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**FIRST SESSION**  
OF THE  
**COUNCIL OF STATE, 1921**



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# COUNCIL OF STATE.

*Monday, 21st February, 1921.*

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

## QUESTIONS AND ANSWERS.

### FINANCIAL CONTRIBUTIONS.

139. The HONOURABLE MR. MARICAIR : (a) Will Government be pleased to state what action they have taken in the matter of financial contributions between the Central and Provincial Governments ?

(b) Has the Secretary of State for India been addressed in the matter ?

(c) If so, what is the final decision arrived at ?

The HONOURABLE MR. E. M. COOK : The Financial Relations Committee was appointed by the Secretary of State to inquire into this question, and their report, together with the views of Local Governments and the comments of the Government of India, was forwarded to the Secretary of State and laid before the Joint Select Committee. The final decision arrived at by the Joint Select Committee is contained in rules 17 to 20 of the Devolution Rules, a copy of which will be supplied to the Honourable Member.

*Questions Nos. 140 and 141 were not asked.*

### EXECUTIVE COUNCIL OF GOVERNOR GENERAL.

142. The HONOURABLE MR. BHURGRI : (a) Will Government be pleased to state if they have recently considered the question of redistribution of portfolios in the Executive Council of Governor General ?

(b) If so, what decision have they arrived at ?

(c) When, if at all, is a redistribution to take place ?

(d) Is it a fact that Sir Llewellyn Smith has submitted a report to Government on the subject. If so, will Government be pleased to lay on the table the report along with any orders they may have passed on it ?

The HONOURABLE SIR WILLIAM VINCENT : (a) and (b) The question is one for the personal decision of His Excellency the Viceroy and Governor General, and the Government of India understand that the issue of final orders has been kept pending for the decision of Lord Reading after his arrival in India.

(c) The attention of the Honourable Member is invited to the answer given by me to a similar question asked by Sir Debaprasad Sarbadhikari at the meeting of the Legislative Council held on the 16th September, 1920. The Resolution embodying the orders of the Government of India on the Report of Sir Llewellyn Smith's Committee was published in the Gazette of India of the

18th September, 1920. I shall be happy to send a copy of the Resolution to the Honourable Member, if he so desires.

. BOY SCOUTS ASSOCIATION.

143. The HONOURABLE RAJA MOTI CHAND : In reference to the recent visit of the World's Chief Scout to India, will the Honourable Member for the Education Department be pleased to state if the Government proposes to take any steps for encouraging scouting amongst Indian school-boys ?

The HONOURABLE KHAN BAHADUR MIAN MUHAMMAD SHAFI : The Boy Scouts Association is a private organisation. The Government of India regard such movements with favour, when they are organised on sound lines. The Honourable Member's attention is invited to the Government of India (Education Department) Circular letter No. 260, dated the 22nd March, 1917, which was published at the time and was subsequently laid on the table of the Imperial Legislative Council, along with other papers, in reply to a question by the Honourable Mr. V. J. Patel on the 18th September, 1918.

SLAUGHTER OF CALVES.

144. The HONOURABLE RAJA MOTI CHAND : Will the Honourable Member for the Department of Revenue and Agriculture be pleased to state—

- (i) If it is a fact that calves born at Government Military dairy farms are ordinarily killed soon after their birth ?
- (ii) If so, the approximate number of calves thus killed within the last three years ; and
- (iii) If the Government propose to take necessary steps for the protection of the lives of such calves ?

The HONOURABLE RAO BAHADUR B. N. SARMA : The answer to the first part of the question is 'No'. The second and third parts therefore do not arise.

WAR LOAN, 1929-47.

145. The HONOURABLE RAJA MOTI CHAND : Will the Honourable Member for the Finance Department be pleased to state—

- (i) If the 5 per cent. War Loan of 1929-47 and the 5 per cent. loans of 1945-55 were issued at Rs. 95 with an undertaking that the Government will set aside annually one and a half per cent. of the amount of the loan to form a Depreciation Fund in order to buy in the loan when it falls below the issue price ?
- (ii) Has the attention of the Government been drawn to the present nominal quotations of these loans at about Rs. 76 and Rs. 79 ?
- (iii) Do the Government propose to come into the market to buy in the loans to protect the interests of investors, or to allow their conversion at Rs. 95 with any fresh loans or bonds at a rate higher than 5 per cent.

The HONOURABLE MR. E. M. COOK : (i) and (ii). The answers are in the affirmative.

(iii) I refer the Honourable Member to the answer which I gave to an almost identical question put the other day by Sir Maneckji Dadabhoy. Government are not prepared to give any such guarantee as is implied in the suggestion regarding conversion rights.

#### ARMS ACT.

146. The HONOURABLE RAJA MOTI CHAND : Will the Honourable Member for the Home Department be pleased to state if the Government will consider the advisability of exempting Honorary Magistrates and Government Pensioners from the operation of the prohibitions and restrictions contained in the Indian Arms Act, 1878 ?

The HONOURABLE SIR WILLIAM VINCENT : The Honourable Member is referred to the Home Department Resolution No. 2125-C., dated the 21st March, 1919, from which he will see that the policy of the Government is to confine exemptions within the narrowest limits practicable. They are therefore not prepared to extend the list of exemptions in the manner proposed.

#### BUSINESS FOR MARCH, 1921.

The HONOURABLE THE PRESIDENT : I understand Honourable Members are anxious to learn the probable course of meetings in March as early as possible, and therefore I think the announcement I am about to make will suit their convenience. There will be a meeting of the Council on the 1st and 3rd of March; the ballot for these days has already been taken; they will be days for non-official business. The Council of State will sit thereafter on the 8th and 9th March, which will be non-official days. The ballot for these days will be taken on the 25th of February, and the lists will be open on the 23rd and 24th.

There will be a meeting of the Council of State on the 17th for official business. It will thus be seen that, as far as can be predicated now, members will have the days between the 9th to the 17th to themselves except in so far as they may have any committees to serve on. There will be a meeting of Council on the 21st for the disposal of official business. There will be a meeting of the Council of State on the 24th for non-official business. The ballot for that day will be taken on the 10th of March, and the list will be open on the 8th and 9th. The Council of State will meet for the disposal of official business on the 28th of March and, if necessary, on the 29th. In announcing these dates Honourable Members will understand that the arrangements are largely contingent on the progress of business in another place.

#### BUSINESS FOR 28TH FEBRUARY, 1921.

The HONOURABLE THE PRESIDENT : Does any Member of the Government desire to make a statement as to the course of business on the next official day, the 28th of February ?

The HONOURABLE SIR GEORGE BARNES : Sir, it is proposed on the 28th of February to refer to a Joint Committee the Bill further to amend the Code of Criminal Procedure, 1898, and the Court Fees Act, 1870. The following Bills will probably be taken into consideration and passed :—

1. A Bill further to amend the Code of Civil Procedure, 1908 ;

2. A Bill to facilitate the enforcement in British India of maintenance orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa* ;
3. A Bill to amend the Indian Tea Cess Act, 1903.

The following Bills will also be introduced :—

1. A Bill to incorporate Boards of Trustees appointed for enemy mission property
2. A Bill to amend the Land Acquisition Act, 1894.

### MOTION FOR ADJOURNMENT.

The HONOURABLE THE PRESIDENT : Before we proceed to the business of the day, I have to intimate to the Honourable Council that I have received notice from the Honourable Mr. Bhurgri of his desire to move the adjournment of this Council for the purpose of discussing a definite matter of urgent public importance. The Honourable Member has also forwarded to me a statement of the matter which he desires to discuss. I have given it my most serious consideration, more particularly with regard to the rule against anticipation. I have decided that the statement in the form in which he has given it to me is in order, and therefore it becomes my duty to read it to the Council. It runs as follows :—

'To call the attention of the Government to recent statements in the public press that representatives of Muhammadan opinion are being sent to London almost immediately to represent the views of that community in a matter of vital importance.'

As I have held that the terms of this statement are in order, it now becomes my duty to ascertain if this Council is prepared to afford the Honourable Member the necessary support to enable him to bring his motion. I would ask those Honourable Members who are in favour of leave being granted to Mr. Bhurgri to rise in their places.

(All the Members with the exception of one or two rose in their places.)

'The Honourable Member has the necessary support, and the motion will be taken at 4 o'clock to-day.

The HONOURABLE SIR WILLIAM VINCENT : May I inquire, Sir, whether if the other business of the Council is over before 4 o'clock, the Council will adjourn till 4 or this motion will be taken up at once ?

The HONOURABLE THE PRESIDENT : Under the rules in the event of the other business being over, I have no option but to adjourn the Council till 4 o'clock. We cannot proceed with the motion according to the rules until 4 o'clock.

### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, and the Court Fees Act, 1870. This Bill has had a somewhat chequered career. It was introduced originally by my predecessor, Sir Reginald Craddock, in the Legislative Council in March, 1914. It was circulated to Local Governments for opinion and we received so many criticisms on it that we thought it advisable to have the whole matter examined further by a very competent committee including a number of lawyers. On that Committee Sir George Lowndes, Mr. Justice Piggott, Mr. Justice Kumarswami Sastri,

Mr. Sinha (now Lord Sinha) and Sir James Walker served. They submitted a report which is now annexed to the Bill in regard to which I make the present motion. On the 26th September 1917 I introduced a new Bill modified to meet the report of the committee, but owing to other pre-occupations it was impossible to proceed further with it. In the meantime certain other minor amendments were suggested to the Government of India. The present Bill incorporates those minor amendments in the Bill as originally framed on the report of the Committee. I need not discuss the minor amendments, the reasons for which are fully stated in the Statement of Objects and Reasons and the Notes on Clauses. The reasons for the main amendments are explained in the Report. Generally speaking, the Bill is designed to remedy defects found to exist in the law and involves no new principle of importance and is not capable of condensed explanation. The revision of the Code at certain intervals has been a feature of our administration. Twenty-two years have passed since the last main revision was undertaken, and I think that this Council will admit that it is time that we re-examined the law. There is a general consensus of opinion, I may say, in favour of the amendments now proposed, though of course some of them may meet with criticism. At a later stage I propose, if the present motion is carried, to ask that this Bill be referred to a Joint Committee consisting of both Houses when all the criticisms on the measure can be examined in detail. I can only say again that the Bill involves no new principles, as far as I am aware, of substantial importance, and I think at this stage I need not detain this Council with a further discussion of it.

The motion was adopted.

The HONOURABLE SIR WILLIAM VINCENT: Sir, I introduce the Bill.

### INDIA TEA CESS (AMENDMENT) BILL.

The HONOURABLE MR. H. MONCRIEFF SMITH: Sir, I have to inform the Council that the Legislative Assembly at a meeting on the 19th February last passed a Bill to amend the Indian Tea Cess Act, 1903. The Bill is now laid on the table in accordance with rule 25 of the Indian Legislative Rules.

The HONOURABLE THE PRESIDENT: The Council will now proceed to the consideration of the Resolutions.

### RESOLUTION *RE* WASHINGTON CONFERENCE—HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS.

The HONOURABLE MR. A. C. CHATTERJEE: Sir, I move that—

‘This Council 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 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.

Sir, this Resolution arises out of the first meeting, held at Washington, of the International Labour Conference. I shall not detain the Council with a detailed history of the International Labour Organization. Honourable Members will recall that in the early months of 1919, when the peace terms

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were being discussed at Paris, the Peace Conference appointed a representative Commission to inquire into the conditions of employment in different countries and to suggest international measures in order to secure common action on matters affecting the conditions of employment and to recommend the form of a permanent agency to continue such inquiry and consideration. This Commission presented its Report at a plenary session of the Peace Conference in April, 1919, and recommended the establishment of a permanent International Labour Organization. The proposals of the Commission were accepted on behalf of India by Lord Sinha on an amendment being inserted to the effect that the Conference (which was to be the legislative branch of the International Organization that was proposed) 'shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different and that the Conference shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.' This particular condition was afterwards embodied in the treaty itself. The proposals regarding the amelioration of the conditions of labour in different parts of the world were finally embodied in the Peace Treaty. The first clause in Article 23 of the Covenant of the League of Nations is thus worded :—

' The Members of the League will endeavour to secure and maintain fair and humane conditions of labour for 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 organizations.'

The International Labour Organization consists of two branches. There is an International Labour Office with a governing body at its head. With that branch of the organization we are not concerned at the moment. There is also a general conference of representatives of the Members. This Conference met for the first time at Washington in the months of October and November, 1919, and it is some of the decisions of this Conference that are now before the Council.

The action that is obligatory on all members of the League is embodied in Article 405 of the Peace Treaty. Each State, on receipt of these proposals, is bound to place them before the authority or authorities in whose competence the matter lies for legislation or otherwise. There is a slight difference between the action necessary in the case of a Draft Convention and that necessary in the case of a recommendation. In the case of a recommendation, we have only to report to the Secretary General of the League of Nations what action has been taken. In the case of a Draft Convention, if the Convention meets with the approval of the authority or authorities in whose competence the matter lies, the Government have to notify to the Secretary General of the League of Nations their adherence to that Convention and then they have to take measures to give effect to the Convention. There is further the provision that these proposals have to be laid before the constituted authorities within one year, or, if that is not practicable owing to exceptional circumstances, then at the earliest practicable moment, and in no case later than 18 months from the closing of the session of the Conference. Technically the Washington meeting terminated on the 27th January, 1920. The period of 12 months has, therefore, expired. The Government of India considered that it was desirable that these proposals—at least those proposals which required legislative action—should be laid before the new legislature, because it will be for the new legislature to give effect to these Conventions and recommendations if they found acceptance with them.

I ought to explain at this stage that the Washington meeting adopted 6 Draft Conventions and 6 Recommendations. Of these 12, only 7 are now before the Council. Honourable Members would no doubt like to know the position with regard to the remaining 5. The Washington meeting passed one Draft Convention relating to the employment of women before and after child-birth. That Convention also made certain provisions regarding the payment of maternity benefits. When this Convention was being discussed at Washington, the members of the Indian delegation realised that although the other members of the Conference attached very great importance to this particular question, so far as India was concerned, it was entirely a novel matter and so far as they knew it had never been discussed or studied in this country. At our suggestion the Conference accepted a proposal that the Government of India should study this subject and submit its own recommendations to the Conference at a following meeting. The necessary study of the subject is now being conducted by the Government of India in consultation with Local Governments, with employers' associations and with other associations that exist in the country, interested in the welfare of women and infant children.

Two other Conventions adopted at the Washington meeting related to the employment of women and young children during the night. The Indian law on these subjects is already sufficiently liberal, and we were able to persuade the Conference to accept a proposal that, so far as India was concerned, the recommendation of the Conference should be the same as is already embodied in the Indian law. As no change in the Indian law or practice is involved, the Government of India have already taken steps to ratify these two draft Conventions.

The Washington Conference also adopted a recommendation in connection with the prohibition of the use of white phosphorus in the manufacture of matches. This matter had formed the subject of a Convention adopted at Berne as far back as 1906. The Government of India have already adhered to that Convention, so no further action is necessary on our part with regard to this recommendation.

In another recommendation the Washington Conference suggested that each country should, upon conditions of reciprocity to be agreed between the countries concerned, admit foreign workers employed within its territory to the benefit of the laws and regulations that applied to its own workers. All foreign workers in India already enjoy this privilege. So far as we are concerned, there is nothing further to be done.

I have now explained to Honourable Members that of the 12 Conventions and Recommendations that were adopted at Washington, 5 do not require any action by this Council. The remaining 7 proposals are now before Honourable Members. As I have already explained, the Government of India have done their part by laying the proposals before the legislature. It is now for the legislature to determine, in accordance with article 405 of the Treaty, whether these proposals of the International Conference should be accepted or not. I should like here to point out to Honourable Members that the Conventions or recommendations, if adopted, will merely secure a certain minimum of protection. This is the minimum which the International Labour Conference considers necessary in the case of India. There is nothing to prevent the Indian Legislature from going further than a Convention or recommendation when legislative measures are proposed before the Council. There is, thus, before Honourable Members a proposal for the establishment of a 60-hour week. The acceptance of this proposal by this House does not mean that when a Bill

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for the amendment of the Factories Act comes up before Honourable Members, they will be debarred from proposing that the maximum hours of labour during a week should be less than sixty hours.

The Council will perhaps permit me here to make an observation of a general nature. The International Labour Organization is a part of the organization known as the League of Nations. Opinion is not quite unanimous with regard to the utility or the effectiveness of the League of Nations.

Personally, I should like to echo the sentiments recently expressed by such an acute thinker as Lord Grey of Falloden when he said that merely two courses were open to the world. We can either prepare for another world war which would mean the destruction, the utter annihilation of the civilisation that mankind has built up in several thousand years, or we can attempt to conserve the best that that civilisation connotes with the help of some organisation like the League of Nations. Whatever opinion may be held with regard to the other activities of the League of Nations, it is quite clear that the International Labour Organization has already established itself as a powerful factor in the comity of nations. Before the Washington meeting took place there were many who were sceptical about its success. But no one who took part in the deliberations of that meeting or was present at it as a spectator—and I am sure my Honourable friend opposite will bear me out when I say this—had any doubt about its great success. For the first time in the history of the world, representatives from nearly every civilised state in the world met together to discuss questions that are among the most important in the world, questions affecting the mutual relationship between the State, the employers and the work people. The representatives came from all these three interests and there were many differences to begin with, differences with regard to points of principle as well as with regard to points of detail. But this common meeting and discussion enabled each party to obtain a correct comprehension of the views of others, and all the Conventions and Recommendations were in the result adopted almost unanimously. The success of the Conference was a happy augury for the prospects of the peaceful adjustment of international differences in economic and industrial matters.

I now come to the particular Resolution that I submitted just now for the consideration of Honourable Members. The effective article of the Convention so far as it applies to India is article 10. This article runs thus:—

‘In British India the principle of a 60-hour week shall be adopted for all workers in the industries at present covered by the Factory Acts administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of articles 6 and 7 of this Convention. In other respects the provisions of this Convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference.’

I may also read articles 6 and 7 which have been referred to in article 10:—

*Article 6.*—‘The regulations made by public authority shall determine for industrial undertakings:—

- (a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.
- (b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organizations of employers and workers concerned, if any such organizations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.'

*Article 7.*—'Each Government shall communicate to the International Labour Office :—

- (a) A list of the processes which are classed as being necessarily continuous in character under article 4;
- (b) Full information as to working of the agreements mentioned in article 5; and
- (c) Full information concerning the regulations made under article 6 and their application.

The International Labour Office shall make an annual report thereon to the General Conference of the International Labour Organization.'

The acceptance of the Convention will therefore mean three things. In the first place it will mean that we accept a 60-hour week as the maximum in India. Secondly, we accept the principle that the maximum will be fixed by regulation, according to the interest of the trade, of overtime hours, and thirdly, we accept the principle of a minimum proportionate rate of pay for overtime.

Honourable Members are aware that under the existing law there is a 12-hour limit only in the case of textile factories in India. There is no limit of hours of work in the case of any other class of factories. This was the decision in 1911 because the abuse of long hours was most in evidence in the case of textile factories. It was thought at the time that other classes of factories already worked only reasonable hours and did not require regulation. We have travelled far in this direction since 1911. The ten hour day or a shorter day is practically the rule now in all factories throughout the country. This practice has been arrived at in most large industrial centres by agreement between employers and the workpeople. The ratification of this Convention and the consequent legislative measure will merely give effect to the considered wishes of the vast majority of the parties directly interested. It will protect the humane employer from unfair competition and it will protect the worker in centres where there is no organised body of employers.

The subject has been widely discussed throughout the country during the last three or four years, indeed, ever since the Industrial Commission went round the country. I know of no person or body whose opinion deserves any weight, who has objected to this proposal. I am aware that some ardent reformers are anxious to go even further. But I would suggest for their consideration the fact that it will be no mean achievement for the time being to establish a 60-hour week for all adult workers. I therefore commend this Resolution for the unanimous acceptance of this Council.

**THE HONOURABLE MR. HOLBERTON :** Sir, I desire in the first place to congratulate the Honourable Member in charge on the very lucid way in which he has put before us all the facts of the case. I also desire to express my own personal thanks—in which I hope will be associated those of the whole of this Council—for the great and valuable labours which have been accomplished at Washington on India's rights. There is to my mind no need for discussion on the first motion which has been put before the Council. It has been discussed fully in all the Chambers of Commerce, and I am sure its principles have been accepted by everybody. I only rise now to give my hearty support to the measure.

**THE HONOURABLE SIR D. WACHA :** Sir, I welcome this proposition, particularly as a member of Bombay Millowners' Association of the committee of which body I am a member. They have already adopted the ten-

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hours' day system since 1st November, 1919. As a matter of fact I was one of the first for years together to urge that industrial fatigue required for the purposes of industrial physiology ten hours' labour as more suitable than 12. The consummation has now been reached and I am very happy to see it; and I congratulate the Honourable the Mover on having brought forward this Resolution for general acceptance by the country.

The HONOURABLE SIR ALEXANDER MURRAY : Sir, I need only say that I heartily support the Resolution brought forward by the Honourable Member. This matter was discussed in great detail at Washington. All the evidence that was available from either the Government point of view, the employers' point of view, or the workers' point of view was laid before a Committee, presided over by the Right Honourable George Barnes, formerly one of the Labour Leaders at Home, and every consideration was paid to all the delegates from India. Their evidence was carefully listened to, the merits and demerits of their arguments were carefully gone into, and as a result of a free interchange of opinions the committee decided to recommend that in India the hours of labour might usefully be reduced from 72 to 60. I heartily support this and therefore support the Resolution brought forward by the Honourable Member.

The HONOURABLE MR. L. S. MEHTA : Sir, I heartily support this Resolution. I join with Mr. Holberton in congratulating the Honourable Member in charge who moved this Resolution for his admirable exposition of it and also India's representatives for the good work they have done at Washington. My only remark is that I believe this Resolution is, if anything, too late. We ought to have begun earlier. One word more and I have done. The Honourable Member in charge said that one of the measures which is not likely to come before this Council for the present is regarding the employment of women before and after child-birth. He said that it had reference to a maternity benefit and that it is a question which has not been raised in India till now. The Government of India are, the Honourable Member said, making inquiries on the subject. I hope they will be able to take some action in this direction and arrange with the employers to grant some benefit during the time of unemployment before and after child-birth. With these words, I heartily support the Resolution.

The HONOURABLE MR. BHURGRI : Sir I also join the chorus of congratulations expressed in favour of my Honourable friend by the various Members of this Council, but I want to say that, when I read this Resolution for the first time, it occurred to me that the hours of work should be reduced from 10 to 8. Now, Sir, if you look at Europe, you will find 8 hours is really the maximum even there. I believe in some countries it is even 7. But knowing the interests that are represented very strongly in this Council,—I mean the factory owners', of which I am one,—I do not want to create difficulties for my Honourable friend and I will therefore be content with warmly supporting his Resolution, while expressing a hope that he will by and by come round to my view.

The HONOURABLE SIR UMAR HAYAT KHAN : Sir, I am sorry for introducing a discordant note into the discussion. I think that labour is wrecking the West while this Resolution may wreck the East. Hitherto labour has been cheap in India and we have worked longer hours and this has been our only salvation. But as this Resolution has come up and everybody is supporting it, I have no option but to support it.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I wish to associate myself with my Honourable Colleagues in what they have said in support of this Resolution. I give this Resolution my unqualified support. I quite agree with my Honourable friends, Sir Dinshaw Wacha and Mr. Lalubhai Samaldas, that legislation in this direction ought to have been undertaken earlier.

The Conference at Washington was no doubt forestalled by the Bombay Millowners, who, as the Council is aware, are a very sensible body of men and who have adopted very fair and humane means for the employment of labour. However, there is one thing to be said and, as we are now adopting this Convention, namely article No. 10, I would like to say just a word or two on the scope of that article. Honourable Members must have noticed that in article 10, which we are now asked to support, there is a concluding sentence that further provisions limiting the hours of work in India shall be considered at a future meeting of the general Conference. My friend, Mr. Bhurgri, has given expression in support of a statement that instead of a 12 hours' or 10 hours' day, an 8 hours day would be more welcome. So far as we are asked to adopt this Convention, it is essentially necessary that I should sound a note of warning. Let it not be understood by Government that in supporting this Convention this Council commits itself in any way to further reduction of labour . . . .

The HONOURABLE THE PRESIDENT : I think it is clear that the Honourable Member is not correct in assuming that.

The HONOURABLE SIR MANECKJI DADABHOY : I hope my Honourable friend Mr. Chatterjee will give some assurance on that point. As you, Sir, are aware, the history of factory legislation in this country shows that when the factory legislation was undertaken in 1891, Lord Lansdowne gave a clear and distinct assurance to the Council that there would be no further restrictions placed on the hours of adult labour, and the minimum hours of juvenile labour were also then definitely fixed. That assurance was given away by the subsequent factory legislation of 1911 and there was a great deal of opposition to that measure. At present, too, outside the country there is a divergent feeling and opinion. There are many who are in favour of shorter hours of work. There are many who are opposed to shorter hours of working. The action which the Bombay Millowners took in advance was not dictated by the urgency of the measure, in fact it was not suggested, as far as I am aware, by the employees themselves. Of course, a few strikes had taken place, and some political agitators as usual were busy and had instigated the ignorant workmen to go on strikes. It is rightly urged that reduced hours of work means more strenuous exertion for the men, because in those reduced hours they have to do the day's work in order to earn a fixed wage, so that the hours of labour become more burdensome and strenuous. I am only referring to this matter, Sir, as India is now entering upon a very important era—an era of development of the industrial resources of the country. India is now having a race with other nations and building up her national industries and making herself a self-supporting nation. We cannot compare India with other nations of the world whose activities are enormous—where the training of labour and the general education of the people puts them in a far more advantageous position to India. And, as one who is deeply interested in the welfare of the Indians and the development of the Indian industries, I make it clear—and I want Honourable Members to support me in this conclusion—that if you wish to see India fully developed and taking her

[ Sir M. Dadabhoy. ]

rightful position with other nations in the race of industries, this sort of constant tinkering with hours of labour will not be of any service to you. Though, therefore, I warmly support this Resolution, and give my unqualified support to it, I sound a note of warning and say I object to the latter portion of Convention No. 10, and I hope that this will be the last limit of restriction which will be put on adult labour.

The HONOURABLE MR. A. H. FROOM : Sir, I merely wish to express my cordial support to this Resolution which has been so ably and lucidly placed before us by the Honourable Member.

THE HONOURABLE MR. W. G. KALE : Sir, I am not quite surprised at the remarks which have fallen from the Honourable Sir Maneckji Dadabhoy. This is not the first time that he has given expression to the views which he has expressed to-day. He wants an assurance from the Honourable Member in charge of the Resolution that there will be no further tinkering with the hours of work in India. I do not think that the Government will be in a position to give any such assurance. We do not know what will be the conditions which will develop in the near future in India as well as outside India and which will necessitate a further reduction of the hours of work. The Honourable Sir Maneckji has told us that India's industrial development requires, and India's competition with foreign countries requires, that we should not meddle with the hours of work of the working population. But we must bear in mind the fact that all the world over there is labour unrest. The strenuous work that the workmen have to do in factories tells on their health, on their efficiency, and therefore upon the efficiency of the nation as a whole. This question is being discussed in all the countries of the world, and we cannot have industrial development or industrial prosperity in India at the expense of the health of the nation. The claims of labour for better conditions of work and reduced hours of work have not met with that sympathetic attention which they deserve for a very long time. It is only because of the pressure that is coming from outside, the pressure of the labour movement in the various countries of the world, that we are moving faster than hitherto. I am quite aware that, in the opinion of many Honourable Members of this Council, the world is moving rather too fast. Some Honourable Members would like the world to move as slowly as it had been moving in the past. But we must all realise that we cannot expect the world to move as fast or as slow as we want in social, economic, as well as political matters. We are all moving very rapidly, and India cannot be left behind in the matter of labour legislation. In the matter of the improvement of the conditions of work in factories, India cannot afford to be left behind other countries of the world, and, if conditions of work in factories give rise to the idea that the hours of work should be further reduced, if in the light of experience we realise that a further reduction of the hours of work is necessary and is not likely to prove detrimental to the economic condition of the country, I do not see any reason why we should be alarmed at the prospect. I do not therefore think that any assurance of the kind can be given, and I do not think that such an assurance should be demanded. On the other hand, I sympathise with the view which was expressed by the Honourable Mr. Bhurgri that we have only made a beginning in the way of the reduction of the hours of work, and the time may come when the hours of work may have to be further reduced, and we may then find perhaps that, with the reduction of the hours of work, efficiency of production is not lost. I do not want to lose sight of the fact that we cannot go on

indefinitely reducing the hours of work. We cannot go on doing it independently and irrespectively of the productive capacity of our factories. That is a consideration which has always to be borne in mind no doubt. But that is not a consideration which can be advanced against any improvement that is found to be necessary in the interest of labour, which after all is the interest of the whole nation.

On account of these reasons, I give my very strong support to the Resolution which has been placed before the Council.

The HONOURABLE MR. C. N. SEDDON : Sir, as one of the Provincial official representatives I should like to add one word in support of the chorus of congratulation which has arisen upon the Honourable Member's proposal, and I should like further to say, with regard to the point of view put forward by my Honourable friend, Sir Maneckji, that what India wants, I am quite sure, is not so much a greater amount of labour but an improvement in it, and we shall not get an improved supply of labour until we give the labourers a decent life and until we educate them. I think further that there is no need to give any expression to the fears which Sir Maneckji has put forward.

With these few words, Sir, I should like to add my support to the general feeling of the Council.

The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU : Sir, I quite well endorse the opinion expressed by the Honourable Mr. Kale. He has said, what seems to me, the best view, and his views are not quite against the opinion of the learned people. I quite endorse his opinion.

The HONOURABLE MR. G. S. KHAPARDE : Sir, I had originally intended to move an amendment to this proposition, and when I heard that these hours that are now mentioned are the maximum, and that it is permissible for this Council to fix fewer hours, that is to say, that it is practically open for us to say that the labourers will work only for 8 hours, it was on this consideration that I did not press my amendment further. But now that these warnings are coming in and my Honourable friend sitting on my right is rather keen about it—so it appears to me—I think it is necessary that I should make my position clear, and it is this. I have always thought that 10 hours a day was too long for any human being to go on with. I had intended to move an amendment that we should adopt only eight hours a day. And now that there are warnings, it leads me to the consideration which originally had induced me to send in my amendment, and that consideration was that our delegates to the Washington Conference were very estimable, learned and good people, but not one of them had worked with his own hand, except Mr. N. M. Joshi, who is a Member of the other House now. He also was a social worker, and there was nobody really, therefore, who actually had worked with his own hand. Employers as a rule are better educated, more able, and have more money, and, as it happened, nearly everybody there was an employer and not one single man was a labourer. Therefore, I viewed this Convention accepted at Washington with some amount of hesitation, and I did not like entirely to go in for it, and I therefore intended to move an amendment.

But I believe that legislation is coming, and it will then be open, as I believe the Honourable Mover pointed out, for us to fight for shorter hours and for improvements that we speak of, and therefore I did not press my amendment. So I support this Resolution as far as it goes, because it is in the right direction, and yet my Honourable friend on the right may know that I mean moving for eight hours a day when the Bill actually comes up for consideration.

THE HONOURABLE MR. V. S. S. SASTRI : I move that the question be now put.

THE HONOURABLE THE PRESIDENT : The question is that the question be now put.

The motion was adopted.

THE HONOURABLE THE PRESIDENT : I now proceed to put the Resolution.

The question is that the following Resolution be accepted :—

‘ This Council 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. ’

The motion was adopted. ;

THE HONOURABLE MR. A. C. CHATTERJEE : Sir, will you kindly permit me to move at the same time the next two Resolutions that stand in my name, because they relate more or less to the same subject of unemployment and that will save the time of the Council ?

THE HONOURABLE THE PRESIDENT : The Honourable Member need not necessarily speak on both. He can move the other Resolution without a speech. I would suggest that the speech on the other Resolution need not be of any length.

## RESOLUTION *RE* CREATION OF EMPLOYMENT AGENCIES. ?

THE HONOURABLE MR. A. C. CHATTERJEE : Sir, I rise to move that—

12 P.M. ‘ This Council 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 Boards representative of employers and workers.’

May I read . . .

THE HONOURABLE THE PRESIDENT : I think it will be convenient if you confine yourself to your first Resolution. It may not be necessary to speak on the second Resolution, but we cannot have more than one Resolution at a time.

THE HONOURABLE MR. A. C. CHATTERJEE : I also move that ‘ This Council . . .

THE HONOURABLE THE PRESIDENT : The Honourable Member will make the motion separately.

The HONOURABLE MR. A. C. CHATTERJEE: I have not much to say on these two Resolutions. The question of unemployment has not the same immediate importance in this country as it has in the West. Frankly speaking, none of the Delegates from India were able to take any active part in the deliberations at Washington on this subject; they were too much preoccupied in other committees discussing other subjects that were in the Agenda there. We had, therefore, no opportunity of bringing into relief the Indian point of view. But, although for the moment we do not suffer from the terrible consequences of industrial unemployment, it will be rash to predict that we shall never suffer from it. As our industries develop and as a larger and larger proportion of the population engage in industrial employment, any depression in industries, temporary or isolated, or may be widespread and lasting a fairly long time—such a depression will affect employment, and it is perhaps desirable that we should concert measures forthwith to meet such future contingencies.

There is the further question of agricultural unemployment or of famines, to which we shall be subject so long as we do not perfect our machinery for counteracting the effects of natural phenomena, such as a shortage or a superabundance of rain. Our system of famine administration has been improved after every famine or scarcity in the last two generations, and as has been claimed in the Government of India's despatch to the Secretary of State, is capable of dealing economically with unemployment on a scale for which few Western countries can offer a parallel. But in the agricultural tracts there are many areas where the pressure on the soil is great and the agricultural labourer has not contact with agencies that will secure him suitable or adequate employment in areas where labour is in demand. The equalisation of supply and demand is desirable in the interests of the whole country. The Government of India are considering the desirability of creating regular public employment agencies to meet this difficulty. The only further obligation that the acceptance of this Convention will impose on us is that we have to keep the International Labour Office supplied with certain information. This is a burden which we can undertake without hesitation.

The position is not quite so easy with regard to the acceptance of the recommendation as distinguished from the Draft Convention on unemployment. The recommendation consists of four parts. In the first part each country is asked to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. There may not be very much difficulty in accepting this recommendation. In the second part we are told that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned, and after consultation with employers and workers in each country in the industries concerned. Here, also, there may not be any serious difficulty. But then the third part of the recommendation goes on to suggest that each State should at once establish an effective system of unemployment insurance. This is a subject which has not yet been properly studied or examined in this country. Honourable Members will realise that there would be many practical difficulties apart from the question of finance. In the fourth part of the recommendation, each Member of the Organization is asked to co-ordinate the execution of all work undertaken, under public authority with a view to reserving such work, as far as practicable, for periods of unemployment and for districts most affected by it. To a certain extent this is already done in India in connection

[ Mr. A. C. Chatterjee.]

with the preparation of famine programmes; but, as Honourable Members will realise, this principle cannot be carried into effect with regard to all public works. There is a further difficulty now, that to a certain extent these works are under the control of Local Governments and of local authorities, and the Government of India have no full control over such works. Therefore in the Resolution it is suggested . . . .

The HONOURABLE THE PRESIDENT: Which Resolution are you moving?

The HONOURABLE MR. A. C. CHATTERJEE: I am referring to No. 3.\*

The HONOURABLE THE PRESIDENT: Would it not be better to dispose of †No. 2 before we get on to No. 3?

The HONOURABLE MR. A. C. CHATTERJEE: I move the second Resolution that stands in my name, and I hope the Honourable Members will pass it unanimously.

The HONOURABLE SIR A. R. MURRAY: Sir, I beg to support this Resolution. I have studied the question carefully, and would recommend that it be adopted as it stands, in its entirety.

THE HONOURABLE MR. L. S. MEHTA: I rise to support the Resolution.

The Honourable Mover in moving this Resolution said that as regards agricultural labour Government had made arrangements which were far superior to any that have yet been made by any Western country. That is quite correct, and we can congratulate the Government on their Famine Policy and their Famine Codes. But it was the famine of 1899-1900, the greatest famine of the century as Lord Curzon called it, that opened the eyes of the Government. So we need not be quite self-satisfied, and we had better be prepared for other difficulties ahead.

My Honourable friend said, and the Resolution puts it, that the chief object of public employment agencies will be to facilitate the migration of labour. Just now there is a paucity of labour, and I do not think that there is any question of unemployment for the present. Perhaps, for years it may not arise, but it is much better to be prepared.

My friend, Mr. Joshi, tells me that in certain localities, even in Bombay, there is some difficulty for men who are thrown out of work in our mills to obtain work and in getting into touch with other mills. He says for such men it is necessary to have a public employment agency. I think, therefore, that what Government propose doing, namely, the making of proper investigations as regards unemployment and also creating regular employment agencies is a step in the right direction, and I hope that, as a result of it, we shall have public employment agencies assisted by advisory boards in those parts of the country where they are needed.

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\* 'This Council 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 October, 1919, in order to determine to what extent it is desirable to give effect thereto.'

† *Vide* second Resolution printed on p. 164.

The HONOURABLE MR. E. L. L. HAMMOND : Sir, I have no wish whatever to strike a note of discord, but I rather feel that the Council would be wise to accept the note of warning already uttered by my Honourable friend on my left. The proposal is that regular public employment agencies should be created. I had the honour for a year to occupy a post in an official employment agency and I discovered during that year that, in point of fact, in India capital is endeavouring to attract labour rather than labour having to look for work. That is the position in India to-day and—I speak subject to correction by my Honourable friend opposite—I believe that will be the case for many years to come. Capital will have to try and compete for labour rather than labour try to get employment. The fear of unemployment does not exist in India to the same extent as it does in England. It is the great dread of unemployment that is the root and foundation of English labour legislation, and the point that I would urge for consideration, Sir, is whether that legislation has not already gone too far in England. I was there a few months ago and had occasion, for example, to employ a gardener. There is a minimum wage and I had to pay that man eighteen pence an hour. The result is that, to-day, partly due to that no doubt, there is a terrific amount of unemployment, and the medicine prescribed has increased the malady. You have these various employment bureaus; you can go and ask them for your employees, but you have to pay them a certain wage. That will be a necessary corollary to the establishment of bureaus out here. That is one objection. The second is, Sir, the expense. All these various bureaucratic developments cost a lot of money. England at present is suffering from them and, if we are to have in every district an employment bureau, it must mean people to run them, and that costs money. Distress in India does not come from unemployment; it comes from the failure of the monsoon in nine cases out of ten, and I do not think that any number of employment agencies or any number of advisory boards will do anything to bring down the rain of God upon earth.

The HONOURABLE SIR D. WACHA : Sir, with reference to this question of the migration of labour from one province to another, I am to say, I am afraid, it will not do. I had the honour to represent the firm of Messrs. Tata and Company some years ago in connection with the Swadeshi mills; and the question arose whether we could not get the cheap labour of Allahabad to come down to Bombay. We had a long correspondence, Sir, with Sir Auckland Colvin, the then Lieutenant-Governor of the United Provinces. Sir Auckland Colvin fully supported the arguments with which we appealed to him and tried to help us. Unfortunately, with all his efforts, he could not succeed, and so we could not succeed in obtaining labour from those Provinces. We next tried to get labour from Broach, from Surat and from Nagpur. What happened? A few men came only, but ran away within 30 or 20 days, notwithstanding the fact that we gave them small chambers to live in without any rent, and in addition more liberal wages than those we used to pay our ordinary operatives in Bombay. That is my experience, and I do not think even since those days the experience of any mill agent in Bombay has been different. At any rate they would not consider this question as advisable. That equalisation of labour, as the Honourable Mr. Chatterjee calls it, is very unlikely to be realised in India for years to come. The fact is, that we have to take into consideration the unwillingness of the operatives or labourers to move miles away from their domicile. They are unwilling to move even 50 miles from their own places or *gaun*. That is where the difficulty arises.

[ Sir D. Wacha. ]

Whether you establish employment agencies or not, so far as this migration question, *viz.*, labour going from one province to another, is concerned, it will remain the same what it was 30 years ago.

Then, as to the institution of Advisory Boards, I do not know what they will do. Of course, the Advisory Boards, it is suggested, should consist both of employers and employees. But where are those employees who will be able to advise the Board at all? The employees are not yet in a position to be real advisers. They have not yet got the least grasp of the questions of labour and employers one way or another, and I am afraid they will in no way be able to influence whatever the Advisory Board. It is possible to conceive that the Advisory Boards may become simply Advisory Boards of employers instead of employees and employers. That is the danger, and, therefore, I think, it would be rather futile to even suggest these Advisory Boards at this stage.

Lastly, so far as India is concerned, I agree with the Honourable Mr. Hammond that at present there is no general scarcity of labour. Labour is not so unemployed at present as to require these registering agencies contemplated by the Resolution. Even in Bombay to-day, with all those large recruiting grounds at Ratnagiri and other places, what we find is that there is no scarcity of labour to speak of. We are always looking out in Bombay here and there and everywhere for adequate supply of labour, and we do not find any difficulty in obtaining it, with increased wages and other privileges.

My friend the Honourable Mr. Lalubhai Samaldas said that an operative from one mill does not find occupation in another mill. That is not correct. The real situation is this. Sometimes there are budmashes of operatives in one mill who want to go to another mill, but there is a long-standing agreement among the cotton mills to the effect that operatives who behave badly or disloyally or seditiously in one mill should not be employed by another mill. It is a measure of self-protection. That is the reason why the turbulent and dismissed, who are known to be at the bottom of strikes or other mischief, do not find employment. With these words I do say in conclusion most emphatically that, so far as this migration of labour from one province to another and the creation of employment agencies are concerned, they are not practicable.

The HONOURABLE MR. L. S. MEHTA : May I rise to a personal explanation? I said that I had this information from Mr. Joshi who has been doing social service work in all the mills. He said that the difficulty was about jobbers. The jobbers will not allow these men to be brought into touch with the manager. If there was a public employment agency, the labourers would be able to go direct to them and would not have to approach them through the jobbers.

The HONOURABLE SIR D. WACHA : May I also rise to give a personal explanation if I may be allowed to offer one? Mr. Joshi has not that experience of 46 years that I have.

The HONOURABLE MR. C. N. SEDDON : Sir, I should like to associate myself to a certain extent with the remarks made by the Honourable Mr. Hammond. In the first Resolution proposed by the Honourable Mr. Chatterjee there was a definite suggestion, the usefulness of which was perfectly apparent, and, therefore, it received universal support from this Council. But here I must confess that the exact use of these public employment agencies is not so clear, and I feel that, before they are constituted, it would be well that a very careful investigation should be made. I think it

would be useless to start a bureaucratic institution of this sort unless it was clearly seen what purpose it was to serve. Therefore, I think this Resolution is not so clearly advisable as the first one moved by the Honourable Mr. Chatterjee.

The HONOURABLE LALA SUKHBIR SINHA : Sir, from the agricultural point of view, I have to oppose this Resolution. The experience of the past is that, on account of military recruitment, we have had very little labour left for agriculture and, if these agencies of Government are established, the result will be that labour from agricultural areas will go to the factories for work. If Government have to look after factories, they have to look after agriculture as well. Sir, this country is an agricultural country and about 80 per cent. of the population live on agriculture. Therefore, if labour goes to the factories, I do not know whether it will be better for the country, and that is why I am sounding this note of warning. I beg to oppose this Resolution because I think that no employment agencies should be appointed by Government to recruit labour. Labour should be left to itself. If there is unemployment labourers can seek their own employment. I therefore oppose very strongly the suggestion that Government agencies should be appointed to recruit labour for factories.

The HONOURABLE MR. E. J. HOLBERTON : Sir, with reference to (b) of this Resolution, I am inclined to think that the wording is not quite as clear as it should be. I myself was inclined to read it at first as being obligatory rather than permissive on Government to set up such public employment agencies. Nor does the clause carefully differentiate between different areas. I am informed that the intention of the clause is that individual examinations of the position should be made in each Province, and that on the results obtained in each different area decisions as to the appointment of these agencies should be come to. I think myself that it would be exceedingly desirable if this were made a great deal clearer than it has been made up to date. It may be that in some areas some useful purpose will be served by setting up these agencies ; but it is beyond question that in other areas no such useful purpose will be served—at all events at the present time. If it were possible I should like to recommend the amendment of the wording of this clause ; but I do not know whether I should be in order at this late stage of the debate in venturing to put it forward . . . . .

The HONOURABLE THE PRESIDENT : Certainly, in view of the Honourable Member's remarks, I would take an amendment in that form.

The HONOURABLE MR. E. J. HOLBERTON : The object of my amendment, Sir, which you are kindly going to accept, is to lay stress on the necessity for investigation, and also on the fact that no action is to be taken unless this investigation proves the necessity for it.

The HONOURABLE THE PRESIDENT (After naming the amendment). This is not quite the amendment I contemplated from the Honourable Member's speech that he proposed to move ; but, subject to a copy being handed to the Government Member in charge, I have no objection to taking it, although it is not quite the amendment which he adumbrated in his speech.

The HONOURABLE MR. E. J. HOLBERTON : I must apologise, Sir, that I have spoken otherwise than to my own amendment.

The HONOURABLE LALA RAM SARAN DAS : Sir, I rise to support what the Honourable Mr. Hammond has said in connection with parts (b) and (c) of this Resolution.

The HONOURABLE KHAN BAHADUR AMIN-UL ISLAM: Sir, I beg to associate myself with what the Honourable Mr. Hammond has said. The Indian labourer is a very conservative person, and does not want to move out of his own environment. In my opinion, therefore, public employment agencies and Advisory Boards will not serve any useful purpose.

The HONOURABLE MR. W. G. KALE: Sir, though the second part of the Resolution appears to be rather indefinitely worded, I think there are sufficient safeguards in that part of the Resolution: We find in that clause the words:—

‘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.’

From these expressions it will be clear that the Government is requested, first of all, to investigate the whole question and, wherever it may be found necessary, to provide these organisations which are proposed. Only in those cases are the organisations to be created. So far as I can see, there is no reason to be alarmed at the creation of a new bureaucratic department.

Then with respect to the objection which was taken to the migration of labour from one part of the country to another, the only remark I have to make is this: that it may be found necessary, when there is scarcity of work, when there is no work to be had and when trade is dull—on such occasions it may be found necessary to facilitate the migration of labour from one part of a district to another. I think that is the kind of migration which is contemplated in this Resolution. In certain seasons of the year trade is very dull and industries cannot be carried on to the same extent, or with the same intensity, as they otherwise are. If there is unemployment at such seasons it may be necessary to facilitate migration. On such occasions the migration of labour is very useful, and as a matter of fact the population does migrate from one part of a district to another, or from one district to another. It is a very useful duty that the Government performs, and might perform, in helping such migration of labour where better work is likely to be obtained. Therefore, I do not see that there is any ground for apprehension; and the Resolution as it stands, I think, ought to be supported by the Council.

The HONOURABLE MR. C. N. SEDDON: Sir, I rise to a point of order. Is there any amendment before the Council?

The HONOURABLE THE PRESIDENT: There is an amendment before the Council. I will read it out as soon as I have received a copy. I understand you did move your amendment, Mr. Holberton.

The HONOURABLE MR. E. J. HOLBERTON: I did, Sir.

The HONOURABLE DIWAN BAHADUR V. RAMABHADRA NAIDU: Sir, as an agriculturist I am against the creation of public employment agencies. The agriculturist is already handicapped by the dearth of labour. If the Government is going to encourage the establishment of employment agencies, the agriculturist will be put at a greater disadvantage. I agree with the observations made by the Honourable Lala Sukhbir Sinha, and for the same reasons, am opposed to the establishment of public employment agencies.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, are we speaking on an amendment or on the original Resolution?

The HONOURABLE THE PRESIDENT: The Honourable Member is well aware that there is an amendment now before the Council. Had he not stood up I should have read it out. Now that he has sat down, I will do so.

The amendment is :—

' That for clause (b)\* the following be substituted, :—namely, (b) that he should undertake investigation with regard to unemployment in India with a view to deciding whether it is necessary to create regular public employment agencies to assist in the migration of labour.'

It would be convenient if the Honourable Mr. Chatterjee spoke on that amendment.

The HONOURABLE MR. A. C. CHATTERJEE: Sir, I think there has been a certain amount of misapprehension in the minds of Honourable Members of the Council with regard to the scope of my Resolution. As the Honourable Mr. Kale has already pointed out, the wording of section (b) of the Resolution is 'that the Governor General in Council 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.' The Honourable Mr. Hammond, I think, drew a red herring across the whole discussion by referring to conditions in England, where there is a minimum wage and various other paraphernalia. There is no question of a minimum wage in this country at all. The Honourable Mr. Hammond is perfectly aware that even in his own Province employment agencies are at work. Employment agencies from Assam planters, from Bengal jute mill-owners and other people are at work in Bihar, and they do a good deal of work. There is no reason why public employment agencies should not perform the same functions, with probably greater benefit to the employers as well as to the employees. The question is, are we going to have an industrial development in India or not? If we look forward to industrial development in this country we must have labourers. Nobody will deny that in many agricultural areas there is a profusion of labour, labour which does not get an adequate wage. My Honourable friend, Lala Sukhbir Sinha from the United Provinces, fears that if this Resolution is carried there will be a scarcity of agricultural labour in his own district. I can assure him that no such thing will happen because in his district agricultural labourers are paid adequate wages; but there are many districts in India—and I think the Honourable Mr. Hammond is just as well aware of that as I am—there are districts in North Bihar, districts in the eastern parts of Oudh, districts in the eastern parts of the United Provinces, where agricultural labourers do not always get an adequate wage because the pressure on the soil there is very great. There is no reason why public employment agencies should not provide agricultural labourers in such areas with facilities for migration to areas where labour is wanted. The Honourable Sir Dinshaw Eduljee Wacha has referred to some correspondence that he had with Sir Auckland Colvin over the migration of labour from the United Provinces to Bombay . . . .

The HONOURABLE SIR D. WACHA: It is on the file of the Government of Allahabad.

The HONOURABLE MR. A. C. CHATTERJEE: I think the Honourable Member did mention Sir Auckland Colvin. Well, that correspondence took place, I take it, over 25 years ago. India has moved since then. If he will look up the Census Tables he will find that there are at present a very large number of labourers from the United Provinces in the Bombay mill areas. There are large numbers of labourers from the United Provinces, from Bihar, from Madras and the Central Provinces working in the jute mill areas in Bengal. People migrate from the eastern districts of the United Provinces as far east

\* Of the second Resolution printed on p. 164.

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as Sylhet and other districts in Assam. They go to Burma, and I am sure that the Honourable gentlemen from Burma would welcome some employment agency to be established which would regulate the migration from those districts to Burma in order to facilitate the development of the immense industrial resources of Burma . . . .

The HONOURABLE SIR D. WACHA: Sir, may I ask one question of the Honourable Mr. Chatterjee? What is the percentage of outside people who are working in Bombay as operatives?

The HONOURABLE MR. A. C. CHATTERJEE: Sir, I am not prepared with statistics. I was not prepared for a reference to correspondence which took place 25 years ago; but the statistics will be available to the Honourable gentleman if he only takes the trouble of reading through the Census Tables. I think the Honourable Mr. Holberton is under a misapprehension regarding the object of Government. All that is suggested, is that an inquiry should take place, and that, if such an inquiry suggests that a public employment agency would be useful in any particular district, it may be established there. That is the intention of Government. I think the intention of Government is exactly what the Honourable gentleman has suggested. Under these circumstances I hope he will not press his amendment.

The HONOURABLE THE PRESIDENT: I should like to get the Honourable Mr. Holberton's amendment\* out of the way, if possible.

The HONOURABLE MR. E. J. HOLBERTON: If the Honourable Member in charge of the Resolution, Sir, thought fit to word his clause (b) as now worded in his speech, I fancy there will be very little controversy about it at all in this House. If by any chance he himself would be prepared to adopt the wording of it which he has now put forward, I shall immediately withdraw my amendment. He now says that the object of his amendment is that inquiries should take place regarding unemployment in India and that as a result of those inquiries, such steps should be taken in districts where it is necessary to create agencies. Now that would meet the whole point, Sir. It is the continuance of the wording in (b) . . . .

The HONOURABLE THE PRESIDENT: The Honourable Member presses his amendment, as I understand?

The HONOURABLE MR. E. J. HOLBERTON: It is really a question of words, Sir.

The HONOURABLE MR. A. C. CHATTERJEE: I am prepared, Sir, to accept the addition of the words 'in such districts where they may be considered necessary' to clause (b) of my Resolution.

The HONOURABLE THE PRESIDENT: I must treat that as an amendment to an amendment, then?

The HONOURABLE MR. A. C. CHATTERJEE: No, Sir, I was merely suggesting this to the Honourable Mr. Holberton as a sort of way out of the difficulty.

The HONOURABLE THE PRESIDENT: There is a perfectly definite amendment before the Council, and I suppose I must put it if Honourable Members are not prepared to come to terms about it.

The HONOURABLE MR. E. J. HOLBERTON: I am only too willing if the Honourable Member would have been willing to re-draft his motion.

The HONOURABLE THE PRESIDENT : The question is that the following amendment by the Honourable Mr. Holberton be adopted, namely :—

‘ That for clause (b) the following be substituted :—

- (b) that we should undertake investigation with regard to unemployment in India with a view to deciding whether it is necessary to create regular public employment agencies to assist in the migration of labour.’

The Council divided as follows :—

AYES—15.

Abdul Majid, Nawab M.  
Altaf Ali, Mr.  
Amin-ul-Islam, Mr.  
Dadabhoy, Sir M. B.  
Froom, Mr. A. H.  
Hammond, Mr. E. L.  
Holberton, Mr. E. J.  
Jha, Dr.

Keshava Prasad Singh, Maharaja  
Bahadur.  
Moti Chand, Raja.  
Nayadu, Mr. V. R.  
Po Bye, Maung.  
Ram Saran Das, Lala.  
Seddon, Mr. C. N.  
Umar Hayat Khan, Col. Sir.

NOES—20.

Ayyangar, Mr. K. V.  
Barron, Mr. C. A.  
Bhurgri, Mr. G. M. K.  
Chatterjee, Mr. A. C.  
Chettiyar, Mr. Annamalai.  
Cook, Mr. E. M.  
Edwards, Major-Genl. W. R.  
Elliott, Lt.-Col. A. C.  
Harnam Singh, Raja Sir.  
Kale, Mr. W. G.

Lloyd, Mr. E. S.  
Maricair, Mr. A.  
Mehta, Mr. L. S.  
Murray, Sir A. R.  
Sarma, Mr. B. N.  
Sastri, Mr. V. S. Srinivasa.  
Smith, Mr. H. Moncrieff.  
Sukhbir Sinha, Lala.  
Wood, Sir J. B.  
Yachendruvaru, Raja V. S. G. K.

The Amendment was negatived.

The HONOURABLE THE PRESIDENT : The question is that the Resolution as set out below be accepted.

‘ This Council 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 Boards representative of employers and workers.’

The motion was adopted.

The HONOURABLE LAI LA SUKHBIR SINHA : I ask for a division.

The HONOURABLE THE PRESIDENT : The Council will now divide by show of hands. Twenty-one Honourable Members raised their hands in favour of adopting the original Resolution and three against and it was declared carried.

## RESOLUTION RE RECOMMENDATIONS CONCERNING UNEMPLOYMENT.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I rise to move that—

‘ This Council 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 October, 1919, in order to determine to what extent it is desirable to give effect thereto.’

[ Mr. A. C. Chatterjee. ]

I have already referred to this subject on an earlier occasion, and I do not want to inflict another speech on the Council.

The HONOURABLE MR. MARICAIR : Sir, in supporting this Resolution, I wish to say a few words. The action now proposed to be taken is absolutely necessary, because, as we all know, labourers in Presidency-towns have not been getting adequate employment. In the agricultural districts there is only a certain season when these labourers are employed, and even then it is an admitted fact that the wages of these labourers are very inadequate, and a large number of them remain unemployed. It is therefore absolutely necessary to take such steps as Government think proper in the interests of the labourers. I therefore support this action on the part of Government which is a very wise one.

The HONOURABLE THE PRESIDENT : The question is that the Resolution be accepted.

The motion was adopted.

### RESOLUTION *RE* DISINFECTION OF WOOL.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I rise to move that—

‘ This Council recommends to the Governor General in Council—

- (a) that he should make inquiry 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 ;
- (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 inquiry, he is satisfied as to the necessity for so doing.’

The Washington recommendations regarding anthrax suggest that arrangements should be made for the disinfection of wool infected with anthrax spores either in the country exporting such wool or, if that is not practicable, at the port of entry in the country importing the wool. Anthrax is a germ disease that occurs among cattle, and investigation has shown that it is also contracted by human beings who come in contact with infected wool or hair removed from the bodies of animals or from skins. The wool or hair can be disinfected, but it is a costly process. In this country we have to look at the matter from two different points of view. We have a growing industry in wool and also we have many tanneries. There are no detailed particulars available regarding the incidence of anthrax among our workers, but it cannot be asserted that the disease is entirely unknown. Indeed, in many factories, notably in jails, various precautions are already taken. We have, therefore, to consider what precautions, if any, the Government should prescribe for safeguarding in this respect the health of our workers. Again, India exports a large quantity of wool. It has been asserted that some of this wool is infected, and steps have been taken in Great Britain, for instance, to disinfect wool imported from India. The subject is down for consideration at the meeting of the International Labour Conference which will be held at Geneva at the end of October next. We have, therefore, to decide whether we should let our wool go abroad and be subjected to disinfection in other countries, or whether, in order to facilitate our trade, we should make arrangements for disinfection before export. The present information at the disposal of the

'Government of India is that such disinfection will be extremely expensive and almost impracticable. Clearly, however, the subject requires further investigation, namely, whether disinfection is necessary or feasible, and that is what I suggest in the Resolution that I place before Honourable Members.

The HONOURABLE THE PRESIDENT : The question is that the Resolution be accepted.

The motion was adopted.

### RESOLUTION *RE* LEAD POISONING.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I rise to move that—

'This Council 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.'

The recommendation concerning the protection of women and children against lead poisoning is not of great immediate importance to us in India. At present we have not many industries where there is serious danger of lead poisoning to the operatives, but such industries are likely to develop in the near future, and it is considered desirable that the law should give Government power to make rules against the danger. It would be easier to make these restrictive rules in the very incipient stages of the industries rather than when the industries have established themselves along certain definite lines.

The HONOURABLE THE PRESIDENT : The question is that the Resolution be accepted.

The motion was adopted.

### RESOLUTION *RE* GOVERNMENT HEALTH SERVICES.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I rise to move that—

'This Council 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.'

In this recommendation the Washington Meeting has suggested that each State should establish, as far as possible, in addition to a system of efficient factory inspection, a Government Service specially charged with the duties of safeguarding the health of the workers. The recommendation was the outcome of the deliberations of a sub-committee of the Conference which considered the special question of the protection of workers in unhealthy processes. We have very few industries involving unhealthy processes in this country, and it was not, therefore, considered particularly necessary to take immediate action on this recommendation. At the same time, I should like to state, for the information of the Council, that the Government of India fully recognise the importance of the inspection of factories from the health and sanitary points of view. They intend to draw the attention of Local Governments to this aspect of the question, and to suggest that to start with, at any rate, women inspectors might be employed, some of whom might have the requisite technical qualifications. The question of a medical branch of Factory Inspectors will also be taken into consideration. But as Honourable Members are aware, the

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administration of the Factories Act is a Provincial subject, and the cost of any such staff will have to be borne by Local Governments. It is not possible, therefore, either for the Government of India, or for the Indian Legislature, to lay down hard and fast rules on the subject.

The HONOURABLE THE PRESIDENT : The question is that the Resolution be accepted.

The motion was adopted.

## RESOLUTION *RE* FIXING MINIMUM AGE OF CHILDREN.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I beg to move the following Resolution :—

‘ This Council recommends to the 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 Organisation 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 direct ;

(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.’

At present the minimum age of employment of children in factories is 9 ; between 9 and 14 children work as ‘ half timers.’ If this Resolution is accepted no child under 12 will be eligible for employment in factories, in mines and in certain transport services. So far as our information goes, there are very few children actually employed in transport services, and the adoption of this Resolution will make very little difference there. In mines the work is to a large extent underground. Even at present children form only a very insignificant fraction of the labour force in mines. The Government of Bengal have recommended that children under 12 should be excluded from mines. The Government of Bihar is even more liberal ; they would fix the age of children in mines at 12 years above ground and 14 below ground. I hope therefore Honourable Members will readily agree as to the necessity of the limit of 12, so far as mines are concerned. In factories, it is true, there will be a considerable advance from the present limit if the Council accepts the Draft Convention.

I should like to put forward before Honourable Members the main considerations involved. In the general principles enunciated in the last article of the labour part of the Peace Treaty, India has already agreed that among the methods and principles for regulating labour conditions which are considered to be of special and urgent importance, is the abolition of child labour. The principle has already been conceded. It is only a question of detail about the exact age. The next principle that Honourable Members will no doubt remember is that factory laws are enacted, not merely for the benefit and protection of the employees, or through them for the benefit of the employers, but in order to secure the general well-being of the entire community. We have to see at what age it would be safe for the nation as a whole to allow its children to enter industrial employment. Now so far as modern industries, factories, power machinery, and all the concomitants of modern industrial

life are concerned, we are still a young nation. The number of persons employed in modern power industries is as yet only a small fraction of the total Indian population. But we are all looking forward to a large development in our industries. Where there are only a few millions employed in such industries at the moment, it is possible that in another generation the number will become ten-fold. We have the great advantage, in enacting our Code of factory laws, of profiting by the example of countries which have had a modern industrial organisation for a very much longer time.

In the West the dangers arising from the employment of children in mills and factories were not realised at the beginning, and progress in the enactment of protective legislation was consequently slow. But all civilised countries have now woken up to the urgent necessity of protecting child-life. The laws regarding the minimum age of employment of children have been progressively stiffened, and at Washington every country with the exception of India accepted 14 as a suitable minimum age for this purpose. Should we not profit by the example of countries which have a much longer experience, and adopt a suitable age forthwith? Perhaps it will be argued that there is no special virtue about the age of 12. Why should you not accept 11? It may also be suggested that in fixing the age of 12 we are merely slavishly carrying out the wishes of the International Conference. But I do contend that there is a certain definite period of child-life in India, which may be said to terminate at 12. There is, for instance, the provision in the Indian Penal laws where a demarcation is made at the age of 12 regarding responsibility for any acts that may be committed by a child. Similarly, our Mines Act distinguishes between children under 12 and adolescents above that age.

So far as I am aware the main arguments that are usually put forward against reform in this respect are three-fold. The first argument is that the parents of the children and the children themselves will object to the reform. It is difficult to refute a statement of this description; for the statement as a rule is based merely on personal opinion. I do not think that it can any longer be claimed that the working classes of India are entirely inarticulate. Indeed, I should think that during the last 12 months or so they have learnt pretty well to voice their opinion. It is one of my daily duties to scan the pages of the newspapers to study the utterances of Indian labour, organised or unorganised. These proposals with regard to the raising of the age-limit for the employment of children have been before the country for many months past. But I have not come across a single instance of any protest by any individual or association claiming to represent labour opinion in any part of the country. Indeed, I do remember seeing in an account of one of the Bombay strikes, that the raising of the children's age was one of the main planks in the platform of the strikers. Even, however, if it be true—I repeat that I do not concede that it is true, but admitting for argument's sake that it is true,—that the parents of the children will object, we have first of all to remember that no child already employed in factories will be excluded under our proposals, and secondly, that if the gentlemen, who have as a rule assumed for themselves the position of the spokesmen of the parents, if these gentlemen had always been taken at their word, there would have been no factory laws in India, or for that matter in any country. Another argument which is usually advanced against any reform in this direction, is that until educational facilities are provided for the children there is no advantage—on the other hand, there may be considerable harm—in preventing the children from working in factories. It

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is said that the task set to the children in the factories is easy and light; they learn discipline and they secure all the advantages of an early apprenticeship in their trade. I confess I used to have considerable sympathy with this argument, but after careful thought I have come to the conclusion that the argument is based on fallacious grounds. At present we have a number of compulsory Education Acts in different Provinces, but these Acts cannot be enforced without the provision of funds. The funds can be secured only by taxing the wealthier classes of the locality, in other words, it is the industries of the locality which will have to pay, indirectly if not directly, for the compulsory education of the children. So long as the industries find that they can employ children in the factories, they will always resist the imposition of any taxation for the provision of compulsory education. Thus, we travel for ever in a vicious circle. We must take action somewhere. I am confident that once employers find that, whether there is compulsory education or not, a child of a tender age cannot be employed in factories; they will soon see the advantage of securing that their young employees should start training in the factories with a modicum of education, and they will fall in with any project for the provision of compulsory education. I have seen another, and a third class of argument advanced. That argument is that the earnings of the children form a substantial item in the family income, and there will be considerable distress if such employment was prohibited. This argument has merely to be advanced in order to be condemned. I do not think any nation ought to be satisfied with this condition of things if it does exist at all. There must be something radically wrong with the wage system of a country if adult workers have to depend for the maintenance of their families on the earnings of children below the age of 12. I am certain that the Honourable Members of this Council, who may happen to be large employers of labour, will never admit that the wages they pay to their work people are not sufficient for the maintenance of their families without child-slavery. I am afraid I cannot call it by any milder name.

In casting their votes on this Resolution, I hope, therefore, that Honourable Members will remember not only the children, whose future will be affected by their decision and who have no special representatives in this Council, but I hope they will also take into consideration the well-being of many future generations in India, for a larger and larger proportion of the Indian population will seek industrial employment in the future, and although at the present moment it may not make a substantial difference whether the age is fixed at 11 or 12, the difference will be very great in times to come.

During the discussions that have taken place on this subject in the Provinces, it has nowhere been argued that there will be any serious dislocation of any industry if the change that is now being proposed is affected. Indeed, we are guarding against any possible dislocation by the express reservation we are making with regard to transitory regulations.

I hope Honourable Members will bear with me while I draw their attention to a consideration of a more general nature. The question before them is the ratification of a convention of the International Labour Conference.

Now I do not think I shall be wrong if I say that the first tangible result of India's entry into the League of Nations as a full member was India's participation in the discussions at Washington. In framing this Convention, the Conference fully recognised the importance of special treatment for India

in the spirit of the special provision inserted in the Treaty to which I made reference in an earlier speech to-day. A corresponding obligation rests on us. We are equally bound to consider carefully the recommendations so far as they apply to us, and we should reject only such proposals as are totally incompatible with our true interests. In our deliberation we should not lose sight of the passage in the Treaty to which India's representatives have already subscribed. I refer to the statement that the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries. We have just entered upon a new constitutional era in this country. The eyes of the world, of the democracies of every country in the world are at the moment on us. Our decisions on the Resolution that is now before the Council are eagerly awaited and will be carefully scanned as soon as the cables convey the news. I am confident that the Council has a full sense of its responsibility for the good name, the dignity of India in international counsels. We do not want to be considered a backward nation always and for ever.

The Council then adjourned for Lunch.

The Council re-assembled after Lunch with the President in the Chair.

The HONOURABLE THE PRESIDENT: I think it will be convenient for  
3 P. M. Honourable Members if I call upon the Honourable Sir  
Alexander Murray to move his amendment at once.

The HONOURABLE SIR ALEXANDER MURRAY: Mr. President, I beg to move the amendment, which stands in my name, *viz.*—

'(a) That before clause (a) (i) the following be inserted, *viz.*—

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

(b) that clause (a) (i) be re-numbered (ii) ;

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

In plain language, Sir, this means that I am in favour of recommending the ratification of this Draft Convention under discussion, only on condition that the minimum age-limit should be fixed at 11 instead of at 12, and subject to the other reservations as to transitional regulations and size of factories.

Before proceeding to give my reasons for moving this amendment, I desire to express regret that it should be directed against a motion put forward by my Honourable friend Mr. Chatterjee. I have been closely associated with him in the study of labour problems now for the past 18 months; and the longer I know the Honourable Member, the more I appreciate the qualities which have helped to place him in the high position he now occupies in the Government of India. As a rule, we generally manage to find a common meeting place between our different points of view—for, we do not always agree on the difficult problems that labour conditions present in these changing times—but on this question of minimum age-limit for children, I am extremely sorry I cannot follow the Honourable Member. I agree with him that the present age-limit should be raised. We differ only as to the extent. In my opinion, the Government of India are not justified in asking us to recommend the ratification of this Convention which raises the age of employment of children in factories from 9 to 12 years at one step.

[Sir A. Murray.]

If Honourable Members will bear with me for a few minutes, I will explain my point of view. To do this, I must go back to the proceedings of the International Labour Conference at Washington. The Government of India sent their delegates to that Conference with instructions to vote against any increase in the age-limit of children. In their written statement the Government expressly said they did not propose to raise the age-limit, and that no change was then contemplated, although the Local Governments had been consulted on the general question of the amendment of the law.

When the question of the age of admission of children to employment came up for discussion in the Conference at Washington, a special Commission was appointed to consider it. The first thing they did was to appoint a Sub-Committee to report on the modifications necessary because of climatic conditions, imperfect development of industrial organization, or other special circumstances which make the industrial conditions substantially different in Oriental countries, as provided for in Article 405 of the Versailles Treaty of Peace.

The Honourable Mr. Chatterjee, Mr. Joshi and I represented India on that Sub-Committee. At one of our meetings Mr. Joshi representing the labour party proposed that the Sub-Committee recommend the desirability of raising substantially the minimum age for the employment of children in India in the immediate future, and of urging upon the Government of India to make effective provision for the compulsory education of children in the country immediately, and to place their definite proposals regarding the matter before the next Conference.

After much discussion the Sub-Committee by a vote of 7 to 1—Mr. Joshi alone dissenting—adopted another recommendation which was submitted to, and accepted by, the main Commission on employment of children and appears in their report as follows :—

‘ In the case of India and other Oriental countries the Commission regret that they have not been able to submit a final recommendation. The Indian Government delegates stated that the Indian Government was at the present moment considering the question which was closely bound up with the introduction of an educational system into India and had not arrived at a decision. \* \* \* \* \*

In these circumstances it was proposed that the question of the application of the Convention should be deferred until the International Labour Conference of 1920, with a view to the Conference being placed in possession of the proposals of India and the other Governments and a supplementary report being then adopted.’

A counter proposal was put before the Commission to the effect that in Oriental countries the age of admission should be fixed at 12, but this was not accepted, and the recommendation just read by me was accordingly submitted to the Conference.

When the report containing this recommendation came up for discussion in the Conference, one of the advisers of the Labour delegate from Great Britain, Miss Margaret Bondfield, proposed an amendment to the effect that children under 12 should not be employed in factories working with power, employing more than 10 persons, in mines and quarries, on railroads or on docks. Miss Bondfield in the course of her argument said—let me quote her own words :—

‘ We submit this amendment in all seriousness. We recognise that, just as the main convention would have to be considered by the Indian Government and would probably be turned down, it is quite possible that the Indian Government will consider this if you would embody

it in the Convention and will turn it down. There is nothing to prevent them from turning it down. There is nothing to prevent them, if this is carried to-day, from bringing forward their own proposals at the next convention alternative to this proposal. But what I feel might be accomplished by carrying this proposal in the open conference is, that it might give the Indian Government some idea of the world opinion on this matter, which would help them to make up their minds to really do something in time for the next conference.'

The amendment was supported by the Workers' Delegate from India, and by the Workers' Delegate from Italy, and on the closure of the debate being moved by the Workers' Delegate from Canada, was carried by a vote of 39 against 21, and now appears as Article 6 in the Draft Convention.

Sir, I have considered it advisable to go into all these details in order to inform the Honourable Members of the circumstances under which Article 6 of this Draft Convention has been forced upon India. That is to say, it was introduced into the Convention against the wishes of the special Sub-Committee that had considered the case of Oriental countries, and against the wishes of the main Committee on employment of children. The members of these committees had made a special study of the subject, had heard all that the delegates from India had to say, and had recommended that the question of the application of this Convention should be deferred until the Government of India was in a position to place their proposals before the Conference. In spite of all this, the Conference, at the instance of the delegates of workers in other countries besides India, without hearing any evidence, and without having any knowledge of the special conditions obtaining here, forced upon India Article 6 of this Draft Convention, providing for raising the age of children at one step from 9 to 12. And this is the Article the Honourable Mr. Chatterjee wishes us to ratify, partly for the simple reason that the General International Labour Conference choose to pass it. It was indicated in the Conference as quite possible that the Indian Government would turn down the proposal. But what do we find the Indian Government doing?

Sir, I have already mentioned that that Government instructed their delegates to vote against any increase in the age-limit for the reason that they were not proposing to raise that limit . . . . .

The HONOURABLE MR. L. S. MEHTA: Will the Honourable Member read the Government of India's instructions?

The HONOURABLE SIR ALEXANDER MURRAY: I am only going by what is in the Report . . . . .

The HONOURABLE THE PRESIDENT: The Honourable Mr. Lalubhai will have an opportunity of speaking later on. It would be better if he refrained from interrupting the speaker now.

The HONOURABLE SIR ALEXANDER MURRAY: Immediately on the receipt, however, of the Draft Convention, the Government of India, as in duty bound, proceeded to obtain the views of the Local Governments and of public bodies in India as to the advisability of raising the age-limit. In a letter issued by the Board of Industries and Munitions in May of last year, Government said that they recognised it would not be possible for any considerable time to maintain the minimum age for the employment of children at 9 years. But they further remarked that, if educational facilities do not exist, or are not likely to be provided in the near future, there are obvious dangers in depriving Indian children of the advantages of training which they receive in a factory.

[ Sir A. Murray. ]

Sir, this Council has not been favoured with copies of the views of Local Governments or of the public bodies consulted, but we have been favoured with copies of the Despatches to the Secretary of State for India, dated 25th and 26th November, 1920. From the first of these Despatches we learned that the Government of India intended recommending the raising of the minimum age of children from 9 to 12. They say they are to do this, although judging by the opinions collected by the Local Governments, whilst there is a general willingness to accept a minimum age of 11, there will be strong opposition to the adoption of 12. In the Despatch dealing with their proposals for the revision of the Factory Act, Government frankly state they anticipate opposition to this particular reform. They go on to say :—

‘ All Local Governments and most public bodies recognise that the present minimum age can be raised with advantage. At the same time we must admit that there are few opinions in favour of raising the minimum age to 12 years ; but our international obligations make it impossible for us to advocate any lower age, and we believe that the change we propose is in itself not merely beneficial but urgently required.’

Sir, it is true that the Government of India here for the first time indicate their belief that the change they propose in the age-limit is beneficial and desirable. But I submit with all respect that their decision to recommend raising the age-limit to 12 has been influenced more by their anxiety to meet international obligations than by any material benefit that is likely to accrue to the children or to the country from raising the age-limit to 12 instead of to 11.

Sir, in view of the facts which I have now placed before this House, I maintain that it will be a mistaken policy on the part of the Government of India to ratify Article 6 of this Convention. It was never expected that this Article would be accepted by the Government of India. Indeed it was indicated that they would likely turn it down. And I am of the opinion that they should turn it down, if for no other reason than to bring home once and for all to the members of the International Labour Conference that they cannot with impunity ignore the recommendations of expert committees, and impose upon India Conventions of any description, without first hearing and considering the evidence that is necessary for due consideration of difficult and intricate problems.

Having had my say on the treatment meted out to India by the General Conference in connection with this Convention, I would like in the few minutes still at my disposal to make a few observations on the merits of the question whether the age-limit should be raised to 11 or to 12. Speaking quite frankly, and having behind me the experience of 22 years of factory conditions in India, during seventeen of which I resided in mill compounds and was inside the mill premises daily, I maintain that an increase of two years more than covers all the requirements of the case. It must be kept in view that under our present Factory Act, children are allowed to work only six hours in textile factories and seven in others ; and when the present Act is amended, I see it is the intention to make the working hours six only in all factories. Children are engaged in light work only, and I am firmly of the opinion that it is much better for boys, and even for girls of 10 and 11, to be learning a trade in well ordered factories than being left to find employment.

elsewhere. For it is almost certain that under present conditions boys of that age will be compelled by force of circumstances, if not by their parents, to do work of some description or other. All our mill workers are drawn from the agricultural classes, amongst whom, as Honourable Members are well aware, it is the practice for boys to help their parents at times of sowing, weeding and harvesting. If they are not allowed to work in the mills, they will certainly have to remain a burden on the land or go out as herdboys or take up odd jobs, all leading to blind alley occupations.

It has been suggested that, if children between 9 and 12 are not allowed to be employed in factories, this will help the cause of compulsory and free education in this country. I cannot help smiling at this suggestion, as if the addition of 20,000 to 30,000 children to the present uneducated millions, will make the slightest difference! Further, the average duration of the school life of children now attending schools is only about 4 years. That is to say, the average boy goes to school at 5 or 6 years of age and is finished with his education at 9 or 10. Even where the recent Education Acts provide potential opportunities for education in municipal areas in certain provinces, the age, highest age suggested for compulsory education, is 10 or 11. What is to become of the child after he reaches this age-limit?

Sir, I think I have said enough to satisfy Honourable Members that 11 is a more suitable age than 12 to fix for the minimum age of employment of children, and I hope they will support the amendment put forward by me. It will still be for us to increase the age above 11 at any time our Factory Act comes up for amendment.

May I further suggest, Sir, that they should not be influenced by what passed in another place on Saturday? . . . . .

THE HONOURABLE THE PRESIDENT: I am sure the Honourable Member may rest assured that the Council will decide the question without being influenced by what happened in the other House.

THE HONOURABLE SIR ALEXANDER MURRAY: Sir, in the words of His Royal Highness the Duke of Connaught, is this House not a Senate whose 'functions will be to exercise a revising but not an over-riding influence, for caution and moderation and to review and adjust the acts of the larger Chamber?'

By all means let us give to the Resolutions of the International Labour Conference the consideration that in our opinion they deserve, but in doing so let us be guided, not so much by a 'natural desire to avoid alienating opinion abroad,' however advisable that may be, but by an earnest desire to do what we consider right by the children and the people of the country whose interests are entrusted to our care.

Sir, I beg to move the amendment standing in my name.

THE HONOURABLE THE PRESIDENT: I may just remind Honourable Members, before I call on the other speakers, as several Honourable Members were not here when proceedings commenced; that the Council is on Sir Alexander Murray's amendment, and I shall confine the debate for the moment strictly to that amendment.

THE HONOURABLE RAI BAHADUR LALA RAMSARAN DAS: Sir, I rise to give my hearty support to the amendment put forward by my Honourable friend Sir Alexander Murray. He has so ably and exhaustively dealt with his motion that further comment seems unnecessary.

The HONOURABLE MR. E. S. LLOYD : Sir, I desire to support this amendment.

It seems to me that in a matter like the one at present before the House our attitude should be one of considerable caution. I do not say that we should be reactionary or ultra conservative. But I presume we are a somewhat conservative House. I do not say that we should resist new proposals simply because they are new, but I do think that we should, when we consider new departures, be satisfied not only that the advance suggested for our acceptance is either imperatively urgent, or important, or, at any rate, intrinsically reasonable, but also that there is a real effective demand for it from amongst those directly concerned. I have not been quite satisfied that in this case there is either an effective demand for the change proposed, or any sufficient reason for so sudden a jump from the age of nine to that of twelve. It is quite certain that the parents of the children employed will not like it. Their view, no doubt, is simply one of the family budget. The employers, I take it, are against it, and I cannot say that there is any very pronounced demand amongst the more enlightened public opinion in this country. Then I cannot see that there is any question of finality on the subject. Admittedly, educational facilities do not exist, or at any rate, need development. If we vote for a moderate move to-day, say from the age of 9 to 11, we may, if found necessary, vote for 12, five or ten years hence. Until and unless those who propose the higher age make out an overwhelming case, I personally am in favour of going slow, and I cannot say that an overwhelming case has at present been made out. I think it might conceivably be possible while fixing the statutory minimum at 11,—it might, when we come to consider the Act, be practicable to give Local Governments power, perhaps by rules under the Act—to raise the age gradually, in certain trades, and possibly not in other trades, from 11 to 12, and possibly even to 14 if required. That, no doubt, may be considered at the time of the revision of the Act.

I may say that in Madras in the course of last year the Commissioner of Labour took a considerable amount of trouble to ascertain what was the age of children employed in the various mills and the larger industrial concerns. It was found that in the Madras Presidency the number of children employed is at present certainly small, but the figures which I have seen show that the age of those returned between 11 and 12 was approximately one-fourth of the whole—a little more than one-fourth I think—the whole inquiry being concerned with the ages between 9 and 13.

I think this is some answer to those who say that the question of the particular age which is fixed as a minimum is possibly an unimportant detail. I can hardly think that it is an unimportant detail whether the child should be given his right to begin to earn his living and help his parents at the age of 11 or 12. If a very large or proportionately large number of children of the age of 11 are already employed in the factories, is there any particular reason why, even if industrial concerns develop, children of that age in a country in which children are admittedly more precocious than they are in the West, and, I think, not altogether physically unfit, should not be allowed to earn their own living? I do not say that I am in any way against a certain advance. India, of course, must advance with the rest of the world, and I think there is undoubtedly a case for a moderate advance from the age of, we will say, 9 to 11, but, for the present, I would certainly advise the House to remain at that limit, and I intend to give my vote for this amendment.

THE HONOURABLE MR. CHETTIYAR : Sir, I have only a few words to say on this question. The minimum age at present under the Act is 9. To jump up to 12 at once may perhaps be too much. I am not unaware of the great necessity to safeguard the health of children by not putting them to hard work in early life. At the same time, the interests of the poor parent must also be considered. To him it is burden enough to feed his children, to clothe them and also to educate them if he can afford it. The sooner he is relieved of his duty of feeding his children the better for him. By fixing the minimum age at 11, we would relieve him one year earlier and also help him with the earnings of his son. The Honourable Mr. Chatterjee spoke about compulsory education in the country. I should like to know how many of our boys are receiving education in the country under that system. Sir, I do not think that serious harm will be done to the physical development of children by fixing the minimum age at 11 and the employers might get a longer time to educate the children in the rudiments of the machinery. The question of the age of admission to factories is closely linked up with the question of education. Unless free and compulsory education is given, the labourer might be hard put to it. The other day my Honourable friend Sir Maneekji Dadabhoy told me that in his parts practically all the children in the factories are given education free of cost. I wish the same was the case in all the factories in India. If possible, it is essential that provision should be made for free education of all workmen's children by inducing employers to undertake that responsibility.

With these few words, I support the amendment of the Honourable Sir Alexander Murray.

THE HONOURABLE MR. A. H. FROMM : Mr. President, at the outset of the few remarks which I have to make on this important question, I wish to say that I have no direct interest in the employment of children in factories. I merely refer to this because I come from the city of Bombay which bristles with the mill industry, and it might be thought perhaps that I was interested in mills. Unfortunately, I do not even hold any shares in mills—I wish I did. In the factory in Bombay with which I am connected, we do not employ children, the reason being that after skilled labour the work that we do in our factory is of a heavy nature, and it requires the strength of a man and is not suitable to children. I think, therefore, that I may claim to be in a position to discuss this matter free from any *ex parte* view of it.

To my mind the whole question of the minimum age which children must attain before being allowed to work in factories in this country is closely wrapped up in, and chiefly dependent on, the question of their education. And I must here differ from the Honourable Mr. Chatterjee. Were the legislation in this country such as to afford free and compulsory education, say up to the age of 12, then I would at once agree that the minimum age of 12 was a fitting one for the purposes of the Factory Act. However, we have no compulsory education; so we cannot look at this question from that point of view. I have heard it stated that the best way to secure compulsory education is to exclude as many children as possible from the factories and to let them run about the streets wild until presumably the unhappiness of their lot is such as to call forth a big shout from the public for compulsory education at any cost. This suggestion was sufficiently ingenious, but I do not think it is a practical one. You might as well try and force compulsory vaccination on the people of India by introducing an

[ Mr. A. H. Froom. ]

epidemic of, say, small-pox in a virulent form. As I have said, had we compulsory education in this country, I would support the Resolution introduced by the Honourable Member. But we have not any such thing ; so the question must be looked at from another point of view.

It occurs to me there are at least four points of view to be considered. First that of the Government who are anxious to ratify the draft Convention of the Washington Conference. Then we have that of the employers. Then we have the parents of the children, and lastly, we have the children themselves.

I will take the case of the employers first. The proposal to raise the minimum age of children from 9 to 12 must of necessity cause considerable inconvenience in the large factories, and I am not at all surprised at Government finding, as they apparently expected to find and say they have found, strong opposition to the proposal. I will go further and say that I am astonished to find that the employers were ready to meet them more than half way by agreeing to the age of 11, and I think that Government might well be advised to accept this compromise which comes two-thirds of the way to meet them.

Next, I will take the point of view of the parents of the children. This, I think, might at once be summed up in the word 'money'. The children earn fair wages in the mills in which they are employed, and their earnings go to assist the incomes of their parents. I am not putting this forward as a right argument for the employment of young children in factories, and I fully agree with the Honourable Mr. Chatterjee's remarks in this connection, but I feel sure that it will be the view of the parents and that there will be considerable dissatisfaction felt at this increase of the age minimum from 9 to 12, and on that account I think that a compromise at 11 would not be disadvantageous.

Next I will take the point of view of Government, and their point of view appears to be chiefly influenced by a desire, as a Member of the League of Nations, to ratify the draft Convention of the Washington Conference. The Honourable Member moving this amendment, my friend Sir Alexander Murray has dealt fully with this point and has explained clearly how Article 6 of the draft Convention has been introduced in spite of the recommendation to the contrary of the special sub-committee appointed to deal with the minimum age of child labour in Oriental countries, and I do not propose to discuss this aspect of the question further. I will merely ask that Honourable Members of this Council should weigh fully the remarks of the Honourable Sir Alexander Murray in this connection. It appears to me that the Washington Conference did not expect the Government of India to accept the minimum age-limit of 12 years without previously ascertaining that it was agreeable to the people of India generally.

Lastly, we come to the point of view of the children themselves, and I think this is the one which should carry most weight with us. I do not mean that we should call for an expression of opinion from the children, but that we should see where their best interests lie in this matter. If there were compulsory education facilities all over the country, I should at once plump for the minimum age of 12, provided that the educational facilities held good up to the age of 12. But there are not and for that reason chiefly I

give my support to the compromise age of 11. I feel sure that in the absence of healthy school dwellings children in the industrial districts of this country are better off employed in light work than in being allowed to run about the streets unchecked and under no discipline, or to remain during the monsoon months of the year in their homes, the hygienic conditions of which leave very much to be desired. I heard yesterday a reference made to the prevalence of phthisis among the mill hands in Bombay, and it was suggested that this was due to the employment of children at an early age. Well, I am not a doctor or a medical man, but I very much doubt whether in the modern and up-to-date mills of Bombay, and of Calcutta too for the matter of that, children suffer as much harm working in them for 6 hours a day as they do by remaining in their own, in many cases, insanitary dwellings. In adopting the minimum age of 12, Government will have against them the employers, the parents of the children and very likely the children themselves; and I would strongly advocate the *via media* of 11 years. We can say to the Washington Conference that we are not sufficiently advanced as regards matters of education in this country to adopt the recommendation of 12 years, but are prepared to agree to 11, and further to undertake to re-examine this question when the educational facilities which must come in this country are further advanced. Sir, I earnestly recommend to the Members of this Council the acceptance of the Hon'ble Sir Alexander Murray's amendment.

The HONOURABLE MR. G. S. KHAPARDE : Sir, I wish to oppose this amendment and for this reason that our social habits and our modes of thought have not been taken into consideration by the previous Honourable speakers. In India, at any rate, we divide life into periods of 12 years—12 years infancy and childhood, the next 12 years youth and so forth. Another argument that has been put forward is, that children do help their fathers in the field. I quite agree; but helping a father in agriculture is very different from helping a father in work in a mill or factory. The atmosphere of a mill is hotter than usual. I have some experience in this matter, because as a Magistrate I had to inspect some mills at one time. That is all the experience I have of mills, but I know that the atmosphere of a mill is very warm, is very crowded and there is a certain amount of what you call special attention, necessary, when you are moving about, otherwise you put your finger into a wheel and get killed very soon. So children working under these conditions are very different from children working in the fields, where they draw water, cut the corn, stack it and so on. I submit that their habit of helping their fathers in agricultural work does not help us here at any rate to decide this question. I agree that the Washington Conference was not quite right in arriving at this conclusion, but this is one of those cases in which people arrive at the right conclusion by a wrong process. They did a good thing in a bad way. But so far as I could read the papers, I was myself inclined to argue that 14 years would be the proper age for our children to begin; but as 12 has been proposed and as that is an advance also and has the merit of being a *via media*, as the Honourable Member who spoke last said, I thought 12 was about the best, though my own inclination had been towards 14.

A further reason I would put forward is that the physique of our boys in India is not the same as that of European or Italian boys. Another thing is that the general poverty of the Indian family and such things have a very adverse effect upon these children. The fact that the little income which these boys earn goes to help the father is of course true. On the

[ Mr. G. S. Khaparde. ]

other hand, the Honourable Mr. Chatterjee put it in a very poetical manner when he said that the employers would not agree. People who go in for trade—I am sorry to have to say so, I do not wish to give any offence—do not do it from philanthropic motives. We always think that we are developing the country and so on; but the primary idea is to earn something for ourselves. I may be wrong in saying that, but there the thing stands and employers, as a rule, would like quite naturally to have as great an outturn on their money as they possibly can. And as I said myself in a speech I made earlier, on this delegation—it was a very good delegation with some very able people on it and so on; but unfortunately there was no working man on it and the workingman's views were never placed before it. The labourer would like to see his boy grow up healthy and strong, playing about and even helping in agriculture, but not in these mills where the atmosphere is altogether artificial and not conducive to good health. It has been said that we have no compulsory education here. But that does not mean that we are not going to get it to-morrow or the day after. Education is a Transferred Subject, and, in so far as I know the feeling in the provinces, they are very keen on introducing primary education for everybody and making it compulsory as far as they can.

That being so, I believe it would be right in deciding this question to take the question of education also into consideration and not leave it over until it is introduced. For all these reasons, Sir, though I am personally in favour of increasing the age-limit to 14, I entirely support the original proposition for 12 years and oppose the amendment.

The HONOURABLE DIWAN BAHADUR V. R. RAMABHADRA NAIDU : Sir, after what I have heard from Mr. Chatterjee, I was surprised to hear Sir Alexander Murray and Mr. Lloyd. Mr. Chatterjee's speech was marked by wisdom; especially the concluding portions of it must appeal to every Indian. It will be a retrograde step for us to go behind the decision arrived at by the Legislative Assembly to fix the age at 11. What Mr. Chatterjee has said is a golden mean in my opinion. I know what the difficulties are in working in a factory. I come from Madura, where a cotton mill exists. It is popularly known as Harvey's Mill; and it is a sorry sight in the evening when children come out of the mill quite exhausted. The stuffy atmosphere and the physical exertions they undergo are terrible. Moreover, as my Honourable friend Mr. Khaparde has said, there are avaricious and unbending parents who want to make a large income out of their children's exertions in a factory. I know, as a matter of fact, a servant who was working under me and who employed his children in the Madura Mills. He had nearly 9 children ranging between the ages of 14 to 5. He employed almost all of them in the factory with the result that he lost many of them in an epidemic of cholera. Many children are physical wrecks. So I commend the Resolution to fix the age at 12 years to this Council's consideration, and I think it will not be consistent with our Council alone to fix the age at 11. I therefore strongly support the proposal to fix the age at 12.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN : I have got, Sir, another argument to put forward. I am not a doctor, but I have heard it said that people in the Orient come of age earlier, and in the same way they get older before the people in the West. So I think in reality if 12 was the

proper age in Europe, 11 would be very much nearer it here, and it is for this reason that I give my support to the amendment moved by Sir Alexander Murray.

The HONOURABLE MR. A. C. CHATTERJEE : May I rise to make an explanation, Sir ? I think I mentioned that 14 was the age which had been accepted in Europe and not 12.

The HONOURABLE MR. E. J. HOLBERTON : Sir, in rising to support most strongly the amendment moved by the Honourable Sir Alexander Murray, I do not think it is necessary for me to bring forward many more new arguments. Practically the whole field of argument has been covered by him and his supporters. But there are one or two peculiar features of this debate on which I find it impossible not to express an opinion. To begin with, here for the first time as it appears to me, we find the Government of India taking an independent line. We have not heard that they have had any support at all for their selection of the age of 12. As far as is generally known, the advice which they have got has been for a lower age. Again, we find when we listen carefully to this debate, that the Honourable Mover has for the first time found it necessary to appeal to his audience to remember the special consideration that has been given to India to-day. He has told us that the eyes of the world are on us. In fact, it appears to me that he has been himself a little nervous of his subject and he has tried to draw our attention in his direction by various ways which are not unknown to all of us. In addition to this, I find it necessary to support that down-trodden class, the employers of labour. In several of the Honourable Mover's remarks, he has treated us very badly. Some of us think that a child is better cared for in a factory than if we allow him to run about in streets with the alternatives probably of selling newspapers or sweeping them for a living. We are told, however, that this is not so. And that he is better doing nothing, although the Government is absolutely unable to offer him at the present moment, as a class, anything in the way of education.

Again, we are told that the employers as a class are going to oppose this Resolution on the ground that they have always been against factory legislation. Gentlemen, I desire to oppose that point of view most strongly. There are very many enlightened mill-owners and managers of mills in India and Burma, and no one has been more forward in bringing forward and supporting factory legislation than they.

Again the point of apprenticeship has been entirely ruled out by him. Apprenticeship does begin in a factory, and if, as I strongly maintain the majority of factories in India now-a-days are well run, the chances of a boy who begins young of rising to something entirely out of his own class in life are enormous. The later you delay the application to the trade of which he is going to make his life study, the greater you put off his chances of attaining success.

Again, the dreadful word 'slavery' has been used. Gentlemen, as an employer of labour, as a man in whose saw-mill in Rangoon a large number of children are employed, I may tell you that I feel this very strongly. I object to the whole class of employers of labour being thrown into one class of men who use slaves . . . .

The HONOURABLE MR. A. C. CHATTERJEE : May I rise to make a personal explanation, Sir ? I never said that all employers were employing slaves.

[ Mr. A. C. Chatterjee. ]

All I said was that if the argument was adduced that children under 12 should be employed in order to enable their fathers to maintain their families, then I consider that system to be slavery.

**THE HONOURABLE THE PRESIDENT:** I rise to point out to the Honourable Member that we are on the amendment. He will have an opportunity of getting back to the main question if he wishes to, but for the present he must confine himself to the amendment relating to the age question which has been brought forward by the Honourable Sir Alexander Murray.

**THE HONOURABLE MR. E. J. HOLBERTON:** My point is that if this age question is insisted upon, many of us will be forced to oppose the whole Resolution, otherwise with a slight alteration we are prepared to accept it.

**THE HONOURABLE MR. L. S. MEHTA:** Sir, it was a disagreeable surprise to me to see my Honourable friend Sir Alexander Murray moving an amendment to this Resolution.

We have always looked upon Englishmen, Sir, as knowing a great deal of labour conditions and upon English industrialists and capitalists as being more in sympathy with labour than our own industrialists and capitalists, and I was really surprised that a gentleman like Sir Alexander Murray should have come in the way of improving the condition of young children. Sir, I tried to listen to his arguments, I tried my best to find out what he had to say about reducing the age from 12 to 11, and it may be due to my dense intellect or whatever it is, but I did not find that he brought out anything to show why the age should come down from 12 to 11. He did say that it was one great jump from 9 to 12; well, if that is so why 9 to 11 and why not 9 to 10 or why not 9 itself? or why not go down and reduce it from 9 to 8? No arguments were used to show why and how the figure 11 was arrived at. But my Honourable friend Mr. Froom, I believe, in a way gave away the whole case. He said it was a compromise suggested by the employers to the Government. That means that after all the Government is to be ruled by the employers as a class. They say practically, we have come forward here, we are prepared to meet you two-thirds—those are, I believe, the exact words used by Mr. Froom. If you do not accept it, Mr. Holberton said, we are going to oppose the whole Resolution. Is that the attitude going to be taken up by employers? I think that employers all over the country have now changed their angle of vision. They now see that unless they go and make terms with labour—at least we in Bombay feel that—labour will force us to do so. Are we going to that stage and force labour to use their strength against us? I think it is much better to be forewarned and to make all these alterations before the demand comes from them.

Mr. Chatterjee said, and I think he rightly said, that if we are going to wait till compulsory primary education is introduced in all the provinces to raise the age, we are moving in a vicious circle. The only point before us at present is, whether the age should be 12 or 11. Before voting, I tried to put myself in the place of the father of a child who is to be employed in the mills or industries; and I think I would prefer my child—I am answering Mr. Holberton—to loaf about the streets and be stronger physically than to go and wreck his health in a mill. I ask Honourable gentlemen to put their hands on their hearts and then vote on the Amendment, and tell us what they would do in the case of their own children.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, It will be superfluous to make any lengthy observations at this stage after the most illuminating and convincing speech of Sir Alexander Murray and the most convincing arguments advanced by the Honourable Mr. Froom, the Bombay representative in this Council. I notice that there has grown a fashion now in this Council to loosely speak of moral sympathy, the sympathy for one class or the other, without considering the responsibilities of the employers of labour or the difficulties under which they have to act.

In the case before us I have not been able to appreciate the position of Government. When our representatives were sent to the Conference they went with a mandate to the effect that Government was not going to alter the age-limit of juvenile labour. They went there with a further mandate that the industrial conditions of the country, local conditions, climatic and tropical conditions, were to be respected; and any decision arrived at in opposition to these mandates will not receive the support of our Government. For some mysterious reason the attitude originally taken up by Government has been altered. On the report of the Washington Commission, I understand that Local Governments have been consulted, and the unanimous opinions of Local Governments were that the question of the extension of the age-limit to 12 was an indefensible position to take up. I have had the pleasure of listening to the speech made by my Honourable friend Mr. Chatterjee, and Honourable Members must have noticed that at the end of his speech he made a statement which is of great importance, and which knocked the bottom out of his case. He himself had to admit that there was no substantial difference whether the age-limit of 11 or 12 was adopted . . . .

The HONOURABLE MR. A. C. CHATTERJEE: I never made that statement. What I said was that there may not be to-day any very great substantial difference between 11 and 12, but it would make a tremendous difference in time to come.

The HONOURABLE SIR MANECKJI DADABHOY: I will accept that statement of the Honourable Member, but even then for many reasons I request Honourable Members to vote for the amendment. You may take it from me that employers of labour are not pressing the matter from the point of view of personal interest. In fact, the employers of labour in the Bombay Presidency have shown their sympathy by adopting the recommendations of the Washington Conference. They have moved in the matter voluntarily and without any outside pressure. They have readily and willingly acceded to the demands of Government that a reasonable reduction in the working hours of adult labour should be made; and they have likewise shown their willingness to agree to the reduction of juvenile labour.

Here we have to-day an amendment brought before us by the Honourable Sir Alexander Murray who has served on the Washington Conference, and who has taken a very important part in the deliberations of that body. We have his considered and weighty opinion that by adopting his amendment, namely, raising the age-limit to 11 and not to 12, you will not only be considering the interests of Government, but also the interests of parents and the children themselves in whose interests this legislation is sought to be introduced. I hope, therefore, that all Honourable Members will accord their vote in favour of this amendment. There is another aspect of the case that has not been taken into consideration. We have heard a great deal about

[ Sir M. B. Dadabhoy. ]

the strain and fatigue to which boys and girls are exposed at the age of 9 in connection with their employment in factories. Some of my Honourable friends have said that young boys when employed in fields find life good for their health. But there is another aspect of the case. If these boys are allowed to start life in factories at the age of 11, at that impressionable age, their character is moulded and shaped, they obtain longer time of apprenticeship, about 5 years, and after the period of apprenticeship they jump into good berths in the particular trade which they are following.

You will be depriving children of these prospects in search of something very illusory. There is no doubt—and everybody is agreed—that free primary education should be given to children and all possible opportunities should be placed before them to acquire primary education. But despite the fact that the major Provinces have adopted compulsory Education Acts, they are not in a position to do much. They are not able to provide primary education except in urban areas, and that to a very limited extent. On the other hand, what is done in manufacturing concerns such as big textile factories? The employers look after the education of their juvenile employees. They supply them with free primary education. They get this education *gratis* and you will be depriving a large number of these youngsters of it by raising the limit of age from 9 to 12. Further, the Council is aware that, if any change is to be brought about, it should be gradual, slow and progressive. All catastrophic changes are dangerous. They are dangerous to the employer, they are dangerous to the worker. I hope, therefore, that Honourable Members will pass this amendment. I appeal to the influential Members of this Council to support this reasonable amendment. I appeal to them not to defeat this amendment by the block of official vote. This is a very important measure requiring your dispassionate consideration. Do not for a moment think that we are pleading in the interests of the employers. We are pleading for the children in whose behalf many of my friends have displayed so great a solicitude. I therefore commend this amendment to the Council's acceptance.

THE HONOURABLE MR. A. C. CHATTERJEE : Sir, at the outset I hope the Council will permit me to express my infinite regret that my Honourable friend opposite has thought fit to bring this amendment before the Council.

THE HONOURABLE LALA SUKHBIR SINHA : Sir, I should like to say a few words in favour of the original Resolution.

THE HONOURABLE THE PRESIDENT : The Honourable Member will have an opportunity later. The Honourable Mr. Chatterjee has not spoken on the amendment yet.

THE HONOURABLE MR. CHATTERJEE : I join with the Honourable Mr. Lalubhai Samaldas in my admiration for the Honourable Sir Alexander Murray's breadth and generosity of views on all labour questions and, as he has himself put it, we have laboured together for the last eighteen months and I was hoping that we should be able to come to an agreement on this point also. But it has been otherwise. Sir, the Honourable Member has referred to the discussions at Washington and has taken the Government to task for what he calls a change of front. Sir, I think he will recall that throughout the discussions in Washington the Government delegates there never expressed any opinion about any particular age as being suitable for the employment of children in India.

All that they asked for was that the discussion of the question should be postponed until the Government of India had an opportunity of obtaining the views of the country on this question.

Sir, the Honourable gentleman himself, about six months ago or even less, signed a document on behalf of the Bengal Chamber of Commerce in which he said that there ought to be no change whatever . . . . .

**THE HONOURABLE SIR ALEXANDER MURRAY:** Sir, I rise to a point of order. I signed no document.

**THE HONOURABLE MR. A. C. CHATTERJEE:** Well, Sir, the document that I saw stated that it was the unanimous opinion of the Bengal Chamber of Commerce that there should be no change whatever in the age-limit now fixed by law. Sir, I have great hopes of the Honourable gentleman. In the atmosphere of Delhi, the sturdy North British radicalism of the Honourable gentleman has been reasserting itself, and I am still hoping that when the Bill comes before the Council, the Honourable gentleman's radicalism will have gone a step further and that he will probably accuse the Government for its timid and cautious move in this matter.

Sir, the only point in the Honourable gentleman's address to which I should like to make a reference here is, when he said that the children, instead of going to the mills, will only be employed on objectionable forms of employment during the period between 9 and 12 . . . . .

**THE HONOURABLE SIR ALEXANDER MURRAY:** I never used the word 'objectionable'.

**THE HONOURABLE THE PRESIDENT:** I do not wish to intervene in this matter as long as speakers are prepared to give way to allow these interjections. But, as a matter of fact, the proper time for explaining alleged misstatements of this nature is at the end of a speech.

**THE HONOURABLE MR. A. C. CHATTERJEE:** Well, Sir, the boys, instead of going to the factories will be working in the fields. That is quite a different proposition. Even in the Honourable gentleman's factories and in the other mill areas in Bengal, I should think the atmosphere is not quite as wholesome as in the open fields of Bengal or of Bihar whence the boys are recruited.

The Honourable Member from Madras has suggested caution. He thinks that there is no effective demand on behalf of the parents for the reform that has been proposed. He is quite positive that parents are not in favour of any reform. I think I have alluded to this point in my opening speech. He has further suggested that in the Bill we might fix the age at 11 with powers to Local Governments to raise it to 14. I am not at all certain that the Honourable Sir Alexander Murray will thank him for this suggestion. In view of what the Honourable Sir Alexander Murray now suggests, I do not think I need pursue this suggestion of the Honourable Mr. Lloyd.

Then, he has also stated that children in India are very precocious, and therefore the age of 11 will probably be just as suitable as the age of 12.

I think I have already stated that in every other country the age fixed is 14. I am quite sure that very few Honourable Members here would like to assert that an Indian child of 11 is physically as fit as a European child of 14.

The Honourable Mr. Chettiyar has referred to the old argument of relieving parents of responsibility for their children a year earlier. I have dealt with

[ Mr. A. C. Chatterjee. ]

this question in my opening speech. If this argument were carried further, we would probably have proposals that the State should entirely take over the care of children from the day they are born.

The Honourable Mr. Froom, I was surprised to find, has said that there is no law for compulsory education in this country. There are already several Acts in the Statute-books of the different Provinces. I alluded to this point in my speech, and I said that these Acts could not be brought into force on account of the difficulty with regard to the provision of funds, and these funds can only be provided by the wealthier classes of the community, that is to say, by the industries.

I could not quite make out, Sir, from the speech of my Honourable friend Sir Maneckji Dadabhoi whether he still stuck to the age of 9, the age that was recommended by the Bengal Chamber of Commerce . . . . .

THE HONOURABLE SIR MANECKJI DADABHOY : I made it quite clear, that it was the age of 11 that I was pressing for.

THE HONOURABLE MR. A. C. CHATTERJEE : I am sorry if I misunderstood him, but I thought he referred particularly to the age of 9, and I took it down as the age when the boys have a plastic mind and can enter factories in order to be trained in their trades. Then also, Sir, he has referred to the benevolent activities of employers in giving elementary education free to the children. I think, Sir, most employers in India will disclaim any responsibility for giving free elementary education to children employed either in factories or outside ; at least, that is the position which the Government understand employers have always taken . . . . .

THE HONOURABLE MR. L. S. MEHTA : Quite right.

THE HONOURABLE MESSRS. DADABHOY AND MURRAY : No, no.

THE HONOURABLE MR. A. C. CHATTERJEE : Then, Sir, the Honourable Member from Burma has suggested that it is a good thing for children to be employed in factories at an early age in order to get a long apprenticeship in the trade, and therefore trade will flourish and industry will flourish. I suppose, Sir, all the representatives of employers who were in Washington did not really know their trade, otherwise they should not have accepted the age of 14 as the minimum age of employment for children. I suppose that the argument that applies in Burma applies also in European countries.

I think, Sir, there is really no vital force in Sir Alexander Murray's amendment. I have a sort of suspicion that he will not be particularly disappointed if his amendment is negatived. As I said . . . . .

THE HONOURABLE SIR ALEXANDER MURRAY : I rise to a point of order. Is he justified in interpreting . . . . .

THE HONOURABLE THE PRESIDENT : I think the Honourable Member will allow the Honourable Mr. Chatterjee to proceed.

THE HONOURABLE MR. A. C. CHATTERJEE : As I was going on to repeat, Sir, the Honourable Member has made a wonderful progress from the age of 9 to the age of 11 in three months' time, and I am still looking for further reform in him, specially when we are closely associated together in the framing and discussion of the Bill. I have nothing further to say.

The HONOURABLE SIR D. WACHA : Sir, I may tell the House this much, that I have always taken a detached view on the question of labour, particularly Indian labour, and during the last thirty years I have always advocated the better welfare of labour from all points of view, sanitary, economic, social and so on; and my own speeches will bear evidence to my statement. When I speak here, Mr. Lallubhai will say that he is 'disagreeably surprised' to see that Wacha is differing from him. But I do say this that the question whether it should be 11 or 12 appears to me to be somewhat like 'Tweedle Dee and Tweedle Dum'.

What is the fact? Whether you keep the minimum age at 11 or at 12, the number of children employed in all the factories in India—and there are 3,241 factories which, I believe, are more or less inspected under the present Factory Act—are not more than 60,000 against a total working population of nearly 11 lakhs. So practically in these 3,241 factories you have got 60,000 children of the present Factory Act age. That is only six per cent. What is it? It is indeed negligible as far as children are employed. Then, why all this bother about protecting children, and inconsequential talking about parents and education, this, that, and the other thing? I cannot understand it, and I cannot understand why the Government should bother themselves with this petty piece of prospective legislation? There is a serious kind of evil which the Government ought first to tackle, and that is, the prevention of thousands of mill operatives who are killed by the drink traffic. In Bombay, Sir, to-day, because they are getting more wages, the operatives are drinking hard. Millowners have appealed more than once to Government to see that the drink shops were closed. When Lord Willingdon came to our Association some three or four years ago he talked about the same thing. I asked whether he was willing to shut up the drink shops. His reply was that it was a political problem. That shows clearly how Government in one breath try to go forward and forward without serious thought, and in another place even though the legislation may be right it will not carry it out. Here, I say, we are rather asked to be in advance of the popular view of the question. As a matter of fact, I will say this. I find that, since the Factory Act was re-enacted in Bombay in 1911, there are less number of children employed in the mills than before. Why? Because I believe—at least that is my impression—I may be wrong—that the parents themselves thought it was of no use putting their children in factories when the Government was putting a strict limit of age. Far better to withdraw their children and let them go and find work elsewhere. Even in the Bombay factories to-day there are not more than 13,000 children, boys and girls, together. What is that number? A bagatelle. A great bogey is set before us that it is very good that children should not work in the factories till 12. I have seen children of lower age in Bombay working from 6 in the morning till 6 in the evening, and not getting more than 3 to 6 annas per day, and their number far exceeds the 1,300 in 80 mills. Government seem to be going blind in matters of social legislation. At one time they seem to go straight into the quandary; at another time they shut their eyes and say they can do nothing! That is how Government behave in the matter of legislation. In cases where legislation is overripe they will not move their little finger. In other cases where legislation is unnecessary, they will go in advance by 25 years of public opinion!

Sir, for five years past, as my Honourable friend Mr. Shafi will bear me out I have been asking the Government to spend money to find sanitary houses for the working classes. In England, they have been spending some millions

[ Sir D. Wacha. ]

sterling for housing such classes. Last year, after my persistent interpellations I was able to see them sanctioning 30 lakhs for the dwelling houses of operatives. What is that? A mere flea bite in comparison with the millions spent in other directions! Then there is the question of sanitation, a larger question than legislation for the age of some 60,000 children employed in all India in 3,240 factories. I leave it, Sir, to the common sense of all the Members of this Council to say whether this legislation is necessary at all or not. I am not going to appeal to the Council, like my Honourable friend Sir Maneckji Dadabhoi or like my Honourable friend Mr. Chatterjee, who, of course, to-day, was in a rather rhetorical mood and frightened us with his bogey 'eyes of the world' were upon us and goodness knows what will happen.

Sir, I will not say more. I have a great deal more to say, but my friends remind me that time is pressing. I do think, however, Sir, on the whole that the facts and figures and the arguments brought before us by the Honourable Sir Alexander Murray are convincing.

The HONOURABLE SIR L. S. MEHTA : Sir, I move that the question be put.

The motion was adopted.

The HONOURABLE THE PRESIDENT : The question is—

'This Council 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 Organisation of the League of Nations convened at Washington on the 29th October 1919, subject to the following reservations.'

I do not think it is necessary for me to read those reservations to the Council because the effect of the Honourable Sir Alexander Murray's amendment is to substitute yet a further Resolution.

The HONOURABLE THE PRESIDENT : The question now is that in the Resolution, which runs as follows :—

'This Council 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 Organisation 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 direct ;
  - (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.'

the following amendments be adopted, namely :—

'(a) That before clause (a) (i) the following be inserted, viz. :—

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

(b) that clause (a) (i) be re-numbered (ii) ;

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

The Council divided as follows :—

AYES—13.

Abdul Majid, Nawab  
Amin-ul-Islam, Mr.  
Chettiyar, Mr. Annamalai.  
Dadabhoy, Sir M. B.  
Froom, Mr. A. H.  
Hammond, Mr. E. L.  
Harnam Singh, Raja Sir.

Holberton, Mr. E. J.  
Lloyd, Mr. E. S.  
Moti Chand, Raja.  
Murray, Sir A. R.  
Ram Saran Das, Lala.  
Umar Hayat Khan, Colonel Sir.

NOES—24.

Barnes, Sir G.  
Barron, Mr. C. A.  
Bhurgri, Mr. G. M. K.  
Bray, Mr. D.  
Chatterjee, Mr. A. C.  
Cook, Mr. E. M.  
Edwards, Major-General W. R.  
Elliott, Lieut.-Col. A. C.  
Jha, Dr.  
Kale, Mr. W. G.  
Keshava Prasad Singh, Maharaja  
Bahadur.  
Khaparde, Mr. G. S.

Maricair, Mr. A.  
Mehra, Mr. L. S.  
Nayudu, Mr. V. R.  
Po Bye, Maung.  
Richey, Mr. J. A.  
Sarma, Mr. B. N.  
Seddon, Mr. C. N.  
Shafi, Mr. M. M.  
Smith, Mr. H. Moncrieff.  
Srinivasa Sastri, Mr. V. S.  
Sukhbir Sinha, Lala.  
Vincent, Sir W.

The Amendment was negatived.

The HONOURABLE THE PRESIDENT: The Council having granted leave under Standing Order 22, the business of the Council is now interrupted, and I call upon the Honourable Mr. Bhurgri to make his adjournment motion.

KHILAFAT MOVEMENT.

The HONOURABLE MR. BHURGRI: Mr. President, my intention in troubling the members of the Council is to call the attention of the Government to the recent statements in the Public Press that representatives of Muhammadan opinion are being summoned to London, almost immediately, to represent the views of that community in a matter of vital importance. You will see, Sir, the matter is so important and so urgent that I need make no apology for taking up the time of this Council in this manner. Before I deal with the personnel of the delegation proposed I will, with your permission, say a few words about events in India which have led the Government to take this wise and far-seeing step.

The relations of my community with the Government of this country are too well known to be reviewed here. If there was a community more friendly to Government than any other, it was the community to which I have the honour to belong. There were days when my community believed, and rightly believed, that England was the only friend of the only Muslim Empire in Europe and consequently of their faith-Islam. The glorious stand of England by the side of the Sultan of Turkey against Russia enraptured the Mussalmans of India and convinced them of the true friendship of England towards their Khalif. It made their hearts beat with profound gratitude. The right of the Sultan of Turkey to be the rightful Khalifa of Sunni Muslim world and custodian of their holy places was not in dispute then, as it is being disputed by some now. The Mussalmans of that period believed, as the

[ Mr. Bhurgri. ]

Mussalmans of to-day believe, that their rightful Khalifa was and is the Sultan of Turkey. The fact of their praying for their Sultan and recital of his name as their Khalif in prayers is conclusive proof that the claim of the Sultan of Turkey is not a new one. Nor is it concocted now to suit the exigencies of the present political situation. As a matter of fact, this belief of Mussalmans was indirectly recognised by Lord Beaconsfield, the Government of India and Sir Richard Temple by blessing the mass meeting of Mussalmans held in Calcutta at the time of the outbreak of Russo-Turkish War in 1876. In fact from that time onwards almost every Englishman in this country persisted in declaring himself and his nation as the only true friend of our Khalifa and our faith. And therefore they argued that the Mussalmans of India should not participate in any national movement which they thought was against British interests. It was in vain that a few nationalist Mussalmans tried to interest their community in their home affairs more than the affairs of other countries. But the blandishments of our English friends for a long while succeeded in keeping the community away. When the Great War broke out, Mussalmans of India stood to a man for Britain. The unfortunate participation of Turkey in the War on the other side, though painful to Mussalmans, did not make any difference in their attitude towards the British Government. The Mussalman soldiers went on fighting in different theatres of War, and even fought against Turkey herself, relying fully on the assurances given that it was not a religious war. Then came Peace. The hearts of the Mussalmans of India stood still and expectant to see how their old friend, England, would redeem the promises given on her behalf and treat the only Muslim Empire in Europe. I would not take up the time of the Council by going through the pledges given by the Prime Minister of England. They are too well known. Suffice it to say that the subsequent attitude of the British Government towards Turkey in the question of Thrace and Asia Minor, which according to Mr. Lloyd George himself were predominantly Turkish in race, and her proposed acceptance of mandate for Arab Provinces impaired the trust of the Mussalmans of India in England's good faith towards them.

What they expected England to do was at least to let Turkey have the rich and renowned lands in Asia Minor and Thrace . . . .

The HONOURABLE SIR WILLIAM VINCENT: May I rise to a point of order, Sir? Is the Honourable Member in order in referring to the relations of Great Britain with foreign countries?

The HONOURABLE THE PRESIDENT: He is not out of order in referring to them. He would be out of order in discussing them.

The HONOURABLE MR. BHURGRI: What I was referring to, Sir, was what they, namely, Mussalmans of India, expected England to do for them. What they expected England to do was at least to let Turkey have the rich and renowned lands in Asia Minor and Thrace which were predominantly Turkish in race and grant full autonomy to Arab Provinces by setting up Arab Government there. They did not ask that those provinces should be put under Turkey or any body else's control. They pleaded for a full autonomy of these provinces without any control by any non-Muslim power. That there should be no non-Muslim control over these provinces is a matter of faith with them, and is based on the last will and injunction of the Holy Prophet. They also asked that the holy places of Mecca and Medina should be placed under the suzerainty, however nominal, of their Khalif. The Council will see that

the demands put forward by Mussalmans as described above are not at all unreasonable. Whatever may have been the decision of the Peace Conference it was an irony of fate to see England, who has a greater number of Mussalman as her subjects than any other power in the world, adopting a hostile attitude towards the Khalifa of Islam and the religious sentiments of Mussalmans while France and Italy showed themselves friendly to Turkish interests. This is the cause of arousing the bitter feelings of Muslims which are more intense to-day than they had ever been before. The intensity of the feeling can be gauged only by those who have attended some of the Khilafat Conferences. I think I have said enough about the unsympathetic and hostile attitude of the Cabinet in England towards the sentiments and demands of the Mussalmans of India. I will now turn to the Government of India and the part they have been playing in this matter. I will be failing in my duty if at the outset I did not express my appreciation of the powerful efforts of Lord Chelmsford's Government, the Secretary of State for India and some of the Provincial Governors in the direction of pressing upon the attention of the British Cabinet the strong views held by my community on the subject. If my community has not acknowledged these efforts adequately, it is not because they were unwilling to acknowledge them, but because the Government of this country have not taken them into their full confidence. The Government of India is too much given to wear a Purda, and I do hope that to-day at least they will discard it and come out with a full and frank statement of what they have done in the past and what they propose to do in the future. I see from criticisms in the Public Press that they are sending a deputation to England to represent the Mussalman views before the coming Peace Conference. So far as the despatch of a deputation is concerned, it is a move in the right direction as indicating a laudable anxiety on their part to have the views of the Indian Muslims brought home to the Peace Conference. But I cannot help entering my protest against the procedure of Government taking upon itself the selection of the personnel of that deputation. This procedure is open to more objections than one. In the first place, it is wrong in principle and creates a dangerous precedent. It is the Muslims of India themselves who should have been left to choose their own representatives. But if the time necessary for doing this was not available, an alternative could have been resorted to by asking the Muslim representatives on the Councils now present in Delhi to choose them. In the next place, the Khilafat problem being a purely Sunni problem the composition of the deputation should have been in main Sunni. I am bound to say, however, that personally I have every confidence in my friends His Highness the Aga Khan and Mr. Hussan Imam and Mr. Chotani. But the Khilafat question being a Sunni problem it will be more satisfactory to the Public if the Government were to send one or two Sunni Muslims on the deputation. Furthermore, I am strongly of opinion that the presence of an eminent Moulvi on the deputation is essential to present the religious aspect of the case. I was pressing the Home Member for the last few days to add the name of Moulana Abdul Bari. I would have still pressed him for the same with all the force at my command, but for the reason that Moulana Abdul Bari himself does not consent to go. I would still press the Government to have one Moulvi on the deputation, and I would suggest the name of Moulvi Saddruddin of Woking Mosque to be added to the list.

Mr. President, let me assure this Council that nobody is more anxious to have peace than the Mussalmans of India. Nobody is more anxious to acquire the old good-will and friendship of Great Britain than my community.

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Peace is the great need of India, it is a greater need of England and the greatest need of the world. That peace can be achieved by Great Britain showing magnanimity by forgiving and forgetting the past, and by extending the hand of real fellowship towards Turkey in her hour of trial and need, and thereby reconcile not only the Mussalmans of India, but of the whole world. Will British statesmen rise equal to the occasion? That is a question which is uppermost in the mind of every Mussalman of the world.

The HONOURABLE MR. D. BRAY : Sir, the attitude of the Government of India towards this discussion has already been demonstrated by the alacrity with which members of the Government ranged themselves in support of the Honourable Member's motion for the adjournment of the House. Indeed, it is no secret that the Government felt not a little disappointed and somewhat embarrassed at the crowding out, at the last meeting, of the Resolution which stood in the name of the Honourable Sir Zulfiqar Ali Khan. For, studiously general though the wording of that Resolution, no one, I take it, failed to realise that it was designed as an appeal for the further representation of the views of that great religious community to which he belongs on the particular matter which is now, and has for long been, stirring it deeply.

The Government of India were disappointed at the crowding out of that Resolution because it robbed them of an opportunity of clearing up certain misunderstandings that appear to have gathered round the Government's attitude towards this question—misunderstandings which have sprung from the loyal manner in which the Government have interpreted their duties as a Government subordinate to His Majesty's Government. The Honourable Member has given us that chance to-day. To all he had to say I listened with the closest interest. And, speaking as one who has spent his manhood in the congenial environment of our Islamic frontiers, and as a humble student of Islamic thought and feeling and practice as manifested amongst our virile frontier tribesmen, I listened to his speech, may I say, with deep sympathy. Here and there it is true, he rushed on to ground where I for one would fear to tread. For the public discussion of matters affecting foreign countries and foreign policy is a delicate business. And I do not doubt that this Council in building up its traditions will seek herein to mould itself on the traditions of reticence and restraint which have grown up in the Houses of Parliament around all discussions on foreign affairs. We are indeed—as you, Sir, have just reminded us—already restricted in this matter by the Rules of the Council which have been framed with Parliamentary sanction.

I do not propose to traverse the speech of the Honourable Member for this very reason. For I myself propose to deal with the question primarily in so far as it affects India's foreign affairs. But I can say this. As the Honourable Member himself has recognised, not only have the views of Moslem India on the momentous question he has at heart been represented by the Government of India from the outset with all force and fulness to His Majesty's Government, but those views have inspired and coloured reference after reference made by the Government of India in matters of foreign policy affecting India.

It could not be otherwise. There is a great belt of Islamic countries stretching unbroken from South of the Straits of Gibraltar far away into Northern China. One block of India itself stands within that belt—that great frontier buttress on the north-west made up of the North-West Frontier

Province and Baluchistan. But it is even more relevant to my present purpose that within that Islamic belt are included nearly all of the foreign countries with which India is most closely concerned. It is thus palpable that from an external point of view alone the welfare and good-will of Islam must in the very nature of things be of paramount importance to India and the British Empire. This fact is in itself a powerful reinforcement of the cause which Moslem India has at heart. The Government of India in their references on matters of foreign policy have lost no opportunity of urging it on His Majesty's Government on every possible occasion.

In drafting a reply the other day to a question put in the other House on a matter closely touching the question now before us, I wrote that no further opportunity for representing Moslem India's views offered itself for the moment. I was wrong. An opportunity lies before this Council here and now for it to make or mar. Let us make the most of it. Let us, combining depth and sincerity of feeling with sobriety and sanity of expression, furnish the Government of India in to-day's proceedings with yet further material wherewith to fortify that cause which in essence, if not in detail, the Government of India share with the Honourable Mover and Moslem India at large.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: Sir, it is gratifying that this opportunity has been given to us to discuss this difficult subject which is hanging fire. As a representative of Muhammadans I give vent to their feelings which are very strong on the subject. I must remark at the same time that I have been a party to taking various deputations to the heads of departments on the subject. Their attitude towards the subject has been always favourable. As far as I know, the Government of India have done their very best to help us, and I am sure that they are ready in the future to do everything in their power, and it is this that we ask of them now to do. Speaking personally, I think all such questions like the Rowlatt Act are used more or less as red rags before a bull. Irresponsibles who have got no stake in the land, and many of whom are undoubtedly in foreign pay, want to bring chaos into the country. I hope my countrymen will keep mindful of this. Government is doing all in its power to remedy everything which is put forward as a wrong, like the modifying of repressive measures, regret at the Punjab happenings, though some persons were rightfully convicted; and by similar action. All this may tend to snatch away the weapons from the enemies of India who are out to work mischief.

In the end I venture to predict that they will never pacify them, but if the press helps me to make my voice heard, all the sober elements in my country will take a cue from me in this matter. I strongly support my friend.

The HONOURABLE RAJA SIR HARNAM SINGH: Sir, I support the Honourable Mr. Bhurgri's motion. We all know that the Government of India have done their best to represent the Indian Muhammadan views in the Council of the Allies. Owing to the international character of the correspondence it has not yet been published. We hope that the Muhammadan public opinion will be satisfied when it is published. Mr. Bhurgri has done well by calling the attention of this Council to this important question, especially at a time when the Near East Conference is about to meet in London. The sense of this House is well known, and this should be communicated to the British Cabinet. I have seen a press report to the effect that the Government of India have sent a strong delegation under the chairmanship of His Highness the Aga Khan to London. The Government should now take the House into confidence. Speaking for myself, also, I venture to think, for this House, the

[ Sir Harnam Singh. ]

Government can rely on our wholehearted support in getting just redress for the grievances of our Muhammadan brethren over the Khilafat question.

The HONOURABLE MR. MARICAIR : Sir, we are not unmindful of the fact that the Government of India have taken so much interest in the welfare of Indian Muhammadans and that they have done their best to pacify the feelings of the Muhammadan subjects of India. I am not here, Sir, to speak anything about non-co-operation. I am here to express the feelings that the Muhammadan public of India have towards the present situation. Well, Sir, we all know that Italy and France are in favour of revising the peace terms, and we have not forgotten the assurance given by the Prime Minister in the matter. The only point I wish to place before this Council, for the information of the Government, is this, that the feelings of Muhammadans who go to Mecca and Medina on pilgrimage will not be fully satisfied unless those religious places are to be entirely left in the hands of Muhammadans. The feeling of the Muhammadans of India is that there should be no sort of control over these places by non-moslem subjects. That is the point that is engaging the minds of Muhammadans in India so greatly. As every Muhammadan is bound, as a religious duty, to perform the pilgrimage and become a *Haji*, he could not perform this duty if any such interference is put in. If this were assured, the Muhammadans will be well pleased.

As you know, Sir, the feelings of the Muhammadans are divided into two. One as to the governing of pilgrim centres by Turks, and the other as to government by the Arabs. There are two differences of opinion. I am not here to say which is good and which is bad. The only thing I can say is that there should be no non-Muhammadan interference with the religious places, such as Mecca and Medina and other places, and I am very glad that there is going to be a deputation to reconsider the whole question of the Peace Treaty, and that a certain number of Muhammadan gentlemen are to be chosen for the deputation. As the Honourable Mr. Bhurgri has fully explained, a large number of Muhammadans are Sunnis, and so it is in the interests of the Sunnis sect of Muhammadans of India, who are the subjects of Great Britain, that one of the members of the deputation should be selected from among the Sunnis.

With these few words I beg to support the motion.

The HONOURABLE SIR WILLIAM VINCENT : Sir, I will deal as shortly as I can with this motion, and I hope to be able to convince this Council that in the past we have done, and at present are doing, everything that is possible to secure the fullest and most adequate representation of Indian Muslim opinion on the question under discussion. The Honourable Mover has himself acknowledged, I am glad to say, our efforts in this direction, and as I understood him his real criticism was directed to our failure to publish to the world all we have done.

Sir, the Government of India believe that the Muslims of India have had ample opportunity of knowing what efforts have been made on their behalf in this matter. Abundant evidence has been published of the genuine sympathy of the Secretary of State and the Government of India with them on this question. They have been repeatedly assured that full representation of their views was as much a matter of concern to us as to themselves. This point was brought out, if I may say so, very clearly in the speech of His Excellency the Viceroy when he received a Muhammadan deputation in this

City of Delhi last year. The address of the deputation and His Excellency's reply were published widely. I should, however, like to read to the Council some extracts from that reply. His Excellency said : 'At this juncture I desire again to assure the Muhammadans of India that no effort has been spared, no stone left unturned, to place before those with whom the decision will rest, the plea of Indian Muslims for the most favourable possible treatment of Turkey.' A little later I find the following statement : 'Not only have the Government of India placed the views of Muslim India with strong emphasis before His Majesty's Government, our delegates voiced those views before the Peace Conference, and that nothing might be left undone to lend weight to their evidence, it was reinforced by three Muslims of distinction who had been specially delegated to attend the Peace Conference with them. I should like also to draw your attention to a recent utterance of the Secretary of State cabled to India a few days ago, when he said, that whatever decision the Allies arrived at, India might rest assured that the views of India were being voiced by India's representatives at all the deliberations in Paris and London. His Highness the Maharaja of Bikaner, Lord Sinha, His Highness the Aga Khan and he himself had emphasised the wishes and earnest plea of the Indian Muhammadans with regard to the importance to them and therefore to Imperial interests of the Turkish terms of peace.'

Another passage runs, 'Shortly after the armistice I represented to the Secretary of State that feeling in India was most disturbed over the question of the Turkish Peace terms and particularly with regard to the Holy Places in the Hedjaz and the future of Constantinople, and steps were taken to ensure that the views of Muslim India should be fully placed before the Conference by the representatives of India. The Indian delegation, as you know, was composed of the Secretary of State, the Maharaja of Bikaner, and Lord Sinha, and I can assure you that they pressed the case for the favourable treatment of Turkey with an earnestness of purpose and force of argument which could not be surpassed. They had before them the memorial, dated the 1st January 1919, which was signed by prominent Muhammadans resident in Europe including among others, His Highness the Aga Khan, the Honourable Mr. Ameer Ali, Sir Abbas Ali Baig and Mr. Yusuf Ali and they made full use of all the arguments which were adduced by these distinguished gentlemen for the lenient treatment of Turkey and the consideration of the sentiments of Indian Muslims \* \* \* The delegation received a hearing from the Peace Conference, and as a result of the representations of my Government and the efforts of the Secretary of State it was accompanied on this occasion by three prominent Indian Muslims—His Highness the Aga Khan, Sahibzada Aftab Ahmad Khan and Mr. Yusuf Ali. In the same month my Government again cabled to the Secretary of State urging upon him the importance, in any settlement of the Turkish peace terms, of considering the effect of this upon Muhammadan opinion in India. I may add that ever since the armistice I have been unceasingly in private communication with the Secretary of State, and have never failed to urge upon him, though this was hardly necessary as his views coincide so closely with my own, that Muslim feeling in India must be taken into most serious account in coming to a final decision.' The whole of that speech contains a fairly complete exposition of what had been done by the Government up to that date, and I believe I am right—I have not the speech before me at this moment—in saying that His Excellency the Viceroy in a recent speech at Sylhet, which received wide publicity, again explained the efforts that he had made on behalf of Indian Muslims. I say, therefore,

[ Sir William Vincent. ]

that this accusation of secrecy or this suggestion—I will not say accusation—that we have not given sufficient publicity to our efforts is hardly warranted by the facts, though if we have been guilty in this respect I can only express my deep regret for it. After receipt of that deputation we gave, as Honourable Members are aware, every facility to a delegation of Indian Muslims to proceed to Europe. It was well known throughout India that they had gone and that we had done this. All their efforts were widely published, in fact they themselves took the opportunity, very properly, of advertising their activities as widely as possible. Further, we have never ceased making representations to the Secretary of State on this matter. We have literally bombarded him from time to time with communications by telegram. There is no aspect of this case, foreign or domestic, that we have not placed before him, and I do not believe that, if the Honourable Member had been in the Government of India himself, that he could have done more to put the views of Indian Muslim opinion before the Secretary of State and His Majesty's Government. We know very well what Muslim feeling on this matter is. We know how deeply it has been exercised. Indeed we believe that in some respects it has been more sincerely moved than Muslim opinion in other parts of the world. Whatever was the origin of this movement, whether it was in its inception religious or not, there is no doubt whatever that now it is a movement of a deeply religious character which touches the feelings of nearly all good Muhammadans. We are well aware too of the general feelings of Indians on this subject. They feel rightly or wrongly—I think rightly but that is a personal opinion—that Indian troops, including Indian Muslim troops in particular, having done so much for the Empire in the war with Turkey, are entitled, and that Indian opinion is entitled, therefore, to receive special consideration in this matter, and that the greatest regard should be paid to Indian Muslim opinion. They know also that Muslim India always regarded Great Britain as a friend of Islam, and they hoped that when the foe was beaten, and the war over Great Britain and the Allies would deal with her generously and liberally. That was, I believe, the feeling of all Indian Muslims; that feeling has been communicated to His Majesty's Government. We know also the strain to which loyal Indian Mussalmans have been put by the Turkish peace terms. None of these points, I ask the Members of this Council to believe me, have been overlooked by us. The question has been a matter of constant anxiety and concern to us and to His Excellency personally. In answer to a question the other day, I said that we had sent, I think, ten or eleven communications to the Secretary of State on this subject within the last few months. Finally, when we heard a few days ago of this Inter-Allied Conference which is going to take place in London, before even we got any official information on the subject, we at once took steps—with the sanction of His Excellency the Viceroy of course—to secure once again the representation of non-official Indian Moslem opinion at that meeting. I inquired from one or two Local Governments as to suitable persons who might wish to undertake the duty. We had no time to do more and His Highness the Aga Khan, Mr. Hassan Imam and Mr. Chotani have gone to England on this mission. Mr. Chotani is, I am informed, taking with him Dr. Ansari and it may be possible later to include him as one of the delegates, but this is a matter on which we must be allowed to consult His Excellency and the Secretary of State. The objection is now made that two of the delegates are Shias. I have always been told, however, that Shias and Sunnis felt alike on this matter, and for that reason we sent a mixed deputation.

Mr. Chotani is also a gentleman who, I understand, has always headed the Khilafat movement in Bombay. He is an orthodox Sunni of the most rigid character according to my information, and I believe it is correct. As for Mr. Hassan Imam, I know of no more able advocate of the Muhammadan cause than himself. Whether he is a Shia or a Sunni, he is certainly not a Government man or a person who always sides with Government. He is a personal friend of mine, but I suppose there is no man from whom I have from time to time differed more in politics though I have every respect for his ability.

We tried to get these gentlemen off from Bombay on the 11th. That was the earliest date we could arrange, and we made every effort to get them passages as we knew that the Conference was meeting to-day. They were, however unable to get off by the 11th, but sailed by the mail of the 19th, and we have telegraphed to the Secretary of State urging upon him that it is most important that no final decision should be reached by this Conference until these non-official representatives of Muslim opinion have had an opportunity of placing their views before them. More than this we cannot do. Whether we shall be successful or not in securing this we do not know. The Honourable Member suggested the addition of another gentleman to this deputation—Maulana Abdul Bari. I may say that for various reasons the deputation of that gentleman was not possible. Another gentleman whom I had thought of approaching was Maulvi Suleiman Shah of Phulwari, a great Mussalman leader in my own part of the country; but the final conclusion we came to was that if the people who left on the 19th were not certain of arriving in time, there was very little use in sending another delegate on a wild goose chase a week later; and I think the Council will support us in that conclusion. If, however, there is any other method that Honourable Members can suggest by which we can secure more adequate representation for their views, the Government of India will be glad to adopt it, for on the question of securing the fullest representation of their views, we are entirely at one with them . . . .

The HONOURABLE MR. BHURGRI: I suggested Maulvi Saddr-ud Din.

The HONOURABLE SIR WILLIAM VINCENT: The Honourable Member did suggest the name of this gentleman, and that is a matter we will take into consideration. He, and the Council also, will realise that that is not a matter on which I can make a declaration at present, though I can promise the most sympathetic consideration to the Honourable Member's proposal.

The only other suggestion I can make is, that the Moslem Members of both Chambers of this Legislature should formulate their views in some definite shape not *qua* Members of the Legislature but *qua* leaders of Moslem opinion. If they do so in a reasonable document which I can cable Home, I will have it cabled Home to the Secretary of State without delay as we are as anxious as they are to do everything possible to promote the cause they have at heart. I have very little to add on the points raised in the speech of the Honourable Member. He said, however, that no one was more anxious for good feeling than the Muhammadans. I am sure it is true of him, but I wish I could say that I felt the same about some of those who are organising anti-Government movements at this juncture.—I hope that it is true, however, of most Muhammadans . . . .

The HONOURABLE MR. BHURGRI: Yes, of all men.

The HONOURABLE SIR WILLIAM VINCENT: The Honourable Member accepts a very grave responsibility in making that statement, if he speaks for every Muhammadan in this country.

[ Sir William Vincent. ]

There is only one other question to which I wish to refer, namely, this question of the Khilafat. I will deal with it very briefly, because it is a religious question on which I am not competent to speak with any authority. But I can assure this Council that it never has been the intention of the Government of India or His Majesty's Government to interfere in any degree in that matter. It has always been recognised to be a question for Muhammadans themselves, and the Government of India and His Majesty's Government repudiate any suggestion that they have exercised or will exercise any kind of interference in a religious matter of that kind.

The question of the Holy Places of the Hedjaz I will leave for a subsequent speaker to deal with in more detail; but I believe that they are absolutely under a purely Muslim domination, and that no non-Muslim power exercises any control over them; but it is not really a subject on which I am qualified to speak.

\* I have now explained the whole attitude of the Government of India on this matter, and I hope that at the conclusion of this debate the Honourable Member will, in virtue of what I have told the Council, find himself able to withdraw his present motion.

The HONOURABLE MR. BHURGRI : Sir, after this statement from the Honourable Sir William Vincent I beg to withdraw my motion.

The HONOURABLE THE PRESIDENT: Is it your pleasure that the Honourable Mr. Bhurgri be granted leave to withdraw his motion?

The motion was by leave withdrawn.

The HONOURABLE THE PRESIDENT : The Council will now resume the consideration of the business interrupted by this motion. I will call upon the Honourable Mr. Bhurgri to move his amendment in regard to the Resolution moved by the Honourable Mr. Chatterjee.

The HONOURABLE MR. BHURGRI : Sir, an amendment of this very same nature was moved in the other House the other day, and in view of what took place there, I beg leave to withdraw my amendment, namely, 'that sub-clause (c) of clause (a) of the Resolution\* be deleted.'

The Amendment was by leave withdrawn.

The HONOURABLE THE PRESIDENT: If the Council does not desire to resume discussion of the principal question I shall now put it to the Council.

The question is that the Resolution as set out below be accepted :--

'This Council 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 Organisation 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 direct;
  - (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."

The motion was adopted.

The Council adjourned till Wednesday, the 23rd February at 11 A.M., in the Assembly Chamber.