar.

INDIAN UNIVERSITIES.

193. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether they intend bringing in any Bill embodying the principles enunciated in the Sadler's University Commission Report?

Mr. H. Sharp: The Government of India have not considered the desirability of introducing any Bill with a view to applying the principles enunciated in the Calcutta University Commission's Report to the Indian Universities in general. As regards particular Universities, legislation has already been undertaken in certain cases which largely applies those principles. The question of their application to some other individual universities is under consideration.

SERVANTS OF INDIAN 1ST AND 2ND CLASS PASSENGERS.

194. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether it is a fact that the servants of Indian 1st and 2nd class passengers travelling to Colombo are detained at Mandapam for some days and kept under observation, whereas servants of 1st and 2nd class European passengers are allowed to go without such detention? If so, do Government intend to do away with such distinctions?

Mr. H. Sharp: Section V of the Ceylon Quarantine Regulations lays down that servants of upper class passengers accompanying their masters may be passed on the guarantee of their masters except in cases where the servant is to be left alone in Ceylon after the departure of his master.

The Regulations do not make any distinction between the servants of European and Indian passengers.

INDIANS IN THE ARMY HOLDING COMMISSIONS.

195. **Mr. Sambanda Mudaliar:** Will Government be pleased to state the exact number of Indians at present in the army who hold commissioned appointments? Will Government be pleased to state whether facilities are given to Indians by the establishment of military colleges in different centres of India for training Indians to hold commissioned appointments in the army?

Sir Godfrey Fell: The total number of Indians holding King's Commissions, permanent and honorary, in the Army (including the Indian Medical Service) is 1,214.

With regard to the second part of the question, the reply is in the negative.

RECRUITMENT TO THE INDIAN CIVIL SERVICE.

196. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether in the recruitment of the Civil Service—

(a) competitive examinations are to be held in India simultaneously with those in England?

(b) Government propose to appoint by nominations and, if so, what are the principles that guide them for such nominations and how many nominated appointments are assigned to Madras?

Mr. S. P. O'Donnell: (a) A separate competitive examination will be held in India for at least 67 per cent. of the recruits selected in India for the Indian Civil Service, exclusive of those promoted from the Provincial Service or directly appointed from the Bar.

(b) Government are framing rules to provide for nomination to the Indian Civil Service under section 97(6) of the Government of India Act. These rules will be published in due course. The general principles, which it is proposed to follow, are indicated in paragraph 8 of Home Department Resolution No. 2559 of 1st December 1920. It is impossible to say at present how many, if any, nominations will be assigned to any particular province in any year, as this can only be decided after the results of the competitive examination in India are known and it is possible to see what communal and provincial adjustment is required.

DISTRICT MEDICAL AND SANITARY OFFICERS.

197. **Mr. Sambanda Mudaliar:** Will Government be pleased to state—

(a) whether it is still necessary to continue the system of recruitment of district medical and sanitary officers by selection from among the commissioned officers in the Army?

(b) whether Government propose to consider the question of appointing duly qualified Indians?

Mr. S. P. O'Donnell: (a) It is presumed that the question relates to the employment of Indian Medical Service officers as Civil Surgeons. The Indian Medical Service officers, so employed, have hitherto constituted the war

reserve of the Indian Army; and the Public Services Commission found that the system was economical and satisfactory. The extent to which their employment will be necessary in the future under rule 12 of the Devolution Rules is at present under consideration and will depend upon the orders which may be passed by the Secretary of State upon the recommendations of the Government of India regarding the reorganization of the Indian Medical Service and the organization of properly constituted provincial Civil Medical Services.

(b) Except in so far as they may be required to employ Indian Medical Service officers under the rule referred to, the recruitment of their Medical Services will be regulated by Local Governments themselves.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

198. **Mr. Sambanda Mudaliar:** Will the Government be pleased to state whether they propose to adopt any measures for complete separation of the judicial and executive functions?

Mr. S. P. O'Donnell: As the Member is aware, a Resolution on the subject has been included in the List of Business of this Assembly for the 24th instant, and Government hope in connection with that Resolution to have an opportunity of announcing their policy in the matter and the steps which have already been taken towards a greater separation of functions.

STATE TECHNICAL SCHOLARSHIPS.

199. **Mr. Sambanda Mudaliar:** Will Government be pleased to furnish information whether stipends are given to Indian students with a view to enable them to go to England, America, Japan and other countries for technical and industrial purposes? If so, what is the number of students that got such stipends during the last three years, and the amount paid to each of them?

Mr. H. Sharp: State Technical Scholarships tenable in Europe or America are awarded to statutory natives of India up to a limit of 30 simultaneously held at one time. There are also some private stipends available for similar purposes such as those awarded by the Association for the Advancement of Scientific and Industrial Education of Indians. In 1918, the Government of India awarded one special and five ordinary State scholarships for technical and industrial education abroad. In 1919, the control over the State technical scholarships was largely handed over to Local Governments. Consequently, the Government of India do not possess the information asked for regarding the years 1919 and 1920; nor have they any information regarding the number and amount of stipends given by private bodies. It would, however, be safe to assume that about 30 of the State scholarships are held simultaneously in any year. The amount previously paid to each State Technical Scholar was £150 a year in addition to fees, travelling expenses, premia, etc., in accordance with the rules. During the war a 20 per cent. war bonus was added; and with effect from the 1st April 1920 the rate of these scholarships was raised to £200 a year *plus* 25 per cent. war bonus, in addition to the fees and other expenses mentioned above.

SCIENTIFIC RESEARCH IN INDIA.

200. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether it is a fact that in England and other continental countries stipends

are given and laboratories established with a view to enable great scientists to undertake research work? If so, will Government be pleased to state whether there are such facilities in India for such work? If so, in how many places and what is the amount spent by Government? If not, do the Government propose to spend money for such purposes in important centres in India?

Mr. H. Sharp: Facilities are given and laboratories are established in England and in other countries for the prosecution of research. It is not known precisely to what extent such assistance takes the form of stipends earmarked for great scientists. There are also facilities in India. I shall be glad to give the Honourable Member all information at my disposal regarding the places where they exist, such as the Indian Institute of Science, the Agricultural Research Institute at Pusa, the Bose Institute, the Forest Research Institute at Dehra Dun, etc. The amount spent on this object by Government cannot be specified, since research is often coupled with instruction and other activities. I might add that Government will be prepared favourably to consider requests of scientists of repute to avail themselves of the facilities which Government laboratories are able to offer.

RACIAL DIFFERENCES IN CRIMINAL PROCEDURE.

201. **Mr. Sambanda Mudaliar:** Are the Government aware of dissatisfaction among Indians on account of the special procedure prescribed in the Criminal Procedure Code with regard to the trial of European accused? If so, do Government propose to bring in a Bill for the deletion of the relevant Chapter from the Criminal Procedure Code?

Mr. S. P. O'Donnell: The Member is referred to the answer given on the 15th instant to a question put by Mr. Lathe, No. 15.

DRAFT MANUAL OF MARTIAL LAW.

202. **Sir P. S. Sivaswamy Aiyer:** (a) Will the Government be pleased to state whether they have prepared any draft of the Martial Law Manual as desired by the Secretary of State for his approval and whether they can lay it on the table before it is finally adopted and issued?

(b) Will the Government be pleased to state whether they have issued any instructions for the prevention of mistakes and irregularities as proposed in paragraph 41 of their letter of the 3rd of May 1920, to the Secretary of State on the report of the Hunter Committee and whether they will be pleased to publish such instructions?

Mr. S. P. O'Donnell: (a) A Manual of Instructions has been compiled and has been approved by the Secretary of State. It is not proposed to publish the Manual and copies cannot, therefore, be placed on the table.

(b) The instructions referred to have been embodied in the Manual.

INDIAN TERRITORIAL FORCE ACT.

203. **Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to state whether Rules and Regulations have been framed under the Indian Territorial Force Act, 1920?

Sir Godfrey Fell: Rules have been drafted and are at present under scrutiny. It is hoped that they will be ready for publication very shortly.

APPOINTMENTS ON RS. 500 AND OVER.

204. **Sir P. S. Sivaswamy Aiyer**: Will the Government be pleased to state the total number and cost per annum of appointments carrying a salary of Rs. 500 or more whether created or sanctioned during the calendar years 1919 and 1920 in the Departments directly under the Government of India?

Mr. S. P. O'Donnell: The information is being collected, and will be supplied to the Honourable Member in due course.

REFERENCE TO ANSWERS TO PREVIOUS QUESTIONS.

205. **Lala Girdhari Lal Agarwala**: (a) Will the Government of India be pleased to state if there is any such rule or practice that when answers to questions put by any Member refers to any previous answer given to any other question by any Honourable Member or refers to some report, book or other document, the reference is quoted or placed on the table, so that the answer may be self-contained and easily intelligible.

(b) If not, do the Government of India propose to adopt such a practice in future?

The Honourable the President: Does the Honourable Member propose to answer the questions from 205?

The Honourable Dr. T. B. Sapru: I propose to answer Question No. 205 now, Sir.

It is not the practice to quote or lay on the table a previous answer referred to, but a reference is given sufficient to enable the previous answer to be easily traced in the published proceedings of the meeting at which it was given.

References in answers to books or documents are rare, but where the reference is to a book or document which is available to the public, it is not placed on the table.

It is proposed to adhere to this practice.

INDIANS IN FIELD SERVICE.

206. **Lala Girdhari Lal Agarwala**: Will the Government of India be pleased to state what is the total number of Indians employed in field service during the last European War and how many of them were killed, and how many disabled, how many of them are still in service and how many have been discharged?

INDIANS IN AIR FORCES.

207. **Lala Girdhari Lal Agarwala**: Will the Government of India be pleased to state how many Indians were employed in the Air Forces and how many in the Navy, during the war, how many of them have been killed, how many disabled, how many discharged and how many are still in service?

SCHOOLS FOR AIRMEN.

208. **Lala Girdhari Lal Agarwala**: Do the Government of India intend to establish regular schools in India for training up Indians as airmen, soldiers and sailors, to enable them to give greater assistance to the Government in time of need?

FACTORIES FOR RAILWAY ENGINES, ETC.

209. **Lala Girdhari Lal Agarwala:** (a) Do the Government of India intend to establish factories in India for the purpose of manufacturing and supplying railway engines, ships, aeroplanes and other machineries for India and other countries, and thus encourage skilled labour under the guidance and supervision of the best experts?

(b) Will the Government be pleased to state if any such factories are already in existence in India and if so, how many and where, and how many Indians in each are employed as mechanics?

CONTRIBUTIONS TOWARDS THE WAR BY INDIANS.

210. **Lala Girdhari Lal Agarwala:** Will the Government of India be pleased to state how much money has been subscribed by Indians including Indian States and how much paid towards the War including 'Red Cross,' 'Special Indian Relief Fund,' and other War charities?

211. **Lala Girdhari Lal Agarwala:** What is the approximate value of materials supplied free by Indians towards the war?

MATERIALS SUPPLIED BY INDIANS.

212. **Lala Girdhari Lal Agarwala:** (a) Will the Government of India be pleased to state whether they are aware that there is unrest in India; and, if so, what steps do they propose to take to remove the causes of such unrest?

(b) Do the Government propose to consider the advisability of appointing a mixed committee of selected Members of both Chambers of the Indian Legislature and popular leaders of the country, to investigate the causes of such unrest and recommend means of removing them?

CODEE OF CIVIL PROCEDURE.

213. **Lala Girdhari Lal Agarwala:** (a) Will the Government of India be pleased to state if their attention has been invited to the five-Judge Ruling of the Honourable High Court at Allahabad in Civil Revision No. 147 of 1919, Budhu Lal and others *versus* Mewa Ram, decided on 26th January 1921, in which two Honourable Judges have interpreted the provisions of section 115 of the Code of Civil Procedure in one way and three have taken a contrary view?

(b) Is the Government aware that there are conflicting rulings on the subject of revisional jurisdiction of High Courts from interlocutory orders in civil suits and proceedings?

(c) Do the Government propose to make the matter clear by undertaking legislation on the subject?

(Questions Nos. 206—213 were not answered as Lala Girdhari Lal Agarwala was absent.)

IRRIGABLE AREAS IN THE PUNJAB AND SIND.

214. **Mr. Wali Mahomed Hussanally:** Will the Government be pleased to state—

(a) What is the irrigated and irrigable area of land in the Punjab?

(b) What is the irrigated and irrigable area of land in Sind?

(c) What is the quantity of water drawn for irrigational purposes by the Punjab from the Indus ?

(d) What is the quantity of water for irrigational purposes drawn by Sind from the same source ?

(e) Is Sind at any time in danger of being starved in respect of its water supply ? If so, do the Government propose to take any steps to prevent this catastrophe ?

Colonel Sir S. D'A. Crookshank : (a) to (d). The Government of India have no information as to the total irrigable area of land in the Punjab and in Sind. As regards the irrigated areas and the volumes of water withdrawn from the Indus and its tributaries in the two provinces, these vary so enormously from year to year that no general figures can be given. The Honourable Member will find the information for each particular year in the statistics accompanying the Irrigation Administration Reports of Bombay and the Punjab for the year in question.

(e) The answer is in the negative. The second portion of the question does not, therefore, arise.

MARTIAL LAW IN THE PUNJAB.

215. Rai Bahadur Bakshi Sohan Lal : (a) Will Government be pleased to state whether it is correct or not that during the Martial Law *regime* in the Punjab (April to July, 1919) a large number of persons were arrested and kept in jail or in the Fort of Lahore for months without any police or judicial enquiry as to any specific charge of an offence against them and were subsequently released without trial ?

(b) If so, will Government be pleased to lay on the table a list of such persons in the following tabular form and to state the law under which they were arrested and kept in confinement—

- (1) Serial No.
- (2) Name, residence and occupation of the person arrested.
- (3) The date of the arrest.
- (4) The offence under which the arrest was made.
- (5) Name of the officer under whose order the person was arrested.
- (6) The date when the person was released.
- (7) The name of the officer under whose order the person was released.

(c) Will Government be pleased to state whether any compensation was awarded or is intended to be awarded to such persons ?

Mr. S. P. O'Donnell : (a) It is a fact that 739 persons were arrested and subsequently released without trial.

(b) The information is not available at present, and in any case this matter is really one which should be referred to the Local Government. I will, however, endeavour to secure the information and supply it to the Honourable Member in so far as it can be obtained. He will realise that it will involve detailed inquiries and that some time may elapse before he receives it.

(c) The answer is in the negative.

MADRAS ENGINEERING SERVICE.

216. **Mr. T. V. Seshagiri Ayyar:** (a) Has the Government received any memorial from the passed Engineers of the Madras Engineering College with reference to the constitution of the 'Madras Engineering Service'?

(b) Is the Government of India satisfied that the scheme of re-organization published in the *Fort St. George Gazette* of the 26th October 1920, is consistent with the Resolution of the Government of India on the subject?

(c) If not, will the Government be pleased to issue instructions to the Government of Madras to reconsider the allotment of posts to the Upper Subordinate Service in the Madras Presidency?

Colonel Sir S. D'A. Crookshank: (a) An advance copy of a memorial has been received, but none as yet through the proper channel, that is to say, the Local Government.

(b) Pending the receipt of memorials through the Local Government together with their views thereon, the Government of India know of nothing in the appointments made by the Madras Government to the Madras Engineering Service, in the selection for which the Local Government has a free hand, which is inconsistent with the Resolution inaugurating the provincial services.

(c) This question does not arise having regard to the answer to (b).

NAUTICAL INSTITUTION.

217. **Mr. Kabeerud-Din Ahmed:** Will the Government be pleased to state whether it is intended to establish a Nautical Institution at Calcutta for the benefit of Indian seamen who have done excellent service during the late war? If so, when?

INDIAN SEAMEN.

218. **Mr. Kabeerud-Din Ahmed:** Is it a fact that a memorial is to be erected commemorating the services of Indian seamen during the late war?

INDIAN SEAMEN.

219. **Mr. Kabeerud-Din Ahmed:** (a) Are the Government aware that the Indian seamen who come mostly from Eastern Bengal and Assam to seek employment, stay in Calcutta in low, insanitary lodgings or huts kept by money-grasping men?

(b) Do Government propose to take proper steps to erect a Sailors' Home in Calcutta for Indian seamen?

INDIAN SEAMEN.

220. **Mr. Kabeerud-Din Ahmed:** Do Government propose to make provision for—

(a) compulsory education for the sons of Indian seamen in the art of navigation and seamanship and for their training in the work required of them in the engine-room and in the saloon?

(b) training vessels to be stationed in the principal ports in India?

INDIAN SEAMEN'S UNION.

221. **Mr. Kabeerud-Din Ahmed:** (a) Are Government aware of the existence of the Indian Seamen's Union in Calcutta for the protection and amelioration of the condition of Indian seamen?

(b) Is it not a fact that Government receive telegrams from the said union for electing delegates from the union to represent them in the International Labour Conference at Genoa, and was the reply of Government to the union that, owing to the shortness of time, Indian seamen's delegates from Calcutta could not be sent?

(c) Is it a fact that in the reply of the Government of India to the International Labour Conference, Government stated that there was no union of Indian seamen in India?

(d) Do Government propose to send representatives of Indian seamen from the Calcutta Union to represent them at the forthcoming International Labour Conference (to be held in next October) at Genoa?

SUPPLY OF LASCARS.

222. (a) **Mr. Kabeerud-Din Ahmed:** Are Government aware that 'crimping' is largely prevalent in Calcutta, and that the licensing of brokers for the supply of lascars is one of the grievances of Indian seamen?

(b) Are Government aware that at present Indian seamen are employed by licensed brokers, or recommended to shipping agents by ghat serangs, who charge lascars an exorbitant fee?

(Questions Nos. 217—222 were not answered as Mr. Kabeerud-Din Ahmed was absent.)

RECRUITMENT OF THE JUDICIARY.

223. **Mr. Harchandrai Vishindas:** Will Government be pleased to state if they intend to give effect to the recommendation of the Public Services Commission for the more extensive recruitment of the Judiciary from among the Members of the Bar, and, if so, when?

Mr. S. P. O'Donnell: The Honourable Member is referred to the answer to a similar question asked to-day by Khan Bahadur Saiyid Mohammad Ismail on the 15th instant.

ATTITUDE OF SIR HAMILTON GRANT.

224. **Mr. Mohammad Faiyaz Khan:** (1) Has the attention of the Government been drawn to the correspondence published in the *Zamindar* (Lahore), dated 17th November 1920, pages 1 and 2, columns 1 and 3, regarding the attitude adopted by Sir Hamilton Grant towards the public and the public aspirations?

(2) Will the Government be pleased to state if the following statements of the correspondent are true—

(a) that Sir H. Grant commanded a respectable Indian gentleman to touch his feet, and on refusing to do so, beat him;

(b) that Sir H. Grant told Mr. Amir Chand not to hold meetings, otherwise he (Sir H. Grant) will not be responsible for protecting his life and property and the chastity of the ladies of his house;

(c) that Sir H. Grant told Moulana Ishaque not to hold meetings, otherwise he would get him torn to pieces and would feed kites and crows on them.

(d) that under his regime a certain vakil has not been allowed to practise as one of his (vakil's) brothers was a Khilafat worker.

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): The attention of Government had not previously been drawn to the correspondence published in the *Zamindar* of the 17th November 1920, but they have made inquiries and are satisfied that the statements in (a), (c) and (d) are completely untrue. The statement in (b) is a gross distortion of a statement made by Sir Hamilton Grant to the effect that if political meetings and political excitements were encouraged in the Frontier districts, the task of Government in protecting life and property and in preventing the kidnapping of women by trans-border raiders would be seriously hampered. Of the sympathetic and conciliatory character of Sir Hamilton Grant's administration of the North-West Frontier Province, in circumstances of peculiar difficulty, no more striking evidence could be found than his handling of the Hijrat-movement last summer whereby he earned the gratitude of the Muslim community of the North-West Frontier Province and especially of the Mahajirs themselves.

SAVARKAR BROTHERS.

225. **Mr. Mohammad Faiyaz Khan:** (1) Will the Government be pleased to state if the following statements as contained in the *Leader* (Allahabad), dated 2nd December 1920, page 10, column 2, headed 'Savarkar Brothers and their life in Andamans' is true?

(a) that for the last 11 or 12 years they were confined rigorously in their cells,

(b) they had to undergo hard labour,

(c) Ganesh Damodar, the eldest of the two, is suffering from daily low fever and loss of weight,

(d) that the Medical Officers are treating him as a tuberculosis patient,

(e) that though he was given the hospital diet, yet he is kept in the cell.

(2) If the above statements are true, will the Government be pleased to state—

(a) whether the ill-treatment meted out to these brothers is with or against the consent of the Government,

(b) if the ill-treatment is meted out against the wishes or the policy of the Government, what action does the Government contemplate to take against the officials concerned,

(c) if it is a fact that he was not allowed to take the family members there on the Island, when he was entitled to a concession according to the penal rules, as he had passed there full ten years?

(d) whether under these circumstances the Government propose to permit Ganesh Damodar to go for a change in a better climate, and receive a sanitarium treatment.

Mr. S. P. O'Donnell: (a) Since arrival in the Andamans, the Savarkar brothers have been confined in the jail but not rigorously. They sleep in cells and work in the open daily.

(b) Their work consists of light labour.

(c) Ganesh is under medical observation; his temperature rises to 99 degrees of an evening. He weighs 110 lbs. as against 113 lbs. on admission 10 years ago.

(d) and (e). His illness has not been diagnosed as tuberculosis, but, as a precautionary measure, he lives in the verandah attached to the cells.

The replies to the other queries are—

(a) and (b). They are not subjected to ill-treatment.

(c) Both brothers have been ten years in the Settlement, but they cannot be classed as self-supporters or allowed to import their families there so long as they are not released from jail, and at present, at any rate, it would be dangerous to release them. The case of these brothers was, however, taken up by Government two months ago and is under consideration.

KNICKERS FOR POLICE AND MILITARY.

226. **Mr. Mohammad Faiyaz Khan:** (a) Is it a fact that compulsion is imposed on the police and military to wear knickers?

(b) Are the Government aware that the wearing of knickers is against the religious commandments of the Holy Quoran, as no Musalman is allowed to keep his knees bare under any circumstances?

(c) Do the Government propose to remove this restriction with the least possible delay?

Mr. S. P. O'Donnell: It is presumed the reference is to 'Shorts.'

So far as the police are concerned, the Government of India have not issued any orders on the subject.

As regards the wearing of shorts in the army, no complaints have been made. Shorts have been worn for many years and are reported to be popular with all classes of soldiers, especially in the hot weather or when great physical activity is required. Should experience show that the men have changed their minds and have genuine reason for doing so, Government would be prepared to give every consideration to their representation, and, in the case of the police, to draw the attention of Local Governments to the matter, should any orders prescribing the wearing of shorts have been issued by them.

GOVERNORS SALARIES.

227. **Mr. Mohammad Faiyaz Khan:** Will the Government be pleased to state what additional burden has been imposed on the Indian Exchequer on account of the increase in the salaries of the Governors, the Members of the Executive Councils and the newly appointed Ministers? Has the Government taken into consideration the possibility of reducing this burden?

Mr. S. P. O'Donnell: The extra cost involved on account of Governors' and Members' of Executive Councils is Rs. 6,56,000 per annum.

The Government of India do not propose to suggest to the Secretary of State that any reduction should be made in the salaries which have recently been fixed for these officials by him.

It is impossible to say what the extra cost will be on account of Ministers, because the salaries of Ministers' will be fixed by the legislatures concerned.

The Honourable Member can doubtless obtain the information from Local Governments in due course.

CRIMINAL INVESTIGATION DEPARTMENT.

228. **Mr. Mohammad Faiyaz Khan:** Will the Government be pleased to state the total strength of, and the total strength on, the Criminal Investigation Department in India,

(a) six months ago,

(b) at present.

Mr. S. P. O'Donnell: As far as the staff of the Director of the Intelligence Bureau is concerned, I have had a statement prepared giving the information asked for, which I will give to the Honourable Member. If he requires information in regard to provincial Criminal Investigation Departments, I am afraid, the information is not available here, but inquiry might be made by him from the Local Governments concerned.

EMIGRATION OF INDIANS OVERSEAS.

229. **Mr. Mohammad Faiyaz Khan:** (1) Will the Government be pleased to state whether, and if so, under what laws or regulations, Indian citizens are prohibited from entering or working as labourers, etc., or in any capacity in the following countries—

(a) United States of America,

(b) Canada, Australia, New Zealand, South Africa and other Crown Colonies?

(2) Will the Government be also pleased to state if the citizens of the countries mentioned above are allowed to come to India and work here without any restraint or restriction?

Mr. C. A. Innes: (1) There are no laws in any of the countries mentioned prohibiting the entry of Indians *eo nomine*. But the following laws or regulations under them are, or may be, used to prohibit the entry of Indians into the countries named.

United States of America.—Act to regulate the immigration of aliens to, and the residence of aliens in, the United States, 1917.

Canada.—The Immigration Act, 1911.

Australia.—The Immigration Act, 1901-20.

New Zealand.—The Immigration Restriction Act, 1908, as amended by Act 16 of 1910 and by a further Act, passed at the end of 1920, copies of which have not yet reached the Government of India.

South Africa.—The Immigrants Regulation Act, 1913.

There are no laws or regulations prohibiting the entry of Indians into any Crown Colony.

There are no laws or regulations prohibiting Indians from working as labourers or in any capacity in any of the countries mentioned or in any Crown Colony.

(2) The answer to the second part of the question is in the affirmative.

INDIAN NON-OFFICIAL WITNESSES BEFORE THE ESHER COMMITTEE.

230. **Mr. Mohammad Faiyaz Khan:** Will the Government be pleased to state the names of the Indian non-official witnesses, if any, who gave their evidence before the Esher Committee?

Sir Godfrey Fell: The names are as follows :

The Honourable Mr. B. N. Sarma.

The Honourable Mr. Sastri.

Dr. Mullick.

Mr. K. C. Roy.

EASTERN BENGAL RAILWAY.

231. **Mr. Kabeerud-Din Ahmed:** (a) Will the Government be pleased to state—

(i) What is the proportion of officers and clerks amongst the Hindus, Muhammadans and Anglo-Indians in the employ of Eastern Bengal Railway?

(ii) What is their percentage of population in East Bengal?

(b) Do the Government propose to make suitable provision to appoint officers and clerks in proportion to their percentage of population?

EASTERN BENGAL RAILWAY.

232. **Mr. Kabeerud-Din Ahmed:** Is it not a fact that the Anglo-Indian officers and clerks of the Eastern Bengal Railway get higher salary than the Hindu and Muhammadan officers although their duties and responsibilities are just the same?

STATION MASTERS IN EASTERN BENGAL RAILWAY.

233. **Mr. Kabeerud-Din Ahmed:** Will the Government be pleased to state how many station masters and assistant station masters are there in the Eastern Bengal Railway and how many of them are Hindus, Muhammadans and Anglo-Indians?

SCALE OF PAY IN EASTERN BENGAL RAILWAY.

234. **Mr. Kabeerud-Din Ahmed:** Will the Government be pleased to lay on the table the scale of pay drawn by each and every Anglo-Indian in comparison with that of a Hindu or a Muhammadan acting in the same capacity in the Eastern Bengal Railway?

(Questions Nos. 231—234 were not answered as Mr. Kabeerud-Din Ahmed was absent.)

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

235. **Rai J. N. Majumdar Bahadur:** Will the Government be pleased to state what steps, if any, have been taken in order to bring about the separation of judicial and executive functions; if not, is the Government now going to take any steps?

Mr. S. P. O'Donnell: The Member is referred to the reply given to the question numbered 198 in the List of Business for to-day.

VAKILS AND THE CALCUTTA HIGH COURT.

236. **Rai J. N. Majumdar Bahadur:** Is it a fact that no Vakil of the Calcutta High Court has been yet enrolled as Advocate, and is the Government going to make any provision enabling them to be enrolled as Advocates, as in other High Courts?

Mr. S. P. O'Donnell: The Government of India have no official information on the point, but so far as they are aware, no Vakil has been enrolled as an Advocate of the Calcutta High Court. As regards the second part of the question, I would refer the Member to the answer given by me to his question to-day regarding legal education.

MARTIAL LAW INSTRUCTIONS.

237. **Rai J. N. Majumdar Bahadur:** Will the Government be pleased to state whether any changes have been made in the Martial Law, as promised by the Secretary of State for India in the House of Commons?

Mr. S. P. O'Donnell: The Honourable Member is referred to the reply given to the question put by Sir Sivaswamy Aiyer on this point.

LORD FINLAY'S RESOLUTION IN THE HOUSE OF LORDS.

238. **Rai J. N. Majumdar Bahadur:** Is the Government aware that Lord Finlay's Resolution in the House of Lords has produced a very bad effect on the public mind in this country?

Mr. S. P. O'Donnell: The Government are aware that it has met with general disapproval in this country.

SUPERINTENDENTS OF POST OFFICES.

239. **Rao Bahadur T. Rangachariar:** Will the Government be pleased to state what orders have been passed on the representation of the Superintendents of Post Offices, submitted in July 1920?

Mr. C. A. Innes: I note for the Honourable Member's information that it is difficult to keep pace with the demands of these officers. In March 1920, they asked for a scale of Rs. 300 rising in 20 years to Rs. 900. In July, they asked for a scale rising from Rs. 300 in 20 years to Rs. 1,000. In October, the Postal Officers Association demanded a scale rising from Rs. 350 in 18 years to Rs. 1,000. These last representations are still under consideration, but the Honourable Member will remember that the pay of these officers was substantially improved only in July last.

POSTAL OFFICERS' DEPUTATION.

240. **Rao Bahadur T. Rangachariar:** Is it a fact that a deputation of Postal Officers waited on the Honourable Member for Commerce and Industry in September last to represent their grievances on the subject of pay? If so, will the Government be pleased to state what view the Honourable Member took on the subject?

Mr. C. A. Innes: Yes.

A note was taken of the representations of the deputation and the Honourable Member promised to consider them.

SCHOOL OF INDIAN HISTORICAL RESEARCH.

241. **Mr. P. P. Ginwala**: Will the Government be pleased to state—

(a) What facilities exist for research in Indian History, and whether any progress has been made towards the foundation of a school of Indian Historical Research since the Conference of Orientalists at Simla in 1911?

(b) Whether the foundation of such a school may be expected in the near future; and, if so, when?

(c) Whether Government propose to consider the advisability of appointing a Committee consisting of Indian and other Oriental scholars to collect materials and to write an authentic History of India and whether for that purpose unpublished diplomatic and other original documents in the possession or under the control of Government will be placed at the disposal of such Committee?

Mr. H. Sharp: (a) There are chairs of Indian History in some of the Indian universities and there are certain local institutions and societies whose activities are partially or wholly directed to research in Indian History. It is thought that by 'a School of Indian Historical Research', the Honourable Member alludes to the Oriental Research Institute which was proposed at the Conference of Orientalists held at Simla in July 1911. Difficulties have arisen regarding the establishment of such an institute and the proposal is at present in abeyance. In the meantime, various local institutes have been developed.

(b) The reply is in the negative.

(c) The Government of India do not propose the appointment of a committee of the nature contemplated in the question. But, as the Honourable Member is no doubt aware, an Indian Historical Records Commission has recently been established. I shall be glad to supply the Honourable Member, should he so desire, with copies of the Resolution on this subject and with the proceedings of the Commission, which deal with some aspects of the question asked.

NORTH-EASTERN FRONTIER.

242. **Mr. P. P. Ginwala**: Will the Government be pleased to state—

(a) the total expenditure incurred for the protection of the north-eastern frontier in Burma and the contribution made by the Burma Provincial Revenues towards such expenditure per annum, during the last five years and the proportion borne by such contribution to the total revenue and expenditure of Burma?

(b) the corresponding figures in respect of the North-Western Frontier relating both to the expenditure and the provincial contribution?

Sir Godfrey Fell: It is understood that the Honourable Member does not refer to the cost of special operations which have been undertaken, from time to time, on the north-eastern and north-western frontiers, which is contained in the published Finance and Revenue Accounts of the Government of India, but that his question refers only to annual ordinary expenditure for the past 5 years on the protection of the two frontiers.

The question does not admit of a categorical answer, because no portion of the standing army in India, and consequently no portion of ordinary military expenditure, is allocated to the protection of the North-East or North-West

Frontier, or of any other area. The strength of the Army in India and its distribution are determined with reference to the requirements of the defence of India as a whole.

ASSAULTS UPON INDIANS BY EUROPEANS.

243. **Mr. P. P. Ginwala** : Will the Government be pleased to lay on the table a statement covering the years 1915—1920 showing separately for each local Administration, the cases judicially decided of assaults upon Indians by 'Europeans' as defined by the Code of Criminal Procedure, 1898, and giving, where available, the following particulars, *viz.*—

(a) the name, country of birth and occupation and age of the complainant and accused, respectively ;

(b) the section of the Indian Penal Code, under which the complaint was made, or the accused was sent up for trial, and the section under which the accused was charged by the Court ;

(c) the nature of the injury complained against, indicating whether 'grievous hurt' or 'death' ensued as a direct or indirect result of such injury ;

(d) the tribunal by which the accused was tried ;

(e) the result of the trial, and the amount of punishment where the accused was convicted and the section under which he was convicted ;

(f) the action, if any, taken by the local Administration, where the person convicted was a servant of Government ;

(g) whether the conviction and action, if any, were reported by such local Administration to the Government of India, and whether in any case so reported the Government of India took any and if so, what exception to the absence or inadequacy of the action taken by the local Administration ?

Mr. S. P. O'Donnell : The information asked for is being collected and will be supplied to the Member as soon as possible.

ASSAULTS UPON INDIANS BY EUROPEANS.

244. **Mr. P. P. Ginwala** : Will the Government be pleased to lay on the table a statement covering the years 1913—1920 and showing a list of cases not judicially tried, but which were reported to the local Administrations or to the Government of India, or which otherwise came to their knowledge, where Indians were assaulted or insulted by 'Europeans' as defined by the Code of Criminal Procedure and the action, if any, taken by the local Administration, or the Government of India, as the case may be, whether the European was a Government servant ?

Mr. S. P. O'Donnell : The information asked for is being collected and will be supplied to the Member as soon as possible.

Rao Bahadur T. Rangachariar. I should like to ask whether this information, as soon as it is collected, will be circulated to the other Members of this Assembly or whether it is for the private information of the Member who asked the question.

The Honourable the President : When an answer of that kind is given and the matter is circulated privately, it should also be laid on the table and printed in the proceedings of the Assembly.

Mr. S. P. O'Donnell : The information will be laid on the table.

REGULATIONS OF THE RANGOON UNIVERSITY.

245. **Mr. P. P. Ginwala** : Will the Government be pleased to state—

(a) whether its attention was drawn to the unusual provisions contained in section 31, sub-section (1), of the Rangoon University Act, 1920, under which the Chancellor has the power of making all the First Regulations, without consulting any University authority, and if so, whether the inclusion of this sub-section was approved by the Government?

(b) whether it is aware that the Chancellor, in the exercise of this unusual power, promulgated the First Regulations without inviting public opinion or previous publication and that their promulgation was largely responsible for the more or less complete boycott of the University from its very commencement?

(c) whether the Regulations dealing with the admission of students were submitted for approval or reported to the Governor General in Council, before they were promulgated?

(d) whether the Government is aware that there is much opposition on the part of students and others to the compulsory 'Preliminary course' of one year prescribed by the Regulations, and, if so, whether it contemplates any action under section 21, sub-section (2), of the Rangoon University Act, 1920, or under any other provision of that Act?

Mr. H. Sharp : (a) sub-section (1) of section 31 of the Rangoon University Act was added to the Bill after the Government of India had approved the introduction of the Bill. In the first instance, the first Regulations of the University were scheduled to the Act. The Government of India considered this an awkward arrangement, with the result that the Local Government added the sub-section in question and separated the first Regulations from the Bill.

(b) The framing of the first Regulations of a University in the manner directed by Government and their approval by Government form not uncommon features of University legislation. For the reasons stated in the reply to (a), the provisions of sub-section (1) of section 31 of the Act go rather further than the provisions in other Acts.

As regards that part of the question which asks whether the Chancellor promulgated the first Regulations without inviting public opinion or previous publication, the Government of India are not aware precisely to what extent public opinion was invited. But they understand that the Bill, as a whole, together with the Statutes and Regulations, was the result of long deliberation in a committee and a sub-committee, and they observe and that the draft Bill, together with the first body of Regulations was published in the *Burma Gazette* of May 29th, 1920, prior to the introduction of the measure in the local Legislative Council, over the signature of Mr. P. P. Ginwala, who was then Officiating Secretary to the Burma Legislative Council and is believed to be identical with the Honourable Member who asks this question. Finally, it appears that some of the provisions of the Act and Regulations are alleged as a cause of the incidents which have taken place since the initiation of the University. But the Government of India are not aware to what extent this is really the case.

(c) A draft of first Regulations was submitted to the Governor General in Council together with the first draft of the Bill. The submission of Regulations regarding admission would not appear to be necessary under sub-section (2) of section 21 of the Act.

(d) The first part of the question has already been answered as far as possible. The reply to the second part of the question is in the negative.

THE INDIAN TEA CESS (AMENDMENT) BILL.

The Honourable Sir Thomas Holland : I beg to move that the Bill to amend the Indian Tea Cess Act of 1903 be now taken into consideration. When I had the privilege of introducing this Bill, I explained its principal features and consequently there is no necessity now to review the nature of the measure. But there is one point that I should like to clear up as a possible way of fore-stalling unnecessary speeches. I understood from the remarks made by Mr. Chaudhuri when this Bill was introduced that the increased cess might be found to be a hardship to the smaller planter, especially under the present conditions of depression in the tea trade. I hope that this fear will not be substantiated by experience. In the first place, the Bill is purely an 'enabling' measure and will not be applied unless the trade definitely asks for it. Even then, it is not the intention to attain the maximum cess at once, but only by small instalments, as and when the representatives of the trade consider it to be necessary. The total amount of cess ultimately possible under the Bill is 8 annas per a hundred pounds, which is, roughly, about 1 per cent. of the average value of the tea exported. So that, if the cess is limited to instalments, the percentage charged will be almost inappreciable.

In the second place, it is advisable to secure the necessary statutory powers, so that those engaged in the tea trade may be able to take advantage of any improvement that may occur in the market conditions, in order that they may extend their markets, especially in foreign countries, and so be able to anticipate any such depression as is now occurring.

Then, I think a more important point, from the point of view of the small planter, is this. The smaller gardens and those less well established dispose of their products mainly in the local markets, the better brands being those that contribute to the export trade. Well, as I said before, the cess is charged only on the tea exported. Consequently, money so obtained at the expense of the consumer is used for propaganda, partly, in India itself. The small garden, therefore, gets the benefit of this propaganda work without having to pay anything whatever for its cost. I can understand that a exporter might consider a time of depression to be unsuitable for an increase in the cess, but a small planter ought to welcome a measure that will improve his local market at the cost of other people. Still, I recognise that there are pitfalls in all trades, especially when prices are so rapidly varying, and I can readily promise my Honourable friend that the Bill will not be brought into force without first finding out if the trade still wants it. I hope that will satisfy the interests which he has so generously represented.

The motion was adopted.

The Honourable Sir Thomas Holland : Sir, I beg to move that the Bill be now passed.

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. S. P. O'Donnell : Sir, I rise to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860. The provisions of the Bill are simple, and I do not think it will be necessary for

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[Mr. S. P. O'Donnell.]

me to detain the Assembly long. The object of the Bill is to amend the provisions of the Indian Penal Code on the subject of the forfeiture of property. Forfeiture is a form of punishment which in modern times has fallen more and more into disuse and the Government consider that the time has come when its employment should be restricted within very narrow limits. At present under section 62 of the Indian Penal Code, whenever a person is convicted of an offence punishable with death, the court may direct that all his property shall be forfeited to Government, and whenever a person is convicted of an offence for which he must be transported or sentenced to imprisonment for a term of 7 years or upwards, the court may direct that the rents and profits of all his property, during the period of his transportation or imprisonment, shall be forfeited. It is proposed to repeal these provisions. Again, under section 61 of the Indian Penal Code, a person convicted of an offence for which he is liable to forfeiture of all his property is incapable of acquiring any property for his own benefit until he has undergone the punishment awarded, or the punishment to which it has been commuted or until he is pardoned. It is proposed to repeal these provisions. Lastly, under sections 121 and 122 of the Indian Penal Code, a person found guilty of the treasonable offences to which those sections apply must be sentenced to forfeiture of all his property. The retention of an automatic penalty of forfeiture is hardly consistent with modern practice and, moreover, examination of the statistics of the last ten years shows that such sentences have, in a very great majority of cases, been remitted by the Government. The Bill, accordingly, substitutes for these compulsory provisions provisions which will allow the court to impose this penalty or not as they may think fit. It is not considered desirable to abolish the punishment of forfeiture altogether in these sections, because it has been found a useful form of punishment in the North-West Frontier Province and in Burma. The imposition of the penalty, however, will rest entirely with the courts and there is no reason to suppose that it will be imposed save in exceptional cases. I do not think it is necessary for me to say anything more at present on the subject of the Bill. There will of course be an opportunity at a later stage for full discussion.

The motion was adopted.

Mr. S. P. O'Donnell : Sir, I introduce the Bill.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. S. P. O'Donnell : Sir, I rise to move for leave to introduce a Bill to amend the Indian Limitation Act of 1908. The object of the Bill is to avoid the difficulties created by the conflicting decisions of some of the High Courts regarding the interpretation of some of the provisions of the Indian Limitation Act. The Calcutta and the Madras High Courts have in effect held that the general provisions of the Indian Limitation Act cannot be applied in computing the period of limitation specially prescribed by any special or local law. This view is based on their interpretation of section 29 (1) (b) of the Limitation Act which lays down that nothing in the Act shall effect or alter any period of limitation, specially prescribed for any suit, appeal or application by any special or local law. On the other hand, a different view has been taken by the Allahabad High Court on the ground that a special or local law is not in itself a complete code for limitation. The Bill proposes to place the matter on an

unequivocal footing by providing that the general provisions of the Act, namely those embodied in sections 4 to 10 and 12 to 18 of the Indian Limitation Act shall apply to any period of limitation prescribed, unless they are specifically excluded, i.e., excluded by the provisions of any special or local law. Local Governments and High Courts have been consulted in the matter and they are generally in favour of the adoption of this course. It will then rest with Local Governments to examine the special and local laws with which they are concerned and if they are of opinion that any of the general provisions of the Indian Limitation Act should not be applicable to a period of limitation specified in such special or local law, they can take steps to ensure that that provision is not so applied by introducing legislation amending the special or local law in question in the local legislative council. The alteration proposed in section 5 is essentially of a drafting character. It is thought that the proper rule is that in the case of ordinary general acts this section should apply automatically to all applications and that the restriction imposed by section 29 (1) (b) should continue to apply in the case of other applications. That is to say, section 5 will not be applied to special periods of limitation prescribed by special or local laws.

Mr. J. Chaudhuri : May I submit, Sir, that Bills of this nature should be circulated amongst Members beforehand. It has been, I know, the practice to lay the Bills, on the table on the date of introduction. But, as in this Bill there are more than half a dozen subsections referred to, and it is difficult for us to follow the scope of the Bill.....

The Honourable the President : Order, order. When a motion for leave to introduce a Bill is made, any Member, under Standing Order 37—known in the House of Commons as the Ten Minutes Rule—, may rise to oppose a Bill, but no speech may be delivered by a Member unless he intends to oppose the Bill and to divide the House against the Bill. Ample opportunity will be given at further stages in the consideration of the measure for Honourable Members to express their opinions upon it. But the provision in this Rule clearly indicates—and it is the intention of the Chair so to interpret it—that on introduction, a Member may make a short speech explaining the nature of the Bill, and any other Member may make a short speech explaining his reasons for opposing it provided he intends to divide the House. This is the Parliamentary practice, which, I propose, we should follow here.

Mr. J. Chaudhuri : I did not want to make a speech, Sir. I only wanted to suggest a matter of practice. My simple suggestion was this, that Bills of this nature, instead of being laid on the table on the day the Member proposes to introduce them, should be circulated amongst Members at least one day beforehand. That is a matter of practice. I am not making any comments at all on the Bill.

The Honourable the President : I have no doubt that Government will do their utmost to consult the convenience of Members of this Assembly in this matter.

Mr. E. L. Price : Sir, would I be in order in asking a simple question arising out of the speech of the Honourable Member who introduced the Bill?

The Honourable the President : If I allow the Honourable Member to ask a question, it may be such an argumentative question as really to amount to a speech. Even if I allow him to ask a simple question, then

[The President.]

immediately of course the right arises for other Members to follow suit. The provision laid down in the rule is a sound provision for the orderly business of the Assembly, *viz.*, that at the introduction, that is to say, at a stage when Members cannot know very much about the Bill except its broad principle, there should be nothing but, at most, two brief speeches and the decision of the House as to whether leave shall be given to introduce or not.

The question is that leave be given to introduce the Bill.

The motion was adopted.

Mr. S. P. O'Donnell: Sir, I introduce the Bill.

THE INDIGO CESS (AMENDMENT) BILL.

Mr. J. Hullah: I beg leave, Sir, to introduce a Bill to amend the Indigo Cess Act, 1918. The proposal is to levy the cess at the rate of Rs. 1-8-0 per hundred weight of 112 pounds instead of at the rate of Re. 1 per maund of 82½ pounds.

The change is proposed simply for the sake of convenience,—the convenience both of Government and of the indigo industry. It is not designed in any way to produce additional revenue. It has been represented to us that transactions in the sale and purchase of indigo, at any rate throughout Northern India, are made on the basis of a maund. But the maund is not that of 82½ pounds which is mentioned in the Act, but is one known as the 'factory maund' of 74.66 pounds. It has, therefore, been suggested that the cess should be levied at the rate of Rs. 1-8-0 a hundred weight. The hundred weight is the unit usually adopted in our Customs statistics and will, therefore, be a convenient one for Government. And just as Rs. 1-8-0 is one and half times Re. 1, so it will be seen that a hundred weight is almost exactly equal to one and half times a 'factory maund' of 74.66 pounds. In fact, the difference is actually only 1-100th of a pound. I have said that the change is not in any way intended to produce revenue. As a matter of fact, the result will be to increase very slightly the proceeds of the cess, since the rate of Rs. 1-8-0 a hundred weight is equivalent to a rate of Re. 1 per maund of 74½ pounds, and not of 82½ pounds. But, as Honourable Members are doubtless aware, the proceeds of the cess are devoted entirely to the benefit of the industry. They are spent on scientific investigation into the methods of cultivation, on chemical and botanical research, and on improvements in the method of manufacture. The Government, therefore, will get no direct pecuniary benefit from the change.

All the Local Governments in which the cultivation of indigo is of any importance have been consulted, and they in their turn have consulted the industry in their provinces. The proposal has met with general acceptance, and I, therefore, now ask for leave to introduce the Bill.

The Honourable the President: The question is that leave be given to introduce a Bill to amend the Indigo Cess Act, 1918.

The motion was adopted.

Mr. J. Hullah: Sir, I introduce the Bill.

THE IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

Mr. C. A. Innes: I rise, Sir, to ask for leave to introduce a Bill further to amend the Import and Export of Goods Act, 1916. The Bill, 12-20 P.M. Sir, is a very short one. The only important clause is clause (2), which extends the life of the Import and Export of Goods Act, 1916, for one year more, i.e., up to the 31st March 1922. Honourable Members are no doubt familiar with the history of this little Act. It was passed in 1916 as a war measure. It was designed to enable us to exercise that detailed control over imports and exports which was considered necessary for the successful prosecution of the war. Accordingly section 1 (3) of the Act as originally passed provided that the Act should remain in force for the duration of the war and for six months later. I believe, I am correct in saying, that officially the war has not yet ended, but in 1919, the Government of India thought it proper that the Indian Legislative Council should have an opportunity of considering whether this Act should be allowed to remain in force. At that time the Act was required almost entirely with reference to the foodstuffs position. The Sea Customs Act gives us power to prohibit or restrict by notification the import or export of specified goods either generally, or to or from specified countries, places and ports outside of British India. But the Import and Export of Goods Act provides a more elastic procedure. It enables us first to prohibit exports, than to relax the prohibition to such an extent as may seem advisable, and then finally to regulate these limited exports by means of licenses issued by the Collectors of Customs, such licenses containing such conditions as may be thought suitable to the circumstances of the particular goods in question. A Bill was accordingly drafted extending the Act for three years and was placed before the Indian Legislative Council in 1919. By request it was postponed to the last Delhi Session and then it was remitted to a strong Select Committee which contained five non-official Members. The Select Committee was specially instructed to report whether the scope of the Act should be limited in any way, but it did not advise this course. Instead, it recommended that the Act should be extended in the first instance for one year more. At the same time it placed clearly on record its opinion that the foodstuffs position might at any time necessitate a further extension of the Act. This is what has happened. As Honourable Members are aware, the last year's monsoon was a very disappointing one, and it is still considered necessary to place restrictions on the export of certain foodstuffs. I should like to explain parenthetically that the Government of India have not in any way abused the confidence reposed in us last by the Legislative Council last year. Only one new commodity has been brought on the Prohibition List within the last year, that is coal, and this action was not taken until every Chamber of Commerce in India had been consulted and until the matter had been twice discussed at Calcutta at Conferences at which all the interests affected were represented. On the other hand, some commodities have been removed from the list, and the notifications now in force are confined solely to certain food grains, to flour made from those foodgrains, to coal, quinine, cinchona bark and Russian Rouble Notes. The last three are not of much importance in the present connection, for we could deal with them, I think without serious inconvenience under the Sea Customs Act. The case for continuing the Act rests upon the necessity of restricting the export of foodstuffs and coal.

I take foodstuffs first. All restrictions on the export of rice from Burma to India have been abolished. But exports of rice from Burma to foreign

[Mr. C. A. Innes.]

countries are still controlled by means of licenses. These licenses are required to enable us to be in a position to maintain the closest possible watch over the amount exported and over the effect of those exports on internal prices. This action has been taken mainly in the interests of India proper, and consequently exports of foodstuffs from India proper are more rigidly controlled. At the same time we have to make arrangements to allow small quantities of the prohibited foodstuffs to countries where there are resident Indian populations, or which are dependent on India for supplies and it is for this reason that we still require the Import and Export of Goods Act. We cannot merely prescribe a limit up to which exports may be allowed, and then leave exporters to scramble for shipments up to that limit. This procedure would neither be convenient to the trade nor in the interests of consumers. If we restrict exports in this way, we must go further and also regulate them. We do this by means of licenses issued by Collectors of Customs. The discretion of these Collectors is, of course, controlled. They are not allowed to impose conditions which have not been approved by the Government of India. Their instructions are to distribute these licenses among established shippers to the countries concerned, or to issue them to exporters nominated by those countries. This procedure obviates the danger of exporters buying foodstuffs for shipment and then being left with those foodstuffs on their hands, and it prevents the price of the foodstuffs being unduly raised by competition among the shippers. It is for this reason that we think that so long as we restrict the export of any foodstuffs in this way from India, we require the Import and Export of Goods Act to enable us to regulate those exports and impose such conditions as may be thought suitable in each case.

I come now to coal. The coal position, as this Assembly no doubt knows, is very difficult at present. Demand has oustripped available supplies and consumers in India have been experiencing great difficulties in obtaining supplies. We have been compelled therefore to do what we can to conserve our resources and I should like to emphasise the fact that in all our action we have been in the closest possible touch with the trade. We have been compelled to shut down exports of coal, and by the end of next month no coal will be allowed out of India to foreign countries except a small amount of coal for the Ceylon Government Railway. But we go further than this. Under the Import and Export of Goods Act we restrict bunkering by steamers leaving India. Indian coal for some months past has been much cheaper than that obtainable elsewhere, and we found that there was a tendency not only for steamers to bunker right up to the port of final destination, but also to take coal for, at any rate, part of the return voyage. We were also advised that there was a danger lest steamers should take much more coal than they required for consumption on the voyage in order that they might sell the surplus at the foreign ports. We have put a stop to these practices by requiring licenses to be taken out even for bunker coal under the Import and Export of Goods Act. We also require licenses for coal from Calcutta to Indian ports.

The whole matter is a very difficult and technical one, and I will not weary the Assembly by going into it at more length. I will merely say that the whole coal position in India is at present being discussed by a Committee over which I am presiding. The Committee is a very strong one.

The producers are represented on it by Mr. Sircar, Chairman of the Indian Mining Federation and a Member of this Assembly, the Honourable Sir Maneckji Dadabhoy and Mr. Pattinson, Chairman of the Indian Mining Association. The consumers are represented by Mr. Rahimtoola Currimbhoy, a Member of this Assembly, the Honourable Sir A. R. Murray and the Honourable Mr. Froom, and Mr. Sheridan, the General Traffic Manager of the East Indian Railway, is also a Member. We discussed the matter in great detail yesterday, and I specifically put to this Committee the question whether they still thought it necessary that we should continue this system and license exports from Calcutta even to Indian ports, which can only be done under the Import and Export of Goods Act and license bunkers, and the Committee practically unanimously decided that for the present it was essential in the general interests that these licenses should be continued.

These, then, are the reasons why we want this Act to be extended for one more year. We require a more elastic procedure than the Sea Customs Act provides, and as long as we are compelled to restrict the export of any food-grains from India, we consider that we should have the powers which the Import and Export of Goods Act confers upon us. As the Assembly knows from answers to questions which have been given in this House quite recently, the foodstuffs position is easier than it was, and we trust we shall be able gradually to remove all restrictions on the export of foodstuffs during the coming year. I do not think that the Assembly need be afraid that the powers which we ask them to give us for one year more will be in any way abused. Speaking for my Department, the Import and Export of Goods Act is not an Act which the Commerce Department would agree to use lightly. The whole of the past year, the Commerce Department's efforts have been directed towards getting commodities removed from the Prohibition List, and they will continue to be made in the same direction.

I move, Sir, for leave to introduce the Bill.

The motion was adopted.

Mr. C. A. Innes : Sir, I now introduce the Bill.

RESOLUTION *RE* HOURS OF WORK ON THE DRAFT CONVENTION OF THE WASHINGTON LABOUR CONFERENCE.

The Honourable Sir Thomas Holland : Sir, I beg to move the following
12-30 P.M. Resolution :

‘That this Assembly recommends to the Governor General in Council—

- (a) that he should ratify the draft convention, limiting the hours of work in industrial undertakings adopted by the General Conference of the International Labour Organisation of the League of Nations convened at Washington on the 29th of October 1919 ;
- (b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to this Convention as applied to British India by article 10 thereof.’

It will be convenient, Sir, in introducing this first Resolution to explain very briefly the nature of the International Labour Conference at which these Conventions and recommendations were drafted. To save my time, and, therefore, the time of the Assembly, which is more important, I have already supplied each Member of the Legislature with one of our new

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bulletins describing in detail the international labour organisation which arose as one of the first fruits of the Peace Treaties with Germany and Austria. According to article 23 of their Covenant, which is embodied in the Peace Treaty of Versailles, the Members of the League of Nations covenanted :

‘to secure and maintain fair and humane conditions for the labour of men, women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations.’

The Allied victorious nations consider that fair and equitable conditions of labour formed one of the essentials to the maintenance of international peace, and, according to the Peace Treaties, have decided on the institution of a permanent organisation drawn, in the first instance, from the original Members of the League and consisting of —

- (1) a general conference of representatives of the Members, and
- (2) an International Labour Office controlled by a governing body.

Now, in accordance with the decisions of the Allies, a Labour Conference was assembled at Washington on the 29th of October 1919 and was declared officially closed on the 27th of January 1920. This last date is for us extremely important. We are indebted to the Honourable Sir Alexander Murray for the graphic sketch which you will see reproduced in the bulletin referred to. Sir Alexander Murray has approached the subject of labour with a touch of human sympathy and with a generosity which, in his own sphere as an employer, has proved to be a measure of commercial wisdom. I am sure that my friend, Mr. Joshi, who represented the interests of Indian labour at Washington and is now a Member of this House, will agree that the concerted action of our Delegates at the Conference was largely due to the broadminded view taken by Sir Alexander Murray as the employers' Delegate.

At the Conference a number of draft Conventions and recommendations were adopted ; and, according to article 405 of the Peace Treaty of Versailles, each of the Members, that is, each country represented, undertakes within one year or, if exceptional circumstances occur, not later than eighteen months from the close of the Conference (that is January the 27th, 1920, which I referred to) to lay the Conventions and recommendations before the competent legislative authority for legislation or other action. Our year, therefore, expired, on the 27th of last month, and we have already explained to the International Labour Office that we considered it desirable to postpone action in order that the new legislature (which would be the body also afterwards required to pass the necessary legislation) should deal with the recommendations and Conventions of Washington. We have, thus, you see, taken advantage of the six months' grace which is allowed us. It seemed to the Government unfair to obtain as a Resolution of the old Council, in its period of senile decay, a death-bed request which would bind and possibly embarrass this more representative institution ; and for that reason we postponed consideration of these recommendations and Conventions until to-day.

So much for the date selected for action. Now for the authority of the agent who acts, the ‘competent authority’ recognised by the Washington Conference. This Assembly is one constituent of the competent authority,

and I congratulate the Assembly on having the privilege, in the first Session of its existence, of having to deal with the earliest of the measures adopted by the League of Nations in the cause of humanity. It is not generally recognised that the Washington Conference, met before the League of Nations, was actually ratified and that its proceedings, therefore, had afterwards to be formally accepted. This, therefore, is actually the first in date of the fruits of the League of Nations. According to article 405 of the Peace Treaty, if a recommendation or a Convention fails to obtain the approval of the competent legislative authority, no further obligation will rest on the Member, that is the Government of the country represented. It is, therefore, for this Assembly to say whether the measures proposed for the protection of labour shall or shall not form the guiding principles of our legislation. If these Resolutions and the legislation proposed are thrown out by this Assembly, no further responsibility rests on the Government of India as representing this country in the League of Nations. Before we come to a decision, it is fair for us to remember that in this Assembly, which purports to represent the people of India, there are very few Members whose election has been influenced by the vote of labourers: it is fair for us to remember that there are fewer still who have ever themselves been active privates in the ranks of labour. I doubt if there are half-a-dozen of us here who have ever had to work for a daily wage, even as apprentices. We are mainly composed of employers and public servants and of those who in the human sphere are analogous to those bees that buzz but do not manufacture honey. We should, therefore, composed as we are, judiciously restrict our own immediate interests if they apparently conflict with the claims of a class that cannot yet enforce its wish by constitutional means. We should remember also that the other Members of the League, whose legislatures are influenced by organised and enfranchised labour, expect us to show that India is not unprogressive in the cause of justice and liberty. Let us be generous first: we can then afford to be just to the labourer.

It will be noticed that I am offering no Resolutions regarding certain of the Conventions and recommendations. This is because some of them have already been anticipated by law, for example, night work of women and young persons, which is covered by the existing Factories Act; the prohibition of the use of white Phosphorus which we have legislated for following the Convention at Berne of 1906; and the question of the employment of women at the maternity period. India has been specially exempted from the operation of this last Convention by a Resolution passed on the 28th of November 1919 at the Washington Conference and is required only to make inquiries with regard to the possibility of dealing with this question. We also find it unnecessary to provide special measures for the reciprocity of treatment of foreign workers: all we want just now is for others to treat our workers as we treat theirs, or we might be inclined to treat theirs as they treat ours.

I will deal now, if I may, Sir, specifically with the first Resolution. The Convention secures in the first place a sixty-hour maximum week for all workers in factories, in mines and on mechanical transport services.

That is specially provided for in article 10 of the Convention. I do not propose to read this as I hope the Members of the Assembly have taken the opportunity of reading the bulletins which have been supplied. In the second place, it provides for a maximum of overtime hours established by public authority after consultation with employers' and workers' organisations

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if such exist, and may be applied to exceptional industries as provided for in article 6. Then overtime rates of pay, not less than one-quarter the regular rate, are provided for in article 6, which also applies to India. The fourth obligation is the communication of information to the International Labour Office, which is the duty of Government itself. The ratification of this Convention has been demanded by workers in various parts of India and appears to be now generally acceptable to employers. In March last, the Bombay Millowners' Association presented a memorial to His Excellency the Viceroy in which they pointed out that one of the main demands made by the mill operatives in Bombay, when they went on strike in January of 1920, was a reduction of the mill hours from 12 to 10 a day. The mill owners considered that this was fair, and, in granting this relaxation to their own operatives, have naturally asked that a similar limitation should be enforced by law on textile mills in all parts of India. The question of fixing a daily maximum, as well as a weekly total for factories, will come up for consideration if this Assembly gives me permission to introduce a Bill to amend the Indian Factories Act of 1911 that we hope to introduce during this session. In May of last year, a nearly general strike of mill hands occurred at Ahmedabad, and there the same demand for a ten-hour day was made, and similarly was granted by the mill owners. A ten-hour day has also been adopted in the Buckingham and Carnatic Mills in Madras, and is now the normal day in the textile mills at Cawnpore, at Dhariwal, at Nagpur and elsewhere. The ten-hour day, or 60-hour week, is now a widespread rule in ordinary textile factories, although there are a few employers in isolated localities who are still opposed to it. In many other factories, still shorter hours are observed, but it may be unfair at this stage to reduce this maximum for all industries, unfair possibly to the workers as well as to the employers. Many of the workers, who are employed on piece-work, would suffer, if the hours of the day were forcibly curtailed below ten; and until more is done for the housing and domestic amenities of workers, including primary education, shorter hours would bring relief of very doubtful value to the workers. I would remind Honourable Members, however, that their adoption of this Convention does not in any sense limit their power or their right, when the Factories Bill is under consideration, to go further with regard to the limit of the week or the limit of the day for special industries or even for all industries. The ratification of this Convention will satisfy the International Conference for the time being while still leaving the Legislature free to be more protective if they wish. We are not tied to a 60-hour week, merely because we accept this Convention passed at Washington. We cannot extend the week, but we are still at liberty to reduce it. I have, therefore, Sir, no hesitation in commending this draft Convention to the House for the favourable consideration of Members.

Mr. N. M. Joshi: Sir, I rise to support the Resolution moved by the Honourable Sir Thomas Holland for the ratification of the Convention. Sir, although I support this Resolution, I must frankly admit that I am not very much satisfied with it. When this question was discussed at Washington, where I was sent to represent the labour interests of this country, I expressed my dissatisfaction with the Convention as it was drafted at that time. I should have liked to see the draft Convention improved in one or two respects. I should have liked, in the first place, that while the hours for the week should be 60, there should be a limit for the

12-48 P.M.

hours of work during the day also. If we don't fix a limit for the day, it will be very easy for some employers to work their factories for 5 days at 12 hours a day and thus secure their 60 hours in five days in order to save coal or for any other convenience of their own. Then, I also wanted the Convention improved in another respect, namely, regarding the case of women. In the present Convention, women are treated equally with men, their hours of work being 60. According to the present Factories Act and the present Convention, men have secured a reduction of 12 hours a week, but women have secured only a reduction of 6 hours. I should have liked that women also had been given a reduction of 12 hours. In that case, their hours of work would be 54, instead of 60.

Sir, I should have, also, liked if the Convention had mentioned that it would apply not only to those factories which come under the present Factories Act, viz., those which employ 50 persons or more, but to smaller factories also. Fortunately, although the Washington Conference did not adopt this suggestion, I find from the papers circulated to us that the Government is going to move forward in that direction. Moreover, Sir, although I am supporting this Convention, I am not one of those people who believe that industries in India will be ruined if we introduce 8 hours' day or 48 hours' week in our country. But I frankly admit that if the Government, the employers and even some section of the educated people think the reduction of hours from 72 to 48 as too sudden a jump below, I will not consider them to be unreasonable.

Now, you will naturally ask if I am not satisfied with the Convention, why do I support it? I support it for this reason, that this Convention secures for the workers in India by the international action a certain minimum, say 60 hours a week, and it leaves them free to try to secure a further reduction by national efforts. Therefore, there is nothing in this Convention which the workers of India should oppose.

I need not say much on the question why the hours of work in factories should be reduced. Every one who has seen a factory, who knows what sort of atmosphere prevails in it, will admit that to work in a factory for 12 hours a day is to ruin the health of the person who works there. I am, therefore, quite sure that this Assembly will not hesitate at all to reduce the present number of hours to 60. If they like, they may consider when the Bill comes before the Assembly, whether the hours should be reduced below 60 or not. The effect of working in a factory for 12 hours is to impair the physique of the men. Not only that. But if a man works for 12 hours in a factory, he has hardly any time for recreation. He does not also find time for education, even if he cares to have it. And the exhaustion from which he suffers tempts him to drink and gets him into some other evil habits which sap the foundations of his moral character. I, therefore, strongly feel and hope that in this Assembly there will not be a word said against the reduction of hours from 72 to 60 a week. Sir, if the hours are reduced, the workers will certainly derive a benefit. Not only that, but I do not have the slightest fear that the industries in India will suffer any loss. Most of the textile factories in Bombay have already introduced 60 hours a week. I am told that the Calcutta employers who are considered to be very humane, do not work their men, or a very large part of them, for more than 9 hours a day. Now, if such is the case, and if these people can run their factories without suffering any loss, certainly it cannot be said that factories in other

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places suffer losses on account of the reduction of hours. But, Sir, some people may rise and say that at least in few cases industries might suffer. But I put it to this Assembly, whether they would like to have industries grow in this country at the sacrifice of its manhood. That is the chief question. If it is proved that 12 hours' work ruins a man's health, ruins him intellectually and morally, is it worth the while of this country that we should allow this ruin of its manhood in order that a certain industry might prosper? I should say, the industry is not worth being supported under these conditions. I do not want to say anything more; but I hope that this Assembly will understand its re-ponsibility, which is very special in this case. This Assembly represents some of the interests of this country; but I am quite sure that very few in this Assembly will be bold enough to say that they represent the working classes, in whose interest this Resolution is introduced and whom it is going to benefit. If that is so, when we vote on this question, we should remember that those people, in whose interest this Resolution is introduced, have no voice in this Assembly.

Mr. B. Venkatapatiraju : Sir, after the Honourable Sir Thomas Holland 12-52 P.M. who has stated that there are not many who represent labour here, and after hearing Mr. Joshi with reference to their grievances, I venture to say that this Resolution and the other four or five Resolutions which the Honourable Sir Thomas Holland proposes to bring up, only touch the subject superficially. I am not standing here at all to oppose any of the Resolutions, but I should like to say that the Government might have taken this opportunity to bring relief in various directions. Like other civilized countries, we do not have organised labour demanding any fixity of wages. Even the Government despatch did not provide for that; neither has the Government provided for any old-age pensions, insurance against unemployment or sickness, etc., because they say the country is too vast and they cannot afford it. I would, however, respectfully ask the Government why they cannot take steps to provide housing accommodation for the thousands of workmen employed in factories. Can they not provide educational facilities for children employed therein? Can they not provide Health Inspectors? I know that there is some provision for health inspection, but the matter is only mentioned in the despatch. There are various other matters also which are left out in the despatch. I do not know whether it is possible for this Assembly to bring in any amendments when such legislation is brought up. But I submit to this Assembly that it should take this opportunity when they have to deal with this legislation, when they propose to modify factory legislation, they should take proper steps not only to secure fixity of wages or at least a living wage for the workmen, the Honourable Mr. Joshi pointed out, the advantage of reducing the working hours from 60 to 48. The opinion has been expressed that workmen in England and America work far better than workmen out here either on account of tropical conditions here or the want of vitality or food-stuffs among people here; two men in India turn out as much work as one man in America or England. Under these circumstances, we cannot expect industries to prosper if we reduce the working hours very low; the Government are, therefore, right in suggesting the modification suited to India. Lord Sinha originally moved the amendment that there should not be the same treatment given to India. I think 60 hours a week is fair, at least as a beginning; and then, as the Honourable Mr. Joshi suggests, if we want to introduce any further reduction, after seeing the advantage and after gaining experience, we

may introduce it. With these words, I express thanks to the Government for having taken the earliest opportunity of placing the matter before this Assembly in order to bring relief to the labouring classes.

Mr. T. V. Seshagiri Ayyar: Sir, before I speak on the particular Resolution moved by Sir Thomas Holland, I shall make some remarks with reference to the reciprocal treatment of our men in the colonies. In one paragraph of the despatch sent by the Government to the Secretary of State, it is stated :

'The recommendation concerning the reciprocity of treatment of foreign workers, if accepted, would involve no immediate action on our part. Foreign workers in India are given the full benefit of all laws and regulations made for the protection of Indian workers, and are in the same position as regards the rights of lawful organization. It is possible that this recommendation may enable Indian workers in foreign countries to obtain more adequate protection ; but, as far as conditions in this country are concerned, nothing remains to be done.'

I should like to know why nothing has been done to protect Indian labourers in foreign lands. That is one matter upon which I should like to have information from Sir Thomas Holland. Upon the particular Resolution moved, I would draw attention to a very recent Reuter's telegram from Japan. It is in these terms : That

'So far as adults are concerned, the Japan Parliament proposes to legislate that they should not work for more than 9½ hours a day and so far as juveniles are concerned, they should not work for more than 8 hours a day'.

Sir Thomas Holland has apparently fixed the largest possible number of hours which can usefully be recommended regarding the work in the various factories. As he said, it is impossible for any Member of this House to go against that recommendation. He has drawn pointed attention to the fact that most of us are not labourers ; on that account we ought to be very fair and should see that labour does not in the least suffer by the action taken in this House. With these words, I support the motion made by Sir Thomas Holland.

Rai J. N. Majumdar Bahadur: Sir, I beg to move the following amendment :

1-3 P.M.

'That this Assembly recommends to the Governor General in Council :

- (a) That he may be pleased to direct a Committee consisting of Members of this Assembly to examine the draft Convention limiting the hours of work in industrial undertakings adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, before ratification thereof by His Excellency.
- (b) That no steps should be taken to introduce in the Indian legislature the legislation necessary to give effect to this Convention as applied to British India by article 10 thereof until such Committee has reported and the Assembly has considered its Report.'

My amendment is a very reasonable one. What is it that we have heard in this House? It is that labour should be paid fairly, that the subject is a very important one and involves on the one hand, the welfare of labour, and on the other, the welfare of capital. When there is a conflict of interests between labour and capital, I think this House should take time to determine what is right for them to do. The Members who attended the Washington Conference were not chosen by this Assembly. I do not at all say that

[Rai J. N. Majumdar Bahadur.]

they did not do their best or that they were partial either to labour or capital, but what I say is that they were not representatives of this Assembly, and that this Assembly should assert its right of sending their own representatives to any foreign conference, industrial or otherwise. In this case it was not done so. Gentlemen were selected by the Government of India and one Member was selected as labour representative—I mean Mr. Joshi with Mr. Wadia as adviser—to attend the Conference at Washington. The Conference itself was not a representative one, America was not represented in it, many other countries were not represented, and the discussions of the Conference were not very edifying. I do not think that either the labour or the capital of India was properly represented at the Conference. We should remember that India has lost her industries and she has to revive them again; so we should be very careful in taking any steps affecting either the welfare of labour, or capital. I may at once assure this House that I do not hold any brief either for labour or capital or for Government. I have no factory to employ men. But, as a Member of this Assembly, I claim that we are in a position to see what is good for labour and capital, and when there are conflicting interests, we must decide what is right and proper, I say that this is a very complicated subject. It is not so easy as it looks at first glance. By limiting the hours, we may injure our industries; by not limiting the hours, we may ruin the health of our workmen. We must also remember that even labour in this country does not work at stated hours, nor likes limitation of hours. When the Government of India limited the hours of labour for its printers, the latter did not like it, for though they have got less hours now, they are getting less wages. Less hours, unless accompanied by more wages, do not satisfy the workmen. So there are many difficult questions to be considered, and what do we lose if we take a little time to consider the matter. The time given for ratification originally was only one year, and 6 months of grace were further given. There are provisions here that if this is not done, then ultimately the whole thing will go before the Parliament of International Justice. So there is no chance of stultifying ourselves before the International League of Labour, if we explain to them our situation. I, therefore, say from what we have heard and from what we know, we ought to be very careful in deciding the issue. What we have asked is merely to appoint a Committee of this Assembly, representative both of labour and capital, to consider the matter, its *pros* and *cons.* It is absolutely essential that we should have a committee of this kind. I submit, Sir, with all respect to the Honourable Sir Thomas Holland, that Government should accept this amendment and allow the Members of this Assembly to consider its *pros* and *cons* before ratifying the draft Convention limiting the hours of work.

Mr. Rahimtoolla Currimbhoy: Mr. President, I think the House

will do well if they throw out the amendment of the last speaker,
1-9 P.M. Rai Jadu Nath Majumdar. I believe, Sir, that the Honourable

Member who moved for the ratification of the draft Convention, has put the case before the Assembly very fairly and very clearly. He has also mentioned that the Bombay mill-owners made a representation to the Governor General in Council last March about the amendment of the Factory Act. Sir, I may assure this House that the matter had been engaging the attention of the Bombay employers of labour before the Washington Conference made its recommendations. The employers of labour felt, at least in that Presidency, I could say, that the hours of labour were too long, and, later on, the demand

from labour also came to shorten the hours of work. The demand was at once granted. In order that no other employer of labour should work longer hours than those who are willing to work shorter hours, a representation was made to the Governor General in Council to amend the Factory Act. I hope, I am correct, when I say that this proposition for reducing the hours of labour to 60 per week has received the support, with very few exceptions, of the large employers of labour. But, Sir, I may mention that the statement was made by Mr. Joshi that industries will not suffer any loss by the reduction of hours. That is not the reason why we want 60 hours a week. The industries will suffer. The employers of labour will surely make less profit than what they are doing at present. But that is not the reason, Sir. The principal reason, why we give our support to this Resolution, is that the employers of labour feel that the hours of labour are too long and that they should fall in line with other civilized countries.

Sir Frank Carter : Sir, I wish to support Mr. Currimbhoy in his remarks. I do not think it is at all necessary to appoint any Committee to consider the terms of this draft Convention before ratification. There will be time enough to appoint a committee when the legislation necessary to give effect to the Convention is introduced. It will mean the alteration of the Factory Act and Acts dealing with Mines and Railway matters. I think also that I shall be voicing the feelings of this Assembly when I say that we resent the remarks made by the late speaker regarding our representatives at Washington. They were thoroughly representative of India and they did their very best for the labour of India.

Mr. N. M. Joshi :—Sir, I rise to oppose the amendment of the Honourable Mover, and I shall make one or two remarks about various parts of his speech.

He said, in the first place, that this Assembly was not represented at the Washington Conference. If he had studied the constitution of that Conference, I think he would not have made any complaint about it at all. In that Conference the Governments were represented by their Delegates, the employers were represented by their Delegates and the labourers were represented by their Delegates. I do not know why it was necessary that this Assembly should have been represented separately on the International Labour Conference.

Then, the Honourable Mover said, that we have to consider the question of the revival of Industry. I again put it to him, whether he would like to revive industry at the sacrifice of the manhood of his country?

Then, Sir, I should like to know in whose interests he is moving his amendment. He is certainly not moving it in the interests of the Government.

Rai J. N. Majumdar Bahadur : In the interests of the country.

Mr. N. M. Joshi : As regards the employers, who may suffer any loss by passing the Resolution, they are opposed to his amendment. He is certainly not moving his amendment in the interest of the workers who have, by their own efforts, secured a 10-hour day and a 60-hour week. Is the Honourable Mover going to say that the labourers may want a 60-hour week, they may have secured it, but he and his friends are going to oppose their getting it. I am quite sure, he does not represent any interests that want longer hours.

[Mr. N.]M. Joshi.]

I should like to say one word, Sir, about the latter part of his amendment. He asks that a committee should consider this question first and then steps should be taken to introduce it in the Indian Legislature. Does he wish to subvert the ordinary prevailing custom of this House? When we want to consider a Bill, the Bill is introduced first, and afterwards a committee is appointed to consider it. He wants this reversed. He wants that the whole thing should be considered by a committee first and then the Bill should be introduced. Then, where will be the need of appointing any select or joint committee?

I, therefore, think, Sir, that this amendment should be opposed by this Assembly.

The Honourable Sir Thomas Holland: Sir, I do not know whether / 1-15 P.M. abusing a bad amendment is any more use than beating a dead horse. The amendment seems already to have been sufficiently squashed by those who have spoken after my Honourable friend, Mr. Majumdar. Apparently, he objects to the Convention, because the Conference at Washington was not representative of India. That matter has already been dealt with, and I do not think it is worth discussing further. One thing is certain, that although this Assembly may be representative now, it was not capable of influencing the decisions at Washington, because it was not in existence then. We expect great things from this House in time, but we hardly expect of it, more than of any other healthy organism, much activity in its pre-natal days. The Honourable Member also seems to confess by his speech that he, like some others—I do not know how many he was speaking for fairly—has not been able to give full attention to this subject. It is possible that he may not have discussed the subject

Rai J. N. Majumdar Bahadur: I never said that.

The Honourable Sir Thomas Holland: 'The question has been thrust on the House in such a way that the Members have not been able to have an opportunity of studying it thoroughly'; I think, that is the substance of what the Honourable Member said?

May I point out, Sir, as I said in my opening speech, that this question has been discussed very thoroughly during the past year. It has been discussed in the press and on the platform; it has been discussed by workers and by employers; it has been discussed by Chambers of Commerce and in the Councils of the Provinces. It seems to me extraordinary that an Honourable Member should wish to keep back the progress of this Assembly and also to keep some hundreds of thousands of workers in anxiety—for I may tell you that there are thousands of workers looking out for the result of this debate to-day—merely because one Honourable Member of this House seems to have undertaken public duties for which he is imperfectly prepared.

Rai J. N. Majumdar Bahadur: I object to that remark.

The Honourable Sir Thomas Holland: I have seen enough of this Assembly during its short life to be sure that it will do nothing so un-business-like as to postpone a decision regarding this important question. What is to be gained by referring a matter of this sort to a Committee? Unless the Committee is to tour about India and take further evidence, it will not have before it a single

fact in addition to those that we have laboriously collected already through Local Governments and through Employers' and Workers' Associations in the country. This information was collected also following a very detailed investigation made by the Industrial Commission in 1916 and 1917. If this question is to be postponed in this way, it will be grossly unfair to the thousands of workers in this country who confidently hope and expect that they will, at an early date, get the benefit of the labour conventions that were passed in Washington more than a year ago. It will be unfair, also, to those employers who have already adopted the 60-hour limit in the expectation that their competitors will be made to toe the line. Further delay will also put us in a false position regarding the League of Nations. We have been given, as I said, one year. We have taken advantage of the six months' grace.

Unless we ratify the Conventions in this session, we shall exceed even our grace limit and declare ourselves to be an industrially backward nation—an industrially backward Member of the League. It cannot be said that we are attempting to rush this in any way unfairly through this Assembly without notice. We deliberately took advantage of the six months' grace allowed in order that the matter might come before the very same Assembly that would afterwards have to deal with the legislative measures necessary to give the Conventions practical effect. No one, who has taken the slightest interest in labour matters during the past year, can honestly say that this question has not been fully and freely discussed. It is exactly 12 months ago—to-day I think it is—since I announced in the Legislative Council the nature of this very Convention and warned the Council that the matter would soon come up for disposal. Since then, as I said before, the matter has been very thoroughly discussed throughout the country. I cannot see in what way any Committee of this Assembly could add to the data which we have already before us to form an opinion. If the amendment asked for a longer week, or if on behalf of other interests the amendment asked for a shorter maximum, that would be quite comprehensive, but procrastination, merely for the sake of cogitation, I do not understand at all. It is no part, at any rate, of any business Assembly. If we set the clock of progress back and refuse to set a limit to the worker's week, a large number of poor men unrepresented in this House will regard it as a grave injustice. If we narrow the limit still more without first consulting employers, we shall merely dislocate the business of those who are in competition with foreigners, for we have to remember that the extension of the meaning of the term 'factory' will, in future, include hundreds, perhaps thousands, of small Indian owners, small Indian employers who will be brought in under the Factories Act, which follows as one of the Conventions at Washington.

The limit laid down by the Resolution is a maximum applicable to all factory industries, those in which the work is necessarily strenuous as well as those that are relatively light. Doubtless many will follow the Government example and restrict the week still more, but in many industries this is neither necessary nor at this stage wanted. It would also be unfair to pieceworkers who must make their living within the statutory limits. When the worker has become accustomed to the shorter hours that will now be prescribed by the new law, and when the employer has re-organised his business to meet the consequent drop in output, it may be possible to take a further step. But in progress of this sort, reform by easy stages is a practical necessity if we want to avoid serious business losses and a consequent set-back in industrial progress.

[Sir Thomas Holland.]

I have, therefore, no hesitation in urging this Assembly to show its capacity for practical business methods and definitely authorise the Governor General in Council to ratify the Convention for a 60-hour weekly limit. The issue before us now is simply 'yes' or 'no'. The adoption of the 60-hour weekly limit does not prevent us from adopting a shorter week, nor does it prevent us from adopting a special day. At this stage what we merely want to know is whether the Assembly wishes to fix a maximum limit for all workers in factories, mines and transport industries. After that, we can deal with our domestic affair as to whether it should be a reduction of 60 hours or a modification of 60 hours. Is it necessary to remind anyone or my Honourable friend that the greater includes the less? If he is anxious to have a smaller week, and we pass this limit of 60, surely we shall be able then afterwards to discuss the question of a shorter one if that suits his views. We can satisfy the League of Nations for the time being by agreeing to fix the maximum at 60 hours, and we satisfy our International obligations. We can then set to work at leisure to consider a shorter week as our own domestic matter if the House thinks it suitable; but I do not see that any advantage would be gained by asking for a Committee or adopting any other recognised constitutional way for delaying business.

So far as the simple proposition before us is concerned, we need not wait a moment, and I suggest that it would be in the interests of the Assembly if my Honourable friend, on reconsideration of the speeches that have been made following him, would now undertake to withdraw his amendment.

Mr. Jamnadas Dwarkadas: Sir, It seems hardly necessary for me to say that I rise to oppose the amendment moved by my Honourable friend, Mr. Mazumdar. But I would add this, that from among all the Members of this Assembly, my friend is the only Member who wishes to shelve this question, and in order that the intention of this Assembly may not be misunderstood outside—the impression that there was a respectable minority in the Assembly who opposed the idea of fixing a limit to the hours—I want to emphasise the fact, and I hope Members will help me in doing so, that in this Assembly on this question, my Honourable friend, Mr. Majumdar, is the only Member who takes this view.

Sir, I endorse the views expressed by my friend, Mr. Joshi, in supporting the Resolution. I believe that the 10 hours a day is only the first step towards the desideratum of eight hours a day.

I do not think there would be any difficulty on the part of employers in fixing just at this moment a ten hours' day, and it would certainly not mean a loss to them and a set-back to our industry. I hope that employers, as well as the Government, will provide that the hours which will thus be saved will be utilised for the purpose, among other things, of improving the efficiency of the labourers. When their efficiency has improved, I am sure, it will pay employers to fix up an eight hours' day instead of a ten hours' day. I do not subscribe to the view expressed by my friend, Mr. Rahimtoolla, that the fixing of a ten-hour day will mean a sacrifice to the employer.

I believe, considering the profits of mills at present in Bombay, no one can say that the mill-owners are undergoing any sacrifice by fixing up a ten-hour day. Nor do I subscribe to my friend, Mr. Rahimtoolla's views that mill-owners have conferred a boon on the labourers by agreeing to fix up a ten hours' day. The argument, my friends, the mill-owners in Bombay always

advance, is this. They say : they do not want any interference from outside, because they treat the mill hands as their children ; this may be so, but, to my mind, the facts are that they 'treat them as step-children. I know that there was a strong opposition a few years back when a suggestion was made to fix a ten-hour day and the mill-owners insisted on a twelve-hour day. If the prospect of a strike, always threatening to bring about a deadlock in industry, has now driven the mill-owners to accept a ten-hour day, I say, that it is not at all a favour conferred on the workmen by the mill-owners.

I agree with my friend, Mr. Venkatapatiraju, that there are many things in connection with the welfare of mill hands that need our immediate attention. I agree with him too, that in the past, neither our predecessors here nor the Government have given that attention to the question of the welfare of the labourers which, as the representatives of the people, they ought to have. I hope that in future, although we do not directly represent labour, we shall not be wanting in feelings of humanity, and I am sure, we shall be inspired by these feelings to take up in all earnestness the question of the welfare of the labourers who are the real producers of the wealth of this country.

Mr. J. P. Cotelingam : Sir, I move that the question be now put to 1-30 P.M. the Council.

The motion was adopted.

The Honourable the President : The original question was—

'That this Assembly recommends to the Governor General in Council :

- (a) that he should ratify the draft Convention, limiting the hours of work in industrial undertakings adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 ; and
- (b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to this Convention as applied to British India by article 10 thereof '

since which an amendment has been moved to omit clause (a) and substitute :

- '(a) that he may be pleased to direct a Committee consisting of Members of this Assembly to examine the draft Convention, limiting the hours of work in industrial undertakings adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, before ratification thereof by His Excellency.'

The question is that the words proposed to be omitted stand part.

The motion was adopted.

The Honourable the President : The second part of the Honourable Member's amendment falls in consequence of the decision just taken by the House. The question is that the Resolution, which runs as under, be adopted.

'That this Assembly recommends to the Governor General in Council—

- (a) that he should ratify the draft Convention, limiting the hours of work in industrial undertakings adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 ;
- (b) that steps should be taken to introduce in the Indian legislature the legislation necessary to give effect to this Convention as applied to British India by article 10 thereof.'

The motion was adopted.

The House then adjourned till 2-30 P.M.

The Assembly re-assembled after Lunch at half-past Two of the Clock.
The Honourable the President in the Chair.

RESOLUTIONS RE THE WASHINGTON LABOUR CONFERENCE— EMPLOYMENT AGENCIES AND UNEMPLOYMENT.

The Honourable Sir Thomas Holland : If you will permit me, Sir, I should like to take together Resolutions Nos. 3 and 4. They bear on practically the same subject, one being a Convention on unemployment, and the other a Recommendation, and my suggestion is made in this way because it will save a number of speeches being duplicated on a Saturday afternoon. I will therefore move them together.

I beg, Sir, to move the following Resolution :

' This Assembly recommends to the Governor General in Council :

- (a) that he should ratify the draft Convention concerning unemployment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 ;
- (b) that he should, after such investigation regarding unemployment in India as he may think fit, take steps to create regular public employment agencies in so far as the same may be necessary to facilitate the migration of labour ; and
- (c) that such agencies, when created, should be provided with Advisory Boards representative of employers and workers '

and the following Resolution :

' This Assembly recommends to the Governor General in Council that he should examine the recommendation concerning unemployment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, in order to determine to what extent it is desirable to give effect thereto.'

I will make my remarks very brief indeed, Sir. The questions dealt with here are questions that lend themselves to the manufacture of speeches of an unlimited length. But the issue before us is, I think, very straight and very simple. That is, shall we or shall we not adopt the Convention and the Recommendation ? The Convention proposed at Washington requires the supply at intervals to the International Labour Office of information regarding the existence of unemployment. This will be the business of Government itself and need not worry the Legislature. Secondly, it requires the establishment of free public employment agencies under the control of a central authority with Advisory Boards, which will include representatives of employers and workers. With regard to these two points, which are the only two points in the Convention that we need worry about in India, I will read an extract from a Despatch to the Secretary of State, which has received his approval. For, I think that you will notice when I have read that extract, that it opens up the whole question of famine organisation in India, and I am very anxious not to allow the discussion to pass away into side issues, however interesting and profitable they may be, but still unnecessary for our present discussion. I will read an extract from paragraph 9 of the Despatch which has been published. This is what the Government of India said to the Secretary of State :

' The creation of free public employment agencies in India has hitherto been thought unnecessary, since the demand for industrial labour has for long exceeded the supply, and the unemployment of agricultural labour is unknown in ordinary seasons, although in a few congested areas wages remain relatively low owing to the outside demand for industrial labour failing to reach these areas effectively. Here we think that the institution of unemployment agencies might facilitate migration to areas where the demand for industrial labour is never fully met. But, when serious injury is caused to agriculture by seasonal calamities, we find it necessary to go much further than merely giving applicants information of existing openings for employment ; we provide actual employment or other suitable

relief for those who need it and provide an agency for searching them out. Our famine organisation, as is well known, is devised to deal with unemployment on a most extensive scale. Although this organisation is only called into active operation when the need arises, and works for the most part through the agency of Government officials who are entrusted also with other duties, yet every province of India has an elaborate Famine Code which has been progressively improved in the light of past experience: the officers who have to work under it, should need arise, are familiar with its provisions, and the experience of many years past has shown that this organisation is capable of dealing economically with unemployment on a scale for which few Western countries could show a parallel. It is true that unemployment in the strict sense in India under any conditions that can be foreseen must arise only from one cause, that of serious and widespread injury to agriculture; and when this occurs, ordinary unemployment agencies would not meet the emergency. But our famine organisation deals not only with the agriculturist and the agricultural labourer, but with the village artisan whose livelihood depends on the custom of the agriculturists. We not only provide employment for labourers thrown out of work, but for the small cultivator who has been deprived of the crops of the season; and so far as possible we place him in a position, by an extensive system of loans on specially easy terms and, if necessary, by other measures, to cultivate his fields when the famine season closes. The organisation is thus in effect a famine prevention system designed to prevent shortage in the year following actual failure of the crops. In view of the fact that our industrial labour is almost entirely recruited from rural tracts, the only circumstance that is likely to overstock the industrial labour market at any time is the agricultural unemployment due to famine, and our machinery for the relief of famine thus largely helps to maintain the relatively favourable position in which industrial labour stands at present, and so far as is in accordance with the policy indicated in the Convention. As we have indicated above, however, it is desirable to encourage the migration of agricultural labour from certain congested areas; and we have under consideration the desirability of creating regular public employment agencies in such cases. We have, moreover, no objection to associating these agencies, when created, with Advisory Bodies representative of employers and workers; and we are undertaking an examination of the possibility of collecting further information regarding unemployment. In the belief that the measures which, as explained above, we are either taking or propose to take, will constitute an effective compliance with the provisions of the Convention, we propose to recommend it to the Legislature for permission to ratify it.

That deals, I think, Sir, as well as any speech that I can make, with the question of the Convention.

Now, with regard to the Recommendation concerning unemployment, we find that it requires us to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. It also requires that the recruiting of bodies of workers in one country with a view to employment in another should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country, and it requires also to establish an effective system of unemployment insurance. It requires also that the Member shall co-ordinate the execution of all work undertaken under public authority with a view to reserving such work as far as practicable for purposes of unemployment in districts most affected. That is, in fact, what we have had to do very much in times of famine. Again, I think the only way that I can elucidate the action proposed by Government here is to read a short extract from the despatch of the Secretary of State referring to this Recommendation on unemployment. The Government say they cannot accept the Recommendation in its entirety.

'We are strongly of opinion, and all local Governments who have stated their views are in agreement with us, that no system of unemployment insurance is practicable in India at present. And, while our Famine Codes contemplate the free use of public works to relieve the initial phases of distress, we think it impracticable, in view of the large size of the country and of the comparative immobility of much of our unskilled labour, to make further advances in the direction of the fourth section of this Recommendation. There is, moreover, the fact that the Government of India's powers in this direction are somewhat limited. The first

[Sir Thomas Holland.]

two sections of the Recommendation present less difficulty. That relating to the recruiting of bodies of workers in other countries might be accepted. But consultation with workers on this matter is by no means so simple in India as in most other countries, and we shall be in a better position to discuss this question after the meeting of the International Commission on Emigration. In respect of the prohibition of particular types of employment agencies, we are not yet in a position to say what the effect of accepting the Recommendation would be. The result then as regards this Recommendation is that we propose to take no immediate action, but we trust that it will be possible in the near future to give effect to the Recommendation at least in part.'

That happens to be one of the questions which was raised this morning by Mr. Seshagiri Ayyar and to which he wishes me to reply. I have told him already that the question raised by him as regards the first Resolution really covers the Resolutions 3 and 4 that I am dealing with now, namely, the question of reciprocity in labour matters. That is dealt with in paragraph 11 of the Government of India's Despatch which Mr. Ayyar quoted this morning. The only point that I wish to make now is this, that we have an International Commission just established on Emigration, which is to meet sometime this year at Geneva, and that Commission will report to the Labour Conference which will meet in October next. The whole question, therefore, of reciprocity of treatment of workers will be discussed at the Commission during summer.

There is another point which is possibly worth mentioning here, and that is, to-day we are only required to declare our intention in India to carry out these Washington Conventions and Recommendations. We are not here to discuss whether any other country will do its duty or not. We are here to establish a definite Resolution that we ourselves intended to carry out these Recommendations and Conventions, and if any other country neglects its duty, then it will come for criticism before the League of Nations in the usual way. I have myself the very greatest sympathy with the thought that was in the mind of Mr. Ayyar when he raised this question, that is, the treatment of our labour in foreign countries. We are perfectly conscious of the fact that our labour in foreign countries, and for that matter in some parts of the British Empire, has sometimes been treated in a way which is not in accordance with the general principles laid down in the Peace Treaty, and that is a matter about which neither you nor the Government of India intends to remain idle. This is the general principle which was laid down for the guidance of every Member of the League of Nations.

'Holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles regulating labour conditions which all industrial countries should endeavour to apply so far as their special circumstances permit.'

It is that principle that this Assembly as well as the Government of India wishes to see enforced throughout the whole of the civilised world. I have no hesitation in recommending that these two Resolutions be adopted.

Rao Bahadur T. Rangachariar: Sir, I wish to point out that I feel

2-47 P.M. apprehensive about the first portion of this Resolution which was originally No. 3. While the Government of India do not really approve of the Draft Convention referred to therein, while they say,

'In the belief that the measures which, as explained above, we are either taking or propose to take, will constitute an effective compliance with the provisions of the Convention, we propose to recommend it to the Legislature for permission to ratify it.'

Here we are asked to unconditionally ratify the Convention. I do not know how we can be asked to do that. The question is not free from difficulties. *

As recognised in paragraph 9 of the Government of India's Despatch to the Secretary of State, labour conditions in this country are quite different from those of the Western countries. Most of the labour is required for the agriculture of this country which forms the backbone of the people here. I see here a sentence to the following effect :

'It is desirable to encourage the migration of agricultural labour from certain congested areas, and we have under consideration the desirability of creating regular public employment agencies in such cases.'

In South India the question of agricultural labour has assumed a very acute form. Most of the districts suffer from dearth of labour available. The Settlement rates provide only for a certain amount of wages to be paid to these agricultural labourers, but the landholders are paying nearly four times as much as the Settlement rates provide, and in South India, this question of creating facilities for emigration of labour from rural tracts to other parts of the country as is contemplated in paragraph 9 would tend to considerable difficulty indeed. While I am in agreement with any suggestion that may be made that the whole question should be examined, just as they suggest in the latter portion of the Resolution that the recommendation should be carefully examined later on so that we may express our agreement or dissent from those recommendations, so also I would suggest that the first portion of the Resolution may be so worded as to give only a qualified ratification of the Draft Convention really in the sense implied in paragraph 9 of the Government of India's Despatch rather than commit this Legislative Assembly to an unconditional ratification of that Convention. The Government of India do not mean to unconditionally ratify it, and yet they ask this Assembly to unconditionally ratify the Convention. The Honourable Sir Thomas Holland has read to us paragraph 9 and I will not read it again. You have only to read paragraph 9 along with the various paragraphs contained in that Despatch.

The Government of India themselves point out that it is impossible to comply with the requirements of those paragraphs in the Convention. You cannot give the figures which you are asked to give. We have got our Famine Code, we have got our famine provisions, we have got our organizations which no other country has, and, therefore, things are entirely different from other countries. Therefore, it is impossible to accept the recommendations or rather the proposals contained in the Draft Convention. Although you may ratify it here without any qualification or you may tell the Secretary of State in some Despatch sent to him that you mean to comply in this sense, that will not be binding upon the Conference or upon the League of Nations. Where do you indicate in this Resolution that you are accepting it in any particular sense? The English language is quite plain. You do not indicate in your Resolution that you are accepting the Convention in any particular sense. By saying to ourselves that we mean to comply with it in this sense, our compliance is in direct terms without any qualification whatever. I do see, the Government of India see, the difficulties in the way of accepting this clause and that is why they put it in that qualified form. Why should not the Resolution be also in a qualified form? Therefore, I object to the first part of the Resolution in that it implies an unconditional acceptance of the terms. I am quite willing that the whole question should be examined very carefully by a Committee to be appointed by the Government or by the Government itself. I am not enamoured of Committees. I am

[Rao Bahadur T. Rangachariar.]

quite confident that, if the Government of India themselves go into the question in consultation with the various Local Governments who will be in possession of local facts and figures that these Governments will be able to advise the Government of India. The matter requires to be more thoroughly examined before this Assembly can commit itself to an unconditional acceptance of the first part of the Resolution.*

Mr. N. M. Joshi : Sir, I rise to support both the Resolutions moved by 2-54 P.M. the Honourable Sir Thomas Holland.

There seems to be some misunderstanding about the responsibility put upon us by the acceptance of these two Resolutions. The previous speaker referred to the great difficulties under which this country will labour if we ratify this Convention. I fail to see what responsibilities, which we may not be able to carry out, are placed upon us by the ratification of this Convention. The first thing we are asked to do is to supply the figures for unemployment. I do not think this is a very great responsibility or that this will involve us in a great difficulty. After all, the Government will supply whatever figures are available to them and no other nation will come down upon us or take us to task for supplying particular kinds of figures. They cannot challenge our figures: The second responsibility upon us is that, whenever there will be unemployment, the Government shall establish free public employment agencies, and I do not think that this also will cause any great difficulty in India. As the Honourable Mover has explained in India there is unemployment on a large scale during famine times only, and in our country we have formulated a scheme, which has been established after long experience for this purpose, and so, no outside nation can take us to task for taking care of the people during famine times. In our cities there is not much of unemployment at present. We do not see people wandering in the streets by thousands as they are seen during certain seasons in Western countries, and, therefore, the responsibility will be very light indeed at present. When we come to a stage when unemployment will begin to prevail in our cities, then, certainly, it will be our duty, whether the responsibility is heavy or light, to establish free public employment agencies. Does any one here say that, when there will be unemployment on a large scale in Indian cities, there should not be employment agencies to assist the working classes. I do not think any one here will maintain that for a moment.

Sir, in the course of this debate, I have heard it maintained that labour conditions in India are different from labour conditions in other countries; but unfortunately no one has made it clear how they differ. Do they mean to say that the Indian labourers are much superior to the labourers in other countries? If that is so, we need not be afraid of giving them certain concessions. But if they mean that Indian labourers are inferior to the labourers in other countries, then, Sir, I feel bound to challenge that statement. The Indian labourer is of the same flesh and blood as ourselves. If we, educated Indians, will not for a moment admit that they are inferior to the people of any other country, I really do not understand how any one can stand here and say that the working classes of this country are inferior to the working classes of other countries. I really cannot understand how labourers in India differ from those of other countries. Perhaps some one will explain it more clearly.

Then the Honourable Member talked about the dearth of agricultural labour in his district. If there is dearth of labour anywhere, then any

rule about unemployment will not apply to that district at all and I don't see why he is so anxious about it. But, Sir, probably Rao Bahadur Ranga-chariar meant by this, that if there is dearth of labour in any district, Government should take steps to prevent labourers from leaving the district even in order to get more wages. At present there may be a dearth of agricultural labour — probably because agricultural labour is not paid sufficiently. Landholders should pay the labourer more to make it worth the labourer's while to remain in the place. He would then certainly refer to remain in the village instead of going to the city. I ask this Assembly whether any workman would leave his homestead for nothing. We would not leave our home for fun, and the workman leaves his village and goes to a city because in the village he does not get sufficient maintenance while in the city he gets better wages. Therefore, if landlords think there is dearth of labour in their district, they should revise their scale of wages at once. I am quite sure if they do that, there won't be any more dearth of labour in their district.

Sir, as regards the cities, I have admitted that there is not much unemployment at present; but in large industrial centres like Bombay and Calcutta, you will always find some labourers who want to be employed in mills or factories. Such people have to go to a jobber or overseer who generally levies a fee for finding them work.

Now, this the labourer has to do because it is not easy for him to find out the agent of the mill or it is not easy for him to approach the manager of the mill and ask him for employment. Therefore, I feel that if the Government starts some free public employment agencies by way of experiment in cities like Bombay and Calcutta, I think they will prove very useful. At least the experiment is worth trying.

Then as regards the recommendation concerning unemployment, I should also like to make one remark. The intention of the recommendation is to prevent exactions by private employment agencies from the labourers for finding out work for them. Now, in India I do not think there are many private employment agencies that charge fees to the workers; but there are some private employment agencies in India which are run for profit and which receive commission from employers. I would not like even such agencies to exist, or exist without a license. This recommendation insists upon Government to prohibit such private agencies, and if such agencies do exist, Government is bound to at least compel them to take a licence from Government so that they may be under proper regulation. I hope Government will take early steps in the matter, because there are agencies which recruit workers for the shipping companies and for big plantations, and it is necessary that either these agencies should be abolished or should be brought under proper regulation.

Then, Sir, there is one point on which I should like to have some information from the Honourable Mover when he replies. These Conventions are to be put into force after ratification, not only by the members of the League of Nations themselves, but they bind themselves to get them enforced in their colonies and protectorates. I would like the Honourable Mover to explain whether these Conventions will apply to Native States in India which are, I am quite sure, protectorates at least, if they are not colonies or possessions. I should like this point to be cleared up because it is of great importance.

In the same way I trust Government will, as soon as possible, go into the question of reciprocity and recruitment of Indian workers for employment in

[Mr. N. M. Joshi.]

other countries. Because I am quite sure that we can make use of these recommendations in order to secure better treatment for Indian workers in other countries, if Government is prompt and makes thorough use of these two recommendations.

With these words, Sir, I support both the Resolutions moved by the Honourable Mover.

Mr. T. V. Seshagiri Ayyar : I am afraid, Sir, my friend, Mr. T. Rangachariar, is unnecessarily apprehensive of the result of accepting the recommendations contained in the Resolutions moved by Sir Thomas Holland. He will not accuse me of not being sympathetic towards agricultural labourers. I am one of those persons who employ a fairly large number of agricultural labourers, and have often felt we have not got a sufficient number of them to attend to our work. But that very difficulty can be met by passing the Resolution recommended by Sir Thomas Holland. For example, take Trichinopôly, the place from which I come. We often find that there are not sufficient agricultural labourers to attend to the work in the fields; if there were an unemployment agency, then we would know wherefrom we could get labour with which we could supplement the labour we have in our parts.

Therefore the unemployment agency would help the *mirās-dars* in finding labourers for themselves rather than retard their work. Mr. Rangachariar pointed out, that if emigration was encouraged, there would be a large number of people leaving the agricultural parts with the result that the country would suffer. On the other hand, the point of Mr. Joshi was that the unemployment agency would only help where there was a large number of people in a particular locality, and if such people did not find work in that locality, to find new employment elsewhere. I can see no objection to such a course being adopted. If there are a large number of people who do not get enough work in a particular locality, and if, in another locality, there is demand for labour on higher wages, there should be no objection to these people being encouraged to go there. For these reasons, I do not think, Mr. Rangachariar has made out a case for altering the Resolution moved by Sir Thomas Holland.

The Honourable Sir Thomas Holland : Sir, I have only one or two points to reply to, because my friend, Mr. Joshi, who is so familiar with the spirit as well as the letter of what was done at Washington, has dealt effectively with the objections that have been raised. There is one point which I think I ought to make clear at once, and that is that the Government of India ratifies, not this Assembly. This particular Convention and its special recommendations, which we are discussing, do not in any way involve legislation, so that it is not a subject that one was forced in any way to bring before this Assembly. But there was the fact, as stated in the Despatch, that our form of unemployment insurance in India was so different from that of most other countries and so different from industrial unemployment as understood generally in other countries, that we felt it was fair and wise to bring to the Legislative Assembly a Resolution of the kind showing the way in which the Government proposed to meet the spirit and not only the letter of the Convention's recommendations at Washington.

I must answer one question which Mr. Joshi put, and that is, whether we should take steps to see that any legislation undertaken in British India is

extended to Indian States. Mr. Joshi will possibly remember that, at the Peace Conference at Versailles, His Highness the Maharaja of Bikaner made it quite clear that the Conventions and recommendations adopted at the International Labour Conference would not apply to Indian States, as Indian States would not be represented at the Conference. If the States were so represented at the Conference, the size of that Conference would have been more like a mass meeting. But, I think, we need not worry much in this Assembly as to what action the Indian States propose to take in this matter, and we are not permitted under our rules to criticise the States. I have not the slightest doubt that the Indian States realise the necessity of fair treatment of labour as well as we do in British India, and that what we do to-day will influence the States of India more than any other form of influence. I have, therefore, no hesitation in recommending this Resolution for the favourable consideration of the Assembly.

The Honourable the President : The question is that the following Resolution be accepted :—

‘ This Assembly recommends to the Governor General in Council—

- (a) that he should ratify the Draft Convention concerning unemployment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 ;
- (b) that he should, after such investigation regarding unemployment in India as he may think fit, take steps to create regular public employment-agencies in so far as the same may be necessary to facilitate the migration of labour ;
- (c) that such agencies, when created, should be provided with Advisory Board's representative of employers and workers ;
- (d) that he should examine the recommendation concerning unemployment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th October 1919 in order to determine to what extent it is desirable to give effect thereto.

The motion was adopted.

RESOLUTIONS *RE* (1) DISINFECTION OF WOOL, AND (2) PROTECTION OF WOMEN AND CHILDREN FROM LEAD POISONING.

The Honourable Sir Thomas Halland : Mr. President, with your permission and the permission of this Assembly, I should like to move together Resolutions Nos. 5 and 6, as they are, I think, entirely non-controversial and are related also to one another. The first refers to arrangements made to disinfect for anthrax and the other to protect women and children against lead poisoning.

I move, therefore, the following Resolutions, that—

‘ This Assembly recommends to the Governor General in Council—

- (a) that he should make enquiry into the possibility of making arrangements for the disinfection of wool infected with anthrax spores as suggested in the Recommendation concerning the prevention of anthrax adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 ;

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- (b) that steps should be taken to introduce in the Indian Legislature such legislation as may be necessary to enable him to give effect to the recommendation if, after due enquiry, he is satisfied as to the necessity for so doing ;

and that

' This Assembly recommends to the Governor General in Council that he should give effect to the recommendation concerning the protection of women and children against lead poisoning adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, and should take steps to introduce in the Indian Legislature the legislation necessary to that end.'

With regard to the first question, Sir, the question of anthrax, this refers to a recommendation that arrangements should be made for the disinfection of wool infected with anthrax spores in the country exporting such wool, or, if that is not practicable, at the port of entry in the country importing the wool infected or suspected to be infected. The existence of a disease with a very short course and a very high mortality to which wool-workers were susceptible has long been known. It was formerly called 'Wool-sorters' disease,' and it was not till 1879 that investigators were able to establish its identity with anthrax, a disease that is not uncommon among cattle. Anthrax is a germ disease due to the activity of a bacillus which, under certain conditions, can produce spores which have an extremely high resisting power and can remain alive for many years and through very wide variations of temperature. It is generally accepted that wool and hair shorn from living healthy animals is practically free from danger of infection but that wool and hair removed from the bodies of animals after death, or from skins of any sort, must be regarded with a certain amount of suspicion, and should, if possible, be disinfected. A satisfactory, if sometimes costly, method of disinfection has been devised ; but much more information is required before we can decide what steps, if any at all, should be taken in India. There are two very important aspects of the case. In the first place, we naturally wish to protect our own workers against the disease. We are not certain at present how far anthrax is really prevalent among wool workers in India, but we are certain that it does exist. And in the second place, we have to consider our duty to workers abroad. It has been proved in England that Indian wool is responsible for anthrax there and the same is probably true in other countries that import Indian wool.

Quite apart from the moral obligation there is an important material consideration. Some countries already prohibit the import of various articles manufactured from wool or bristles coming from countries where anthrax is known to be prevalent. Most of you will remember the prohibition of the import from Japan into India of various kinds of brushes, and, although there is at present no serious danger of the Indian export of raw wool being restricted in this manner, the interests of our manufactures have to be safeguarded.

Great Britain has already established a disinfecting station for East India wool, and it is possible that it may prove impracticable to establish disinfecting stations in India. But this is another point about which much fuller information is desired. The question of the disinfection of wool infected with anthrax spores is on the agenda for the next Conference which will be held at Geneva in October, and no doubt we shall come in for criticism if we do not take steps to have an enquiry made.

As regards the second Resolution, namely, the protection of women and children against lead poisoning, the matter is an extremely simple one. So far as we are concerned, in India we have very few trades in which there is any possibility of lead poisoning occurring. Lead smelting has been started in Burma and steps are being considered for the starting of lead smelting in India itself. If lead industries be started in India, we shall have to take effectual steps to protect women and children who are likely to be exposed to lead poisoning, and with that in view we are suggesting a clause in the new Bill amending the Indian Factories Act for consideration next month.

If the Assembly, therefore, approves of this, namely, that we should take steps to protect women and children against lead poisoning, I think we shall have satisfied the League of Nations for the time being.

The question is that the Resolutions be accepted.

The motion was adopted.

RESOLUTION *RE* ESTABLISHMENT OF GOVERNMENT HEALTH SERVICES.

The Honourable Sir Thomas Holland: Sir, I beg to move the following Resolution :

'This Assembly recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the establishment of Government Health Services adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th October 1919.'

I should like, in speaking on this question, to refer, if I may, in order to save speeches on my part and to limit the strain on your patience, very briefly to the amendment which Mr. Joshi proposes to move that instead of examining the possibility of giving effect, we should take steps at once to give effect to this recommendation regarding the Government Health Services.

If Mr. Joshi will stir his memory for a little, I think he will probably confirm the ideas I arrived at with regard to the amending of that recommendation, that it was introduced at a time when the Conference at Washington was discussing unhealthy processes—the employment of women and children in connection with unhealthy processes. The recommendation reads as follows : (after the usual formalities)

'having decided upon the adoption of certain proposals with regard to women's employment : unhealthy processes, and having determined that these proposals shall take the form of a recommendation, we recommend that a Government service shall be charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Labour Office.'

I take it, therefore, that, although the wording is not quite clear, it was the intention of the Conference at Washington that this recommendation should apply only to and follow on that dealing with the question of the employment of women and children in connection with lead and other unhealthy processes. But it does not apply to workers as a whole, because the question of the health of workers as a whole is a wider one that is dealt with by our ordinary Medical Service in India and by sanitary and Public Health Departments as in other countries. I fancy, therefore, that Mr. Joshi has overlooked at this long distance the sequence of events at Washington which, as I said, is not very clearly stated except in this special paragraph 2, from which it would appear that the Conference was considering specifically the question of unhealthy processes when

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they asked for the institution of a special Government Health Service. I think it is right that we should in due course inquire into the necessity and the possibility of establishing this service, and we are already moving in the direction of doing something with regard to providing medical aid for the women, and inquiries are now being made by Miss Broughton, who has been attached to the Labour Bureau of the Central Government and has had a great deal of experience of women and children's labour under the Ministry of Munitions during the war. We are also in touch with the Infant Welfare movement in the hope that we shall be able to join forces with them in the question, not of inspection from the legal point of view, but of inspection with a view of helping the women and children in the closely congested industrial areas. But my point now is that Mr. Joshi might accept my suggestion that the recommendation refers specially to unhealthy processes. And the reason why I think Mr. Joshi has partly forgotten the fact is that on turning up the proceedings of the Conference, when that question was put to the full conference, I find that Mr. Joshi did not vote at all. So that apparently at the time he did not consider that, from the point of view of India, there was anything very important in these Government Health Services. They are not, so far, very important, because, as I say, we have not yet started these unhealthy processes in industries.

The Honourable the President : The question is that :

'This Assembly recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the establishment of Government Health Services adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th October 1919.'

Mr. N. M. Joshi : Sir, I am quite aware of the circumstances which brought forward this recommendation before the Washington Conference. I know that it arose out of the discussion of unhealthy processes. But, at the same time, I do not accept the theory that simply because this question arose out of a discussion of unhealthy processes, the recommendation should be confined only to the dangerous trades or unhealthy processes.

There is no word in the recommendation which limits its application. It applies to all workers, and I therefore feel that the joining together of these two things, *viz.*, dangerous trades and the establishment of Health Services, is only accidental.

Then, Sir, this question of the establishment of Health Services is very important, and it does not also involve heavy expenditure upon Government. I do not think there is much to be considered in this question. Not only that, but this question of appointing some medical officers has already been considered by a Committee appointed in the year 1906, and I shall read what they say on this question.

The Honourable the President : Is the Honourable Member moving his amendment?

Mr. N. M. Joshi : Yes, Sir. I wish to move my amendment. I beg to move :

'That for the words 'examine the possibility of giving', the word 'give' be substituted.'

The amendment is very small indeed, and it only asks Government to give effect to the Recommendation regarding the Establishment of Health Services. I shall read now the words of the Textile Factory Labour Committee of 1906 :

'With regard to the fifth question put before them whether a separate staff of Medical Inspectors should be appointed, the Committee were quite agreed on the desirability of such appointments.

They are of opinion that a number of Medical Officers should be assigned to separate areas, these to depend on the number of works and the facilities for reaching them, and that their whole time should be devoted to the work of Factory Inspection.'

Sir, although we may not have factories which are very dangerous or the processes of which are very unhealthy, still we have a number of factories which are such—even the textile factories are such—that if a man works there for a long time, he suffers in health. Look at a mill hand in Bombay, and you will find him pale. He is more liable to suffer from consumption than people who work in offices. If this is the case then, it is absolutely necessary that there should be some officers who will look after the health of the workers, and who will examine the health conditions of factories. I know that Government appoint Factory Inspectors. But unfortunately, among these Factory Inspectors, there are many who know nothing about sanitation and hygiene. It seems that, perhaps, when making these appointments Government consider it a disqualification for a man to know anything about hygiene. I therefore strongly feel that this recommendation should be given effect to without much delay. This will not involve great expenditure. Let the Government, in the beginning, appoint a few Medical Officers in each Presidency, and if they really want to economise, I shall recommend to them to appoint Indian medical graduates instead of European I. M. S. officers. Certainly that won't cost much. I therefore move my amendment and I hope that this Assembly will accept it.

Mr. B. Venkatapatiraju : Sir, I regret to oppose the amendment of

3-31 P.M.

Mr. Joshi, for the simple reason whether we have got enough Medical Officers to attend to the persons who are already suffering in the country and whether we can spare any of them to attend to the factories. The other question is whether the general taxpayer is to provide medical help for these workmen, or whether the factory owners should provide these officers. These are questions which the Government have to consider. Further, Sir Thomas Holland is perfectly right in saying that Government should take these into consideration when making provision, and there is no use of saying that the Government should provide it. We have to provide it and we are in a position to provide it, and, therefore, I think it is better that we should accept the original proposal as proposed by Sir Thomas Holland.

Mr. J. Chaudhuri : Sir, I beg to support Mr. Joshi's amendment. It is absolutely necessary that the Medical Services should not be appointed by the factory owners, and it is one of the obligations of the State to see that proper conditions of health are preserved in all factories. As Mr. Joshi said there may be cases of phthisis, and of course, the factory owners will try to economise and they would not try to appoint the right sort of medical men. Besides this, there is another element, and that is, that the Medical Services that will be provided should include lady doctors because women and children form a large part of the labour population in large factories, and there should be female medical officers who should look after the comforts and health of these women and

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children. These are the duties of the State. I would further suggest that it is obligatory on the factory owners to provide for education also, as regards which, when the Factory Bill comes, we shall make suggestions. Two things are absolutely necessary in this country to improve the lot of the labouring classes. One is education and another is health, and both these things ought to be looked after by the State, not merely in the interests of the labouring classes, but if the labouring classes are better educated that will increase the efficiency of labour and increase the production which will be as much to the interests of the country as to the interests of the factory owners. Therefore I most heartily support the amendment that has been moved by my Honourable friend, Mr. Joshi, and I appeal to Honourable Sir Thomas Holland to accept this amendment, and Government may at once give effect to the recommendations of the International Labour Organisation in this respect.

3-35 P.M.

Mr. N. M. Joshi: Sir, I rise to give an explanation.

My amendment does not recommend that Government should provide medical help for all factory workers. It only asks Government to appoint some health officers to enquire into the health conditions of factories and also to look generally after the health of the workers. But I did not mean that Government should establish a separate Medical Service in order to treat every patient in all factories.

Mr. Chaudhuri Shahab-ud-Din: I have stood up to support the amendment of Mr. Joshi. So far as I have been able to gather the real object of the recommendations of International Labour Organisation, as well as of the Resolutions put before this Assembly by the Honourable Mover, is the protection of health and manhood of Indian labourers.

I for one think that any scheme or arrangement, which does not make a very sufficient and efficient provision for protecting the health of labouring classes shall remain incomplete.

The objection, that the cost of creating a Health Department, or, making any other arrangements for the protection of health, should not be borne by the taxpayer, does not appeal to me. It is in the interests of manhood of India that we are considering this question. In fact legislation is going to be proposed for this very purpose next month. I think India's revenues should bear the cost of protecting the health of her labouring classes. If we are to follow the recommendations of the International Labour Organisation, we should follow it as it is made, and should not nullify or modify its effect by introducing the words 'examine the possibility of giving'. The words of the recommendation, on which this Resolution is based, are as follows :

'The General Conference recommends that each Member of the International Labour Organisation, which have not already done so, should establish, as soon as possible, not only a system of efficient factory inspection, but also, in addition thereto, a Government service especially charged with the duty of safeguarding the health of the workers which will keep in touch with the International Labour Office.' [*Page 109, Bulletin No. 4—The International Labour Organisation.*]

So, if we are to accept the recommendation, we must accept it in its entirety and should not, by introducing the qualifying words, nullify its very essence.

For these reasons, I strongly support the sound and sensible amendment proposed by the Honourable Mr. Joshi.

Mr. Harchandrai Vishindas: I also rise to support the amendment of 3-39 P.M. Mr. Joshi as against the proposition which Sir Thomas Holland has put forward, for these considerations. To say 'examine the possibility of giving effect to' as distinguished from 'giving effect to' leaves a loophole open for not giving effect to the recommendation. The ground for adopting a Resolution of that nature would be that we are in a state of doubt as to whether circumstances have arisen to give effect to the recommendation or not. But I think that we are not in any doubt at the present moment that these institutions should be started. Therefore, I think the sense of the House will be that Mr. Joshi has hit the right nail on the head and that, instead of waiting and tinkering with the question, by examining into the possibility, we should give effect to this recommendation at once.

Then, as regards the objection which has been taken by Mr. Venkata patiraju on the ground that the Government have to contemplate the consideration of the question whether the cost will be borne by the State or by the factory owners, I think that question does not arise; it has no bearing upon the issue at all. The Resolution does not speak of the cost being borne by one party or another, and on that point I think Mr. Chaudhuri's remarks also are hardly relevant. Therefore, I respectfully urge that Mr. Venkata-patiraju's objection does not deserve any consideration. The point that is taken in the Resolution itself by Sir Thomas Holland is that:

'This Assembly recommends to the Governor General in Council that he should examine the possibility of giving effect to the recommendation concerning the establishment of Government Health Services adopted by the General Conference of the International Labour Organization of the League of Nations, etc., etc.'

It will be seen that in this there is no question of which party should bear the cost. Therefore, I submit, Sir, that the objections which have been taken by Mr. Venkatapatiraju and Mr. Chaudhuri do not arise in this connection at all.

Mr. R. A. Spence: Sir, in opposing the amendment, may I point out that the Resolution merely asks that we should learn to walk before we run, and that it is much better that the whole question should be carefully examined before definite orders are issued concerning this recommendation.

Rai Bahadur Bakhshi Sohan Lal: Sir, I also support the amendment moved by Mr. Joshi. The hot climate of this country 3-42 P.M. and the unhealthy conditions surrounding factories in this country, together with the unwholesome and insufficient food supplied to the workers and the length of the hours during which labourers in this country are engaged by the masters of factories, necessitate the establishment of health services such as have been recommended by the General Conference, to safeguard the health of these labourers among whom are to be found children and women of weakly constitution. With these words, I support the amendment to the Resolution.

Rao Bahadur T. Rangachariar: Sir, I am sorry that I have to oppose this amendment. Much as I wish that medical relief should be given to safeguard the health of the workers, I feel sure it would be too much of a burden to throw upon the Government at this stage to ask them to establish at Government expense health services charged with this duty. We

[Rao Bahadur T. Rangachariar.]

are now concerned with the health of a few thousands of labourers. What about the millions in the villages who die of malaria and various other diseases : are we able to carry medical relief to their doors ? Is it not the complaint everywhere that we have not got enough money, enough men. When we have to think of the health of millions of our countrymen, what is this solicitude about the health of a few thousand labourers engaged in industry ? It is just a misplaced sympathy for industrial labour, because this labour counts for much in European countries. In this country also the cudgels are taken up by those who pose as philanthropists. But what about the agricultural labourers who die in millions and hundreds of thousands all over the country ? We have not got enough funds, or enough men. Where are the medical schools and colleges to train men for this work ? The old system of medical science has died out and we have not got even assistant surgeons to look after the health of the villagers. We need funds very badly in order to give medical relief to millions in this country, and I think we ought not to be persuaded by this false cry of philanthropy for the health of the industrial labourer. When, Sir, we have to consider the interests of millions, let us not waste our funds by merely misplaced leniency in these matters.

Mr. Jamnadas Dwarkadas : Sir, I cannot see eye to eye with my

3-45 P.M.

Honourable friend, Mr. Rangachariar, in the arguments he has advanced against the amendment of my Honourable friend, Mr. Joshi. His argument amounts to this : It is not possible for Government, he says for us, to look after the millions ; therefore, we should not look after the health of a few who are entrusted to our care and who toil from morning till evening for the purpose of increasing our wealth. I do not see any force in that argument at all. I grant that it is the duty of Government to see that the health of everyone in the country is properly looked after. But if the Government has so far failed to look after the health of the millions, then by all means propose legislation to compel Government to look after the health of these millions, to whose rescue my Honourable friend, Mr. Rangachariar would go.

But to use that for the purpose of preventing help being reached to the labourers is, I think, an argument which cannot hold much water in this House. Now, Sir, I think that there is a good deal of force, however, in the argument advanced by my Honourable friend, Mr. Venkatapatiraju. I do not think that the intention of Government in moving the Resolution in the form in which it has been moved is to shelve the question or to evade it altogether. It is really, I think, for the purpose of going into the question thoroughly and finding out how far it is possible for them to give effect to the recommendation of the Washington Conference. I think, there is, as I said, a good deal of force in the arguments advanced by my Honourable friend, Mr. Venkatapatiraju. There are already organizations in all provincial Governments to look after the health of the population. It is also not quite proper to ask the Government of India to take this up and to make the people pay for it. If a scheme can be devised whereby the mill-owners, the factory owners, could be made to pay for it, I do not think that it will meet with any kind of disapproval from the mill-owners themselves because as a matter of fact they themselves engage medical men to look after the health of

their employees. However, I do think that the function ought to be fulfilled not through the factory owners but through the State at the cost, I think, of the mill and factory owners. To decide this question, the Government is required to go thoroughly into the details of the question, and, therefore, to accept Sir Thomas Holland's Resolution would, I think, be advisable for us.

Mr. J. P. Cotelingam: Sir, I may inform Mr. Rangachariar, if he does not know it already, that throughout the country to care for the health and welfare of the millions of people that may require such help we are starting health and welfare associations. In South India, at any rate, we have begun to form these health and welfare associations to care for the people in villages and in the rural tracts. Honorary services are now being requisitioned and I have no doubt, before long, we shall have a number of organisations throughout the country caring for the health and welfare of the millions of people in our land. Of late, there has been a hue and cry raised that our schools and colleges have not been inspected by medical men and provision has been made throughout the country for the medical inspection of schools and colleges, and I see, therefore, no reason why some effort should not be made at least for the inspection of the labouring classes. All that the Convention has asked for is not only that we should have a system of efficient factory inspection, but also in addition thereto a Government service specially charged with the duty of safeguarding the health of the workers. Therefore, Sir, I am in hearty sympathy with the amendment moved by Mr. Joshi. And, in doing so, I should like to point out to Sir Thomas Holland what he himself pointed out to us this morning, when he asked us not to accept the amendment moved by Mr. Majumdar.

What he himself pointed out to us this morning when he asked us not to accept the amendment moved by Mr. Majumdar, was this. He said, that if we appoint a committee, it would take a long time before effect could be given to its recommendations and that it would be a round-about way of getting what we want. Mr. Joshi goes straight to the point, and I think in this matter he has the support of the House. He says that instead of the words 'examine the possibility of giving effect,' etc., etc., the words 'the time has come when we shall be able to give effect to the recommendations made by the Washington Conference' should be inserted. Therefore, Sir, I beg to support heartily the amendment moved by Mr. Joshi.

Sir Frank Carter: Sir, I agree with Mr. Spence. I do not think that there is any urgency in this matter, and I think we can safely leave it to Government. I heartily support the Resolution moved by Sir Thomas Holland as I think that it would be far better to examine the possibility of giving effect to this Resolution than to actually give effect to it. Government have already said that they will increase the number of medical men in areas where unhealthy industries are situated, and I think we can safely leave it at that.

Munshi Iswar Saran: Sir, I am afraid, I have got that vice of philanthropy to which a reference has been made by one of my Honourable friends. We are told that we should not attempt to run before we have learnt to walk. There are some people, Sir, who, having been endowed with a peculiar frame of mind, can never run; either they walk, or they limp or sit down. Now, this matter, to be serious, is so simple that,—I think the Honourable Sir Thomas Holland will pardon me for saying so,—the mighty Government which he

[Munshi Iswar Saran.]

represents should be able to make up its mind quickly rather than ask this Assembly to give them time to think and to examine the possibility of giving effect to the proposal contained in this clause. The matter is very simple and the question is, are you going to afford protection to these poor factory workers? We have been told that honorary workers have now begun to take an interest in the welfare of these workers. In a way, I have been an honorary worker myself, having been connected with several educational institutions. But I should feel very sad indeed if all these poor, unfortunate workers depended for protection on honorary workers such as I was or such as many of my friends were. We want an organization,—I would much rather accept the remark of my Honourable friend, Mr. Jamnadas,—supported out of funds supplied by the rich and wealthy mill-owners. As far as we are at the present moment concerned, it does not matter where the money comes from. What we are concerned with is that there ought to be a service whose responsibility should be to look after the comforts and convenience of the workers and the sanitary conditions of the factories. An argument has been advanced which, I must say, is simply irresistible. My learned and Honourable friend says : ‘ Oh, millions are dying in the villages, you do not care for them ; why bother about these few unfortunate creatures ’.

The argument of my friend reduces itself to this : ‘ If we allow these unfortunate men in the villages to die like flies, what does it matter to us if the number is increased by a few more ’. I take strong exception to this view. I submit, Sir, it is the clear duty of Government to take steps—the Assembly is perfectly clear on this point—to organize a service in order to look after the factories and the labourers employed therein. As regards questions regarding funds, personnel, etc., I submit, the Assembly at present is not called upon to express any opinion. I shall appeal to the Honourable Sir Thomas Holland not to wait, think and cogitate. Before he runs, let him run straight off and not remain stationary.

The Honourable Sir Thomas Holland : Mr. President, I fancy that we have been talking as if we differed when we really are all in substantial agreement. All the same, it has given rise to a very interesting discussion, and for that reason I did not want to intervene before. But now, I think, as we are beginning to get a repetition of ideas, it might be of advantage if I suggested an opportunity for closing the discussion.

It is not correct to say that we are merely going to sit down and think. It is not correct to say that we have done nothing so far. The Government has been at work already laying the foundation to carry out the spirit of this recommendation, at any rate. We have already attempted to get out experts from home to undertake a systematic survey of the atmospheric conditions of our factories, especially with regard to humidification and the quantity of carbonic acid in them. That is a matter which will require a considerable amount of research work of a detailed kind before we can undertake to lay down rules or to insist upon a form of inspection that will be fair and effective. It is for that reason that the Government hesitates to use anything more definite than the expression used in the Resolution I have moved. We cannot move in these matters at a moment's notice. There is no use galloping if we are going in the wrong direction. There is no use taking any measures until we know that they are going to be effective and useful.

Now the proposition before us is the establishment of a Government service, especially charged with the duty of safeguarding the health of workers. We have done a great deal already in other ways in helping the workers, and I hope that the ordinary Government health services will do a great deal more. But they are not specially set apart for that work and for that work only. We have been doing what we can in this direction and we are pushing on; but we shall not be able, before the next meeting of the International Labour Conference, to say that we have actually established a Government service specially charged with this duty, and for that reason the Government has taken a cautious line in the wording of this Resolution. If it will help Mr. Joshi, I am quite prepared, on behalf of Government, to recommend the Local Governments to employ medical women to assist in the inspection of factories, and whenever Government are able to do so, to employ whole-time medical men. But we must remember that in this Assembly that we cannot issue orders if the Local Governments have to pay the bill. The Factories Act is administered by the Local Governments and they have to pay the bill. It is all very well for us to pass Resolutions here, but it is not so easy for us to force our will upon the Local Governments. Under the Reform Scheme they have a perfect right to do as they think best in such matters, as they have to pay the bill. We will recommend that on behalf of the Government of India if Mr. Joshi will withdraw his amendment. Or, alternatively, if he will not, I will accept it. I don't mind which the difference between us is really negligible.

Mr. N. M. Joshi : Sir, in view of the assurance given by the Honourable

4 P.M. Sir Thomas Holland, I shall not be right in pressing my amendment. But, in withdrawing it, I shall make one remark. The Assembly knows that we are now in the days of provincial autonomy. The provinces have come into their own. I think it is better that we should treat them with consideration.

The amendment was, by leave, withdrawn :

The question is that the Resolution, which runs as under, be accepted :

'This Assembly recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the establishment of Government Health Services adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th October 1919.'

The motion was adopted.

RESOLUTION *RE* MINIMUM AGE OF ADMISSION OF CHILDREN IN INDUSTRIAL EMPLOYMENT.

The Honourable Sir Thomas Holland : Sir, I beg to move the following Resolution :

'This Assembly recommends to the Governor General in Council—

(a) that he should ratify the Draft Convention fixing the minimum age of admission of children in industrial employment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, subject to the following reservations :—

(i) that it shall not apply to factories employing more than 10 but less than 20 persons unless the Local Government so directs ;

(ii) that transitional regulations shall be made regarding children between the ages of 9 and 12 already lawfully employed in factories.

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- (b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to the Draft Convention as applied to British India by Article 6 thereof and subject to the reservations above stated.'

Mr. Harchandrai Vishindas: Sir, in clause (a) (1) do the words 'Local Government so directs' mean 'Local Government otherwise directs'; does the Honourable Member mind my saying that?

The Honourable Sir Thomas Holland: I don't mind. Anything for a peaceful Saturday afternoon. Mr. President, I wish to deal with just one or two points in regard to this matter. Article 6 of the Convention is the only one that really applies. It reads as follows:

'The provisions of Article 2 shall not apply to India, but in India children under twelve years of age shall not be employed—

- (a) in manufactories working with power and employing more than ten persons;
- (b) in mines, quarries, and other works for the extraction of minerals from the earth;
- (c) in the transport of passengers or goods, or mails, by rail or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.'

Before the Assembly votes on this question, it is fair to inform Members that our enquiries during the past year have revealed some considerable resistance to the proposal to raise the minimum age from the present minimum of 9 to the minimum of 12. Some employers urged the retention of the old minimum of 9, but they are in a minority, and I confidently hope that in the interests of children this Assembly will not agree actually to stop the clock.

Most authorities seem ready to raise the minimum to 11 at once, and others suggest a lower minimum for children who succeed in passing an educational qualification along the lines accepted for Japan. This suggestion is open to the objection that the admission to a factory should depend on physical rather than mental precocity. It is, however, possible to prescribe a reasonable standard of physical fitness.

There are two main groups of arguments against the proposed jump from 9 to 12, and I will give you these as faithfully as I can so that I need not be accused of misleading the House. One is that in some of the factories children form a considerable proportion of the labour—but not nearly so great, of course, as is the case in England.

But very often the proportion of children employed in factories is so great that any real change in the minimum age would upset the organisation of the factory. And in some cases it might throw out of action a considerable amount of machinery now adapted to children's use, in textile factories especially. They are the principal employers of child labour; but from what I have seen of textile factories, I am rather inclined to discount this argument about the machinery being thrown out of employment, partly because, in the reservation which we propose, we provide for a transition period transitional measures allowing the children now employed lawfully to remain but preventing new recruits being taken in below the age of 12. It seems to me therefore that, if we consider the number of new recruits that might be taken below the age of 12, the chances are that we are not going to upset the factories to the extent that would be apparent from the number of children now employed. We are not turning out children from the factories: I wish we could do so. But factories ought to adjust themselves to this gradual change in labour: it is not taking away a large body of labour but preventing

recruitment of new labour. And I think the factories ought to be able to recast their organisation and their machinery to suit this new standard. The principal textile area employing children is Ahmedabad. There are very few children employed, I believe, in Bombay and relatively few in other parts of India. But in Ahmedabad we know roughly the proportion of children of different ages who would be affected. According to a return which we had prepared last year, —apparently 59 per cent. of the children are between the ages of 9 and 11. Between the ages of 11 and 12, about 20 per cent., while 21 per cent. of the children lie between the ages of 12 and 14. So that if we adopt the 11-year minimum, Ahmedabad will in time lose about a half of its child labour. But it will only be done gradually; and if we adopt the 12-year limit, it will lose roughly 80 per cent. of its child labour. I put those figures before you, because I want the Assembly to realise to what extent they are incurring a tax on industries if they attempt to fix the limit of recruiting for children to 12 years as laid down in this Convention. Now the other chief argument that I have heard is the fact that this new restriction will throw out children before providing any primary education for them. Children, it is said, will be thrown out into the street and will be at a loose end. Well, again, we must be careful not to exaggerate. They won't be thrown out into the street, but they will be prevented from joining the factories in future until they reach the age of 12. Now, I think, it will be sounder to reverse this argument and give some idea of what the effect then would be. Primary Education Acts have been passed in five provinces. Ever since I have been in India, I have heard a clamour for primary education, and at last in 1918, I think, five Acts were passed in the provincial Councils for the adoption of primary education by local authorities. There has been haste, no indecent haste, at any rate, in taking advantage of the facilities so granted. The local authorities seem to hesitate a good deal about utilising the powers that are now at their disposal. Nor do I think it likely that ratepayers will be very keen on paying for education which will also steal from them the cheapest form of their labour. If you stop their labour first, we may hear more about primary education in our industrial areas.

And I fear that we shall not hear much more about primary education until we have obviously on our own hands a body of children who deserve and want education. That is the side of the argument that I should like to see put before our philanthropic industrialists. It is no use saying that until you can provide primary education, the children are much better off in the mills. Unless you turn them out of the mills, you will never provide primary education for them. It is here that I think that some competent body like this Assembly should try to force the pace, or nothing will be done for our children at all.

My principal reason for urging an increase—and a very serious increase I admit it is—in the minimum age is due to the prevalence of very inaccurate certification. Under existing conditions, there are certifying surgeons who examine children before they are admitted under the 9-year minimum. These surgeons apparently are, like other human beings, liable to err, and errors of the kind that they now make in dealing with children of 9-years of age will be far more serious than errors made in dealing with children of 12 years of age. For one reason, the certifying surgeons will have a smaller number of children to deal with. And, at that age, whether a boy is 11 or a boy is 13 is not so serious as whether he is 7—as we sometimes suspect they are now—or 10. The error on either side of 9 is a much more serious thing for children than an error on either side of 12. I

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am quite willing to admit that there is a good deal to be said for the adoption of this minimum by slow stages. I am also quite willing to realise that there is something in favour of the argument used by the employers that to fix the minimum at 12 will, to a great extent, dislocate their organisation. But I do feel that those of us who have power to do so ought to force the pace, or we shall find that there will be a reluctance to protect the children. The children are not represented here. They have no representatives in any of the provincial Councils, and this is a matter on which we are at liberty, I suppose,—and we will put this point before you in the Factories Bill—to lay down the law as to what the minimum age shall be with regard to the employment of children in factories. Another point is this, that as this limit has been adopted by the League of Nations, and as it is still lower than what it is in most other countries in the world, I think that for the sake of the self-respect of India, we ought to make a very serious effort to try to come up to the standard that has been laid down for us. When the workers of other countries have insisted on a higher level for the employment of children in their factories, I think it is up to us to make a special effort to meet their desire to raise our minimum age to 12, and with that in view, Sir, I strongly urge this Assembly to support the proposal that this Resolution be adopted, and that the Government may be enabled to ratify this Convention of the Washington Conference.

The Honourable the President : The Resolution runs as follows :

' This Assembly recommends to the Governor General in Council—

- (a) that he should ratify the Draft Convention fixing the minimum age of admission of children in industrial employment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919 subject to the following reservations :—
 - (i) that it shall not apply to factories employing more than 10 but less than 20 persons unless the Local Government so directs ;
 - (ii) that transitional regulations shall be made regarding children between the ages of 9 and 12 already lawfully employed in factories ;
- (b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to the Draft Convention as applied to British India by Article 6 thereof and subject to the reservations above stated.'

As the amendment standing in the name of Sir L. P. Watson comes first in order of precedence before Mr. Joshi's, I call upon Sir L. P. Watson to move his amendment.

Sir L. P. Watson : Sir, I beg to move the following amendment to the Resolution proposed by the Honourable Member :

4-17 P.M.

- ' (1) That before clause (a), sub-clause (1), the following be inserted, namely (i) that it shall apply only to children under 11 years of age.
- (2) That the present clause (a) sub-clause (i), be re-numbered '(ii).'
- (3) That clause (a) sub-clause (ii) be re-numbered '(iii)', and that for the figures '12' in that sub-clause the figures '11' be substituted.'

Sir, I would like to say that I shall do my very utmost to make this short speech of mine shorter than I intended in order to accommodate the Honourable Mover, Sir Thomas Holland, so far as I can possibly go. I should like to make a confession in view of certain remarks that have been made by Honourable Members of this Assembly to-day. I have to confess that I am

an employer of labour. I have been an employer of labour for over thirty years in India and during the whole of that time, I think I can take credit to myself for having taken a deep and sympathetic interest in that labour, particularly child labour. In the factories with which I am connected we have model villages for our work people on a nominal rent. We supply them with medicine free and with medical attendance, and we teach their children free. So that the jibes at rich mill owners, though I do not happen to be one, will not apply to me, I take it. I am making these statements in order to convince you by my candour that I am not actuated by selfish motives in bringing forward this amendment. If I thought that this amendment was to be for the benefit of employers of labour only, I can assure you, I would not have brought it forward. I believe myself that it would be much more in the interests of the children themselves and their parents. We must not forget that this particular Resolution means legislation for the poorer Indian labour, because the men with more money would send their children to school and not to a factory to work. Now, it must not be forgotten that the poorer people in this country frequently, at the best of times, find it difficult to make both ends meet, and without the assistance which they receive from these children they would probably not be able to make them meet at all. I consider that it is most important that this should not be rushed until we have got something to give the children in return for what we are taking away from them. Apart from these considerations, I was under the impression with the information at my disposal that Government were not perhaps justified in asking us to recommend the ratification of this draft Convention fixing the minimum age of admission of children in industrial employment at 12 years. As Honourable Members are aware, under the existing law, no child can be employed in any factory in this country unless he is in possession of a certificate showing that he is not less than nine years of age and is fit for employment in a factory. Further, no child can be employed in any factory for more than seven hours in any one day, nor in any textile factory for more than six hours a day. Under the Factory Act of 1881, the minimum age was fixed at seven years, and this was raised in 1891 to nine years.

A further increase in the age was considered by the Factory Commission in 1908, but they were of opinion that it was not advisable to make any alteration in the age limit. No change was, therefore, made in the Factory Act of 1911. When the question of the age of admission of children to industrial employment was brought forward for discussion at the International Labour Conference at Washington in 1919, the Government of India said they did not propose to raise the age limit and did not contemplate making any change, although they were consulting the Local Governments on the general question of an amendment of the factory laws. From the Bulletin issued to us by the Department of Industries and Labour, we see that the question of the minimum age of employment of children was discussed by two Committees, which, on the evidence before them, were unable to form any definite opinion. These Committees, therefore, recommended that the Draft Convention should not be applied to India, but that the matter might be deferred to a future conference with a view to proposals being submitted by Government. That was the opinion of both Committees after careful consideration of the facts which were placed before them. But, in spite of this, the members of the Conference accepted an amendment which resulted in Article 6 being inserted in the draft Convention. It is this Article that I now take exception to, and I do so for the reason that it was evidently

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accepted by the Conference at the dictation of the Labour Delegate from Great Britain, seconded by the Italian Workers' Delegate, neither of whom had any special knowledge of the conditions of child labour in India, and merely pressed the amendment on the Conference with the view of bringing the minimum age of employment of children in India more into line with that obtaining in some Western countries.

To my mind, no line can be drawn between the age limits in India and in other countries for the reason that conditions generally here are so dissimilar.

I should like to mention here the fact, which every employer of labour in India has noticed during the years that he has spent in the country. Boys from 9 to 14 exhibit an extraordinary intelligence and an adaptability to pick up their work and to learn it with rapidity. Curiously enough, after 14 years, after possibly they have been married, there is a period of slackness and a lack of interest in their work. I am not making any definite statement as to the cause, but it exists, and I say then that if the age limit is raised to 12 we shall have two years' apprenticeship instead of five years as we are getting now.

In spite of all this, that is to say, in spite of their former statement that they did not contemplate making any change, and in spite of the circumstances in which the Convention relating to India was rushed through the Conference against the wishes of the two Committees, who had specially considered the matter, the Government of India now come forward and ask us to recommend the ratification of this Convention raising the minimum age limit of children to 12 instead of 9, as at present.

In the Despatch to His Majesty's Secretary of State for India, dated Delhi, 15th November 1920, of which we have received a copy, the Government of India indicate that they propose raising the age to 11 and then to 12. They do this in spite of the fact that judging by the opinions collected by the Local Governments there will be strong opposition to the adoption of 12 as the minimum age limit. They say the opinions collected by the Local Governments are against raising the age limit above 11. I say, the duty of the Indian Government is to give every consideration to these opinions and not to override them merely from a 'natural desire to avoid alienating opinions abroad.'

In view of the fact that there is not yet any universal system of compulsory education in this country, under which children can be forced to attend school up to the age of 12 years, I consider and I am sure Honourable Members will agree with me—that it will be a very great mistake for the Government of this country to close this avenue of employment to children about 11 years of age. As we are all aware, children of this age are more fully developed in India than their brothers and sisters of similar age in most other countries. In these other countries, children have every opportunity of attending school, in fact, are compelled to attend school, whereas here the educational facilities for dealing with these children are seriously lacking. I, therefore, maintain, that in doing anything which will prevent children of this age from finding suitable employment, Government are not acting in the interests, either of the children, or of the people, or of the country. I therefore object to the age limit being raised to 12 and have much pleasure in moving the amendment standing in my name. It provides for the application of the Convention only on the understanding

that it shall apply to children under 11 years of age, and that transitional regulations shall be made regarding children between the ages of 9 and 11 already lawfully employed in factories.

The Honourable the President: The following amendment has been moved:

'(1) That before clause (a), sub-clause (1), the following be inserted, namely:

(i) that it shall apply only to children under 11 years of age.

(2) That the present clause (a), sub-clause (i), be re-numbered '(ii).'

(3) That clause (a), sub-clause (ii), be re-numbered '(iii),' and that for the figures '12' in that sub-clause the figures '11' be substituted.'

Mr. Rahimtoola Currimbhoy: Mr. President, the amendment moved by the Honourable Sir L. P. Watson expresses, in my opinion, the views generally held on this question by large employers of labour. The Honourable Member has put forward various strong arguments in support of his amendment. I am glad to find that the Honourable Member, Sir Thomas Holland, anticipated all these arguments, and I found that he was not very keen either about the amendment or his proposition. Sir, I entirely agree with the Honourable Member who moved the amendment that it might not be looked upon with favour even by the labouring classes themselves. Some hardship these people might suffer by the very fact that the avenue to employment is closed to those who are under 11 years of age.

Sir, Sir Thomas Holland also suggested that the Assembly might desire to fall into line with other nations who have adopted this age limit of 12. In this connection, I would like to draw the attention of Members of this House that India, through its representative, Lord Sinha, agreed to abide by the Conventions or recommendations of this International Labour Organisation on this understanding, that proper regard is paid to the industrial conditions prevailing in the country. Sir, I would direct the attention of Members of this Assembly to what is happening in Japan. I submit, Sir, that the conditions prevailing in India are different from those prevailing elsewhere, and in this connection, Mr. President, I feel that the question of education is closely connected with the question of fixing the age limit. As Members are aware, there is some sort of compulsory education in Japan. Some time must elapse before compulsory education is introduced into this country. And here I would try to remove the impression which is generally prevalent that large employers of labour are opposed to compulsory education. Sir, it is to our own interest and it will give great pleasure to large employers of labour to see that compulsory education is introduced in this country, and the sooner the better. It is to our own interest, I repeat. But at the same time we—large employers of labour—do not wish to be told that we should not engage a boy under 12 and thus force the pace of compulsory education. We want to follow exactly what has happened in Japan. Let compulsory education be introduced and let this Assembly fix the age limit at 11 as suggested by the Honourable Member who has moved the amendment. If compulsory education is introduced later on, then there is nothing to stop the Factory Act being amended later on. Sir, I will quote from the Report of the Industrial Commission, over which the Honourable Sir Thomas Holland so

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ably presided, and whose report is a valuable document to all those students who care to study these questions. Sir, the Industrial Commission reported a follows :

'The first thing to do is to introduce compulsory education in areas where it is feasible, applicable to all classes of children and any consequential amendment of the Factories Act may then be considered.'

I will also draw the attention of the Members of this Assembly that when this Convention was passed at the meeting, it was passed in opposition to a sub-committee which was appointed to go carefully into all the evidence that was available. It was also passed in opposition to the wishes of the Government Delegates, and also the employers' Delegate, Sir Alexander Murray, who, I can assure this House, approached the subject with a good deal of sympathy, and his opinion in this matter is entitled to a good deal of weight. For these reasons, Sir, I beg to support the amendment moved by Sir Logie Watson.

Khan Bahadur Zahir-ud-Din Ahmed : Sir, before I came here, I went
4-34 P.M. to Kakinara, a great centre of the labour population, and I talked with the parents of the children employed there. I may be pardoned for saying, Sir, that these guardians of these children did not like any change at all; they look on this limitation of the ages of their boys with horror. They think we are taking away income from them at a time when they are suffering very much from economic troubles. Though I represent the Mussalman population of the Dacca Division, still I may tell you, Sir, that I was for the last thirty years in the District of 24-Parganas and I worked side by side with these working classes and I am proud of it. I know their ways and I may tell you that the best friends of the workers are the employers there. They have been given first class houses, houses which any middle class man would be proud to occupy. They have got free medical attendance; they have got many advantages which perhaps Bombay workers may not have; I know nothing about the Bombay workers. Hence I am for this amendment of Sir L. P. Watson. I may tell you, Sir, the workers themselves do not want any change; they rather prefer to keep the age at 9 years. There is one other thing beside, which I may tell you, Sir, and that is this: the certifying surgeons there are very strict men. From my own experience, I know, that they will always pass a child as 9 years old when he is nearly 12 or over 12. I saw some boys treated as so in my presence—I was there for over 20 years—I knew their ages were entered in birth register—I was a Municipal Commissioner—and even when I produced the registers before the certifying surgeons, still they were so strict that they passed boys as 9 years when they were really 12 or more. So in Bengal, there are children much above 9 actually employed, though in the book they are shown as 9 years or over 9 years. Then, as regards their work, Sir, they have to wait for some minutes before a frame is fixed; then they are called upon to fix the bobbins. They play about for hours inside the mill, until the bobbins are full. On the whole, they have very light working hours. So I feel for these workers, as I was one of them. I therefore submit, Sir, that the age limit should not be raised at all. If it is raised at all, let there be a proper limit.

Chaudhuri Wajid Hussain : Sir, I am quite sure that if the Honourable gentleman had been closely following the proceedings of the Washington

Conference, he would not have made the statement he has made. On the other hand, he would have said that the Delegates of Government had asked for time to consider the question. They did not oppose it. They only asked for time and that time has passed.

With regard to the points which have been pressed by Sir L. P. Watson in support of his amendment, I feel greatly complimented as an Indian that a boy of 11 in India is a cleverer boy than an English boy, but I am quite sure that the Universities Commissions which have sat time after time would have had something to say about this. However, I do not propose to go into the details of that proposition as it is more or less immaterial. It is the physical side that is really more important, and I feel as an Indian as well as an official that there is a good deal to be done before we can say that we have done enough to prevent the heavy mortality that occurs in the great industrial centres like Bombay, Cawnpore and other places. I remember to have read in one of the newspapers some time ago that the number of deaths from tubercular diseases in Bombay amounted to 5,000 in one year. Perhaps it was more, and a large number of these deaths occurred amongst the men working in the factories. I am quite sure my countrymen realise that something has to be done to prevent this heavy mortality, and I feel certain that one of the means of stopping the mortality would be to do all we can to see that the Indian labourer does not work under unnatural conditions. A number of parents would no doubt oppose the raising of the age limit from 9 to 12, but how many Indian parents have opposed vaccination? If we had listened to the opposition of Indian parents. I do not think we would have arrived at the stage at which we have arrived. We would have been still very backward in education, in sanitation and in everything else. You cannot throw out a measure simply because the parents are likely to oppose it. We have to see whether in the interests of children, whether in the interests of the country, it is desirable to introduce the measure. If it is, you have to take the position of a doctor who does not listen to the patient and performs the operation in the belief that the patient will eventually bless him.

There is another reason why 12 should be the maximum age and not 11. The gentlemen who come from the profession of the Bar will remember that in the Indian Penal Code criminal liability does not arise before the age of 12 in certain cases. Why? Because in many cases a boy of 12 is not supposed to have attained maturity of understanding. He is not presumed, at that age, to be able to discriminate between right and wrong, and what I regard as a more important point, his physical faculties are not fully developed at the age of 11. That is why in some of the rulings of High Courts on certain cases, it has been held that a boy of 12 is not always sufficiently developed physically to commit the offence of rape. I think there is a special significance in fixing the age limit at 12. Sir Logie Watson has remarked that the conditions of the two countries are dissimilar. I quite agree with him, and that is why I think that we ought to be more strict in this country than they are in European countries with regard to the age limit. We must remember that the factory system is foreign to Indian conditions and unless proper safeguards are adopted it will result eventually in the deterioration of our national physique. I think it is a national question as a low age limit will result in the deterioration of the health of the

[Chaudhuri Wajid Hussain.]

children, and I am quite sure that we will be perfectly justified in fixing the age limit at 12 at least. If I were to fix it, I would fix it at 16. However, 12 is probably a safe figure as things are at present. If the conditions in India are different, as they really are, that is a reason for fixing the age limit higher rather than fixing it lower than what it is in countries like England where 77 per cent. of the population live in cities and only 23 per cent. live in the villages. In those cold countries, a large proportion being for centuries accustomed to living in cities, and working in factories under conditions regulated by the laws of sanitation and hygiene, the fact of a large number of people being collected in factories does not result in so many deaths as it would in India. In the hot climate of India, where urbanization of the population is already resulting in serious loss of life, we should be very careful in fixing the age limit for admission to factories.

With these remarks, Sir, I oppose the amendment.

Bhai Man Singh: Sir, I rise to support the amendment put by my Honourable friend, Sir Logie Watson. I submit that it is in the interests of the parents that the age limit should not be low. In India we know the sort of affection that parents have got for their children, and perhaps nothing but extreme poverty forces them to send their children to factories; otherwise, perhaps no mother and no father would send his or her child to a factory when the child is below 11 and I also submit that we have no right to remove parental control. It is to the interests of the parents that the age limit should not be raised above 11, because, if the children are allowed to work in a factory, they, to a certain extent, receive a training there and they grow up to be better men and are trained to learn some industry. Now it has been said that the children should not go to factories, but what are you going to do with them?

The Honourable Mover of the Resolution has said that we are not going to compulsorily educate the children and I see that my friend from Bombay has said something in regard to the matter, but I would go a step further and say, that the age of 11 is quite sufficient for a boy to finish his primary education.

The boy would start going to school at the age of five—at least in my Province they do so,—and under the present scheme, primary education lasts for four years only, so that he would finish his education when he has attained the age of nine or ten. Even if he started his education at the age of six, he would finish at the age of 11. So, for the purposes of compulsory education, there is absolutely no necessity for raising the age limit of the boy above 11 years. Then there is another phase of the question, and that is, in what industries are the boys to be employed, or which conditions apply in these circumstances? And, whether or not, they are injurious to the health of the boys? I think that these points should be made clear and that a distinction should be made as to the sort of industries in which boys should be employed.

I also submit that because the Convention has been adopted in other countries, it is no reason why we also should adopt it.

In India conditions are quite different from those which prevail in other countries; this fact is admitted and we should, therefore, take measures to remedy our particular evils, without regard to other countries. The case is not on all fours with that of vaccination and education to which my Honourable friend, Khan Bahadur Wajid Hussain, referred. Finally, I would draw the attention of the Assembly to the fact that the amendment is not in the interests of the employer but solely in the interests of the parents and children, as it is intended to give the latter the chance of an early industrial training.

With these few words, Sir, I beg to support the amendment.

4-53 P.M. **Mr. J. F. Bryant :** Mr. President, I move that the question be put.

(The motion was pressed to a Division.)

The Honourable the President : I may say for the information of Members that when a Division is challenged, it will be called from the Chair, and that then the bells will be rung for two minutes in order to enable Members not present in the Chamber when the Division is called, to resume their places. At the end of two minutes, the question will again be put from the Chair and thereafter the Division will be taken.

The Honourable the President : The original question was :

‘This Assembly recommends to the Governor General in Council—

(a) that he should ratify the Draft Convention fixing the minimum age of admission of children in industrial employment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, subject to the following reservations :

(1) that it shall not apply to factories employing more than 10 but less than 20 persons unless the Local Government so directs ;

(2) that transitional regulations shall be made regarding children between the ages of 9 and 12 already lawfully employed in factories ;

(b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to the Draft Convention as applied to British India by Article 6 thereof and subject to the reservations above stated ;’

since which an amendment has been moved in the following sense : —

‘(1) That before clause (a), sub-clause (1), the following be inserted, namely :

(i) that it shall apply only to children under 11 years of age.

(2) that the present clause (a), sub-clause (i), be re-numbered ‘(ii)’.

(3) That clause (a), sub-clause (ii), be re-numbered ‘(iii)’, and that for the figures ‘12’ in that sub-clause the figures ‘11’ be substituted.’

The question is that the amendment be made.

The House then divided : Ayes 32 ; Noes 40.

AYES.

Abdulla, Mr. S. M.
 Abdul Quadir, Maulvi.
 Ahmed Baksh Khan.
 Amjad Ali, Mr.
 Barua, Srijiut Debi Charan.
 Carter, Sir Frank.
 Chaudhuri, Mr. J.
 Currimbhoy, Mr. R.
 Dalal, Sardar B. A.
 Das, Babu Braja Sundar.
 Faiyaz Khan, Mr. Mahammad.
 Fell, Sir Godfrey.
 Jeejeebhoy Sir Jamssetjee.
 Man Singh, Bhai.
 Maw, Mr. W. N.
 Mitter, Mr. N. C.

Misra, Mr. Pyari Lal.
 Mukherjee, Babu J. N.
 Neogy, Babu Khitish Chandra.
 Price, Mr. E. L.
 Renouf, Mr. W. C.
 Samarth, Mr. N. M.
 Sarfaraz Husain Khan, Mr.
 Sen, Mr. Sarat Chandra.
 Shab-ud-din, Mr. Chaudhuri.
 Sinha, Babu Adit Prasad.
 Sircar, Mr. N. C.
 Sohan Lall, Mr.
 Spence, Mr. R. A.
 Vishindas, Mr. Harchandrai.
 Watson, Sir Logie Pirie.
 Wild, Mr. C. E.

NOES.

Asjad-ul-la, Maulvi Miyan.
 Aiyer, Sir Sivaswamy.
 Ayyangar Mr. M. G. Mukundaraja.
 Aiyar, Mr. T. V. Seshagiri.
 Bagde, Mr. K. G.
 Bryant, Mr. J. F.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dentith, Mr. A. W.
 Dwarkadas, Mr. J.
 Ghose, Mr. S. C.
 Ginwalla, Mr. P. P.
 Gulab Singh, Sardar.
 Habibullah, Mr. Muhammad.
 Hailey, The Honourable Mr. W. M.
 Holland, The Honourable Sir Thomas.
 Innes, Mr. C. A.
 Saran, Mr. Iswar.
 Jatkar, Mr. B. H. R.
 Joshi, Mr. N. M.

Kabraji, Mr. J. K. N.
 Keith, Mr. W. J.
 Latthe, Mr. A. B.
 Schamnad, Mr. Mahmood.
 McCarthy, Mr. Frank.
 Mitter, Mr. D. K.
 Mir Asad Ali, Khan Bahadur.
 Mudaliar, Mr. Sambanda.
 Muhammad Hussain, Mr. T.
 Nag, Mr. Girish Chandra.
 Norton, Mr. Eardley.
 Percival, Mr. P. E.
 Raja, Rama Varma Valia.
 Rangachariar, Mr. Tiruvenkata.
 Sapru, The Honourable Dr. T. B.
 Subramahnyam, Mr. C. S.
 Subzposh, Mr. S. M. Zahid Ali.
 Venkatapatiraju, Mr. B.
 Waghorn, Colonel W. D.
 Wajid Hussain, Mr.

The motion was negatived.

5.8 P.M. **Mr. N. M. Joshi**:—Sir, I beg to move the following amendment:

‘That sub-clause (1) of clause (a) of the Resolution be deleted.’

Sir, sub-clause (1) of clause (a) is that the Convention should apply to factories employing 20 persons and more, and it may apply also to factories employing 10 persons and more up to 19 if the Local Governments so direct. My amendment is that this power of applying the Convention to factories employing 10 persons up to 19 persons should not be left to Local Governments. That is the meaning of my amendment. If the clause goes away, the Convention, as it stands, will apply to all factories employing 10 persons and more. The difference between the original proposition and my amendment is indeed very small. The Government want to leave it to the Local Governments to bring down the limit from 20 to 10. Now, you will naturally ask why I should propose this amendment when the Local Governments are already given power. The present Factories Act applies to all factories

employing 50 persons and more, and Local Governments are given power to apply it to factories which employ 20 persons and more.

But the Local Governments have made very very small use of that power. I do not know why. Perhaps it may be that the Local Governments are under greater influence of the employers of labour than the Government of India. But it will be seen very easily that the power given to the Local Governments by the previous Factories Act was not made use of by them at all, and, therefore, I would appeal to this Assembly not to leave the lowering of the limit to the Local Governments on this occasion. But they should pass the Convention and apply it to all factories employing 10 persons and more. Now, the Government themselves have admitted several times that there are greater evils in the smaller factories than in the larger ones, and, having admitted that, I do not know how they can leave the application of the Factories Act to the Local Governments.

Sir, I have got here several quotations from the Government Reports themselves which favour the application of the Factories Act to factories employing 10 persons and more. I will only read, out of these, one. It is from the Report of the Bombay Factory Commission of 1884. It runs as follows :

'We are strongly of opinion that all factories, no matter what the number of hands employed, in which steam, water or other mechanical power is used, should be under regulation.'

Sir, this makes it quite clear that the Factory Act must apply to smaller factories, more so in their case than in the case of larger factories.

Sir, since I came to Delhi, I received a letter from a colleague of mine in the Servants of India Society, Mr. A. V. Thakkar, who did not approve of applying the Factories Act to smaller factories. He now writes to me thus :

'On seeing one small factory here, I now change my opinion. The new legislation should apply to factories employing 10 men and more.'

Mr. Thakkar is an experienced man and, after seeing that factory, he changes his opinion. I think, therefore, the case for applying the Convention to smaller factories is very strong, and we should not, therefore, hesitate to pass the amendment which I propose, and I think that course is the better course.

The Honourable Sir Thomas Holland : I wish to oppose this amendment, Sir, and for a very simple practical reason. I think it is going 5-13 P.M. too far. We made this reservation for 20 instead of 10, not because we did not believe with Mr. Joshi that there are more abuses in small factories than there are in others. We know there are abuses in small factories ; but the whole question is whether we can provide the inspection staff to deal with the abuses in the small factories. We ought to remember that the large factories are largely around big towns, and the matter of their inspection is relatively simple, their books are well kept and the labour is classified, so that the question of providing necessary inspection in the case of large factories is relatively inexpensive. But, when we come to small factories, especially in outlying parts of India, the cost of inspection runs up enormously. The number of factories will increase to a very great extent ; we have no idea to what extent ; but certainly in reducing from 20 to 10 persons employed, we shall probably very much more than double the number of factories to be inspected. To accept an amendment of this nature would really be equivalent

[Sir Thomas Holland.]

to adopting a form of 'eye-wash'. The Local Governments cannot possibly make arrangements for the efficient inspection of all factories employing as few as 10 persons, and they will not be able to do so for some years to come. It is not possible to enforce a provision of this kind without adequate inspection. It is an easy matter to fill up our Statute Book with laws that read well and look well from the point of view of other countries, but we have to consider whether our Statutes can be carried out. The real test of administration is not the actual laws passed but the laws that are enforced. If Mr. Joshi's proposal were carried, we might impress a few ignorant publicists, probably we should get a few cheap paragraphs in the English papers, but it would mean not more but less protection for the workers. In that case we should have no inspectors to protect the workers and the employer in the small factory would be at liberty to break the law without any chance of being punished for it. We have also to remember that if we lay down a minimum of that kind here we automatically put a charge on the Local Governments. That is one of the considerations that we have had to take into account all through. The cost of the inspection will be borne by the Local Governments and if we lower the number of persons required to define a factory, we increase the cost of inspection for the Local Governments. Mr. Joshi has quoted, or rather stated, that Local Governments in the past have been very loath to make use of their powers to extend the meaning of the term 'factory'. That is possibly true and possibly also because of economy. In future we propose to bring our factory down to 20, and to give the Local Governments power themselves to come down to 10. I do hope and I do feel that we can trust the Local Governments to carry out their responsibilities, as and when they are able to do so.

That is, that they will bring down the figure to 10 when they feel it is necessary to do so in the interests of the people. I think we shall be going as far as we dare go if we stop at 20, and then leave further extensions to the Local Governments. What the Local Governments have not done in the past is not a guide to what they will do in the future. The Local Governments have been reformed.

Rao Bahadur T. Rangachariar: Sir, I also rise to oppose this amendment. It appears to me that Mr. Joshi asks us to put on all the external appearance of a highly civilised industrial nation when in fact we are not. I want to encourage the growth of small factories without any of the fetters which these various factory laws impose on them. We already have revenue officials, forest officials, officials of all sorts, and we shall be adding one more class to the galaxy of people whom we have imposed on the people. On that practical ground I oppose the amendment.

Sir Frank Carter: Sir, I also wish to oppose this amendment. I agree with Sir Thoms Holland that such a wholesale reduction as from 20 to 10 would throw a great deal more work on the Factory Inspection department than it could cope with, for it would take a long time before the necessary inspection machinery could be brought together to enable all persons employed in factories to be brought within the scope of the law.

The Honourable the President: The original question was read from the Chair, since when an amendment has been moved:

'That sub-clause (1) of clause (a) of the Resolution be deleted.'

The motion was negatived.

The Honourable the President: The question is that the following Resolution be accepted :—

‘ This Assembly recommends to the Governor General in Council—

- (a) that he should ratify the Draft Convention fixing the minimum age of admission of children in industrial employment adopted by the General Conference of the International Labour Organization of the League of Nations convened at Washington on the 29th of October 1919, subject to the following reservations—
- (1) that it shall not apply to factories employing more than 10 but less than 20 persons unless the Local Government so directs ;
 - (2) that transitional regulations shall be made regarding children between the ages of 9 and 12 already lawfully employed in factories.
- (b) that steps should be taken to introduce in the Indian Legislature the legislation necessary to give effect to the Draft Convention as applied to British India by Article 6 thereof and subject to the reservations above stated.’

The motion was adopted.

The Assembly then adjourned till Tuesday, the 22nd February 1921.