

# COUNCIL OF STATE DEBATES

(Official Report)

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*(24th January, 1923 to 27th March, 1923)*

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THIRD SESSION

OF THE

COUNCIL OF STATE, 1923.



DELHI  
GOVERNMENT CENTRAL PRESS,  
1923

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# COUNCIL OF STATE.

Thursday, the 15th February, 1923.

The Council assembled at Metcalfe House at Eleven of the Clock. The Honourable the President was in the Chair.

## STATEMENT RE GOVERNMENT OF INDIA PRESSES LAID ON THE TABLE.

The HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to lay on the table the answers to a series of questions asked by the Honourable Maharaja Sir Manindra Chandra Nandy, as promised on the 29th January 1923.

*Answers to questions Nos. 58—75 laid on the table by the Honourable Mr. D. T. CHADWICK as promised on the 29th January 1923.*

### Question No. 58—

Total number of men whose services have been dispensed with during the year 1922, are :—

	Piece workers.	Salaried staff.
Calcutta Press	145	71
Delhi Press	82	53
Simla Branch Press ...	10	21
Monotype Press, Simla	...	36

### Question No. 59—

(a) The following is the result of the annual classification of piece workers in 1922 :—

	No. of men who have been raised in class.	No. of men who have been re- duced in class.
Calcutta Press ...	206	72
Delhi Press ...	107	24
Simla Branch Press ...	31	45

(b) Number of cases of class reduction of piece workers during the years in question are :—

	1918.	1919.	1920.	1921.
Calcutta Press	4	No classi- fication.	1	Nil.
Delhi Press* ...	6	1	1	1
Simla Branch Press ...	1	4	5	16

\*The reductions in Delhi were made on disciplinary grounds.

(c) As the answer to (b) above will show, it is not a fact that since the inauguration of piece system in the Government presses there were no class reductions till 1921.

(d) For many years the re-classification has been carried out on the basis of average earnings of three months—one slack, one ordinary and one busy. A full year's actual earnings were, however, taken for the general re-classification at the time of the last revision of rates of pay.

*Question No. 60—*

A Printing Clearing Office has already been established as an experimental measure.

*Question No. 61 (a) and (b)—*

The post of Deputy Superintendent in charge of the Monotype Press, Simla, has been abolished. The question of re-organising the other presses and making further reductions in the superior supervising staff is under consideration.

*Question No. 62—*

(a) The totals of the Fine Fund in December 1922 were :—

					Rs.	A.	P.
Calcutta Press	...	...	...	...	1,985	8	0
Delhi Press	...	...	...	...	394	7	0
Simla Branch Press	...	...	...	...	193	9	0
Monotype Press, Simla	...	...	...	...	18	14	0

(b) Before the inauguration of the Fine Fund the fines realised were credited to Government.

*Question No. 63—*

The cost of supervision including officers, clerks, menials, press supervising and storekeeping staff and branch supervision and accounts staffs, was as follows during the year 1920-21 :—

		Rs.
Calcutta and Delhi Presses	...	2,33,646
Government Central Branch Press, Simla	...	73,048
Monotype Press, Simla	...	34,075

*Question No. 64—*

Government are in correspondence with the Secretary of State in regard to the detailed rules for the proposed Provident Fund for press employees and the Fund will be established as soon as the Secretary of State's orders are received.

*Question No. 65—*

(a) The number of piece workers on the temporary list who have applied for pension since July 1920, is :—

Calcutta Press	...	...	...	2
Delhi Press	...	...	...	2
Simla Branch Press	...	...	...	2

(b) Of two of the above the pension papers are now under preparation : the other four were ineligible for pension.

(c) The highest amount drawn as pension by piece workers (since the revision of the 15th July 1920) is Rs. 45-0-0 and the lowest amount is Rs. 6-15-0.

*Question No. 66—*

As the Examiner of Press Accounts pointed out that the differences in calculation were ordinarily infinitesimal, the Piece-Worker's Committee did not make any recommendation for changing the present system of computation. Government have accepted this view and do not propose to take any action in regard to the matter.

*Question No. 67—*

Yes, as far as possible.

*Question No. 68—*

The cost of machinery introduced in the presses from 1919 to December 1922 is as follows :—

					Rs.
Calcutta Press	...	...	...	...	3,06,415
Delhi Press	...	...	...	...	1,69,136
Simla Branch Press	...	...	...	...	55,746
Monotype Press, Simla	...	...	...	...	21,148



## Question No. 69—

(a) Compositors of the Monotype Section in the Calcutta Press are paid on time and, as such, cannot be classified. Any one desiring promotion is allowed to work on piece in the hand-composing sections and in the next year is classified on his earnings on such work.

(b) All men in the Monotype Section were promoted in 1920; since then one man only elected to be reverted to the composing section for re-classification, and he failed.

## Question No. 70—

The class rates for compositors and distributors are given below :—

	Lowest class rates of compositors. Per hour.						Highest class rates of distributors. Per hour.						
	1919.			1921.			1919.			1921.			
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
Calcutta Press	...	0	1	0	0	1	5	0	1	4	0	4	2
Delhi Press	...	0	1	0	0	1	5	0	1	4	0	4	2
Simla Branch Press	...	0	1	0	0	1	10	0	0	10	0	3	0

## Question No. 71—

The information has been embodied in a statement which the Honourable Member is invited to see in the Office of the Department of Industries.

## Question No. 72—

The annual cost to Government on account of Superintendents, Deputy Superintendents, Accounts and Office Sections of the presses during the years specified below was :—

	1918.	1919.	1920.	1921.
	Rs.	Rs.	Rs.	Rs.
Calcutta Press	... 62,232	63,054	74,453	88,733
Delhi Press	... 15,049	18,732	21,243	18,500
Simla Branch Press	... 33,674	33,903	43,656	52,404
Monotype Press, Simla	... 15,809	17,622	22,761	27,400

## Question No. 73—

“Contingencies” mean—

- (1) Allowances, e.g., travelling, conveyance, grain compensation, allowance for compiling Secretariat and Gazette indexes.
- (2) Sanitary and hot and cold weather charges, telephone charges, charges for sweepers, etc., lighting, taxes, postage and packing, office expenses and miscellaneous, coke, coal, gas, etc.
- (3) Plant and furniture, ink, water supply and raw materials.

“Auxiliaries” mean—

Coolies, typi suppliers, proof pressmen, forme carriers and such other employees who help the workmen.

## Question No. 74—

The Government have decided to accept the recommendations contained in the majority report of the Piece-workers' Committee with a few modifications, and orders giving effect to them have recently been issued.

## Question No. 75—

(a) No machines were imported but two Comptometers were purchased locally for the Calcutta Press.

(b) (i) Rs. 3,336.

(ii) Rs. 67-8 being the pay of two junior clerks per mensem.

(iii) and (iv) The machines have not actually replaced any men yet. They have increased the general efficiency of the Accounts and Computing Branches of the Calcutta Press.

## THE MALABAR (COMPLETION OF TRIALS) SUPPLEMENTING BILL.

The HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move:

"That the Bill to supplement the Malabar (Completion of Trials) Act, 1922, as passed by the Legislative Assembly, be taken into consideration."

I have not very much to add to the Statement of Objects and Reasons attached to the Bill, but the following very brief explanation will, I think, make the situation perfectly clear to the House.

The Martial Law Ordinance, which was applied to the Malabar area for the speedy restoration of order, among other things, made provision for a special tribunal for the trial of offences committed in connection with the rebellion. That Ordinance expired in February 1922. There was still a large number of cases to be disposed of relating to offences of which the investigation was not complete and in some of which the offenders had not been arrested. A further Ordinance was therefore passed under the title of the Malabar (Restoration of Order) Ordinance, which instituted special Courts, special Judges, Magistrates and summary Magistrates. That Ordinance in its turn expired in August 1922 leaving many cases still incomplete. Consequently, a further Ordinance was passed under the title of the Malabar (Completion of Trials) Ordinance, and that Ordinance will expire on the 19th of this month. There were still a large number of cases outstanding which could not be appropriately or expeditiously dealt with by the ordinary criminal tribunals but the Madras Government felt with regard to these that it would be preferable that any special machinery required for disposing of the charges against the persons concerned should be left to legislation rather than to the extraordinary expedient of an Ordinance. For that purpose the Madras Legislative Council passed an Act to validate one section, which is the purpose of the Bill which I now submit for the consideration of the House. Section 5 of that Act is the section in point. It is as follows:

"On the expiration of the Malabar (Completion of Trials) Ordinance, 1922, and notwithstanding such expiration, an appeal shall lie in any case in which an appeal would have lain but for such expiration, and every such appeal and every appeal pending at the date of such expiration shall be heard and decided by the High Court in cases in which under the said Ordinance an appeal would have lain to the High Court and in other cases to the Sessions Judge or an Additional Sessions Judge, South Malabar."

The whole of that Act was within the competence of the local Legislature with the exception of the provision which regulated the Appellate powers of the High Court and that provision requires the validation of the Indian Legislature. The object then of the Bill before us is perfectly clear and perfectly simple. Its object is, firstly, to preserve and to secure a right of appeal which would otherwise be lost on the expiration of the Ordinance to persons implicated in offences in connection with the disorders in Malabar; secondly, and in particular, to validate by an Act of the Indian Legislature to this matter of appeal to the Madras High Court which the local Legislative Council is incompetent to enact. I now therefore submit this Bill for that purpose for the consideration of the House.

The HONOURABLE THE PRESIDENT: The question is:

"That the Bill to supplement the Malabar (Completion of Trials) Act, 1922, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

The HONOURABLE THE PRESIDENT: There are only two clauses in the Bill. I had better put it clause by clause. We shall as usual reserve the Preamble.

The question is that clauses 1 and 2 stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was adopted.

The HONOURABLE MR. J. CRERAR: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The HONOURABLE THE PRESIDENT: The question is:

"That the Bill to supplement the Malabar (Completion of Trials) Act, 1922, as passed by the Legislative Assembly, be passed."

The motion was adopted.

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### THE INDIAN MINES BILL.

The HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be taken into consideration."

Sir, this is a very necessary piece of legislation which I bring to the notice of the House to-day. The Mines Act prescribing the rules and conditions under which mines are worked in this country dates from 1901 and is therefore already 22 years old. It is inevitable that such an old Act would not be in consonance with the changes that have been introduced by the Reforms Scheme. Under the Reforms Scheme and the Devolution Rules, the regulation of mines is a Central subject. The first object, therefore, of this Bill is to define the spheres of activity of the Central and Provincial Governments in regard to mines and the necessary conditions about the working of mines. Those spheres of activity have been discussed with the Local Governments and all are agreed upon them. The Bill reserves to the Central Government all technical questions connected with the conditions of working in mines and leaves with the Central Government the responsibility of laying down those technical conditions which must be complied with as well as the appointment of Inspectors to see that those technical conditions are observed. To the Local Government it leaves all questions connected, of a purely administrative nature such as the holding of inquiries. The House, Sir, I think, will agree that this division of spheres of responsibility is logical. It is also in consonance with the Devolution Rules. It is necessary to give legal effect to it. Therefore, that is the first object of the Bill which is brought for your consideration to-day. The second main object is that we may honour certain obligations and undertakings which have been given by this House. The House will remember that it accepted certain Conventions that were passed at the Washington and Geneva International Labour Conferences undertaking to regulate and control the employment of women and children in industries. This Bill gives legal sanction to

[Mr. D. T. Chadwick.]

that 'undertaking' which the House then gave. For these two reasons, therefore, I think the House will agree that this is a very necessary piece of legislation. Its technical portions have been examined in detail by all the mining provinces and also by a Joint Select Committee. For the two reasons I have given I now commend it for the consideration of the House.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I welcome this Bill as a measure of social reform legislation to ameliorate the condition of labour in this country. The Bill was thoroughly examined by the Joint Committee which was presided over by my Honourable friend the Member for Commerce and Industry, and it has been made clear in the report that we kept before us prominently two main conditions. One was that we should provide for inspection in such a way that the lives of the labourers would be as safe as we possibly could make it. The main object, Sir, of this Bill is to prevent as far as it lies in human power accidents and to protect human lives. The second object was to come in line with the other countries in the world as regards labour conditions and not to allow the lives of young children to be made unhealthy or to be spoilt by living continuously underground. These are the two main items which we kept before us at the time of the meeting of the Joint Committee and the Honourable Members will see that the clauses of the Bill provide for both these items. A third subject which was carefully considered but for which they thought that the country was not yet quite ripe was the question of allowing women labour to go below the mines. Although some of us were of opinion that we should take action at once and prevent women labour from going down, it was thought by the majority that in view of the fact that about 36 per cent. of the mining population are womankind, it was necessary to go slow. Instead therefore of making any statutory provision that after a few number of years women will not be allowed to go below the mines, we have thought it best to leave the matter open and we have said in the report that it would be advisable for the Government of India to make inquiries from Local Governments, and then when the proper time comes—I hope it will be as early as possible—to legislate again to prevent women from going below the mines. For these reasons, Sir, I welcome the Bill as a very useful piece of social legislation.

The HONOURABLE MR. C. A. INNES (Commerce and Industries Member): Sir, I have very little to add to the very clear exposition of the objects of this Bill which has been given by my Honourable friend Mr. Chadwick and by my Honourable friend Mr. Lalubhai Samaldas. Mr. Chadwick has explained quite clearly what the main object of the Bill is. It has been necessitated by the introduction of the Reforms Scheme. Under the Devolution Rules the regulation of mines is a Central subject, and therefore we have had to introduce this Bill in order to define what the responsibilities of the Central Government in regard to mines are as opposed to the responsibilities of the Local Governments. Probably the clauses of the Bill which will attract the most attention are those clauses to which the Honourable Mr. Lalubhai Samaldas has drawn our attention, namely, the clauses relating to the employment of labour. This is an extremely difficult and an extremely controversial subject. Some Members of this Council may think that the Government of India have not gone far enough. We, in the Government of India, are possibly inclined to doubt whether we have not gone a little too far. We have done our best in the first place

to carry out our obligations under the International Labour Conference conventions, and that is the reason why we have prescribed in clause 23 of the Bill a weekly rest day and a weekly limit of hours of work. I am quite prepared to admit that, as conditions are at present, that weekly limit, specially as regards under-ground labour, is not likely to make very much difference. We have prescribed a weekly limit of 54 hours. To the best of my belief miners in the Bengal and Bihar and Orissa coalfields do not work 54 hours a week, but the advantage of prescribing this limit is that we thereby gain recognition for the principle, and that principle may become very important if and when a system of daily shifts is introduced. I think I am correct in saying that there is no mine manager in the Bengal and Bihar and Orissa coalfields who does not look forward to the day when it will be possible to work labour below ground in the mines on a system of shifts. We have not thought it possible under the conditions that obtain in the coalfields at present to prescribe any daily limit of hours. We have made careful inquiries into that matter not only with the Local Governments of Bengal and Bihar and Orissa but also in consultation with the mine managers actually in the fields. This question was investigated by a Committee which sat in 1920. That Committee pointed out that the main thing necessary in the fields was a system of shifts and a daily limit of hours, but their definite conclusion was that the time was premature to introduce this reform and we have had to acquiesce in that decision. Since it is not possible to impose a daily limit of hours, I am quite free to admit that the regulations we propose or the provisions of the Bill which we put forward in regard to the employment of children are not entirely satisfactory. What we should have liked to have done would have been to prescribe that children under 12 should not be employed in a mine at all, either above ground or below ground, and to have enforced in respect of children between the ages of 12 and 15 a half-time system, but since a daily limit of hours is not possible, it follows that a half-time system is not possible, and that is why we have adopted a middle course. We have prescribed that children below the age of 13 should not be employed in mines, and I think the Council will agree in that conclusion. Work down mines, specially down coal mines, is I would not say unhealthy, but certainly it is unpleasant, and I think it is right that no children should be allowed to be employed down in the atmosphere which prevails in a deep coal mine. We have gone a step further than that. We have—and I may say I would not have agreed to this had I not been reinforced in my opinion by the views of many of the leading mine managers in the coalfields—we have gone as far as to prohibit even the presence of children in mines. That is a very serious step. It means that mothers may not take their young children down the mines. At present the system of working mines is a family system. The husband cuts the coal and his womankind put the coal which is cut into baskets and carry it to the tubs, the man being paid so much a tub. It is quite possible that this prohibition of taking any children down the mines may reduce the number of women who will go down those mines and that may be a very serious matter. But we have considered the point very carefully. We do not think it right that children, small babies, should be taken down into the atmosphere of these mines. We cannot think that it is in the interests of India as a whole that babies of this kind should spend a great part of their infant years in the atmosphere of coal mines. That is the first step towards a reform that must sooner or later come, namely, the outright prohibition of the employment of women in mines. In England the prohibition against the employment of women in mines was issued as far back as the forties of the last

[Mr. C. A. Innes.]

century. It is only a question of time for a similar prohibition to come into force in India. Everybody will recognise that. As a matter of fact, in the nineties that point was put to us by the Secretary of State. It was put to us that it would be wise when the coal mining industry was still in its infancy, at once to prohibit the employment of women down mines. The Secretary of State pointed out that the longer we put off this question the more difficult it would become, and that is our position to-day. Had we adopted that advice thirty years ago, I am quite sure that the coal mining industry would have been in a healthier position to-day. As it is, owing to the fact that there has been no prohibition of the employment of women, we are faced with a very serious situation, for about one-third of the underground population of the mines consists of women, and since the coal supplies of India are hardly equal to the demand for coal in India, the House will see what a serious step it would be immediately to cut off one-third of the labour in the mines. That is why when we discussed this matter in the Joint Committee we decided that we must go slow, and that is why the Joint Committee contented itself with making a recommendation that the Government of India should take up with the Local Governments concerned the question whether we could not impose a time limit within which the employment of women in mines should be prohibited. It was suggested that we should propose a time limit of five years. All I can say is that the Government will act most certainly on that recommendation of the Joint Committee. We shall most certainly consult the Local Governments whether, specially in coal mines, the prohibition of the employment of women should be enforced within the time I have mentioned. I think that is all that I need say. I have just tried to show that we have attempted to treat this very important problem of labour in mines properly. We have devoted very serious consideration to it and we have introduced into this Bill provisions which we think are suited to the conditions as they are at present. But those provisions I hope will be merely an earnest for a further advance in the near future.

The HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

The HONOURABLE THE PRESIDENT: The Council will now proceed with the detailed consideration of the Bill. I reserve the Preamble as usual.

The HONOURABLE THE PRESIDENT: The question is that clauses 1, 2 and 3 stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 4, 5, 6, 7, 8 and 9 stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 10, 11, 12 and 13 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 14, 15 and 16 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 17, 18, 19, 20, 21 and 22 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 23, 24, 25, 26, 27 and 28 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 29, 30, 31, 32 and 33 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that clauses 45, 46, 47, 48, 49 and 50 do stand part of the Bill.

The motion was adopted.

The HONOURABLE THE PRESIDENT: The question is that the Schedule and the Preamble do stand part of the Bill.

The motion was adopted.

The HONOURABLE MR. D. T. CHADWICK: Sir, I move:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be passed."

The HONOURABLE THE PRESIDENT: The question is:

"That the Bill to amend and consolidate the law relating to the regulation and inspection of mines, as passed by the Legislative Assembly, be passed."

The motion was adopted.

## THE INDIAN BOILERS BILL.

The HONOURABLE MR. D. T. CHADWICK (Commerce Secretary): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to steam-boilers, as passed by the Legislative Assembly, be taken into consideration."

This Bill is even more technical than the last but it is equally necessary. The regulations of boilers is a Provincial matter, subject to Central legislation, and I think I can show in a moment how essential it is that legislation of this class should be brought before this House. There are at present seven Provincial Boiler laws. Some of them are of a very ancient date and all of them are at variance with each other. I will not weary the House or confuse them with the distinctions and the differences in these seven different boiler laws. They are most confusing. I will only instance one case. A boiler which under the rules will be condemned in one province as unsafe for use and dangerous to human life can be used with freedom

[Mr. D. T. Chadwick.]

and is tolerated in another Province. Well, Sir, that is a state of affairs which I do not think any Central Legislature could allow to persist. The essence of all boiler laws is really the safety and protection of human life. It is obviously essential that the conditions which render it necessary to secure the safety of men who use the boilers and work near to them should be the same throughout the confines of India. That alone shews why this Act is essential.

However, it is only when one goes into the details of what should be comprised in the definition of a boiler, what connections should be considered to form part of a boiler and what conditions must be laid down, that one realises the technical difficulties of the subject. The Government of India has therefore proceeded very slowly in this matter. The question was just referred to a small expert committee which made certain recommendations, all of which have been circulated to the Local Governments for criticism. This Bill gives effect to the majority of such recommendations. It has been examined in the closest detail by a Joint Select Committee and a principle similar to the one embodied in the last Bill has been adopted. All matters relating to the technical conditions with which boilers must comply have been reserved for regulation by the Central Government. All matters connected with the purely administrative details of the Act are handed over for administration by the Local Governments. The House has endorsed that division of functions in the Bill just passed and I hope that it will accept it in this. Those regulations, that is the technical regulations, are now being worked out carefully and the Bill itself provides for due and long notice before it is brought into force, so as to afford all those who use boilers ample opportunity to comply with it. If the House will accept this Bill to-day, it will add to our laws another very useful and humane Act. With these words I commend the motion to the acceptance of the House.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I welcome this Bill as another piece of useful legislation. I want to draw the attention of the Members of the House to one amendment made in the Joint Committee. The original Bill provided for the practical abolition of the certificated system, under which certificates for working boilers are given after an examination. There was a strong feeling in Bombay and the Central Provinces—the Bombay Government being supported by the Bombay Chamber of Commerce and other bodies—that we must keep up the certificated system as it exists at present. The other provinces, Bengal and Madras chiefly, on the other hand, said that they did not want the examination for the certificates. And as a compromise the Joint Committee decided that it would be better to do away with the certificated system as a compulsory one and leave power to the Local Governments to have their own examinations and their own boiler certificates. That was the best method which the Joint Committee thought would be acceptable to all the Local Governments. That is one amendment to which I would like to draw the attention of the House for it is a matter on which there has been difference of opinion. But to enable Local Governments to have their own certificates wherever they wanted it was the only thing that was possible for the Joint Committee to do.

The HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, I too welcome this Bill. The Honourable Mr. Chadwick has



explained the principles of it and he mentioned how extraordinarily bad the previous arrangement was of each Province having its own boiler laws. He clearly put before the Council an example of what disabilities the country suffers from the Provinces having their own Acts for the control of boilers. He showed Members that a boiler might be condemned, say, in Bombay, where the boiler laws possibly were more stringent than those of another province, but that the boiler could be shifted over to the other province, installed and used, although in the opinion of the inspectors of the first province it was unsafe. Another matter which has been brought forward in this Bill is the introduction of the supervision of steam pipes as well as boilers. Steam pipes were omitted from the old Acts in all the provinces. It has now been considered that steam pipes may be regarded as an integral part of the boiler. It is just as dangerous to life to have a steam pipe in an unsound condition as to have the main boiler in an unsound condition, and I think that the part of the Bill bringing steam pipes under the control of the boiler inspector is a further great step for the safety of workmen employed in factories and places where boilers are in use. The Honourable Mr. Lalubhai has referred to one controversial subject, which presumably we shall have for discussion later on when we take the Bill into consideration, so I do not propose to refer to that now. With these few words I endorse the welcome which has been accorded to this Bill in every Province in this country.

The HONOURABLE THE PRESIDENT: The question is:

"That the Bill to consolidate and amend the law relating to steam-boilers, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

The HONOURABLE THE PRESIDENT: The Council will proceed to take into consideration the Bill in detail, as usual.

Clauses 1, 2, 3, 4, and 5 were added to the Bill.

The HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): Sir, I beg to move:

"That in sub-clause (e) of clause 6 of the Bill, the words 'where the Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency' be omitted, and for the words 'the certificate required by such rules' the words 'a certificate of competency' be substituted."

It will be seen, Sir, that I have three amendments on the agenda paper but they really amount to one amendment, the rest being only consequential to this. The reason why I move this amendment is that the law up to this time, at least in my province and in the Bombay Presidency, has been that, whoever sets up a factory or anything where a boiler is used, he is under the compulsion to engage what we used to call certified attendants or what are called engineers. These young people were usually trained in the Victoria Technical Institute in my province—and I suppose in Bombay it is the same—and then they were asked to work for some time in a factory where a boiler of a certain power was used, and after doing that service, they were examined and then certificates of competency were granted to them. From my own experience in my province, I found them immensely useful. As a Magistrate at one time I also found they gave you help also with simple information on technical points and so on. They also helped their employers to purchase the proper kind of boiler. Being in charge they also cleaned, in addition to the boiler, any other

[Mr. G. S. Khaparde.]

machinery that there was there, and in fact they made themselves immensely useful. To my mind, it appears that their presence there was a great blessing to both employer and employee because they tried to save expense and saved not only the employees from accidents but also the employer from being exposed to suits for compensation and all that. It thus appeared to me, and I am glad to see that Bombay and the Central Provinces really started it. In some of the provinces I believe they never had this institution from the beginning and therefore they did not want it. To me it appears that this was an exceedingly useful provision and there is no information as to why it was dropped. A necessary measure has been made optional now. Why it was made optional I do not quite understand except that some Local Governments objected. Probably, those Local Governments had not so many factories or so many steam boilers working there. This is an exceedingly useful provision; it saves a great deal of trouble and my reason for putting in these amendments was to discover as to why a useful provision like this, after having been necessary and included everywhere, has been made optional on this particular occasion. There is no information about this in the papers supplied to me, so I move this amendment.

The HONOURABLE MR. C. A. INNES (Commerce and Industries Member): Sir, my Honourable friend Mr. Khaparde has complained that he has been given no information why this important change has been made in the law relating to boilers. Had my Honourable friend Mr. Khaparde read the Statement of Objects and Reasons attached to the Bill introduced last September, he would have seen the reasons why we have made this change. We have not made this change lightly. We have made this change after the most careful investigation and inquiry throughout India. The first point I have to draw the attention of the House to is the fact that the Indian Industrial Commission, as far back as 1916 and 1917, condemned the system of certified boiler attendants root and branch. Then, as the Honourable Mr. Chadwick has just informed the Council, two years ago we appointed a small expert Committee to inquire into the whole question of our boiler law and it is as the result of the labours of that very useful Committee that we are introducing this Bill to-day. That expert Committee travelled all over India and it devotes a very considerable part of its report to the question whether we should continue to make compulsory the system of certified boiler attendants. I should be very happy to send my Honourable friend Mr. Khaparde a copy of the report in which he may read a full exposition of this subject. The Committee first pointed out that the whole system of certificating boiler attendants had arisen partly out of the history of the Act. We have to remember that the boiler laws as they exist in the different provinces do not deal merely with boilers but also deal with prime movers. Even so, the whole system arose out of a false analogy. It was copied from the marine laws relating to certificates required for Marine Engineers. The House will see there is all the difference in the world between boilers on ships and boilers on land. If your boiler breaks down when you are at sea, you must have a man to mend that boiler. In India, on land no boiler attendant ever attempts to mend such a highly technical instrument as a boiler. Then the Committee proceeded to inquire into the reasons for these certificates. Now, what are the reasons? What does the safe working of a boiler require? It requires knowledge of three important facts—the level of the water, the pressure of steam and the fire which

converts the water into steam. The stoking of the ordinary type of boiler does not require theoretical training, and efficient stoking is the outcome not of learning but of practical experience. Then again, to ensure the safety of the boiler, it is essential that the water should be maintained at a certain level. That level is indicated in the water gauges. That again means that the gauges must be carefully watched. That does not require theoretical training. It requires merely practical training. Sir, it will be seen that the essential requirements of a person in charge of a boiler are such as are gained by experience and not by technical training. Then again, the system of certificating boiler attendants will rule out after all, the best class of boiler attendants you can get in India. It rules out the man who has been in charge of a locomotive. It rules out the man who has been in charge of a marine boiler. The expert Committee found that these were the best boiler attendants that you can get in India, but owing to the certificate system you could not employ those men. Then again, the Committee also looked at it, as we must look at it, solely from the point of view of the safety of human life. We have two provinces in India, Madras and Bengal, who have never gone in for this system of certificating boiler attendants. In those two provinces boiler owners have never experienced difficulty in obtaining the right class of attendants, and our records do not show that there have been any more accidents on boiler explosions in Bengal or in Madras than there have been in the provinces where the certificating system is in force. The definite conclusion arrived at by the Committee was that the system of certificating was of no value for the purpose of safeguarding human life and that therefore it should not appear in our boiler laws. That proposition was put to all Local Governments and was accepted unanimously by all Local Governments. It is perfectly true that the Bombay Government has since recanted on the advice of the Millowners' Association. The Bombay Government has now said that it would prefer to retain the certificating system. We have no objection at all. That is the reason why we have put in this Bill a clause which enables any Local Government which wishes to go in for a system of certificating to go in for that system. But, Sir, I submit that having regard to the observations which I have made to the House, there is no justification for the Indian Legislature to impose on all Local Governments, whether they like it or not, a system of certificating, especially since, as I have just told the House, two Local Governments have never gone in for that system, and especially as no one in this House, I think, will be able to say that the system of certificates is really essential for the safety of human life, and I put it to the House that that is the main object of this Bill.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I have but a few words to add to those which we have just listened to from the Honourable Mr. Innes in relation to this amendment put forward by my friend the Honourable Mr. Khaparde. I should just like the Members of this Council to bear in mind that when this Bill came before the Select Committee, the question of certificated attendants to boilers had been omitted altogether from it. The Select Committee in studying this Bill considered carefully the views of the Central Provinces regarding this matter and incidentally, I may add, they listened to the views of Bombay. We therefore considered that two such large Provinces should not altogether be ignored, and I contend that the Select Committee took the right line when they put in the provision allowing Local Governments to introduce their own rules in this respect. As the Honourable

[Sir Arthur Froom.]

Mr. Innes has pointed out, we did not think that the Central Provinces and Bombay should foist their views on other provinces of such importance as Bengal and Madras. This is the only part of the Bill which does not speak for uniformity throughout India, but we saw no other way out of it except to allow the Provincial Governments to make their own rules, and I have no doubt that the Central Provinces will make their own rules respecting certificated attendants of boilers and I equally have no doubt that Bombay will follow suit. I think that we arrived at the best solution of this rather controversial matter in the Select Committee and I would suggest to the Honourable Mr. Khaparde to withdraw his amendment which I cannot support.

THE HONOURABLE MR. G. S. KHAPARDE: In view of the explanation given I do not wish to press the amendment, if the Council will let me withdraw it.

The amendment was, by leave of the Council, withdrawn.

THE HONOURABLE THE PRESIDENT: The question is that clauses 6, 7, 8 and 9 stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that clauses 10 and 11 stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: I understand that the Honourable Mr. Khaparde does not want to move his other amendments\* which are only consequential amendments.

THE HONOURABLE MR. G. S. KHAPARDE: No, Sir.

THE HONOURABLE THE PRESIDENT: The question is that clauses 12, 13, 14, 15, 16, 17, 18, 19 and 20 stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that clauses 21, 12 Noon. 22, 23, 24, 25, 26, 27, 28, 29 and 30 stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that clauses 31, 32, 33, 34 and 35 stand part of the Bill.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The question is that the Schedule stand part of the Bill.

The motion was adopted.

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\* "That in sub-clause (c) of clause 11 of the Bill the words 'where the Local Government has made rules requiring that boilers shall be in charge of persons holding certificates of competency' be omitted, and for the words 'the certificate required by such rules' the words 'a certificate of competency' be substituted"; and (if that amendment is adopted)

"that sub-clause (d) of clause 11 of the Bill be omitted."

"That in sub-clause (d) of clause 29 of the Bill the words 'for requiring boilers to be in charge of persons holding certificates of competency and' be omitted and for the words 'such certificates' the words 'certificates of competency' be substituted."

The HONOURABLE THE PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was adopted.

The HONOURABLE MR. D. T. CHADWICK: Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to steam-boilers, as passed by the Legislative Assembly, be passed."

The motion was adopted.

## RESOLUTION RE EMIGRATION OF UNSKILLED LABOURERS TO CEYLON.

The HONOURABLE MR. B. N. SARMA (Revenue and Agriculture Member): Sir, I beg to move the following Resolution:

"This Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, and recommends to the Governor General in Council that the notification be published in the *Gazette of India*."

Honourable Members will recollect that last year they assisted in placing on the Statute Book a Bill to regulate assisted emigration of skilled labour to foreign countries, the Bill having become Act VII of 1922. This Resolution deals with the question of assisted emigration of unskilled labour to Ceylon. Power has been taken under section 10 of Act VII of 1922 by the Government to notify the propriety and legality of emigration to foreign countries under certain conditions that may be defined with the will and consent of the two Houses, the Indian Legislative Assembly and the Council of State. I may remark in passing that the widest possible powers have been conferred upon the Legislature in this respect and I may safely say that virtually the dominion form of self-government subject to the usual statutory safeguards has been conferred upon the people of this country in this particular branch of administration. The draft notification has been placed before the Legislative Assembly and was approved by them and I now seek the assent of this House to the draft.

In pursuance of a promise made by me, a Committee has been appointed for the purpose of assisting the Government in framing the necessary conditions and rules on the subject and the thanks of the Government and the public are due to this Emigration Committee consisting of Members of both the Houses who have at a considerable sacrifice of time, energy and leisure attended the meetings both in June, and August and September of last year, and it was with their assistance that the Government have framed the conditions which are the subject matter of this notification.

Ceylon may ethnologically as well as geographically be said virtually to be a part of India. If tradition is true, more than 2,000 years ago, from Upper India there was a wave of colonists who conquered Ceylon and settled down there, and they form about three-fourths of the population of Ceylon. Later on, there was an influx of people from Southern India, and those that have settled down there as well as the labouring population form virtually about one-fourth of the population. So Ceylon may be said to have been peopled largely, if not wholly, by people belonging to India. Geographically, there is a very narrow stretch of sea, 22 miles broad, dividing Ceylon from India. Railway facilities render the journey from Southern India to Ceylon extremely easy and more than 800 men

[Mr. B. N. Sarma.]

travel to and fro on the average throughout the year. Ceylon was under the administration of the Chola Kings in the past for some time, and latterly was administered by the Madras Government. Later on, after separation there was a free interchange of population between the two countries, and there was an Ordinance passed in 1847 whereby the Ceylon Government undertook to respect and effectually carry out the emigration laws that may be passed by the Government in India. There have been no restrictions upon emigration from Southern India or any other part of India to Ceylon and this has been going on ever since the separation of the two countries for administrative purposes. There are a large number of tea and rubber estates, the tea acreage being about 400,000 and that of rubber about 400,000. The interests of Southern India and Ceylon are bound up to a very considerable extent, specially in the matter of trade, Southern India exporting on the average as much as 11 crores of rupees worth of produce to Ceylon. The Ceylon Labour Commission has organized an agency for the purpose of taking labourers from Southern India to Ceylon, and a Committee which investigated this subject in 1917 have reported that on the whole this administration has worked satisfactorily, but have recommended certain changes which have since been the subject matter of correspondence between the Governments in India and Ceylon. The Government felt, and this Legislature also, that it was necessary to include Ceylon, the Federated Malay States and also the Unfederated Malay States within the purview of Act VII of 1922, but having regard to the peculiar conditions and relations that subsist between the two countries, they exempted them from the operation of the Act for the period of one year from the 5th March 1922, and it is therefore necessary for the House to assent to this Notification now in order that the necessary rules may be brought into effect if emigration is to be permitted to Ceylon from the 5th March 1923. The Ceylon Government pressed very hard upon the Government of India the desirability, nay the necessity, for continuing this exemption and not bringing any rules into force with reference to assisted emigration from Ceylon. They urged that having regard to the proximity of the two countries, the facility of communications, the difficulty of controlling traffic, the harassment which the people would be subjected to if there were any regulations and to the smooth working of the labour laws previously, Ceylon might be continued to be exempted, but the Government of India as well as the Emigration Committee have found it impossible to comply with this request and they therefore urged upon the Ceylon Government to agree to several conditions which would place assisted labour on a secure and firm foundation. Public opinion was not confident that everything was going on smoothly and correctly in Ceylon, considered that various abuses have crept into the system of unregulated labour in Ceylon and has been persisting in the Government of India having power to see that labour is freed from the trammels of the penal laws and other harmful conditions that prevailed in the Colony. Long correspondence ensued and we must say that the Government of Ceylon have loyally co-operated with the Government of India in all the suggestions which have been put forward and have repealed one by one all the laws which secure the enforcement of labour by means of fines or imprisonment. All such laws have been abolished. The Committee have felt further that it was necessary, if labour is to be really free, that the labourers should not be permitted to contract for more than a month, that they should have the liberty to find work wherever they please by giving notice

at the end of a month and this the Ceylon Government has agreed to. Formerly the labourer from South India although he emigrated very largely freely and not under the influence of misrepresentation or fraud found himself heavily handicapped because the cost or at any rate part of the cost which was incurred in taking the labourer from South India to Ceylon had to be paid by him later on. Then the labourer steadily got into debt. Then there was a system which was known as the *tundu*. The Head labourer or the kangani, whenever he wanted additional advances, went to the planter, especially when there was a demand for labour, and asked the planter to make further advances or to permit him to take his labourers to some other plantation which was willing to make the necessary advance. The planter was obliged to make the advance which generally went into the pocket of the kangani or he had to let the labourers go. The debt was multiplied and the labourer was virtually under the control of the estate or the kangani. Well, the Ceylon Government has abolished the *tundu* system and has penalised its continuance. The labourer is free now. He cannot be imprisoned for civil debt and the estates have been wiping off the debt due from the kanganis to them and in the space of a few years more it is hoped that the remaining portion of the debt would be completely written off, about two-thirds having been already wiped out. Having regard to past conditions the Government of India stipulated that when labour is imported from South India it should no longer have this millstone tied round its neck. It should be landed free from debt. Any advance that may be made would not be recoverable and all the expenses that may be necessary would have to be borne by a common fund so that the labourer when he goes to Ceylon from South India goes there free from any debt. He can choose the plantations. He can choose the type of labour he wishes, and we have also further stipulated that if within one year he finds that he cannot get labour suitable to him or that he cannot stay there conveniently for sufficient reason and satisfies the Emigration Agent, whom we hope to appoint hereafter for protecting labourers from India in Ceylon, that he is entitled to repatriation, he would be repatriated at the expense of the colony. I have therefore indicated that suitable safeguards have been provided so that the labourer that may emigrate from South India may not hereafter be exposed to the dangers to which his predecessors had been exposed. But neither the Committee nor the Government were very happy about the adequacy of the present wage prevailing in Ceylon. They have gone into the figures carefully and were and are under the impression that much can be done and ought to be done towards improving the wage which is being at the present time paid to labourers in the various estates. They have asked therefore the Ceylon Government to accept after inquiry the principle of a basic wage subject to a minimum, so that the labourer may have some provision for old age and sickness and that he may be able to save a little money after labouring hard in the colony for a number of years. The Committee were at first doubtful as to whether it would be expedient to fix a minimum wage at all and were advised that the natural laws if left to their operation would secure the necessary increase in wages, having regard to the removal of the penal clauses, to the provision that the labourer can bind himself only for one month, to the short distance which had to be travelled and other facilities which have been placed at the disposal of the labourers. But on further thought they decided that the departmental Committee's recommendations of 1917 under which a basic minimum wage subject to a minimum was recommended ought to be adopted in the case of Ceylon also and while not laying it as a condition precedent to emigration being allowed to Ceylon

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they urged that an immediate inquiry should be instituted into the question of wages to see whether the request of the Emigration Committee could not be complied with. The Ceylon Government have agreed to institute an inquiry immediately, but, having regard to the considerable variety in the conditions in the various estates, rubber and tea, to the difference in wages, to the piece-work system obtaining in a large number of these places, the inquiry would necessarily last some time and the Emigration Committee stipulated further that any recommendation to be made should be placed before them so that the recommendation may be considered by them before the Government finally make their recommendations to the Ceylon Government, which would then have to be placed before the Ceylon Legislature for adoption. All this would mean time. The Emigration Committee, therefore, asked the Government of India to suggest to the Ceylon Government that a rise in wages should be secured meanwhile and we are negotiating for that purpose and we hope that something will be done. The Ceylon Government has already stated that under the operation of the new conditions, the condition of the labourers has considerably improved, labour has found its feet, has found its freedom, and that, as a matter of fact, wages have slightly improved. And we may assure the House that the Government would press this matter still further on their consideration, and, provided finances permit, with the aid of the Fee Fund, we hope to be able to appoint an Emigration Commissioner to watch the interests of the labourers in Ceylon. I have already alluded to the fact that the Ceylon Government has been very prompt and generous in meeting our demands in the past. They have repealed all the penal laws. The interests of Southern India and Ceylon are vitally bound up together, on their prosperity is to some extent dependent the prosperity of some of the districts of Southern India. This free flow of labour from Southern India would relieve the congested labour markets in some districts of Southern India and thereby improve the conditions of the labourers in Southern India and that, whatever defects there may be now existing or that may be discovered hereafter would be set right by the machinery which we propose to employ for that purpose under the provisions of the Emigration Act. I, therefore, trust that this House will agree with the Legislative Assembly in considering that the conditions which have been laid down in this notification are suitable for the purpose for the present and I commend this Resolution for the acceptance of the House.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadian): Sir, I rise to support this Resolution. I was a member of the Emigration Committee and we had certain difficulties in our way before we came to a decision on this subject. There was an atmosphere in the country that our coolie labourers were not treated well in Ceylon. The *tundu* system to which my Honourable friend has just now referred was looked upon as a system that made slaves of the labourers. The amount that was spent on each labourer was always hanging over his head and whenever he had to change from one master to another he had either to make arrangements to pay the money or he was obliged to continue with the same planter. That system had to be abolished before anything could be done to allow our countrymen to go there. The Ceylon Government have accepted the proposal and the *tundu* system has been done away with. There is yet a load of debt on the *kanganis* which will to a certain extent restrict the freedom of movement of labourers from one plantation to another. The deputation from the Ceylon Government, or rather from the Ceylon planters and Government, tried to meet us and assured us that within a specified period they



will write off all the debts and that thereafter labour will be quite free. So far, I think the arrangements made were quite satisfactory. Some of us were very anxious that they should write off the debts all at once. But the difficulties were explained to us and we thought that, if they undertook to write off the debts within a certain period, we may accept their assurance and we did not press therefore for writing off the debts all at once. The chief improvements as suggested by the Committee in the matter of recruitment is that labour shall be free, and that there shall be no load of debt over the head of the labourer when he goes from here to Ceylon. The second condition which we insisted on was that they cannot contract for more than one month, and the third condition, which is very important, is that, if it was found that a labourer was not able to keep good health in Ceylon or that the local conditions there did not suit him, the Government or the Planters Association should repatriate him within one year at their own expense. That is a very important point which the Committee was able to get from the Ceylon Planters Association Deputation. There was a feeling, Sir, among some of the members of the Committee that, unless we get equality of status in all the Colonies, we should not allow any emigration from this country to any Colony. It was thought that, if we prevent emigration to Ceylon or the Federated Malay States or Mauritius, the Governors of those Colonies might put pressure upon the Colonial Secretary to persuade the Government of, say, East Africa to give us equality of status in that Colony. But after careful consideration it was thought undesirable to punish Ceylon and Mauritius for the fault of East Africa. We decided that we should not insist on equality of status in all the Colonies before granting permission for emigration to some Colonies but that we should insist on equality of status in the Colonies, emigration to which we were considering. We have been assured that, as regards municipal franchise, there is equality between Indians and Singhalese. As regards political franchise, it is not so, but the last letters of the Government of Ceylon gave us an assurance that, when the nominated Member ceases to hold his office, they will be glad to consider the question of giving full electoral and political franchise to Indians. We have gained a great deal from the Ceylon Government, although it is not all that we wanted, and I therefore think that for the present it is much better to be friendly with the Ceylon Government and to accept the emigration proposals as laid down by the Honourable Member.

The HONOURABLE MR. V. G. KALE (Bombay: Non-Muhammadian): In supporting the Resolution, I wish to offer only one or two remarks. While I was looking into these papers supplied to us with reference to emigration to Ceylon, one thing struck me and it was this, that the condition with regard to wages was represented to be entirely satisfactory on one side, while the statistics which have been supplied on the other side go to show that on the whole wages are not as satisfactory as they should be. However, in view of the fact that an assurance has been given regarding the inquiry which will be immediately instituted and if necessary a kind of a minimum wage will be established, in view of the fact that this assurance has been given, I think we may rest satisfied for the present. But from the information as we have it to-day, it is difficult to conclude that in the matter of wages, Indian labourers in Ceylon are a happy people. Comparisons have been instituted between the wages obtained by Indian labourers in Ceylon with those obtained by Indian labourers in Southern India, but there is one consideration which must not be lost sight of, and it is this. When a cooly emigrates to a foreign country, even if the foreign

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country may be so very near as Ceylon, the conditions are different from what they are when the cooly works in his own village and in his own country. Consequently, he ought to be able to get higher wages in a foreign country than in his own, and the comparison which is sought to be instituted is therefore fallacious. I would therefore strongly urge that as early as possible steps should be taken to solve satisfactorily this problem of a minimum wage for Indian labourers in Ceylon. With these words I support the motion before the House.

The HONOURABLE MR. B. N. SARMA: I am thankful to the House for the cordial manner in which they have received the Resolution. We realise, as I have already said, that the matter of wage in Ceylon requires further elucidation and inquiry and the Ceylon Government have promised to do it and we shall do all that lies in our power to better the conditions of the labourer that may emigrate to Ceylon.

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

"This Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, and recommends to the Governor General in Council that the notification be published in the *Gazette of India*."

The motion was adopted.

## RESOLUTION RE EMIGRATION OF UNSKILLED LABOURERS TO STRAITS SETTLEMENTS AND MALAY STATES.

The HONOURABLE MR. B. N. SARMA (Revenue and Agriculture Member): Sir, I beg to move the following Resolution:

"This Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri, Sembilan and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kalantan, Trengganu and Brunei, and recommends to the Governor General in Council that the notification be published in the *Gazette of India*."

In the case of the Federated Malay States and the Straits Settlements the Emigration Committee were on happier ground. They found that with regard to wages, the conditions of the labourer in the Federated Malay States were not quite so unsatisfactory as many of them felt them to be in the case of Ceylon. The distance is no doubt greater than in the case of Ceylon, but the communications by means of steamer, I think, are fairly adequate and the labourers have found no difficulty in coming back to India, especially Southern India, from which there is large emigration, whenever they wish to do so. It has been found that the labourer stays in these Federated Malay States for about two to four years and comes back generally with a saving of 80 to 200 Dollars. Many of them have got money in the Savings Bank. The Federated Malay States were also a part of British India until 1867 and there has been a free flow of emigration between Federated Malay States and India ever since. There have been no restrictions whatsoever upon such emigration. But precautions have been taken by the Madras Government to see that labour was not unduly exploited, and on the other side, in the

Straits, there had been a Labour Board appointed by the Government to watch the interests of the labourers, and the deputation which came over here from the Straits and explained their case left a very favourable impression upon the Emigration Committee. They readily agreed to the principle of a basic minimum wage and thought that their Government would not find a difficulty in accepting it, though they had no authority on the subject, and told us that in the pamphlets that are issued the wage that these labourers are able to secure in the Federated Malay States is mentioned and that no abuses have hitherto crept into the system, and they are ever watchful to see that labour does not suffer in the Federated Malay States. But the Government of India and the Emigration Committee did not rest content with these assurances, and they asked for the repeal of all the penal provisions imposing fines and imprisonment and the Federated Malay States have introduced legislation abolishing imprisonment and have promised to take further steps wherever there may be any penal clause still remaining. There has been therefore no point of controversy still outstanding. The only question that was pressed by our Committee was with regard to the admission of Indians into the Straits Settlements Service on exactly the same terms as is open to all other British subjects of His Majesty. On this point there have been negotiations. We can readily understand how they cannot make any definite promise. The interests of the Malayans ought to be protected and we readily recognise it ought to be so. But in pursuance of our suggestion they have placed one Indian Member on the Board and I believe they have also appointed one on the Legislative Council and we hope that the relations between the two Governments will remain as cordial as they have been hitherto and even be more cordial. The Federated Malay States Government urged upon us that there was no necessity for the appointment of an Emigration Commissioner, and that was the point that was urged upon us by Sir Ahmedthamby Maricair also who knows much of these States and has connections with them. But the Committee and the Government have felt that it was necessary that the States should agree to the appointment of an Emigration agent if the Government of India choose to appoint one, and they have yielded to our request. Sir, I commend to this House this Resolution which was accepted without any discussion whatsoever in the Assembly.

The HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I rise to support this Resolution. As the Honourable Mr. Sarma has put it, we had no difficulty in dealing with the Malay deputation. The Federated Malay States Government treated us much better. They sent a senior Government official to head the deputation. The Ceylon Government, unfortunately, did not do so. They sent a lawyer who represented more the planters' interest than that of Government. So far as the Malay States deputation went, they laid all their cards on the table. They were prepared to accept all reasonable conditions that we laid down and our difficulties in dealing with them were much less than they were with regard to the Ceylon Government. There is only one point which I would like to bring to the notice of the House here, and it is, that while Indians were qualified to enter the Colonial Service a few years back, they are now debarred from entering the Colonial Service. We asked the deputation whether they had any objection to Indians entering their Colonial Service through the regular examinations in England, and they said they had not. They were prepared, if we made

[Mr. Lalubhai Samaldas.]

any representation, to support that representation, and I hope the Government will take an early opportunity to see that this bar to enter the Colonial Service for our countrymen is removed as early as possible.

The HONOURABLE MR. B. N. SARMA: I have only one remark to offer. I must say that we, the Government, appreciate the position of the Deputation from Ceylon, and especially so because they have entrusted the advocacy of their cause to the non-officials, and I hoped and I still hope that that departure from the usual practice would recommend itself to the Members of this House. No doubt, the Chairman, the Principal of that Deputation urged as a lawyer all that could be said in favour of the Ceylon cause and possibly some of the Members thought that a less vehement advocacy might have served a better purpose. But I am sure that Ceylon labours under peculiar difficulties and had a better cause to advocate, specially on the point of exemption of Ceylon from all restrictions which may be imposed upon them under the Emigration Act. I therefore think that we ought to congratulate the Ceylon Government upon the composition of their Deputation and have no reason whatsoever to be dissatisfied with it. With regard to another remark of my Honourable friend Mr. Samaldas, I am not quite so sure whether the Federated Malay Government see eye to eye with our request with regard to the composition of the colonial service, but that is a matter entirely resting on the policy of the Colonial Office and has very little to do with the Federated Malay States as a separate integral factor. I am glad that this Resolution has met with a favourable reception at the hands of the House.

The HONOURABLE THE PRESIDENT: The question is that the following Resolution be adopted:

"This Council approves the draft notification which has been laid in draft before the Chamber specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to the Straits Settlements, the Federated Malay States of Perak, Selangor, Negri, Sembilan, and Pahang and to the Unfederated Malay States of Kedah, Perlis, Johore, Kalantan, Trengganu and Brunei, and recommends to the Governor General in Council that the notification be published in the *Gazette of India*."

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Friday, the 16th February, 1923.