

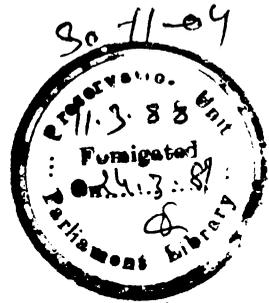
Wednesday, 2nd March, 1932

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1932

(25th February to 6th April, 1932)

**THIRD SESSION
OF THE
THIRD COUNCIL OF STATE, 1932**



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COUNCIL OF STATE.

Wednesday, 2nd March, 1932.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable Sir Philip Browne, Chairman, in the Chair.

BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary) : Sir, I move that the Bill further to amend the law relating to the fostering and development of the bamboo paper industry in British India, as passed by the Legislative Assembly, be taken into consideration.

As Honourable Members are aware, there is already a protective duty upon paper of certain classes. That duty was imposed as the result of the Tariff Board's first inquiry into this industry which took place in the years 1924 to 1925. What the Board found in the course of that inquiry was that the future of paper manufacture in India depended upon the possibility of developing the manufacture of pulp from bamboo and paper from that pulp. A good deal of work had been done in the direction of manufacture of pulp from bamboo, but the Board found that a good deal more of experimental and exploratory work still required to be done. They therefore recommended that a temporary protective duty should be imposed upon certain classes of imported paper for a period of five years, and at the same time they recommended that direct financial assistance should be given to the one concern in India which was seriously tackling the question of pulp manufacture from bamboo. The Government of India accepted the desirability of the protective duty, but for various reasons they felt themselves unable to accept the recommendation for direct financial assistance to the manufacturing concern in question. Instead of giving that financial assistance, they extended the period of protection from five to seven years and the Bamboo Paper Industry (Protection) Act was passed in 1925 and will ordinarily expire at the end of the current month. That, Sir, is the previous history of this case of protection.

The matter was referred again to the Board during the past year and in the terms of reference the Board were directed to inquire into two matters, in the first place, to examine and report what progress had been made in the manufacture of paper from bamboo and, in the second place, to make recommendations on the question whether further protection was desirable and necessary, and, if so, what measure of protection would be required. Now, on the first of those points of reference, without going into great detail, the Board found that in the first place the supply of raw material, that is to say, the supply of bamboo, was for practical purposes unlimited. A great deal had been done by way of surveying areas and organising the transport of the bamboo to the mills; secondly, the cost of production, that is to say, the cost of cutting and moving the bamboo to the mills, had been very much reduced during these six and a half years; thirdly, the cost of manufacture in the mills themselves had also been much reduced. Part of this reduction no doubt was due to lowering of the cost of the raw materials, the bamboo and also the subsidiary raw materials, such as chemicals, but a good deal had been accomplished by installing newer equipment and making improvements in

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practice. Finally, they found on the evidence of paper users, notably the purchaser of paper for Government, that the paper turned out from bamboo was of an excellent quality. Having reached those findings, the Board came to the conclusion that the bamboo paper industry deserved further protection and that it required further protection. Although a good deal of work had been done and greatly improved methods had been discovered for dealing with bamboo,—I may say that the main difficulty has always been the treatment of the bamboo itself; namely, on account of the knots which occur in it the crushing of the bamboo has presented considerable difficulty—a great deal of money had been spent and a great deal of experimental work had been done on methods of crushing and on the subsequent operation which is known as digesting, a certain amount of further work had still to be done, and if protection were withdrawn now—this is the Board's finding—there was grave danger of this industry, this very promising industry, collapsing altogether. In these circumstances, Sir, the Board recommend that the protective duty be continued upon certain classes of paper for another period of seven years, and they make this new proposal that a duty should be levied upon imported wood pulp at the rate of Rs. 45 a ton.

I will deal with this new proposal first—actually the natural order in which to take these recommendations, because this proposal is really a measure for protecting the manufacture of pulp, whereas the second recommendation is a measure for the protection of the manufacture of paper. Now, as regards this wood pulp, in the applications made to the Tariff Board in 1924 certain paper manufacturing firms actually suggested then that a duty should be levied upon imported pulp; but the Tariff Board were unable to accept that suggestion, because they felt that before the manufacture of pulp from bamboo had been developed it would be wrong to increase the cost of raw material which must be obtained from abroad for a time by the Indian mills; and Government accepted that view and the Legislature also accepted that view and the import of wood pulp was allowed to be free during the initial period. Now, however, the situation is different. Great progress has been made in the manufacture of pulp from bamboo; in particular I may say that whereas in 1924 only one firm was carrying out this manufacture, and then by only one of the known processes, now three more firms, have taken it up and actively developed it and an alternative method of manufacture is being exploited. Now, in these conditions, the Board, as Government think quite rightly, have come to the conclusion that it is time to apply a definite stimulus to the use of bamboo pulp; in other words to push the mills over definitely towards the use of bamboo pulp whenever they can obtain it in preference to this imported wood pulp, the price of which has, like that of everything else, gone down considerably during the last three or four years.

Then as regards the second recommendation, the duty upon imported paper, what the Board have recommended is that, as in the existing tariff schedule, a protective duty should remain upon printing and writing paper leaving other classes to be covered by the revenue duty. Now, there has been a good deal of difficulty in the past over the existing entry in the tariff schedule. This is due to the fact that it is a difficult matter to say in some cases whether a paper is, for instance, printing paper or wrapping paper. The result of that has been that we have had disputes over interpretations in the Customs. An importer may claim that a paper is wrapping paper because it is to be used for wrapping purposes. But equally it may be pointed out that it is printing paper and actually used as such. I merely give this instance as an illustration. It is desirable, if possible, to get over those difficulties and

what Government have in mind is this. In this Bill they propose to leave the existing entries in the tariff schedule as they are but if this measure becomes law they propose to reverse the existing process and, instead of saying that paper as such is subject only to the revenue duty but printing and writing paper are subject to the protective duty, they propose to say that all paper is subject to the protective duty except certain specified classes which will be subject to the revenue duty. That, they think, will get over these difficulties, but before they can draw up a revised definition it is absolutely necessary that they should consult the trade and the various interests concerned so as to make quite certain that on the one hand they will not admit under the revenue duty paper which is made by the Indian mills and which ought to be protected and on the other hand that they do not throw an unnecessary burden on the consumer by subjecting to the protective duty classes of paper in which the Indian mills really take no interest. What Government propose to do then, Sir, if this Bill becomes law, is to draw up an item in the Schedule excepting certain classes of paper from the protective duty. They will publish this draft item and consult the trade on it, and probably decide the final form of the entry in the tariff after a conference with representatives of the trade.

I need only say one word about the rate of the duty. The Tariff Board have proposed, and Government have accepted the proposal, that the existing duties upon printing and writing paper should be retained. What I wish to explain is this, that actually, according to the calculations made by the Tariff Board, a lower duty would have been sufficient upon paper had it not been for this new duty upon imported pulp. As the cost of manufacture to the Indian mills must be slightly increased by this duty on imported pulp some compensatory addition to the protective duty on paper is necessary. It is not, of course, intended that the mills shall continue to use imported pulp indefinitely, but they cannot switch over to bamboo pulp immediately and the Board's calculations allow for their gradual departure from imported pulp and gradual turning over to bamboo. This is the scheme which is at the bottom of this proposal.

There is one other point, Sir, that I think it is necessary to explain and I will be as brief as possible. One change is being made in the definition contained in the tariff and that is provided for in clause 4 of the Bill where, as Honourable Members will notice, an alteration is made from 65 per cent. to 70 per cent. of the minimum content of mechanical wood pulp which will qualify imported paper for admittance under the revenue duty. Now, Sir, I want to make it quite clear that this alteration does not mean any alteration in actual practice. What happened was this. In the Board's Report of 1925 they said that newsprint, which is a cheap form of paper which they wished to admit under the revenue duty, contains not less than 70 per cent. of mechanical wood pulp. That is generally acknowledged everywhere by the trade. But it is extremely difficult, in testing paper to see whether it contains more or less of mechanical wood pulp, to ascertain exactly what the percentage is. There must always be a considerable margin for error in testing at the customs house. Well, the Tariff Board in 1925 wished to make allowance for that possible error in testing and they thought it was reasonable to allow a 5 per cent. margin of error. Therefore, although 70 per cent. was the optimum figure they recommended its reduction to 65, so that if paper is imported containing not less than 65 per cent. of mechanical wood pulp it is allowed under the revenue duty. Now, what has been the result of that? We find that the importers of paper work on this figure of 65 per cent. and their manufacturers know that the prescribed figure is 65 per cent. and they try to work to 65 per cent. Then, if the paper on importation is found to be something under

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65, say 63 or 62 per cent. they say : Surely you are going to allow us a little margin. They are informed by the customs that the margin of 5 per cent. has already been allowed and that they ought to have worked on a figure of 70 per cent. They say : We cannot go by any other figure except the figure we see in the Statute. Now, to get rid of that difficulty we propose to go back to 70 per cent. to put 70 per cent. in the Act and still to allow the same margin for error in testing and also for error in manufacture. That is the only object of the change, and it will be made quite clear by executive instructions in the Customs Department that exactly the same latitude will be allowed as is permissible now of departure from the figure of 70 per cent.

That is all, I think, I need say, Sir, and I am afraid I have been rather long in explaining the details of the Bill. There is nothing that requires special explanation in connection with the clauses. The two main clauses are clause 2, which extends the period of protection from 1932 to 1939, and clause 3 which is merely consequential. There was an intermediate Act which slightly altered the definition of paper in the tariff and clause 3 simply follows clause 2. Clause 4 I have already explained and the other substantive clause is sub-clause (b) of clause 5 (1) which imposes this new duty of Rs. 45 a ton upon wood pulp. Sir, I move.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, while giving my hearty support to the measure, I should like to say that the Bill, the aims and objects of which have been so very clearly and definitely explained to us by the Mover, the Honourable Mr. Drake, should be accepted by us in the manner and shape in which it has come to us. A protective duty or a tariff wall, Sir, is not a sound economic measure, but when one finds that a particular industry is in its swaddling clothes and cannot thrive unless and until it gets an impetus,— a fillip or an incentive by way of a protective duty, it must be imposed not only for protection of the industry but for its gradual development or at least to keep it going on in the hard competition in the market. I think this protective duty would surely give an incentive for the manufacture of bamboo pulp in India and along with it for that of paper for which we look towards foreign countries for the supply. Some of our friends here may say that the price of the paper and that of bamboo pulp may go up if a protective duty of Rs. 45 a ton is imposed on imported pulp and it would be tantamount to an indirect tax on the public who cannot do any business in these modern days without paper. But, Sir, if we want to make India self-contained almost in everything we must not mind this, for in the long run, India will be the gainer and in seven years' time from this time forward she will be able to hold her own against others in respect of manufacture and supply of paper. Moreover, I think, this duty will surely give encouragement to those who would take to the bamboo pulp industry. Bamboos we have enough and to spare in India and these raw materials should be utilised by scientific process for the purpose of manufacturing paper. And thus there will be a steady growth of the paper industry which will be an asset to India. In fine, I should like to say to those friends of ours who in season and out of season, talk so much about state aid to the indigenous industries, that this protective duty Bill is indeed a state aid to our industry and as such should be hailed as a beneficent measure and accepted by us and the Bill passed into an Act.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I do not think this Council will hesitate to give to the bamboo paper industry the protection which this Bill seeks to

confer on it. The Tariff Board has recommended the continuance of the duty for a further period of seven years and the Government have accepted the conclusions of the Tariff Board and brought forward this Bill. So far as the merits of the Bill and the merits of the claim of the industry to protection are concerned I have nothing of any importance to urge. But there are one or two matters to which I should like to draw the attention of the Government or at any rate I would seek the necessary information from the Honourable the Mover of this Bill. Sir, the Honourable Mover has said that the industry has done much in the matter of improvement of the bamboo pulp industry. I admit that some measure of good work has been done. But it appears from the Tariff Board's report that these mills have not spent a sufficient amount of money on this account as compared with the profits which they have made. We find from the Tariff Board's report that one mill, the Titagarh Paper Mills have during the period of the last seven years made a profit of a crore of rupees. This is the verdict of the Tariff Board. As against that what have they spent in the improvement of the pulp industry? They have spent less than Rs. 6 lakhs. I do not consider this as a fair amount of expenditure they ought to have gone in for. Protection is given on the distinct understanding that the industry that receives protection will do its very best to make the industry self-dependent within a limited period of time. It is necessary for those mills which seek protection from the Legislature to prove conclusively that they are not only filling their pockets, but have taken good and sufficient measures for the establishment of the industry on a proper footing. Secondly, Sir, the Fiscal Commission on which I had the privilege to serve has laid down a distinct rule which should guide us in the matter of granting protection, namely, not only Indianisation but also that facilities should be given by parties receiving protection for training Indian apprentices in such concerns. I would like to know from my Honourable friend Mr. Drake what these mills have done so far as the training of Indians in this industry is concerned, how many apprentices they have taken, as recommended by the Fiscal Commission and what facilities they have afforded and the amount of expenditure they have incurred in the training of Indian apprentices. This is one of the most important matters which the Fiscal Commission has recommended. In fact, the policy of protection which the Commission recommended is based on the principle that Indians should be trained in the different industries in this country and that in time India should be self-supporting and be able to hold its own against foreign imports in the matter of the production of indigenous articles.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I welcome such like protective measures because I have been an advocate for protection from some time past. Notwithstanding the fact that England has been a free trader for a long time past, having developed her industries to its full extent, she has now come back to wholesale protection. I fully endorse what the Honourable Sir Maneckji Dadabhoy has said. As far as the training of Indians is concerned, as far as my information goes, the paper mills have not done much. I would urge on the Government to make it a rule, when granting protection that the relative recommendation of the Fiscal Commission should be observed. With these words, Sir, I support the Bill.

THE HONOURABLE MR. J. C. B. DRAKE : Sir, I need not, I think, detain the House very long in my closing remarks. I am very glad to hear the support which has been given by the Honourable Members who have spoken to the general principle embodied in this Bill. With regard to what has

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fallen from my Honourable friend Sir Maneckji Dadabhoy and also from my Honourable friend Rai Bahadur Lala Ram Saran Das on the subject of the recommendations of the Fiscal Commission, and in particular with regard to the training of Indian apprentices in the mills, I am not, I am afraid, in a position to give the figures for which my Honourable friend Sir Maneckji Dadabhoy asked, that is to say, the figures showing the actual number of Indian apprentices who have been trained in these works and the amount of money which the mills have spent in giving this training. There is, however, perhaps one point in that connection to which I might draw the attention of Honourable Members, and that is, that the actual recommendation made by the Indian Fiscal Commission was that facilities should be given for the training of these apprentices at the expense of Government. That perhaps answers one of the points raised by my Honourable friend. This whole question, as Honourable Members are no doubt aware, was discussed at considerable length in another place, and Government have made it clear that they do consider that when an industry receives protection it should feel it incumbent upon itself to carry out as far as may be possible those recommendations made by the Indian Fiscal Commission which have been imported into statements of Government policy and, in one case, into an Act—I refer to the first Steel Act of 1924. Government therefore welcome statements of this kind from Honourable Members, so that those responsible for the industry which receives protection may be made fully aware of what is the feeling of the Legislature on the subject.

I think the only other remark I need make is with regard to the amount of money which the mills have spent upon developing bamboo, in relation to the profits which the Tariff Board found they had made. I would just like to say this, that the mills had a great deal of leeway to make up. They were in a bad way. Honourable Members will no doubt remember that they have had to write down their capital, in most cases by about one-half, so that the profits as they appear now are not really so high as they appear to be on paper. I think the figure given by the Tariff Board of the amount expended by the three mills in Bengal upon developing the bamboo paper industry was 13½ lakhs of rupees. Government also have considered very carefully that passage in the Tariff Board's report, and they, like the Tariff Board, have come to the conclusion that on the whole the mills have devoted quite a fair proportion of the profits they have made to prosecuting this development of the bamboo industry.

I do not think, Sir, there is anything more I need say in commending this Bill to the Council.

MR. CHAIRMAN: The question is that the Bill further to amend the law relating to the fostering and development of the bamboo paper industry in British India, as passed by the Legislative Assembly, be taken into consideration.

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

RESOLUTION *RE* HOURS OF WORK IN COAL MINES.

THE HONOURABLE MR. J. A. SHILLIDY (Industries and Labour Secretary) : Sir, I move that :

“ This Council, having considered the Draft Convention limiting hours of work in coal mines adopted at the 15th Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of reducing the statutory limits for hours of work in mines and that the result of this examination should be placed before this Council.”

Sir, under article 405 of the Treaty of Versailles a Draft Convention which has been adopted by the International Labour Conference has to be placed before the Legislature within 12 months of the adoption of that Convention. This Convention was adopted in June, 1931 and consequently it has to come before this Council at this session. When this Convention was first considered, it was proposed to limit it to European countries only, and it was preceded by a technical inquiry by experts who were representative of the European countries only. Later on, however, the International Labour Office was in some doubt whether the Conventions of the International Labour Conference should be so restricted. After considerable discussion it was decided that Conventions of the International Labour Conference should be international in scope. Between the reaching of this decision and the actual meeting of the Conference to discuss the Convention we had not sufficient time to consult Provincial Governments and associations of employers and workers in order to decide our attitude with regard to this Convention. Consequently we told our Delegates that, while they should put no difficulties in the way of the adoption of the Convention by those countries for whom it was devised, they should make our position clear, that the Government of India would not be able to ratify it without further examination.

I need not, Sir, go into all the details of this Convention. I will just refer to what is the main head. The Convention recommends that the hours of work underground in mines shall be limited to seven hours and 45 minutes a day, and that work shall not be permitted on Sundays or on public holidays. It further recommends that work in open mines should be limited to eight hours a day with a 48-hour week. Now the position at present in India is that under the Indian Mines Act we have a 60-hour week for above-ground work and a 54-hour week for under-ground work. The Select Committee of 1928 made a recommendation which was accepted and became law from April, 1930, that no person should work more than 12 hours in any consecutive period of 24 hours. But they also made a recommendation that an advance should be made if possible to an eight-hour shift. They desired, however, that the Bill then recommended the provisions of which I have just given you, should have trial for three years, and that Government should then consider whether a move should be made to an eight-hour shift. As I have said, the Bill came into force in April, 1930, and the three years will be up in 1933. Further, the Labour Commission examined the conditions of working in mines with great care. Their recommendation for open mines or above-ground working was 54 hours a week. They considered all that the Select Committee had said in 1928 and they supported the view of the Select Committee and made no definite recommendation in that regard. After this statement the House will I think agree that it would be improper on the part of the Government of India, without any further inquiry whatsoever, to rush from a 60-hour week above-ground and a 54-hour week under-ground to a 48-hour week

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above-ground and something less than a 48-hour week under-ground. What, therefore, the Government of India propose to do is not to ask this House to refuse to ratify the Convention, but to take all these three different proposals into consideration, that is the provisions of the Draft Convention, the recommendation of the Select Committee that we should try to advance to eight-hour shifts, and, finally, the recommendations of the Labour Commission. We propose, therefore, Sir, to consult Local Governments and associations of workers and employers in regard to these three different proposals and to place the results of that examination before this House. That, Sir, is the proposal in this motion which I have put before the House. Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I had expected that the Honourable Mr. Shillidy, while moving this Resolution, would give us in his speech how India would stand in competition with other countries whose coal competes with India. I should like him to kindly inform this House whether South Africa, Japan and other countries from which coal is imported into India have or have not adopted or accepted this Convention.

THE HONOURABLE MR. J. A. SHILLIDY : Sir, I have no information whether this Convention has been accepted by these other countries. I think it would be impossible to get the information as the Convention has only been passed recently and final decision on the part of those countries cannot have been reached yet.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will the Honourable Member try to get the information ?

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Local Governments will make the investigation. That is the object of the Resolution ; they will find out everything.

MR. CHAIRMAN : I think, as the Government are proposing a full examination, when the Government report to this Council the Honourable Member will find all the information he requires put before him.

The question is that the following Resolution be adopted :

“ This Council, having considered the Draft Convention limiting hours of work in coal mines adopted at the 15th Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of reducing the statutory limits for hours of work in mines and that the results of this examination should be placed before this Council.”

The motion was adopted.

MR. CHAIRMAN : With reference to the motion adopted by the Council on the 25th February, I have to announce that nominations of candidates for the Standing Committee for Roads will be received up to 11 A.M., on Monday, the 7th March.

The Council then adjourned till Eleven of the Clock on Thursday, the 3rd March, 1932.