

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 17th JULY, 1934.

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OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Tuesday, 17th July, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

DEDUCTION OF EXPENDITURE IN THE ASSESSMENT OF INCOME-TAX.

49. **•Dr. Ziauddin Ahmad :** (a) Have Government issued instructions to Income-tax officers to allow and disallow certain items of expenditure in the assessment of Income-tax ?

(b) Are Income-tax Commissioners empowered to frame their own instructions without reference to Government ?

(c) Are the legal practitioners allowed to deduct expenditure on account of the maintenance of conveyance exclusively used for their professional work ?

The Honourable Sir James Grigg : (a) No. The Income-tax Act does not empower Government to decide which items of expenditure are to be allowed or disallowed with reference to any particular source of income. The Act itself provides for this in sections 8 to 12 and in the Instructions appended to the Income-tax Manual certain paragraphs have been added with a view to explain these provisions of the law.

(b) Properly speaking no such question can arise as there is nothing in the Income-tax Act which either empowers or authorises Government to empower Commissioners to frame their own instructions. Commissioners are vested under the Act with certain powers as regards individual assessments and in the exercise of these powers, they have to interpret the various provisions of the law, and they are free to communicate for the guidance of the officers under them their interpretation of a particular section of the Act, if they so desire.

(c) If the item referred to by the Honourable Member is of such a nature that it can be classed as "expenditure incurred solely for the purposes of the profession" referred to, and is not of the nature of "personal expenses of the assessee" concerned, it will be allowable under section 11 (2) (i) of the Act. Whether the item is exactly of such a nature will be a question of fact to be decided with reference to the proved facts of the case concerned.

Pandit Satyendra Nath Sen : Regarding part (c) of the question, is it only the legal practitioners that are allowed to deduct this kind of expenditure or there are others as well, such as medical practitioners and some other business men ?

The Honourable Sir James Grigg : The same answer would apply : it depends on the facts of the particular case as the Honourable Member will see if he refers to my answer when it is printed.

Dr. Ziauddin Ahmad : May I understand that no instruction has been issued to the income-tax officers besides the one contained in the Income-tax Manual ?

The Honourable Sir James Grigg : That is my information.

Dr. Ziauddin Ahmad : May I ask if a conveyance is used exclusively for a professional purpose, is it to be deducted from the returns of income or not ?

The Honourable Sir James Grigg : That is the question I have answered—" If the item referred to is of such a nature that it can be classed as ' expenditure incurred solely for the purposes of the profession ' referred to and is not of the nature of ' personal expenses of the assessee ' concerned, it will be allowable under section 11 (2) (i) of the Act ".

Dr. Ziauddin Ahmad : The reply is of a general nature ; I want to take a definite case, that if a conveyance is used exclusively for professional purposes, then will it be allowed ?

The Honourable Sir James Grigg : That is precisely the question I have answered—" expenditure incurred solely for the purposes of the profession ". May I add that whether it is so used is a matter for determination by the Commissioner.

Mr. Lalchand Navalrai : May I know whether in practice such allowances are being given or not ?

The Honourable Sir James Grigg : If they come within section 11 (2) (i), I have not the slightest doubt that they are allowed in practice.

Mr. Lalchand Navalrai : I would submit that this clause is construed rigidly in practice by the Commissioners, and, therefore, I am asking whether the Honourable Member is in possession of facts whether during the last two years allowance is being given on such items ?

The Honourable Sir James Grigg : If they are not given the reason is no doubt because they are not usually allowable, but if the Honourable Member has any particular case which he wishes to bring to my attention, I shall be glad to look into it.

Mr. Lalchand Navalrai : As regards the instructions issued, is it a fact that instructions are issued by the Board of Revenue with regard to the correction or amendment of the Manual itself from time to time ?

The Honourable Sir James Grigg : I imagine so, particularly in the light of decisions of Courts or other similar circumstances.

Sir Hari Singh Gour : May I beg to inquire what is the definition of the phrase " exclusively used for professional purposes " ?

The Honourable Sir James Grigg : That question is not for me to decide.

Sir Hari Singh Gour : I thought that the Revenue Department of the Government of India would lay down certain instructions to the assessing officers as to what is exclusive use of conveyance for professional purposes, and what is not ?

The Honourable Sir James Grigg : No, that question is one for the individual Commissioner concerned on the facts of the particular case.

Sir Hari Singh Gour : But conveyances are used by legal practitioners all over India, and consequently it cannot be a local question or even a provincial question : and being a question in which legal practitioners all over India are interested, I should have expected the Board of Revenue would lay down certain rules for the guidance of income-tax authorities throughout the Provinces.

The Honourable Sir James Grigg : The section itself seems to me to be quite clear—"expenditure incurred solely for the purposes of the profession"—but no doubt the practice of legal practitioners in the use of their cars varies widely all over India, and I expect most of them do not use them solely for the purposes of their profession.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if a legal practitioner uses his car for his professional business and also takes it out for his evening ride, will any allowance be given ?

The Honourable Sir James Grigg : That is certainly not allowable.

FIXATION OF IRON WINDOWS IN CERTAIN QUARTERS IN THE RAJA BAZAR SQUARE AND LANE, NEW DELHI.

50 ***Mr. Lalchand Navalrai :** (a) Is it a fact that there are revolving iron windows in most of the "D" type quarters in Raja Bazar Square and Raja Bazar Lane in New Delhi ?

(b) If the reply to part (a) above be in the affirmative, will Government kindly state the reasons for fixing the iron windows in those quarters only and wooden windows in all other quarters ?

(c) Are Government aware that the iron windows on account of being very heavy and unwieldy are causing great inconvenience and in some cases injuries to the tenants of those quarters ?

(d) If the replies to part (c) be in the affirmative are Government prepared to replace these iron windows by ordinary wooden windows like those fixed in all other Government quarters ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) Crittal windows (which are the type which have been fixed) have many advantages over, and are generally regarded as superior to, wooden windows.

(c) and (d). No.

Mr. Lalchand Navalrai : May I know if the Honourable Member or any of his officers has visited the spot to see the inconvenience ?

The Honourable Sir Frank Noyce : No ; but I may mention for the information of the House that when this question was put on the agenda paper, I made special inquiries about these crittal windows : I asked whether there were any specimens of them to be seen in Simla so that I might find out for myself what they were like, and I discovered that they have been fitted in the west windows of the drawing room of the Viceregal Lodge. That is a sufficient testimony to their excellence.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether these windows jut out and when a man gets up, he gets injured ?

The Honourable Sir Frank Noyce : I do not quite know what the Honourable Member means by jutting out.

Mr. Lalchand Navalrai : They are revolving windows and when they are opened inside, suddenly a man sitting near by gets up, he gets hit. (Laughter.) Will the Honourable Member make some improvement in this ?

The Honourable Sir Frank Noyce : As I said, I had a report called for in regard to these windows and it is to this effect :

“Critical windows are being used extensively in upper class houses all over Europe and also in India. In many respects, they are much better than wooden windows. They admit of more light ; they are not attacked by white ants, they are anything but clumsy and generally speaking, distinctly superior to ordinary wooden windows. In fact, until a short time ago, they were looked upon as a ‘luxury’”.

ASPHALTING OF, AND PROVISION OF MORE LIGHTS ON, THE ROAD PASSING THROUGH RAJA BAZAR SQUARE AND LANE, NEW DELHI.

51. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the road branching off from Baird Road and passing through Raja Bazar Square and Raja Bazar Lane in New Delhi, is not asphalted and is therefore very dusty ?

(b) Are Government aware that there is not sufficient light on that road ?

(c) Are Government aware that there are about seventy-five Government quarters on that road ?

(d) Are Government aware that the road is very narrow and there is very little or no space left between the road and the Government quarters on either side ?

(e) Are Government prepared to remove the dust nuisance experienced by the tenants of the quarters in that locality by getting the road asphalted, and also to provide more lights on that road ? If not, why not ?

Mr. G. S. Bajpai : (a), (b) and (c). Yes.

(d) The metalled portion of the road is 10 feet wide, and the berms on either side of the metalled portion are 6 feet wide. There is a space of 8 feet between the road berm and the walls of the quarters.

(e) It is understood that the road will be asphalted as soon as funds permit, and that the existing 25 Watt lamps are being replaced by 40 Watt lamps.

Mr. Lalchand Navalrai : I am thankful to the Honourable Member for the sympathy he is showing in the matter, and I hope these improvements will be carried out at an early date.

Mr. G. S. Bajpai : Well, Sir, they will be done when funds permit.

Dr. Ziauddin Ahmad : Are these roads under the New Delhi Municipality or under the Government of India ?

Mr. G. S. Bajpai : The Honourable Member asked a question on this subject the other day in the Standing Finance Committee, and I think he was given a reply then.

Dr. Ziauddin Ahmad : Honourable Members of this House would like to know it here.

Mr. G. S. Bajpai : My recollection is that these roads are looked after by the Public Works Department.

Dr. Ziauddin Ahmad : By the Public Works Department directly controlled by the Government ?

Mr. G. S. Bajpai : The Public Works Department are the agents of the Municipality.

Dr. Ziauddin Ahmad : I understand that these roads are now looked after by the New Delhi Municipality and not by the Government ? Is it correct ?

Mr. G. S. Bajpai : The Municipality are a corporate Body consisting of 13 members, and I am quite sure that they won't go about looking after the roads. The roads are looked after by the Public Works Department under the controlling authority of the Municipality.

NON-MAINTENANCE OF LAWNS IN RAJA BAZAR SQUARE, NEW DELHI.

52. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the lawns in front of Government quarters in Raja Bazar Square are not properly maintained and watered ?

(b) Are Government aware that there are absolutely no lawns in front of the quarters in Raja Bazar Lane for the children to play about ?

(c) If the replies to parts (a) and (b) above be in the affirmative, will Government be pleased to state the reasons for the same ?

The Honourable Sir Frank Noyce : (a) No. The lawns are being properly maintained and watered.

(b) Yes.

(c) As regards (a), the question does not arise. As regards (b), I may explain that the space between the road and the quarters in the Raja Bazar Lane is 10 feet wide and that as it is continually used as a path by the tenants and others it is impossible to grow grass upon it.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that there are better conveniences in other quarters ?

The Honourable Sir Frank Noyce : The conveniences naturally vary with different quarters. It depends upon their location.

Mr. Lalchand Navalrai : In view of the complaints received in regard to these quarters, may I know from the Honourable Member whether he will extend his sympathy to the occupants of these quarters and ask some officer to go round and suggest some improvements ?

The Honourable Sir Frank Noyce : If the Honourable Member will suggest the sort of improvements he has in his mind, I shall be glad to do what I can in that direction.

Mr. Lalchand Navalrai : Thank you very much.

PROVISION OF FLUSH LATRINES IN GOVERNMENT QUARTERS IN NEW DELHI.

53. ***Mr. Lalchand Navalrai :** (a) Is it a fact that Government have recently sanctioned additions and alterations to be carried out in

all the existing orthodox quarters in New Delhi? If so, will Government kindly state the nature of the alterations to be carried out?

(b) Are Government prepared to consider the advisability of providing flush latrines in place of the existing ones in all the Government quarters in New Delhi, in the interests of better sanitation? If not, why not?

The Honourable Sir Frank Noyce : (a) The Honourable Member is presumably referring to the orthodox clerks' quarters in New Delhi. Government propose to provide additional electric light points in all these quarters during the current year at an estimated cost of Rs. 44,000. This expenditure was approved by the Standing Finance Committee on the 13th July, 1934. Government also contemplate certain re-arrangements of the rooms in 128 old type "D" class orthodox clerks' quarters. It is hoped that funds for this work will be made available in 1935-36.

(b) Yes. Modern sanitation is being installed in all Officers' houses in New Delhi, and will be installed in clerks' quarters as soon as the necessary funds (approximately Rs. 7½ lakhs), can be made available.

Mr. Lalchand Navalrai : May I know if it is a fact that the question of installing flush latrines in clerks' quarters is being postponed while these are being installed in officers' bungalows?

The Honourable Sir Frank Noyce : That apparently is the case, Sir.

Mr. Lalchand Navalrai : May I, therefore, in the interests of the smaller people, ask the Honourable Member whether he is prepared to have a start made in regard to the installation of flush latrines in some of the clerks' quarters when they are being installed in some of the officers' bungalows?

The Honourable Sir Frank Noyce : A definite scheme has already been approved, and I don't think it can be interrupted now. As I have said, we hope to get funds for installing these flush latrines in clerks' quarters as soon as possible.

PUBLICATION OF THE REPORT OF THE AFGHAN TRADE DELEGATION.

54. ***Mr. Gaya Prasad Singh :** When do Government propose to publish the Report of the Afghan Trade Delegation, and their own conclusions thereon? Will this House be given an opportunity of discussing the same?

Mr. H. A. F. Metcalfe : The question of publishing the Report of the Trade Commission to Afghanistan is under consideration and it is not possible at this stage to say whether the House will be given an opportunity of discussing the report.

NEGOTIATIONS BETWEEN THE KATHIAWAR STATES AND THE GOVERNMENT OF INDIA IN CONNECTION WITH THE VIRAMGAM CUSTOMS REVENUE.

55. ***Mr. Gaya Prasad Singh :** (a) Is there any proposal to pay annually about Rupees two lakhs, out of the Viramgam Customs receipt, to Jamnagar State, or any other State?

(b) Will Government please make a statement on the subject of any negotiations between them and the Kathiawar States in this connection, affecting in any way the revenues of India?

The Honourable Sir James Grigg : (a) I would refer the Honourable Member to the Press Communiqué issued on the 7th June, 1934, announcing that His Highness the Maharaja Jam Sahib of Nawanagar is being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State, outside the limits of Kathiawar, up to a maximum of Rs. 5 lakhs a year.

(b) Government are not in a position to make any statement.

Mr. Gaya Prasad Singh : Will a copy of the communiqué be laid on the table ?

The Honourable Sir James Grigg : Certainly, but it has appeared in the Press, and it may be more suitable if I read it out.

Mr. Gaya Prasad Singh : Yes, you can read it out.

The Honourable Sir James Grigg :

“ The issues arising out of the late Maharaja Jam Sahib of Nawanagar's protest against the re-imposition of the Viramgam Customs Line against his State in 1927 were, by a Resolution of the Government of India, dated the 26th August, 1933, referred with the consent of the parties to a Court of Arbitration consisting of the Right Honourable Viscount Dunedin, P.C., G.O.V.O., as sole member with instructions to report the results of his investigations to the Governor General.

The arbitrator has held that His Highness the Maharaja is entitled to a share in the customs collected at his ports on goods destined for British India, the Governor General being left to determine that share. The Governor General has accepted the arbitrator's finding and has fixed that share in accordance with an agreement arrived at between the parties disputing, His Highness the Maharaja being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State outside the limits of Kathiawar up to a maximum of Rs. five lakhs per annum, any balance over and above the figure of five lakhs being paid to the Government of India.”

Sir Hari Singh Gour : May I know whether this arrangement is provisional or permanent or is likely to be altered in view of the impending constitutional changes ?

The Honourable Sir James Grigg : That is a hypothetical question which, I think, should be left over to be determined when the constitutional changes take place.

Sir Hari Singh Gour : Whether this agreement is provisional or permanent is not a hypothetical question ?

The Honourable Sir James Grigg : At this stage and so long as the present circumstances continue, it is not provisional.

Mr. Gaya Prasad Singh : With regard to part (b) of this question, do I understand the Government to say that there are negotiations proceeding at the present moment between the Government of India and the Kathiawar States with regard to the question of the customs duty ?

The Honourable Sir James Grigg : All I say is that Government are not in a position to make any statement, and I think, if the Honourable Member will forgive me, it is not desirable that Government should at this stage make any statement.

Dr. Ziauddin Ahmad : May I know whether this question of customs duty is still under consideration ?

The Honourable Sir James Grigg : Which ?

Dr. Ziauddin Ahmad : The question of customs duty between the Government of India and the Kathiawar States ?

The Honourable Sir James Grigg : That is precisely the question asked here, and all I can say at the moment is that I do not think it will be in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that the public are in the know of things, and it has been already announced that Viscount Dunedin's award is to be given to Jamnagar ?

The Honourable Sir James Grigg : The Press Communiqué was about that, and, as for the rest, as I said, I don't think it is desirable in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that my friend, Mr. Mody, made certain serious charges about the Kathiawar States during the discussion on the Cotton Excise Bill ? Is it not a matter of public importance, and are not the public entitled to know what action Government are taking in the matter ?

The Honourable Sir James Grigg : That is precisely the sort of consideration that the Government have got to take into account, and I believe my predecessor announced that the Government were taking certain action in the matter, but beyond that and the Press Communiqué I don't think it is desirable to say anything.

Mr. Gaya Prasad Singh : Do I understand the Government of India to plead that they can settle negotiations with the Kathiawar States affecting the revenues of India without giving this House an opportunity to discuss the question ?

The Honourable Sir James Grigg : No, Sir ; I did not say anything of the sort. What I did say was that in delicate matters of this sort, I think it is only fair that the Government of India should be the judge as to when and how any public statement should be made.

Dr. Ziauddin Ahmad : Did the Government of India hold any conference to discuss this question this week ?

The Honourable Sir James Grigg : The Honourable Member is trying to get me to make a statement, but as I have already said, it is not desirable to do so at present.

Dr. Ziauddin Ahmad : I want to know if the Government of India had a consultation on this particular question this week ?

The Honourable Sir James Grigg : I am very sorry, but even if it is a definite question, I must give the same indefinite answer.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

56. ***Mr. Gaya Prasad Singh :** What steps, if any, are being taken to prevent the diversion of trade from Bombay Port to Kathiawar Ports ?

The Honourable Sir James Grigg : The matter is engaging the attention of Government.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there is any move with the Government of India to arrive at a mutual understanding between Bombay, Karachi and Kathiawar Ports with regard to the trade diversion ?

The Honourable Sir James Grigg : The introduction of the question of Karachi is a new question, and I must ask for notice, but even

so I must say that the answer will almost certainly be of the same vague and indefinite character that I have already given.

Mr. Lalchand Navalrai : When the question of diversion of trade from Bombay to Kathiawar Ports is under discussion, I merely want to know if any mutual arrangement is going to be made between Bombay and Kathiawar ?

The Honourable Sir James Grigg : That is precisely the question which is on the paper and the one which I have answered. It may be unsatisfactory, but I have given the best answer I can at the moment.

Mr. Lalchand Navalrai : On a point of order, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the point of order ?

Mr. Lalchand Navalrai : This question arises out of the original question, and I only want a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is not asking a question which arises out of the original question. He is simply repeating the question which is on the Order Paper for which an answer has been given.

Mr. Lalchand Navalrai : I am asking whether any arrangement is going to be made and to that I am entitled to a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Mr. Mody.

Mr. H. P. Mody : I want to ask a straight question. Have the Government of India taken any active steps with regard to the strengthening of the Viramgam cordon and with regard to the prevention of the smuggling which is admittedly going on through Cutch, Pondicherry and other places ?

The Honourable Sir James Grigg : At last we have got a question to which I can give a definite answer. Estimates for extra staff for strengthening the Viramgam line were laid last week before the Standing Finance Committee and approved by them.

Mr. H. P. Mody : What is happening with regard to Cutch, Pondicherry, Ras Bela and other places ?

The Honourable Sir James Grigg : That is still under consideration, and I cannot make any statement on that point.

NON-PROVISION OF FANS IN CERTAIN SECOND CLASS COMPARTMENTS OF CERTAIN TRAINS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

57. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that there are certain second class compartments (No. 319) in which there are no fans provided, as in the special train provided by the Bombay, Baroda and Central India Railway administration (metre gauge) to His Highness the Rajdhiraj of Shahpura State (Rajputana) which proceeded from Sareri Station (Bombay, Baroda and Central India Railway) on the 22nd May, 1934, to Dharangdhra State in Kathiawar ; or in the second class carriage (No. 472) attached to the Mail train (Bombay, Baroda

and Central India Railway) which left Delhi on the 21st May, 1934, upto Ajmer ?

(b) Do Government propose to take any steps to compel the Bombay, Baroda and Central India Railway to provide this ordinary amenity to second class passengers during the hot weather ?

(c) Will Government please state when the lease of the Bombay, Baroda and Central India Railway is due to expire ?

Mr. P. B. Rau : (a) Government understand that on the metre gauge system of the Bombay, Baroda and Central India Railway, coaches, with second class compartments used regularly on all Main Line and Branch Line services, have been provided with electric fans, but certain upper class coaches, which are at the end of their lives, have not been so provided. These latter coaches are used only for relieving purposes and in certain cases for reservation when other stock is not immediately available. One of these carriages was reserved for the party of His Highness the Raja Dhiraj of Shahpura and used on the special train from Sareri to Dhrangadhra.

The second class compartments on the mail train between Ahmadabad and Delhi are provided with fans, but on the particular day referred to, the first and second class bogie carriage was under repairs, and one of the spare carriages not provided with fans, was utilised to replace it temporarily.

The Agent, Bombay, Baroda and Central India Railway, reports that the position has again been investigated and electric fans are being provided in eight more coaches.

(b) In the circumstances stated Government do not consider any action called for at present.

(c) On the 31st December, 1941.

Mr. Gaya Prasad Singh : Do I understand the Government to say that the B. B. and C. I. Railway have agreed to provide fans in upper class carriages on the particular line in question ?

Mr. P. B. Rau : They are providing electric fans on eight more coaches.

MURDER OF INDIAN NATIONALS IN AMERICA.

58. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that the following verdict was given unanimously by a jury of 12, in America, relating to the death of Sher Singh Sathi, in June last year :

“ That Sher Singh Sathi came by his death on 12th day of June, A. D. 1933 in this country, by gun shot wounds from gun in the hands of person or persons unknown on Morgan Ranch, 3 miles north, and 2 miles east of Holtville, California.”

(b) Do Government propose to make an enquiry into the above, and state how this verdict can be reconciled with their statement made in this House in reply to a question of mine, that Sher Singh Sathi committed suicide ?

(c) Is it a fact that soon after the murder of Sher Singh Sathi, one Amar Singh and his companion were also murdered in that locality, and that the total number of murders of Indian nationals in America amounts to about 32 ?

(d) Do Government propose to make a thorough enquiry into the above matter, and make a statement on the subject ?

Mr. H. A. F. Metcalfe : (a)—(d). Enquiries are being made from His Majesty's Ambassador, Washington, and his reply will be communicated to the House in due course.

RIOTS IN GIRIDIH COLLIERIES.

59. ***Mr. Gaya Prasad Singh :** Will Government kindly make a statement on the subject of the recent riots in Giridih Collieries (East Indian Railway), indicating the causes, the number of casualties and the steps taken in the matter ?

The Honourable Sir Harry Haig : On the morning of the 14th May, 1934, a serious riot broke out unexpectedly at the Serampur Colliery. Immediately on receipt of the news, the Deputy Commissioner and Superintendent of Police, armed with revolvers, accompanied by an unarmed Inspector of Police and a constable, proceeded to the spot where they found about 1,000 persons (many of them armed with *lathis*), round the Manager's office, most of the windows of which were smashed. Inside the office, were the staff and some loyal workers. Outside, three motor cars and a motor bicycle had been overturned and were in flames. The Deputy Commissioner and his party charged the crowd, which at first retreated, but on realising that the party consisted of four persons only, surrounded them on three sides and began throwing stones and bricks. As the crowd became more threatening, the Deputy Commissioner warned them that unless they dispersed at once he would fire. They replied with shouts and volleys of stones and brandished their *lathis*. In this grave and threatening situation, the Deputy Commissioner, and under his orders, the Superintendent of Police, opened fire. After 11 shots had been fired, the crowd broke. One man was shot dead and three were wounded, of whom one has since died. Meanwhile another section of rioters were attempting to set fire to the Deputy Commissioner's car, but when the firing began they also fled. The men returned to work in normal numbers a few days after the riot and no further trouble is anticipated.

2. The riot is believed to have been instigated by discontented labourers of another colliery who had protested against the lowering of the rates for coal-cutting in the Giridih Collieries. This reduction in rates, which came into operation for the week ending on the 9th of May, and was otherwise generally accepted, was introduced on grounds of economy and in order to bring the rates more into conformity with those paid in other coal-fields.

PROPOSED ADOPTION OF HINDI AS A COURT LANGUAGE IN DELHI.

60. ***Mr. Gaya Prasad Singh :** (a) Have Government received any representation regarding the proposed adoption of Hindi as a Court language, along with Urdu and English in Delhi Courts ?

(b) If so, what is their decision on this subject ?

The Honourable Sir Harry Haig : (a) The Chief Commissioner, Delhi, has received a representation on the subject.

(b) In such matters the Delhi Administration follows the Punjab, as the Civil and Criminal Courts in Delhi, are subordinate to the High Court of Judicature at Lahore. Consequently so long as Hindi is not adopted as a court language in the Punjab, it is not proposed to consider the matter for Delhi.

Sir Muhammad Yakub : Will Government be pleased to say from whom this representation was received ?

The Honourable Sir Harry Haig : I am afraid I have no information about that.

Sir Muhammad Yakub : Are Government aware that a very representative All-India Urdu Conference was held in Delhi in April last, presided over by the Honourable Major Akbar Khan, which entered a strong protest against making any alteration in the court language in Delhi ?

The Honourable Sir Harry Haig : No, I was not aware of that.

Sir Muhammad Yakub : Will Government make enquiries and find out the proceedings of that Conference ?

The Honourable Sir Harry Haig : I do not think I am called upon to make any such enquiries.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under standing order 78, I have to report that 1,262 petitions as per statement laid on the table have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signa- tures.	District or town.	Province.	No of signa- tures.	District or town.	Province.
120	Ramnad	Madras.	9	Guntur	Madras.
11	Do.	Do.	14	Do.	Do.
89	Tirumayam	Do.	4	Do.	Do.
30	Do.	Do.	4	Do.	Do.
6	..	Do.	4	Do.	Do.
32	..	Do.	4	Do.	Do.
23	..	Do.	4	Do.	Do.
170	..	Do.	6	Do.	Do.
237	Vellore	Do.	33	Do.	Do.
246	..	Do.	4	Do.	Do.
15	Guntur	Do.	6	Do.	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
5	Guntur	Madras.	167	Trichinopoly	Madras.
20	Do.	Do.	42	Do.	Do.
14	Do.	Do.	143	Do.	Do.
37	Do.	Do.	32	Do.	Do.
43	Do.	Do.	53	Do.	Do.
1	Do.	Do.	37	Do.	Do.
1	Do.	Do.	42	Do.	Do.
3	Do.	Do.	201	Do.	Do.
3	Do.	Do.	123	Do.	Do.
5	Do.	Do.	43	Do.	Do.
7	Do.	Do.	43	Do.	Do.
6	Do.	Do.	156	Do.	Do.
46	Do.	Do.	496	Do.	Do.
34	Do.	Do.	44	Do.	Do.
7	Do.	Do.	45	Do.	Do.
22	Do.	Do.	35	Tanjore	Do.
22	Do.	Do.	15	Do.	Do.
21	Do.	Do.	10	Do.	Do.
251	Tanjore	Do.	6	Do.	Do.
231	Do.	Do.	35	Do.	Do.
284	Do.	Do.	42	Do.	Do.
61	Do.	Do.	26	Do.	Do.
93	Do.	Do.	25	Do.	Do.
35	Do.	Do.	12	Anantapur	Do.
37	Do.	Do.	33	Do.	Do.
27	Do.	Do.	27	Do.	Do.
27	Do.	Do.	18	Do.	Do.
300	Do.	Do.	25	Do.	Do.
219	Do.	Do.	23	Do.	Do.
246	Do.	Do.	23	Chittur	Do.
235	Do.	Do.	22	Do.	Do.
25	Do.	Do.	6	Do.	Do.
54	Trichinopoly	Do.	30	Do.	Do.
53	Do.	Do.	32	Do.	Do.
54	Do.	Do.	22	Do.	Do.
61	Do.	Do.	21	Do.	Do.
52	Do.	Do.	34	Do.	Do.
42	Do.	Do.	25	Do.	Do.
41	Do.	Do.	29	Do.	Do.
44	Do.	Do.	39	Do.	Do.
			30	Do.	Do.
			25	Do.	Do.
			39	Do.	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
21	Chittur	Madras.	27	Guntur	Madras.
27	Do.	Do.	30	Do.	Do.
41	Do.	Do.	7	Do.	Do.
35	Do.	Do.	7	Do.	Do.
43	Tanjore.	Do.	7	Do.	Do.
30	Do.	Do.	27	Do.	Do.
33	Do.	Do.	4	Do.	Do.
32	Do.	Do.	5	Do.	Do.
46	Trichinopoly	Do.	5	Do.	Do.
37	Do.	Do.	22	..	Do.
30	Do.	Do.	19	..	Do.
50	Do.	Do.	18	..	Do.
39	Do.	Do.	17	..	Do.
45	Do.	Do.	19	..	Do.
39	Do.	Do.	14	..	Do.
36	Do.	Do.	17	..	Do.
41	..	Do.	19	..	Do.
42	..	Do.	18	..	Do.
44	..	Do.	19	..	Do.
39	..	Do.	18	..	Do.
47	..	Do.	18	..	Do.
46	..	Do.	18	..	Do.
29	..	Do.	23	..	Do.
139	Trichinopoly	Do.	19	..	Do.
36	Do.	Do.	28	..	Do.
270	..	Do.	32	..	Do.
54	..	Do.	25	..	Do.
56	..	Do.	24	..	Do.
157	..	Do.	12	..	Do.
46	..	Do.	40	..	Do.
39	Guntur	Do.	37	..	Do.
12	Do.	Do.	40	..	Do.
11	Do.	Do.	25	..	Do.
27	Do.	Do.	29	..	Do.
15	Do.	Do.	37	..	Do.
8	Do.	Do.	21	..	Do.
25	Do.	Do.	20	..	Do.
8	Do.	Do.	21	..	Do.
7	Do.	Do.	18	..	Do.
4	Do.	Do.	20	..	Do.
9	Do.	Do.	17	..	Do.
13	Do.	Do.	18	..	Do.
7	Do.	Do.			

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
20	..	Madras.	19	..	Madras.
22	..	Do.	17	..	Do.
17	..	Do.	18	..	Do.
19	..	Do.	32	..	Do.
21	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
18	..	Do.	28	..	Do.
23	..	Do.	27	..	Do.
18	..	Do.	21	..	Do.
24	..	Do.	28	..	Do.
17	..	Do.	18	..	Do.
18	..	Do.	31	..	Do.
19	..	Do.	33	..	Do.
8	..	Do.	34	..	Do.
15	..	Do.	24	..	Do.
24	..	Do.	28	..	Do.
19	..	Do.	23	..	Do.
27	..	Do.	16	..	Do.
25	..	Do.	13	..	Do.
22	..	Do.	12	..	Do.
22	..	Do.	32	..	Do.
26	..	Do.	17	..	Do.
25	..	Do.	22	..	Do.
27	..	Do.	9	..	Do.
24	..	Do.	20	..	Do.
28	..	Do.	27	..	Do.
35	..	Do.	19	..	Do.
24	..	Do.	18	..	Do.
20	..	Do.	16	..	Do.
19	..	Do.	18	..	Do.
28	..	Do.	15	..	Do.
36	..	Do.	17	..	Do.
22	..	Do.	20	..	Do.
24	..	Do.	19	..	Do.
29	..	Do.	16	..	Do.
16	..	Do.	64	..	Do.
15	..	Do.	16	..	Do.
18	..	Do.	25	..	Do.
16	..	Do.	23	..	Do.
19	..	Do.	22	..	Do.
19	..	Do.	25	..	Do.
20	..	Do.	25	..	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
21	..	Madras.	14	..	Madras.
21	..	Do.	25	..	Do.
22	..	Do.	29	..	Do.
24	..	Do.	36	..	Do.
23	..	Do.	27	..	Do.
16	..	Do.	18	..	Do.
24	..	Do.	25	..	Do.
27	..	Do.	18	..	Do.
36	..	Do.	27	..	Do.
28	..	Do.	21	..	Do.
17	..	Do.	19	..	Do.
37	..	Do.	30	..	Do.
21	..	Do.	28	..	Do.
26	..	Do.	27	..	Do.
28	..	Do.	23	..	Do.
19	..	Do.	24	..	Do.
23	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
22	..	Do.	24	..	Do.
24	..	Do.	19	..	Do.
23	..	Do.	21	..	Do.
22	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
25	..	Do.	17	..	Do.
26	..	Do.	18	..	Do.
25	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
21	..	Do.	24	..	Do.
22	..	Do.	25	..	Do.
23	..	Do.	19	..	Do.
26	..	Do.	22	..	Do.
22	..	Do.	21	..	Do.
21	..	Do.	24	..	Do.
19	..	Do.	17	..	Do.
23	..	Do.	2	..	Do.
25	..	Do.	21	..	Do.
28	..	Do.	20	..	Do.
23	..	Do.	72	..	Do.
19	..	Do.	16	..	Do.
21	..	Do.	16	..	Do.
20	..	Do.	14	..	Do.
22	..	Do.	23	..	Do.
24	..	Do.	24	..	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
26	..	Madras.	19	..	Madras.
19	..	Do.	19	..	Do.
23	..	Do.	23	..	Do.
25	..	Do.	22	..	Do.
33	..	Do.	9	..	Do.
21	..	Do.	17	..	Do.
22	..	Do.	8	..	Do.
16	..	Do.	17	..	Do.
18	..	Do.	10	..	Do.
21	..	Do.	18	..	Do.
23	..	Do.	19	..	Do.
19	..	Do.	15	..	Do.
15	..	Do.	25	..	Do.
24	..	Do.	29	..	Do.
14	..	Do.	24	..	Do.
29	..	Do.	21	..	Do.
24	..	Do.	26	..	Do.
25	..	Do.	31	..	Do.
24	..	Do.	27	..	Do.
20	..	Do.	26	..	Do.
30	..	Do.	25	..	Do.
33	..	Do.	28	..	Do.
22	..	Do.	28	..	Do.
32	..	Do.	256	..	Do.
25	..	Do.	24	..	Do.
20	..	Do.	26	..	Do.
26	..	Do.	28	..	Do.
27	..	Do.	27	..	Do.
28	..	Do.	30	..	Do.
25	..	Do.	21	..	Do.
22	..	Do.	32	..	Do.
173	..	Do.	19	..	Do.
41	..	Do.	23	..	Do.
20	..	Do.	19	..	Do.
30	..	Do.	28	..	Do.
24	..	Do.	5	Salem	Do.
31	..	Do.	17	Do.	Do.
19	..	Do.	12	Do.	Do.
20	..	Do.	25	Do.	Do.
28	..	Do.	4	Do.	Do.
20	..	Do.	20	Do.	Do.
24	..	Do.	25	Do.	Do.
29	..	Do.	25	Do.	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
28	Salem	Madras.	24	..	Madras.
21	..	Do.	22	..	Do.
27	..	Do.	9	..	Do.
28	..	Do.	46	..	Do.
27	..	Do.	17	..	Do.
19	..	Do.	41	..	Do.
27	..	Do.	28	..	Do.
22	..	Do.	27	..	Do.
26	..	Do.	19	..	Do.
32	..	Do.	22	..	Do.
31	..	Do.	19	..	Do.
23	..	Do.	24	..	Do.
28	..	Do.	23	..	Do.
33	..	Do.	22	..	Do.
27	..	Do.	25	Calicut	Do.
29	..	Do.	28	Do.	Do.
20	..	Do.	32	Do.	Do.
23	..	Do.	28	Do.	Do.
24	..	Do.	99	Do.	Do.
27	..	Do.	32	Do.	Do.
13	..	Do.	26	Do.	Do.
18	..	Do.	21	Do.	Do.
23	..	Do.	30	Do.	Do.
21	..	Do.	17	Do.	Do.
28	..	Do.	32	Do.	Do.
26	..	Do.	23	Do.	Do.
24	..	Do.	24	Do.	Do.
9	..	Do.	27	Do.	Do.
19	..	Do.	21	Do.	Do.
11	..	Do.	28	Do.	Do.
20	..	Do.	30	Do.	Do.
19	..	Do.	19	Do.	Do.
23	..	Do.	18	Do.	Do.
18	..	Do.	11	Do.	Do.
31	..	Do.	14	Do.	Do.
25	..	Do.	25	Do.	Do.
29	..	Do.	14	Do.	Do.
1	..	Do.	14	Do.	Do.
21	..	Do.	13	Do.	Do.
20	..	Do.	24	Do.	Do.
17	..	Do.	26	Do.	Do.
20	..	Do.	179	Do.	Do.
13	..	Do.			

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
15	Calicut	Madras	27	..	Madras.
22	Do.	Do.	34	..	Do.
14	Do.	Do.	25	..	Do.
19	Do.	Do.	27	..	Do.
12	Do.	Do.	18	..	Do.
18	Do.	Do.	21	..	Do.
22	..	Do.	20	..	Do.
24	..	Do.	29	..	Do.
25	..	Do.	33	..	Do.
22	..	Do.	24	..	Do.
25	..	Do.	28	..	Do.
23	..	Do.	11	..	Do.
29	..	Do.	24	..	Do.
26	..	Do.	27	..	Do.
22	..	Do.	26	..	Do.
27	..	Do.	17	..	Do.
15	..	Do.	22	..	Do.
11	..	Do.	31	..	Do.
16	..	Do.	22	..	Do.
22	..	Do.	23	..	Do.
25	..	Do.	26	..	Do.
24	..	Do.	24	..	Do.
24	..	Do.	33	..	Do.
25	..	Do.	33	..	Do.
25	..	Do.	25	..	Do.
24	..	Do.	28	..	Do.
27	..	Do.	31	..	Do.
35	..	Do.	19	..	Do.
21	..	Do.	29	..	Do.
29	..	Do.	20	..	Do.
27	..	Do.	23	..	Do.
25	..	Do.	24	..	Do.
28	..	Do.	22	..	Do.
27	..	Do.	26	..	Do.
36	..	Do.	31	..	Do.
36	..	Do.	24	..	Do.
28	..	Do.	35	..	Do.
24	..	Do.	17	..	Do.
34	..	Do.	19	..	Do.
24	..	Do.	23	..	Do.
92	..	Do.	17	..	Do.
			14	..	Do.
			27	..	Do.

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No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
25	..	Madras.	19	..	Bombay.
25	..	Do.	20	..	Do.
26	..	Do.	20	..	Do.
25	..	Do.	23	..	Do.
18	..	Do.	8	..	Do.
30	..	Do.	21	..	Do.
32	..	Do.	26	..	Do.
37	..	Do.	20	..	Do.
29	..	Do.	22	..	Do.
15	..	Do.	21	..	Do.
17	..	Do.	19	..	Do.
25	..	Do.	18	..	Do.
16	CoL.	Do.	21	..	Do.
26	..	Do.	22	..	Do.
25	..	Do.	15	..	Do.
35	..	Do.	19	..	Do.
24	..	Do.	16	..	Do.
27	..	Do.	15	..	Do.
25	..	Do.	17	..	Do.
23	..	Do.	18	..	Do.
27	..	Do.	20	..	Do.
23	..	Do.	15	..	Do.
27	..	Do.	22	..	Do.
31	CoL.	Do.	7	..	Do.
28	CoL.	Do.	24	..	Do.
25	..	Do.	20	..	Do.
28	..	Do.	22	..	Do.
18	..	Do.	20	..	Do.
1	..	Do.	19	..	Do.
22	..	Do.	9	..	Do.
26	..	Do.	25	..	Do.
13	..	Do.	19	..	Do.
9	..	Do.	18	..	Do.
16	..	Do.	12	..	Do.
19	..	Do.	8	..	Do.
17	..	Bombay.	20	..	Do.
21	..	Do.	16	..	Do.
15	..	Do.	19	..	Do.
11	..	Do.	24	..	Do.
19	..	Do.	15	..	Do.
27	..	Do.	17	..	Do.
26	..	Do.	15	..	Do.
15	..	Do.	16	..	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
18	..	Bombay.	33	Karachi	Bombay.
16	..	Do.	21	Do.	Do.
14	..	Do.	16	Do.	Do.
21	..	Do.	15	Do.	Do.
22	..	Do.	18	Do.	Do.
21	..	Do.	11	Do.	Do.
13	..	Do.	12	Do.	Do.
17	..	Do.	21	Do.	Do.
19	..	Do.	8	Do.	Do.
20	..	Do.	10	Do.	Do.
14	..	Do.	10	Do.	Do.
24	..	Do.	14	Do.	Do.
1426	..	Do.	30	Do.	Do.
28	Karachi	Do.	36	Do.	Do.
31	Do.	Do.	30	Do.	Do.
55	Do.	Do.	188	Do.	Do.
28	Do.	Do.	10	Larkana	Do.
18	Do.	Do.	13	Do.	Do.
20	Do.	Do.	46	Do.	Do.
8	Do.	Do.	33	Do.	Do.
15	Do.	Do.	24	Do.	Do.
21	Do.	Do.	28	Do.	Do.
15	Do.	Do.	20	Do.	Do.
19	Do.	Do.	29	Do.	Do.
13	Do.	Do.	77	..	Madras.
22	Do.	Do.	173	..	Do.
26	Do.	Do.	84	..	Do.
16	Do.	Do.	372	..	Do.
17	Do.	Do.	36	..	Do.
12	Do.	Do.	357	..	Do.
25	Do.	Do.	49	..	Do.
23	Do.	Do.	62	..	Do.
23	Do.	Do.	121	..	Do.
22	Do.	Do.	48	..	Do.
22	Do.	Do.	55	..	Do.
24	Do.	Do.	109	..	Do.
25	Do.	Do.	75	..	Do.
17	Do.	Do.	110	..	Do.
20	Do.	Do.	126	..	Do.
23	Do.	Do.	39	..	Do.
19	Do.	Do.	89	..	Do.
25	Do.	Do.	50	..	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
199	..	Madras.	92	Darbhanga	Bihar and Orissa.
17	..	Do.	87	Do.	Do.
13	..	Do.	79	Do.	Do.
36	..	Do.	79	Do.	Do.
117	..	Do.	61	Do.	Do.
276	..	Do.	203	Do.	Do.
210	..	Do.	73	Do.	Do.
132	..	Do.	75	Do.	Do.
30	..	Do.	31	Do.	Do.
181	..	Do.	30	Do.	Do.
153	..	Do.	12	Do.	Do.
309	..	Do.	33	Do.	Do.
54	..	Do.	23	Do.	Do.
573	..	Do.	25	Do.	Do.
39	Darbhanga	Bihar and Orissa.	44	Do.	Do.
101	Do.	Do.	57	Do.	Do.
114	Do.	Do.	45	Do.	Do.
63	Do.	Do.	22	Do.	Do.
97	Do.	Do.	171	Do.	Do.
96	Do.	Do.	14	Do.	Do.
105	Do.	Do.	45	Do.	Do.
116	Do.	Do.	13	Do.	Do.
110	Do.	Do.	15	Do.	Do.
81	Do.	Do.	133	Do.	Do.
130	Do.	Do.	81	Do.	Do.
107	Do.	Do.	13	Do.	Do.
70	Do.	Do.	46	Do.	Do.
101	Do.	Do.	38	Do.	Do.
34	Do.	Do.	55	Do.	Do.
28	Do.	Do.	73	Do.	Do.
24	Do.	Do.	15	Do.	Do.
57	Do.	Do.	4	Do.	Do.
35	Do.	Do.	74	Do.	Do.
12	Do.	Do.	99	Do.	Do.
52	Do.	Do.	21	Do.	Do.
35	Do.	Do.	56	Do.	Do.
10	Do.	Do.	124	Do.	Do.
52	Do.	Do.	24	Do.	Do.
66	Do.	Do.	11	Do.	Do.
78	Do.	Do.	45	Do.	Do.
74	Do.	Do.	54	Do.	Do.
73	Do.	Do.	90	Do.	Do.
73	Do.	Do.	99	Do.	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
54	Darbhanga	Bihar and Orissa.	17	Darbhanga	Bihar and Orissa.
53	Do.	Do.	27	Do.	Do.
64	Do.	Do.	83	Do.	Do.
50	Do.	Do.	88	Do.	Do.
5	Do.	Do.	84	Do.	Do.
86	Do.	Do.	79	Do.	Do.
68	Do.	Do.	86	Do.	Do.
24	Do.	Do.	94	Do.	Do.
48	Do.	Do.	40	Do.	Do.
80	Do.	Do.	30	Do.	Do.
43	Do.	Do.	44	Do.	Do.
21	Do.	Do.	82	Do.	Do.
12	Do.	Do.	71	Do.	Do.
84	Do.	Do.	52	Do.	Do.
11	Do.	Do.	66	Do.	Do.
13	Do.	Do.	35	Do.	Do.
59	Do.	Do.	43	Do.	Do.
104	Do.	Do.	31	Do.	Do.
26	Do.	Do.	24	Do.	Do.
54	Do.	Do.	75	Do.	Do.
34	Do.	Do.	82	Do.	Do.
5	Do.	Do.	79	Do.	Do.
29	Do.	Do.	72	Do.	Do.
18	Do.	Do.	62	Do.	Do.
52	Do.	Do.	40	Do.	Do.
63	Do.	Do.	62	Do.	Do.
46	Do.	Do.	56	Do.	Do.
37	Do.	Do.	56	Do.	Do.
49	Do.	Do.	68	Do.	Do.
60	Do.	Do.	78	Do.	Do.
13	Do.	Do.	92	Do.	Do.
61	Do.	Do.	84	Do.	Do.
19	Do.	Do.	105	Do.	Do.
40	Do.	Do.	21	Do.	Do.
45	Do.	Do.	52	Do.	Do.
6	Do.	Do.	77	Do.	Do.
56	Do.	Do.	58	Do.	Do.
95	Do.	Do.	51	Do.	Do.
51	Do.	Do.	20	Do.	Do.
53	Do.	Do.	39	Do.	Do.
8	Do.	Do.	80	Do.	Do.
23	Do.	Do.	82	Do.	Do.
28	Do.	Do.	52	Do.	Do.
35	Do.	Do.			

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
61	Darbhanga	Bihar and Orissa.	43	Darbhanga	Bihar and Orissa.
43	Do.	Do.	4	Do.	Do.
96	Do.	Do.	7	Do.	Do.
83	Do.	Do.	27	Do.	Do.
104	Do.	Do.	25	Do.	Do.
107	Do.	Do.	64	Do.	Do.
87	Do.	Do.	24	Do.	Do.
92	Do.	Do.	30	Do.	Do.
78	Do.	Do.	49	Do.	Do.
53	Do.	Do.	102	Do.	Do.
37	Do.	Do.	33	Do.	Do.
25	Do.	Do.	14	Do.	Do.
76	Do.	Do.	25	Do.	Do.
37	Do.	Do.	14	Do.	Do.
4	Do.	Do.	31	Do.	Do.
40	Do.	Do.	17	Do.	Do.
64	Do.	Do.	72	Do.	Do.
73	Do.	Do.	55	Do.	Do.
33	Do.	Do.	60	Do.	Do.
49	Do.	Do.	35	Do.	Do.
33	Do.	Do.	62	Do.	Do.
26	Do.	Do.	5	Do.	Do.
28	Do.	Do.	34	Do.	Do.
89	Do.	Do.	45	Do.	Do.
76	Do.	Do.	29	Do.	Do.
39	Do.	Do.	61	Do.	Do.
51	Do.	Do.	16	Do.	Do.
40	Do.	Do.	29	Do.	Do.
35	Do.	Do.	37	Do.	Do.
38	Do.	Do.	54	Do.	Do.
35	Do.	Do.	81	Do.	Do.
19	Do.	Do.	85	Do.	Do.
48	Do.	Do.	43	Do.	Do.
50	Do.	Do.	20	Do.	Do.
41	Do.	Do.	132	Do.	Do.
41	Do.	Do.	33	Do.	Do.
44	Do.	Do.	42	Do.	Do.
46	Do.	Do.	84	Do.	Do.
26	Do.	Do.	33	Do.	Do.
72	Do.	Do.	6	Do.	Do.
26	Do.	Do.	27	Do.	Do.
24	Do.	Do.	40	Do.	Do.
59	Do.	Do.	80	Do.	Do.
63	Do.	Do.			

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
30	Darbhanga	Bihar and Orissa.	66	Darbhanga	Bihar and Orissa.
24	Do.	Do.	67	Do.	Do.
38	Do.	Do.	33	Do.	Do.
33	Do.	Do.	37	Do.	Do.
19	Do.	Do.	23	Do.	Do.
17	Do.	Do.	36	Do.	Do.
69	Do.	Do.	96	Do.	Do.
9	Do.	Do.	35	Do.	Do.
45	Do.	Do.	76	Do.	Do.
27	Do.	Do.	45	Do.	Do.
81	Do.	Do.	47	Do.	Do.
70	Do.	Do.	45	Do.	Do.
72	Do.	Do.	54	Do.	Do.
70	Do.	Do.	42	Do.	Do.
76	Do.	Do.	46	Do.	Do.
99	Do.	Do.	44	Do.	Do.
64	Do.	Do.	37	Do.	Do.
67	Do.	Do.	26	Do.	Do.
85	Do.	Do.	71	Do.	Do.
34	Do.	Do.	68	Do.	Do.
57	Do.	Do.	54	Do.	Do.
21	Do.	Do.	41	Do.	Do.
51	Do.	Do.	56	Do.	Do.
52	Do.	Do.	60	Do.	Do.
46	Do.	Do.	67	Do.	Do.
41	Do.	Do.	41	Do.	Do.
37	Do.	Do.	53	Do.	Do.
46	Do.	Do.	63	Do.	Do.
31	Do.	Do.	72	Do.	Do.
53	Do.	Do.	68	Do.	Do.
12	Do.	Do.	71	Do.	Do.
63	Do.	Do.	109	Do.	Do.
102	Do.	Do.	107	Do.	Do.
60	Do.	Do.	86	Do.	Do.
15	Do.	Do.	101	Do.	Do.
58	Do.	Do.	45	Do.	Do.
88	Do.	Do.	44	Do.	Do.
73	Do.	Do.	98	Do.	Do.
78	Do.	Do.	13	Do.	Do.
62	Do.	Do.	13	Do.	Do.
82	Do.	Do.	26	Do.	Do.
42	Do.	Do.	101	Do.	Do.
15	Do.	Do.	70	Do.	Do.

No. of signa- tories.	District or town.	Province.	No. of signa- tories.	District or town.	Province.
69	Darbhanga	Bihar and Orissa.	9	Darbhanga	Bihar and Orissa.
42	Do.	Do.	5	Do.	Do.
90	Do.	Do.	9	Do.	Do.
91	Do.	Do.	8	Do.	Do.
86	Do.	Do.	8	Do.	Do.
74	Do.	Do.	4	Do.	Do.
106	Do.	Do.	1	Do.	Do.
116	Do.	Do.	9	Do.	Do.
97	Do.	Do.	10	Do.	Do.
137	Do.	Do.	9	Do.	Do.
79	Do.	Do.	8	Do.	Do.
28	Do.	Do.	12	Do.	Do.
34	Do.	Do.	7	Do.	Do.
45	Do.	Do.	3	Do.	Do.
49	Do.	Do.	9	Do.	Do.
20	Do.	Do.	12	Do.	Do.
42	Do.	Do.	8	Do.	Do.
47	Do.	Do.	8	Do.	Do.
55	Do.	Do.	9	Do.	Do.
26	Do.	Do.	10	Do.	Do.
54	Do.	Do.	7	Do.	Do.
4	Do.	Do.	10	Do.	Do.
4	Do.	Do.	11	Do.	Do.
4	Do.	Do.	9	Do.	Do.
5	Do.	Do.	10	Do.	Do.
5	Do.	Do.	9	Do.	Do.
9	Do.	Do.	2	Do.	Do.
5	Do.	Do.	10	Do.	Do.
5	Do.	Do.	9	Do.	Do.
9	Do.	Do.	9	Do.	Do.
9	Do.	Do.	22	Do.	Do.
20	Do.	Do.	25	Do.	Do.
6	Do.	Do.	34	Do.	Do.
26	Do.	Do.	30	Do.	Do.
22	Do.	Do.	53	Do.	Do.
4	Do.	Do.	25	Do.	Do.
15	Do.	Do.	25	Do.	Do.
6	Do.	Do.	25	Do.	Do.
5	Do.	Do.	39	Do.	Do.
5	Do.	Do.	39	Do.	Do.
11	Do.	Do.	37	Do.	Do.
7	Do.	Do.	22	Do.	Do.
			26	Do.	Do.

No. of signa- tures.	District or town.	Province.	No. of signa- tures.	District or town.	Province.
8	Darbhanga	Bihar and Orissa.	27	Arrah	Bihar and Orissa.
27	Do.	Do.	30	Do.	Do.
53	Arrah	Do.	17	Do.	Do.
71	Do.	Do.	35	Do.	Do.
85	Do.	Do.	25	Do.	Do.
72	Do.	Do.	30	Do.	Do.
13	Do.	Do.	39	Do.	Do.
52	Do.	Do.	22	Do.	Do.
107	Do.	Do.	131	Do.	Do.
46	Do.	Do.	26	Do.	Do.
13	Do.	Do.	2	Benares	United Provinces
26	Do.	Do.	1	Do.	Do.
51	Do.	Do.	3	Do.	Do.
38	Do.	Do.	12	Do.	Do.
27	Do.	Do.	13	Do.	Do.
37	Do.	Do.	10	Do.	Do.
42	Do.	Do.	11	Do.	Do.
78	Do.	Do.	7	Do.	Do.
37	Do.	Do.	14	Do.	Do.
52	Do.	Do.	4	Do.	Do.
7	Do.	Do.	78	Ballia	Do.
30	Do.	Do.	28	Budaon	Do.
42	Do.	Do.			
43	Do.	Do.			
56	Do.	Do.			
			41,198		

DEATH OF SIR DINSHAW MULLA.

The Honourable Sir Joseph Bhole (Leader of the House) : Sir, with your permission I should like to make good an omission for which I was responsible yesterday. I had not realised at the time that that great lawyer, the Right Honourable Sir Dinshaw Mulla, had at one time been a Member of this House. I need not say anything about his great legal attainments. The fact that he was a Member of the Judicial Committee of the Privy Council is evidence of his great eminence in that field. Those who knew him were always struck by his readiness to sacrifice all personal considerations at the call of duty. He never hesitated to sacrifice his lucrative practice when he felt that by so doing he could in some way serve the public. His personal simplicity, his great charm of manner, and his utter genuineness endeared him to all those who came into contact with him. I would ask you, Sir, to convey to the late Sir Dinshaw Mulla's relatives our deep sympathy with them in their loss.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I associate myself and the Independent Party which I represent in this

[Sir Abdur Rahim.]

House with all that has fallen from the Leader of the House regarding the late Sir Dinshaw Mulla. We lawyers are familiar with his works and very few legal practitioners could do without some of those books. As has been said, he was undoubtedly a lawyer of very great distinction. I have not had the privilege of coming into contact with him, but certainly he was held in great respect by very large circles in India. We are very sorry to hear of his death. We hoped that he would be able to serve on the Privy Council for many a year, but apparently that was not what was decreed. Sir, I support the motion that has been made that the expression of the sorrow of this Assembly be conveyed to the members of the family of the late Right Honourable Sir Dinshaw Mulla.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I heartily associate myself and my Party with what has fallen from the Leader of the House and the Leader of the Opposition. Sir, the late Right Honourable Sir Dinshaw Mulla was a great lawyer and his books have always been appreciated by students as well as by members of the bar. He was of unassuming manners, and wherever he went and whatever work he put his hand to, he was always respected and his work was always crowned with success. We all expected that he would do a very great service to Indian law by pronouncing judgments from the Privy Council, but it has pleased Providence to ordain otherwise and his career has been cut short abruptly. He was a respected citizen of Bombay and was a great public servant and we all mourn his loss. I heartily support the motion brought forward by the Leader of the House to request you to convey the sentiments expressed here to the members of his family.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I associate myself with everything that the previous speakers have spoken about the late Right Honourable Sir Dinshaw Mulla. To every student of law, Sir Dinshaw Mulla's name is familiar. In fact it would be hardly any exaggeration to say that he was the most lucid legal writer which India has ever produced up till now. Sir, I support the motion for conveying our condolences to his bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I heartily associate myself with the motion proposed by the Leader of the House to convey to the bereaved family of Sir Dinshaw Mulla the deepest condolences of this House. Sir, I knew Sir Dinshaw Mulla for the last forty years, and working as I have in the same field as he did, I knew how to appreciate his great acumen, earnestness and legal learning which characterised him in all his activities and all his forensic dealings with his clients and the judges. Sir Dinshaw occupied the high position of Law Member of the Government of India for a short time and it was not long after that he was elevated to a seat on the Judicial Committee of the Privy Council where he distinguished himself, but his failing health deprived that august body of a great Indian lawyer, and I am sure that everybody in this House feels the untimely death of Sir Dinshaw Mulla as a great loss to the nation. I associate myself with every word that has fallen from the previous speakers and the Leader of the House.

Sir Leslie Hudson (Bombay : European) : Sir, I wish to associate myself and my Party with everything that has fallen from the previous

Honourable Members in regard to the sad demise of Sir Dinshaw Mulla. It is a year now that Sir Dinshaw Mulla, Bombay's eminent lawyer, left this country, and Bombay and India have suffered a great loss in his death. Sir Dinshaw Mulla, in addition to his great legal talents, had a very wide circle of friends in Bombay, and not the least among the European community. We all regret his demise, and I heartily support the motion before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : I associate the Chair with the tribute paid to the memory of the late Sir Dinshaw Mulla. Though it was not my privilege to know Sir Dinshaw Mulla personally, yet, as a student of law, I can bear testimony to the great respect in which he was held by the legal world in India. It shall be my duty to convey to the members of Sir Dinshaw's family the sense of sorrow of this House at the loss of one who was for some time our colleague.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration.”

I do not think that it is necessary for me to make a very lengthy speech in support of this motion, but I should like at the outset to remind the House of the history of the Bill. After the recommendations of the Whitley Commission had been before the general public for some time, the Government of India circulated a Bill based on those recommendations, so far as they related to factory labour, to Local Governments and the interests concerned for opinion. As I mentioned to the House when I introduced this Bill at the September Session last year, we received a mass of opinions amounting to some 360 printed foolscap pages—more in volume than the Report of the Labour Commission itself. After receiving those opinions, we went very carefully through them in consultation with the Chief Inspectors of Factories from the various Provinces. We modified the Bill in the light of the discussions we had with them, and I introduced it in this House on the 8th September last year. I moved for reference to a Select Committee on the 15th September and the House accepted that reference. As I explained then, we wished to give Members plenty of time to consider the volume of literature which we placed at their disposal. For that reason the Select Committee did not meet until January of this year. When they met, they sat for some days, and went through the Bill with a care and thoroughness which I am very glad to have this opportunity of acknowledging on the floor of this House. In their examination of the Bill, they, as we had been before, were assisted by the Chief Inspectors of Factories—Mr. Johnson from Bombay, Mr. Macbride from Bengal and Mr. Abel from the United Provinces, and, I am sure, the members of the Select Committee will wish me to bring to the special notice of the House the great help that they derived from the presence of the Factory Inspectors at their deliberations. I am sure that the members of the Select Committee, like myself, were convinced of the desire of the Factory Inspectors to administer the Factories Act in the best interests of employers and employed alike, and, not only of their desire, but of their capacity to do so. The House will have seen for itself from the Bill which

[Sir Frank Noyce.]

is now before it that the changes made by the Select Committee are very numerous, though, as I shall again emphasise later on, no changes have been made in any matter of fundamental importance. I had hoped that it would be possible to pass this Bill in the course of the last Delhi Session, but it had to be postponed to more urgent, though I would not admit more important, work. I have given this brief history of the Bill in the hope of convincing the House that there have been very few Bills which have been placed before it which have been examined more fully than this, and I trust that the House will be convinced that the measure in the form which is now placed before it is administratively sound and workable. As I mentioned last September, the Bill deals with a mass of detail. There are over 80 clauses and, this being so, the House will not expect me to deal at any length with the changes which have been made in the Select Committee. I propose shortly to mention one or two of these changes very briefly, but I should like to refer now to one point, the most important point in the Bill, namely, the question of hours.

When I moved the motion for reference to the Select Committee, I explained that the 54-hour week had been generally accepted by employers throughout India, but that there was one very important minority which had not yet accepted it, and that was the cotton textile industry in most parts of India and especially in the Province of Bombay. I hoped that the question of the 54-hour week would not prove a controversial one in the Select Committee, and I am very glad to say that that hope has been fulfilled. As the House will see from the note—it is not a minute of dissent, I am glad to say—appended by Mr. Mody to the report of the Select Committee he has accepted the shorter hours on behalf of the very important industry which he represents. I am also glad to be able to add that the Government of India have also been told by the Employers Federation of India that they also do not oppose the provisions of the Bill which relate to shorter hours. I think I am right in saying that that Federation embraces employers who have in their employ by far the greater part of the workers in our most important industries. I made an appeal on that occasion to Mr. Mody. Unfortunately he was not here himself to hear it, but I imagine that he read it in due course and that was to endeavour to induce the interests which he represents to introduce the 54-hour week in advance of the passing of the Bill. I recognised at the time, and I recognise even more fully now, that that was making perhaps too great a demand on human nature. But it is satisfactory to know that the Bombay Millowners' Association have gone some way to meet us in this respect. As the House will have gathered from the statements which have appeared in the Press recently, the Bombay Millowners' Association is introducing a system of standardised wages. Mr. Mody will doubtless be ready to explain to the House more fully than I can do exactly what is involved in that system. As I understand it, a system of minimum wages is being introduced. As regards time workers, it is provided that the scale, which is in no case lower than the scale which is, in most cases, I think, in the great majority of cases, being paid at present, provides that when the 9-hour-day is introduced, there shall be no reduction. So, the vast majority, at any rate, of workers in Bombay in the cotton textile industry who are paid by time will not suffer when the new hours are introduced. Mr. Mody will doubtless correct me if I am wrong.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : That is so.

The Honourable Sir Frank Noyce : As regards the piece workers, the position is somewhat different. As I said last year, Government, at any rate, fully recognise that shorter hours must in some cases involve some sacrifice on the part of the workers. I am glad to say that the Bombay Millowners' Association are doing something to reduce that sacrifice. Their new scale is based on a 35 per cent. dear food allowance for the piece workers. When the 9-hour-day is introduced, they propose to raise that dear food allowance to 40 per cent, so that the sacrifice will be divided between the workers and the millowners. It is hoped, and past experience has shown that there is good reason to believe, that a considerable part of the difference in wages due to the fall in the output on the piece work system owing to the decrease in hours will be made up by increased efficiency. That has been the experience in other parts of India, and I have been told by one of the leading millowners of India—not in Bombay—that he regards the 9-hour-day which has been in force in his mill for a long time past as a good investment. I trust that Bombay will have the same happy experience. It was not to be expected that my Honourable friend, Mr. Joshi, would be content with this result. I should like here to say how deeply I regret his absence today which I am sorry to say is due to the fact that his daughter has been suffering from a serious illness. I am sure the House will regret the cause of his being away, will sympathise with him in his anxiety and will wish his daughter a speedy recovery. I have no doubt, in his absence, my Honourable friend, the Deputy President, will, as he so often does, ably represent his point of view. Mr. Joshi usually, if not always, gives expression in this House to what one is accustomed to call the socialist point of view, but nobody can accuse him of being a Fabian. There is no question of delay in his case. He wants the revolution in industrial conditions to be brought about at once. That, Sir, is not a point of view which we on these Benches, and, I am sure, the great majority of this House, can accept. We fully realise that progress should be steady, but we also realise the danger of progress by leaps and bounds.

Now, Sir, I should like to refer very briefly to one or two of the important changes which have been made in the Select Committee. In clause 2, the definitions of "worker" and "factory" have been modified. Clerical workers employed in separate rooms are specifically excluded from the scope of the Bill; and the term "factory" will, as it did in the Act of 1911, include the "precincts" of a factory.

In dealing with the Health and Safety provisions, the Select Committee have made several modifications. These modifications are not intended in any way to reduce the obligations of the employer, but we are anxious to see that the demands which are made on the employers should not be unreasonable. We desire that the Act, when it comes into force, should be administered with the minimum of harassment and friction. For example, in clause 16, the power to require measures to be undertaken for the cooling of factories—a new provision, and possibly a very expensive one from the point of view of the factory owners—is now confined to the Chief Inspector, and clause 31 has been amended to make the suspension of an order under clause 16 obligatory in the event of an appeal. Again, in clause 26, orders relating to dangerous buildings must

[Sir Frank Noyce.]

be served in writing, so that there may be an appeal. In clause 32, the power which it was proposed to confer on the Local Government of requiring by rule the submission of wage returns has been eliminated as inappropriate. The reason for that is that we felt that if wage returns are required, they should be dealt with in a separate Act and that there is no reason why a call for such returns should be included here. The provision was the outcome of the desire to improve our statistical information generally, but other information will, of course, be required, so that it is much better that the whole subject should be dealt with in a single and comprehensive Act. In clause 33, the obligation to provide children's rooms will be limited to the provision of rooms for children under six years of age. A further important change in the clause is that the power to declare occupations to be hazardous has been reserved to the Governor General in Council, so as to ensure uniformity. I feel certain that that is a change which will commend itself to the House as it obviously would give rise to difficulties if an occupation declared hazardous in one Province were not regarded as such in another. There would obviously be a tendency to transfer that particular occupation to provinces in which no restrictions were imposed upon it. The Select Committee have also included a very necessary provision which permits the exclusion from employment upon hazardous occupations of persons not certified to be physically fit for them.

In considering the provisions relating to working hours which are contained in clauses 34—49, the Select Committee have made two important changes in order to avoid interference with legitimate shift systems. They found that the original provision for spreadover was too rigid, and, under clause 38, as they have amended it, relaxations are permissible. Similarly, clause 46, as originally drafted, would have caused difficulties in continuous process factories, and it is proposed to give Local Governments powers to allow relaxations. The recasting of the provisions of the Bill relating to notices of periods of work both for adults and for children, and the insertion of clauses 42 and 57 specifically prohibiting the employment of workers otherwise than in accordance with the notice of periods of work are deserving of mention. In clause 43, the Committee have provided for the exemption from the weekly limit of hours of workers in continuous process factories, for without an exemption of this kind the late arrival of a relief might lead to a stoppage of work or to a breach of the law. In clause 47, which deals with overtime, the references to Sunday work have been omitted, for it is obvious that, in this country, Sunday is no more sacred, than any other day of the week and the clause now allows overtime only for work in excess of normal hours. A special sub-clause has been added to provide for the fixing of time rates for piece workers, so that their overtime payments may be calculated.

The changes in the last two Chapters of the Bill do not require much explanation. Clause 60 has been recast and clause 61 provides for a gradual increase in the penalty for offence relating to hours of work and to adolescents and children. Clause 70, to which I shall refer again, repeats a general provision of the Act of 1911. The Select Committee have also provided that the member of a firm or association to be nominated as the occupier of a factory must be resident in British India, that the

limitation for prosecutions should in certain cases be twelve and not six months, and that all rules made under the Act, and not only rules made by a Local Government, should be subject to previous publication.

It will, I think, be obvious that, in a measure of this complexity and importance, further examination was bound to reveal deficiencies. The report of the Select Committee was laid on the table in January or February last. After that, we went through the Bill again in my Department with all the meticulous examination that, as the House knows, Mr. Clow brings to a measure of this character. We found a few loose ends which needed to be drawn together and that is the reason for the amendments. I must frankly confess to the House that I much dislike bringing forward amendments from these Benches to measures once they have been through Select Committee, and I do my best to avoid doing so, but there are occasionally cases in which it does seem that we can very definitely make improvements. This is one of them. No fundamental principles are involved, and, in fact, it is rather a question of omitting clauses than of modifying them.

I do not think I need say more about the amendments we propose to move now as they would be fully explained to the House later on and I trust we shall be able to convince the House that they are desirable and necessary. It is a matter of great satisfaction to me that the principle of this Bill has commended itself to the House and that it has emerged from the Select Committee strengthened and improved. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration.”

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, some of us in the Select Committee failed to persuade the majority of our colleagues to accept certain suggestions that were made by us, and, therefore, we have found it necessary to append a Note of Dissent to the report. Honourable Members are aware that labour is represented in this House by the solitary figure of my Honourable friend, Mr. Joshi. Sir, the position is necessarily reflected in the Select Committee. All that those who are interested in the cause of labour can do is to persuade Honourable Members by appealing to their sense of fairness, justice and sympathy and make all sorts of appeal to them to get support for their point of view. The task is rather a difficult one. Against the conservatism of these employers and the extreme cautiousness on the part of Government, and, what is still more difficult to tackle with, with the almost reactionary attitude of the small factory owners, it is almost an impossible and an uphill task to effect any substantial improvement in the Bill, and we must recognise that after all it is the capacity of the small factory owners to adjust themselves to changes that determines the rate of progress in these measures. I must admit, Sir, that Government also made some minor concessions and so did the big employers of labour. But on vital matters we failed to effect any improvement in the Bill, and the Bill comes out of the Select Committee without any great material changes. I shall only refer to one or two instances in which we failed to effect any improvement in the Bill. I must refer to the hours of work.

[Mr. Abdul Matin Chaudhury.]

The majority of the Select Committee supports the original provision in the Bill which fixes 54 hours a week for perennial factories and 60 hours for the seasonal. Our view is that 48 hours should be the weekly limit for the perennial factories and 54 for the seasonal, but this did not get much support from the majority members of the Committee. It is only in this direction of reducing the working hours that we can afford some relief to the workers in this country. I think it was in the year 1921 that the Washington Convention accepted the eight hours a day for the workers all the world over. The majority of the countries in Europe and other places have accepted this eight hours a day and are working that provision, but we failed to persuade our colleagues on the Select Committee to accept that point of view and they have supported the original provisions in accordance with the majority recommendation of the Labour Commission about 54 hours a week for the perennial factories and 60 hours for the seasonal.

There is another point about which we wanted to effect some change, and that is about the definition of the word "factory". When the Bill was first referred to the Select Committee, I tried to point out that it is in the case of the smaller factories that the conditions are more deplorable than in the case of the bigger factories, and it is those factories that needed closer supervision. Mr. Clow, on behalf of the Government of India, assured us that Government were contemplating to introduce a Bill to deal with small factories; but if they had accepted our suggestion reducing the number of workers necessary to constitute a factory, many of the factories, that are at present outside the scope of the Factories Act, would have been included in it, and I think to a great extent that would have obviated the necessity of bringing out a separate legislation for this purpose.

There is only another point to which I want to refer, and that is with regard to the welfare orders. I was surprised to find that the Government of India refused so persistently to accept the recommendation of the Royal Commission with regard to welfare orders. We had hoped that in the Select Committee we would be able to persuade Government to accept our suggestion for framing rules with regard to welfare orders, but there too we failed in our efforts. Though we have failed in many of our efforts to effect improvements in the Bill, I fully recognise that it is undoubtedly an improvement upon the present conditions, and for this reason I heartily support this motion that is before the House. I also want to join Sir Frank Noyce in paying a tribute to the help that we received from the Factory Inspectors whose advice has been very valuable to us in our labours.

Mr. G. Morgan (Bengal : European) : Sir, the Bill has been greatly improved by the Select Committee, and I congratulate the Honourable Member in charge on having at last been able to bring this improved measure before the House. But I would just like to make one or two general observations. We have always felt that the Bill is too general in its application. The recommendations of the Whitley Commission were taken as the basis, but we have always felt that the revision of the Bill should have been done in such a manner that at any rate the major industries should have received special attention and

the law applying to each major industries be framed to meet its requirements on the analogy of the British Factories Act. I think, in the near future, after this Bill has been in operation, it will be found that special legislation will be necessary for at least some of the major industries.

Then, another point which emerges from this Bill is this. We feel that the powers of the Local Governments and the Inspectors have been extended rather too much. Of course, this being a co-ordinating Act and an all-India Act applying to all industries, it becomes a Bill of clauses for the Local Governments to take action and make exceptions, and so on. But we feel that the powers have been extended rather too fully. It will only be in actual operation that we shall be able to see whether the Local Governments translate into action the various powers that are given and whether their actions are beneficial to the industries or not. We think that the discriminating powers of the Inspectors in specifying measures to be taken are very wide. I have some amendments to that effect. It is a difficult position we know, but we do feel that the Inspector would have to be almost a superman to be able to specify measures to be adopted for improvement in everything and it should be the object of legislation to minimise the likelihood of appeals in every way possible. I do not think Government will accept my amendments, but we trust that if those particular parts of the clauses become part of the Act, the Local Governments will, at any rate, before actually allowing the measures to be put into force, take every precaution to see that the employers and the Factory Inspectors are consulted jointly in the matter. And, then, again, comes the difference between the Provinces, and that, of course, is a very difficult question. The only co-ordinating clause in the Bill is clause 80. Even today the Honourable Member has pointed out that where hazardous occupations are concerned, it has been necessary to put it under the control of the Governor General in Council, because there might be differences of opinion between various Provinces as to what constitutes a hazardous occupation. We feel that that attitude may emerge on almost every clause throughout the Bill, and we hope that Government will treat clause 80, not merely as a nominal control, but that they will definitely scrutinise the rules and regulations sent up to them to see whether they are advisable or not and whether there is co-ordination between the Provinces on matters relating to more than one province in India.

Then, there is the wording in clause 44 (2)—“exceptional press of work”. This is a very important clause, and, here again the views of different Inspectors may be quite antagonistic. I do not know really what “exceptional press of work” will mean. I do not think it will apply to anything except probably some engineering works or ship-building works or some thing of that kind.....

The Honourable Sir Frank Noyce : May I mention for the Honourable Member's information an example which possibly comes home specially to us here, and that is pressure of work in connection with printing the proceedings of this House ?

Mr. G. Morgan : That is all right ; but this is of general application and can be in force for two months under the clause. It will be very difficult to say what will be “exceptional press of work” in any of

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these industries, such as cotton mills and jute mills : I can quite understand that there may be, in engineering, some special piece of machinery which has to be done very quickly, and it may be necessary to apply for exemption in order to get this piece of work done within a specified time ; but I think this exceptional press of work wants very careful watching.

Mention has been made by my Honourable friend, the Deputy President, in regard to the smaller factories and the idea that another Bill might be brought in later to meet that case ; but, under clause 5, the Local Governments have power to bring in factories which have only ten or more workmen. At the present moment, when everything is being done to encourage what is called cottage industries which can be defined on a wider basis than actual cottage industries, it seems to me that we could have reduced the number from 20 to 10 without any particular disadvantage to the Bill.

I have nothing more to say now. When the various amendments come up, I will discuss the actual merits of each clause as it comes along, but I want particularly to stress the point that this Bill is too wide in its application ; and, in supporting that this will be taken into consideration, I should like to put on record that it would have been better if the Act had been revised in such a manner that each industry would receive special attention. Sir, I support.

Dr. R. D. Dalal (Nominated Non-Official) : Mr. President, I crave your permission to offer a few remarks on the Factories Bill now before the House, and what I have to say is the outcome of considerable experience of factory inspection work as a public health expert in the southern registration district of the Bombay Presidency.

In the first place, I congratulate the Honourable the Member for Industries and Labour on bringing forward this Bill, which satisfies the requirements of wholesome and progressive legislation. It is a sound and beneficent measure ; and it will be the means not only of ameliorating the condition of the toiling masses in factories, but also of serving in the long run the best interests of the employers and of the industries upon whose prosperity the welfare of the country so largely depends. It is said that Englishmen are drawn to India by nothing more than the pay. Well, Sir, payment for work done is one of the conditions of labour all the world over. But this is a sordid view to take of the connection. Let us look behind it, and we shall find the sense of responsibility, of devotion to duty, of love for the country, and of sympathy with the people. My Honourable friend, Sir Frank Noyce, is actuated by these sentiments, and by a genuine desire to advance the prosperity of this country ; and, I am sure, his complete mastery of the subject, his assiduous industry, and his constant anxiety to conciliate all interests have won for him glowing admiration and high regard of every section of this Honourable House.

The most contentious and important item in the Bill is the one dealing with hours of work. At first the millowners and Merchants' Chambers were adamant in their opposition to any alteration of the 60-hour week. But they reconsidered their position and withdrew

their opposition, and it is a matter of general satisfaction that there is a substantial agreement as regards the reduction of the hours of work to the 54-hour week. In this connection, I desire to express my high appreciation of the extraordinary devotion, energy, tact, and skill displayed by my Honourable friend, Sir Frank Noyce, in bringing about this satisfactory result. The deep underlying motive of the reduction of hours of work is the avoidance of fatigue. The question of hours of work is intimately bound up with the question of industrial fatigue, and the subject of industrial fatigue is of cardinal importance to efficiency. So, Sir, with your permission, I shall explain to the House very briefly the subject of industrial fatigue and its implications.

The human being is the most important machine in industrial development; so all measures, designed to improve the efficiency of the human machine, are matters of economic importance. Public health, with its two main functions of preventing disease and of increasing the welfare of the individual, is of fundamental importance in the industrial development of a country, more so in India, where labour is less organised, where the prevalence of parasitic infections and epidemic diseases and diseases associated with mal-nutrition, such as tuberculosis, is excessive, and where climatic conditions and environment generally are exceedingly unfavourable. It is fallacious to take the bodily sensations as a guide, much less as a measure of fatigue, for there may be diminished capacity for work before any signs of fatigue appear in sensation. There is a limit beyond which the human machine can no longer produce satisfactorily; but if this limit is exceeded, there is an impairment of quality and reduction in the quantity of work, damage to health results and accidents may occur as a result of fatigue. This question of fatigue is fraught with a great peril. Spirituous drink offers its dangerous relief to a fatigued body. Industrial fatigue results from the action upon the tissues of the carbonic acid and lactic acid formed by the chemical dissolution of the glycogen of over-worked muscles. These products, locally produced, not only cause fatigue in the local neuro-muscular apparatus, but since they find their way into the blood stream, they affect higher nerve centres in the brain; and since the nerve cells are liable to fail from exhaustion before the muscles become affected, the problem of industrial fatigue is an almost wholly problem of fatigue in the nervous system. Fatigue results not only from the exhaustion of substances supplying chemical energy for work, but also from the accumulation of the waste products of the chemical changes. These chemical products of activity are removed from the tissues by the blood, but time is required both for their removal and for their subsequent excretion from the body. The accumulative results of fatigue damage the general health. The stale and tired feeling may result in a craving for change and excitement, and may lead to over-indulgence in spirituous drinks. The evil effects of fatigue are cumulative, hence the necessity for frequent rest-spells, Sundays, and holidays. An early and important sign of fatigue is a want of co-ordination and failure in the power of concentration. This may be shown objectively in an increased frequency of accidents. The available tests of fatigue in practice are the output of work and accidents occurring in the course of work, the proportion of mistakes or spoilt work, and medical reports of conditions of ill health attributable

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to overwork. It is now recognised that for the most economical conduct of an industry the human machine must operate under optimum conditions. Work under optimum conditions of duration, healthy surroundings, good feeding and housing not only promotes health and efficiency and greatly reduces industrial sickness but also leads to an increase in the quality and quantity of production, and eventually in the long run diminishes its costs, while increasing the well-being, content, and sobriety of the workers.

Now, Sir, I turn to another important point. This consolidated enactment does not touch the important question of prohibition of employment of women in factories before and after child birth. Experience has shown that cessation from labour for a month preceding confinement renders the pregnancy more likely to proceed to the normal term, and infants in consequence are stronger and more fully developed at birth. As women have generally poor physical powers and have to bear the strain of domestic duties, maternity, and claims of offspring, cessation of work for four weeks before and four weeks after confinement is, in my opinion, absolutely necessary. It should, therefore, be required by Statute that employment of women, in factories for four weeks before and four weeks after confinement, should be prohibited. I do not, of course, deny that there are difficulties to be faced, but I think it can be shown that if the position be closely examined and if maternity benefit schemes be introduced, the objections will be found to be a good deal less formidable.

Now, Sir, this leads me to another important point. Serious results accrue from the practice of mothers leaving their homes during the day to work in factories. Infants are, as a consequence, deprived of their natural food and of the care of their natural guardians. Some mothers give even opium to infants before leaving their homes. Infant mortality attributable to the practice of married women engaging in factory work amounts to one-fifth of the total infant mortality. The remedy that at once suggests to us is to compulsorily provide Day Nurseries or Creches, which afford facilities for feeding and looking after the child, and for detecting the onset of illness when the creche is under skilled supervision. Many employers object to creches, but it is impossible to see how the needs of mothers industrially employed are to be otherwise met. So the provision of properly staffed and adequately equipped and efficiently supervised creches should be made obligatory in factories employing women in substantial and appreciable numbers.

Now, Sir, I shall just say one word as regards the Inspectorate. In view of the fact that provision of medical inspection and medical supervision is most important and essential for the proper administration of the Factory Act, there should be a statutory provision that the Assistant Director of Public Health of his district should be the Medical Inspector of Factories with power of entry at all times and with the right to inspect vital statistics registers, and to report and to advise upon all health matters, and to carry out effective inspections. Adequate inspection of a factory from medical and public health point

of view requires expert technical knowledge. The Assistant Director of Public Health is technically qualified ; so he should be the Medical Inspector of Factories for his district. This suggestion will prove of great utility, because it will enable the Assistant Director of Public Health to keep in close touch with the District Magistrate, who is under the Act an Inspector of Factories for his district. Statutory provision would give the Assistant Director of Public Health authority and status and standing in the eyes of the employers. In pre-war days, throughout India, Civil Surgeons were Medical Inspectors of Factories.

Now, Sir, I shall pass to the next point, and that is as regards the certification of children. Before I take up this point, let me explain the term anthropometry. By the term anthropometry is meant the measurement of the human body with a view to determining its average dimensions and the proportion of its different parts at different ages. Now, Sir, as regards the certification of children, the value of anthropometrical data cannot be over-estimated. Height in itself is not of so much anthropometrical importance as it is in relation to weight. Height and weight are indications of nutrition. If height be found to be deficient, it may indicate insufficient food, or an excessive expenditure of energy in mental or physical work, or the onset of some disease. I would suggest that each Province should appoint an Anthropometrical Committee, which should work out its own anthropometrical standards having due regard to racial and environmental differences for the guidance of certifying surgeons, and that physical standards should invariably be prescribed. So, in my opinion, the words "if any" should be deleted from the fifth line of sub-clause (2) (a) of clause 52 in Chapter V of the Bill.

Now, Sir, I pass to the next point. In England, a child receives efficient elementary education before the age of 15, at which age only the child is employed into a factory, and the child must have obtained a certificate of proficiency in elementary education ; but in India nearly the whole mass of industrial labour is illiterate, so the education of industrial labour demands special attention and, in my opinion, this disability could be made good by means of factory schools. I would suggest that every factory, in which more than 15 children between the ages of 12 and 15 are employed, should maintain a factory school for their benefit, and that attendance at such school for three hours every working day should be obligatory in the case of each child, and that no fees should be charged for the instruction given in these schools. I urge this suggestion on the grounds of justice and humanity. It is not unfair to expect that factory owners, who make money out of these children, should hold themselves responsible for the education of these children. Under the Act, a child between the ages of 12 and 15 will have to put in five hours' work in factory ; so the time-tables of these schools should be so arranged as to suit these children. These factory schools should be efficiently supervised by the Education Department, and the cost of the factory schools should be borne by the factory owners, Government, and the local body concerned.

Then, Sir, there is another point. The Act should include an injunction that all factories and medical attendants should be required to notify industrial diseases, such as anthrax, phosphorous poisoning, mercurial poisoning, lead poisoning, compressed air illness, etc., to the Chief Inspector of

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Factories. The object of notification is to bring these industrial diseases within the operation of the Workmen's Compensation Act.

Now, I shall refer to one other point, and that is as regards the records of sickness and disease. In factories accurate records of sickness and disease should be kept, because they are needed to be studied with a view to the adoption of preventive measures. In factories the necessity for the accurate maintenance of records of sickness and mortality is not realised, but without these it is impossible to determine variations in health at different periods or to estimate the effects of expenditure upon prevention of disease. So, all factories should be required to maintain accurate birth and death registers, sickness registers, and epidemic disease registers.

Now, Sir, I have one more point to mention. An annual conference of Factory Inspectors to compare notes will be useful in keeping factory administration on the same level of efficiency in all parts of the country. So, in the interests of uniformity and efficiency of factory administration, an annual conference of Chief Inspectors of Factories and Directors of Public Health should be convened and held under the chairmanship of the Honourable the Member for Industries and Labour.

Now, Sir, I come to the last point. Welfare work in factories is to the mutual advantage of the employer and the employee. In my opinion, there should be a statutory method by which a uniform minimum standard of welfare could be secured, where the nature of the processes carried on or the special conditions and circumstances of employment demand it. So the issue of welfare orders, as is done by the Ministry of Health in England, in relation to sanitation and housing, would conduce to the efficiency, contentment, and happiness of the workers.

Now, Sir, in conclusion, I have one observation to make. I have already pointed out that I have had considerable experience of factory inspection work in the southern division of the Bombay Presidency. Let me present a picture of the conditions which obtain in factories today. At present men, women, and children work for unlimited hours. The system of shifts affords every opportunity for work and employment beyond legal limits. In the large majority of factories, children are little better than beasts of burden uncared for and untaught. The most ordinary sanitary safeguards are uniformly neglected. In nearly every industrial area, the housing conditions are most unsatisfactory. I do not think it is an exaggeration to say that the present system is a vast sacrifice of human life. But, Sir, by this factory legislation, by this consolidated enactment, the labours of my Honourable friend, Sir Frank Noyce, will be the means of ameliorating the deplorable conditions of a stunted, sickly, ignorant population, at present wholly unfitted to hold its own in the growing stress and strain of acute industrial competition in the labour markets of the world, and of making our industrial population an infinitely more efficient productive machine, and of making India a great industrial and producing country ; and it is because this Bill takes a substantial step in the direction of reform that I strongly support it, for I firmly believe that by means of it we shall proceed one degree farther in the path, which it is as much our interest as our duty to travel.

Mr. H. P. Mody : The Bill before the House is of far reaching importance to the workers in the factories. It marks a considerable improvement over present day conditions, and my Honourable friend, Sir Frank Noyce, is to be congratulated on being responsible for a measure of so beneficial a character to the interests which this Bill seeks to befriend. I recognise the very moderate way in which my Honourable friend, Mr. Abdul Matin Chaudhury, put his case, but I am afraid he was not entirely fair to the Honourable the Industries and Labour Member. I think it was largely due to the spirit of fairness and strict impartiality which Sir Frank Noyce showed, and the confidence which he inspired in his capacity to hold the scales even between capital and labour that we had what is practically a unanimous report on almost all the provisions of the Bill. Speaking "anthropometrically", Sir Frank Noyce completely dominated the proceedings of the Select Committee. (Laughter.)

I shall not refer to the many important provisions of the Bill before us. I shall confine myself to the most dominating feature, which is the provision with regard to the 54-hour week. My Honourable friend, Sir Frank Noyce, has referred to the opposition which this provision evoked from important industrial interests. I would like to tell him that the textile interests were not the only interests opposed to this provision ; there were other interests also which were equally opposed. I would like to say exactly what their opposition was based upon. The argument upon which they lay great stress and which they continue to emphasise at every opportunity that they can get is that conditions in India are vastly different from those prevailing in the highly industrialised countries of the west. For, as long ahead as one can see, there cannot be anything like over-production in the technical sense of the word. The bogey of over-production is largely responsible for the various devices which are being resorted to at International Conferences in order to curtail production, and hours of work are the most important feature of these devices. But that stage has not yet been reached in India. It will be many years before it can possibly be reached, and to cramp the industrial development of India, by laying down unduly low hours of work, would be to do a very great disservice to the country. Another consideration is the measure of efficiency of the worker. Here, again, India is leagues behind most western countries and behind Japan. The other day, in a statement which I issued to the press, I made what was regarded as a rather startling assertion, namely, that, compared to output, the Bombay mills were paying, until recently, that is to say, until March, 1938,—I say until that date Bombay mills, relatively to output, were paying the highest wages in the world, harring, of course, the United States. There cannot possibly be any basis of comparison with the States, where perhaps every third or fourth worker can afford to go to the factory in a Ford car. I hope such a condition of things, which we can now only dream of, will some day come about, but I trust the modest pushbike will be within the means of every factory worker within a reasonable measure of time, particularly as Japanese bicycles can now be had, thanks to the policy of our Government, at Rs. 15 a piece. Sir, these are the reasons why, in spite of all that international philanthropists may say at Geneva, this country has got to evolve a labour code of its own. No one can point the finger of scorn at India, because her reasons in the matter of labour conditions is one of which she can legitimately be proud. We were amongst the first to ratify the Washington Convention with regard to the hours of work. Even Great Britain, for

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reasons of her own, did not ratify the Convention; Japan certainly did not ratify it for years together, with the result that she enjoyed a very considerable advantage in labour conditions over this country, which advantage was largely responsible for the great progress she made at the expense of this country. That being the case, we are not afraid of evolving labour codes of our own and of being able to stand up to the world and say "what we are doing is fair and just to our workpeople having regard to Eastern conditions". But, Sir, while I felt always confident that our opposition to the fifty-four hour week could be justified on the ground of the peculiar conditions of India, I felt, more particularly in response to the appeal made by my Honourable friend, Sir Frank Noyce, that a gesture of sympathy and goodwill might very well be made, and I was able to induce my colleagues, the Bombay millowners, to withdraw their opposition to the fifty-four hour week. I was able to go further, and, in my capacity as President of the Employers' Federation of India, was able to get the members of the Federation to withdraw their objection to the fifty-four hour week. I may just say in passing that the Federation includes all the major industries in India—jute, tea, coal, textile, mining, metallurgy and practically every other major industry that exists in India—and on their behalf it gave me much pleasure to accord my support to the fifty-four hour week. (Mr. B. V. Jadhav : "Very good of you!") I hope so.

Now, my Honourable friend, Sir Frank Noyce, said that it was rather a pity that we did not find it possible to introduce a fifty-four hour week straightaway. We did think about it, but we found that it was not fair to many of our members outside Bombay to introduce such a change without due consultation with them, which it was not possible to effect within the time at our disposal. So far as my Association is concerned, the membership is scattered all over India, and for such an Association to introduce a fifty-four hour week straightaway would mean forcing on everyone of its up-country members a far-reaching reform without giving them an opportunity of having their say.

I should have thought my Honourable friends, Mr. Joshi, Mr. Abdul Matin Chaudhury and others, who represent labour interests, would have welcomed such a gesture of goodwill on the part of the industrial interests. After all, let them not forget that we are agreeing to shorter hours at a very considerable sacrifice. So far as the textile industry is concerned, it may mean a difference of half an anna per pound. When it is taken into consideration that the profit is not even a quarter of an anna per pound in these days, a loss of half an anna is a matter of great moment to us, particularly to Bombay, which, during the last few years, have lost enormous sums of money. I should have thought that this gesture of practical sympathy shown by industrial interests would have been appreciated by my Honourable friends, but I was sorry to find that a minute of dissent was thought necessary showing that my Honourable friends would like to go even further and introduce a forty-eight hour week. Now, Sir, I would not cavil at that provided a few conditions were satisfied. If my Honourable friends are content to reduce the standard of life of the operatives—because the less you work, the less pay you get—if my Honourable friends are agreeable to increasing the efficiency of labour, or at any rate to accord their approval to measures concerted by employers to increase the efficiency of labour, if my Honourable friends are agreeable

to according their fullest support to measures of protection, then let them suggest the forty-eight hour week by all means, but my Honourable friends do not want that. My Honourable friends do not want to accord their approval to measures of rationalization. They shout against all measures of protection and the only thing in respect of which they want protection is in the matter of wages.

Now, Sir, I cannot conceive of an industry which can reduce hours of work, which can remain satisfied with a low level of efficiency, which can do with a low measure of protection and yet be able to pay high wages to its operatives. The only factory I know of which can go on producing wealth without trouble, and which obviously would be in a position to pay a high scale of wages would be the Royal Mint : and if we were in the position of turning out five-rupee notes in our factories, we should be only too happy to provide for lower hours of work and a very high scale of wages.

Having said that, I should just like to pass on to a matter which is of very considerable importance, and that is the conditions which prevail in the Indian States. I recognize the constitutional difficulties in the way of trying to impose labour standards upon Indian States. That would impinge upon their autonomy, and I do not think that any rough and ready solution can be found, but I certainly think that the Government of India ought to exert all their influence—and that is very considerable—to bring the Indian States into line with British India in matters of labour standards. Already many of the Indian States are enjoying considerable advantages over British India. The conditions of labour are very low, there is hardly anything in the nature of factory inspection, the hours of work are long, living is cheap, taxation—thank goodness, there are some parts of the world where this is the case—taxation is low. For all these reasons there is a tendency for industries to migrate more and more to Indian States, and if more burdens and higher standards were to be imposed on British India, that tendency would be very strongly accentuated. For these reasons, it is very essential that some action should be taken by the Government of India with regard to the Indian States in order to bring them into line, particularly in regard to the provision for a fifty-four hour week, and I hope my Honourable friend will, in the course of his reply, be able to deal with that point. I recognize that it is rather difficult for him to say anything definite, but I just want an assurance that the Government of India are alive to the danger and that they are going to do everything in their power in order to bring Indian States into line with British India.

Sir, I have very little to add. This is a measure upon which the Government of India can congratulate themselves. This is a measure upon which this House can also congratulate itself, and it is a very happy circumstance that almost all the major provisions of the Bill have been accepted with unanimity in the Select Committee. Sir, I support the Bill.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I must confess that I am not a factory man and I must also confess that I am not a worker in a factory. But, as one of the lawyer Members of this House, I have given my attention to this Bill, and I hope to place before the House certain observations which require this Bill to be still improved. Those are very necessary improvements on account of which

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the advantage of this Bill will be given to all those for whom it is necessary.

The first point that I wish to place before the House is with regard to the scope of this Bill. The definition of "factory" which has been provided for in this Bill applies to those factories which are worked by power, but its scope has been restricted only to those factories where 20 or more men are workers. I would submit that if full advantage of this Bill has to be given, then it must be extended to those factories where ten or more people are working.

An Honourable Member : Why make it ten ?

Mr. Lalchand Navalrai : Because it has been shown that if the number is less than ten, there will be very little power that will be working in a factory. Though, as I said, I am not a factory man, yet I have some experience of the factories, at least in the mufassil, and I know that there are factories where the same safeguard is necessary as it is in those factories where there are more than 20 men. I do not know why it should not be, when the Legislature is legislating an Act in the interests of the workers that it should not apply to those factories where there are ten or more men. On this point I do not go by myself alone. We have on this point the opinion of a recognised leader of the workers and to it support has been given by our Deputy President, Mr. Abdul Matin Chaudhury, and also Mr. Thampan has joined hands by putting in a dissentient note on this point. Sir, it is said in the minute of dissent :

"In the definition of factory we would like to substitute the word 'ten' in the place of the word 'twenty'. We consider that time has come when the provisions of the Factory Act should be made applicable automatically by this Bill itself to all factories using power where ten or more workers are employed and it is not enough merely to give to Local Governments power to do it."

I am conscious of the remark that was made by the Honourable Mr. Morgan that the power under clause 5 has been given to the Local Governments. In my humble opinion, it is not sufficient that the power should be given to the Local Government in this respect, when I see that the leaders of the workers and some other gentlemen, who have got experience of this, are of opinion that it should be extended even to those factories where there are ten or more men. Besides that, we are conscious of the difficulties. When the power has been given to the Local Government and it has been decided by the Legislature that the only factories which have 20 or more men have to be protected, the Local Governments also will demur to come to the help of other factories. Then there are several other difficulties. Why should these difficulties be solved by Local Governments ? I submit, therefore, that it is very necessary that this Bill should be extended to those factories which have ten or more workers.

The next point which I wish to place before the House is with regard to certain provisions that have been taken away from the original Bill by the Select Committee. As an instance, I will mention clause 12. Clause 12 refers to the appointment of medical practitioners for the factories. I see that an amendment has been made to the original Bill by making a medical practitioner as one who is a registered medical practitioner. I certainly agree that it is a very sound principle that the appointment should go to a man who is competent and qualified. But, then, there is

another thing, and I really wonder why it has been done in that manner. There was a clause in the original Bill, sub-clause (2), which provided that if the medical practitioner was a man directly or indirectly concerned with or had an interest in the factory, he should not be appointed. I cannot understand the reason why in the Select Committee's report this clause has been actually eliminated. There is a similar clause with regard to the Inspectors. I cannot understand why it should not be said that the medical practitioner, though registered, should be a man who must be impartial and should have no interest in the factory. If you are not going to put this restriction, then a man belonging to the factory might act as a medical practitioner who has to perform several functions. He is to certify that a certain individual is of a certain age and he has also to certify the fitness of the workers, and it may be that he may be interested in throwing out workers. It will be easy for him to give a certificate that the man is unfit. There is no higher officer of health or of Medical Department to help the worker, as my friend, Dr. Dalal, was saying. In the absence of that inspection by the higher officer, it is absolutely fair that a man who can act impartially should be a medical practitioner. The reason given by the Select Committee for the deletion of this clause will be found in the report of that Committee under clause 12. There they say :

"We have modified clauses 13 and 14 to provide that only registered medical practitioners may be appointed as certifying surgeons."

Sub-clause (2) of clause 12 has been omitted which provided that the medical practitioner should not be concerned with the interests of the factory either directly or indirectly. And what reason have they given for it? It has been omitted on the ground that it might give rise to practical difficulties. Now, I cannot understand what those practical difficulties are. There are a number of medical practitioners nowadays. You just advertise for a post and you can get a thousand applications. Why should there be any difficulties of selection? So, I do not think this reason is going to appeal to the House. On this subject I have put in an amendment and will speak later. The second reason which the Select Committee have given is that it might unduly limit the field of choice. This is no reason at all.

Now, let me proceed further and come to clause 13. That clause refers to sanitation. On this subject I have some experience, and, therefore, I feel competent to place those facts before the House, and I hope the House will help in getting that nuisance removed. Clause 13 reads thus :

"Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising."

Sir, I am now referring to those factories which I have myself seen in

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Sind where there are no drains at all, and, I am sure, the House will be satisfied with my statement, because I am going to place before it my own personal experience. In a way, the point is that there are certain factories which are worked by power. Say, for instance, there is a rice-threshing machine. What do we find there? They are boiling rice within the premises. The hot water cannot go out, because there are no drains in those factories to take the water out. How do they dispose of the water? The water is spread out in the premises, and this has also come to the

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notice of Factory Inspectors. They are able to do nothing. Therefore, I submit, you must provide a clause which insists that drains should be kept in the factories, so that it may lead to cleanliness. Unless and until such a provision is made, the factory owners will not lay out drains. I think my Honourable friend, Mr. Hamid Ali, who was a Collector of Larkhana and who has seen these factories will bear me out that the water from these factories goes out into the public roads which are municipal roads. The Municipality says it is not responsible and asks people to go to Factory Inspectors for redress. When the Factory Inspector asks the factory owner to lay out a drain, he says that the water is going out into the public roads and so the Municipality has to provide drains. The Factory Inspector says, "No, you must provide", but this is not done by the factory owner. In this way the things are going on. If anybody passes through these roads, they are simply stinking from foul smell. I, therefore, submit, it is necessary to modify this clause so as to make it incumbent on the factory owner to lay out a proper drain for the water to go out. Therefore, I have put in an amendment with regard to that.

An Honourable Member : Who will do it in future under the Act ?

Mr. Lalchand Navarai : Of course the employers. The factory owners have got to keep the drains and make provision for them. What is done in towns is that the water is taken out to the sewage. But if it be obligatory on the factory owner to lay out proper drains, so that everything might be kept clean, then he will attend to it.

Now, I come to the question of hours. I confess I am not quite competent to speak on this question. But considering all the facts that have been placed by Honourable Members, I can give my opinion on this question. I do see there has been a good deal of sympathy with regard to this question from the Honourable Sir Frank Noyce and also sympathy from Mr. Mody, because it is only after these two Honourable Members have joined together and come to a certain level that a salutary provision has been arrived at and embodied in the Bill. The point is this. All over the world, there is a cry that factory owners are hard upon workers. In England and other places—I have gone to those countries also—I find that factory owners are not so unreasonable as I used to find them here and time was when they did not recognise that without co-operation and conciliation among factory owners and workers, work will not go on and bickerings will continue. For a long time that has been the complaint in this country. I will call it a chronic complaint. The old Act which is now being amended provided for 60-hours work a week. What I find is this. In the Select Committee, where, I was told, the Honourable Sir Frank Noyce dominated the whole show, and, I think, very rightly too, because without some dominating personality nothing could have been achieved in the Select Committee. I find the Select Committee have come to a very good conclusion. I know there are places where the workers require 40 hours work. There are other places where they ask for a little more. An expert like my Honourable friend, Mr. Joshi, asks for a 48-hour week. I think he ought also to be reasonable on account of the present conditions. When I referred to the note of Mr. Mody, I found it very appealing to me. For the present, looking to the economic

pressure which is working so much nowadays, we should have this 54 hours tried for sometime. Mr. Mody says in his Minute of Dissent :

" In signing this Report, it is necessary to state that the interests I represent have withdrawn their opposition to the 54 hour week solely out of consideration for the welfare of the workers in the factories. While they opposed the change in the first instance, they recognised that it was bound to come some day, and they would have been prepared to welcome it at the proper time."

I am very glad that they hold that times are changing and so they have also to change. They have also to divide their profits with other people and not be the sole masters of all their earnings. I submit, therefore, that so far as the hours are concerned, I am not dissatisfied for the present, and I think it is good provision to try 54 hours.

The next point, referred to by Dr. Dalal, is that some provision should be made for the education of the children of these workers. If you do not provide for their education, there will be difficulties and inconveniences to the workers. You have now provided certain conveniences for their families and there ought to be this provision also for their children. I am glad that Dr Dalal has placed this point before the House, and I entirely endorse his appeal for such a provision. The reason is that other employers do make similar provision with regard to the children of their workers. If you go to the railways, you find that the children of railway servants are being educated in schools maintained by the railways. That is all to the credit of the railways. Why not take a lesson from the railways and provide schools for the education of the children of factory workers. I, therefore, hope that some consideration will be given for a provision of this nature in the Bill. I find no amendment to this effect, but I hope, under the rule-making powers given to the Governor General and to the Local Government, a provision would be made to this effect.

There are certain other provisions for which I have given notice of amendments. I come to clause 60 which refers to punishment. The punishment for the very first offence is a maximum fine of Rs. 500. From my experience as a lawyer, I can say what a Magistrate thinks is minimum if the maximum is fixed at Rs. 500. He may find that Rs. 200 is the minimum when you have such a high maximum. Therefore, I submit that this question of punishment should also be taken into consideration. There are some specific amendments on this question and I will say more when I come to them. On this point, however, say, for instance, that there is a provision that, if a factory owner does not supply sufficient drinking water, he will be punished and the Magistrate can fine him Rs. 500. Just consider if this would be reasonable.

Then, I come to the second point with regard to prosecutions. Prosecutions are to be filed by these Factory Inspectors, and now that these Factory Inspectors are to be appointed in accordance with the provisions of this Bill, I hope responsible men will be appointed. Otherwise, I know what those small Inspectors have been doing and how they have been launching prosecutions without any sanction, simply shoving any man into Court and leaving him to the mercy of the Court and his own anxieties and expense. I do say that there is one safeguard that is absolutely necessary, and I think this will appeal to the Honourable Member in charge of this Bill. This Bill provides two kinds of offences. One is direct offence, e.g., the example that I gave just now about not supplying

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sufficient water. But there are certain offences with regard to which the Inspector has to give notice in writing in the first instance to the factory owner to do certain things which he wants according to the rules and the Act. If the factory owner does not do that, a provision has very wisely been made in this Bill for a safeguard against the Inspector's order. That lies in the factory owner going in for an appeal, and if that appeal is decided one way or the other, and if the factory owner does not abide by the decision of the appellate Court, then a prosecution has to be launched. In that case, I do not see that it is necessary for the Inspector to have any further sanction to launch that prosecution. That is quite sufficient ; but what about those direct offences for which he is not to give any notice and which do not come within the purview of the provisions with regard to appeal ? In the case that I mentioned, namely, non-supply of sufficient drinking water, the Inspector sees a certain defect and he can bring the factory owner to Court. In that case some safeguards are needed, and I have put in a very reasonable safeguard in my amendment. I have not asked that the Local Government should give sanction for that, but I have asked only one simple thing. According to this Bill you are appointing Chief Inspectors also. So, why should not the Factory Inspector, who detects a thing and acts just like a policeman, report to the Chief Inspector and go to Court only after the Chief Inspector gives the sanction ? This would not take much time, and from my own large experience of the Courts, I can say that very often without any sanction people are unnecessarily dragged into Court and acquitted.

The last point on which I wish to dwell is with regard to the launching of the prosecution within a certain time. The Bill provides that within six months a prosecution can be filed, and, furthermore, it provides that if an order has been given in writing to the factory owner or factory occupier (which is the word used in the Bill) and he has disobeyed the order, the Inspector will launch the complaint within 12 months, and, if it is not in writing, he can do it within six months. I say this is a very objectionable provision. The time is too long and this will be a sword hanging over that man for six months. Why should the time for launching the prosecution be six months if the order is not in writing and twelve months if it is in writing ? I do not see the logic of it, and, therefore, I have tabled an amendment with regard to this also. I hope I have convinced the House that the points I have raised are not such as should be thrown away. They should be given consideration, and I hope sufficient consideration will be given to them. I will say further when I move my amendments.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. S. G. Jog (Berar Representative) : Sir, this is one of the most important pieces of legislation which, just at the far end of our legislative career, we are passing. In the former legislation relating to the welfare of the workers, I had occasion to take part in the Select Committee proceedings. But unfortunately I had no occasion to serve on this Committee.

However, my interest in the welfare of the workers has not slackened a bit ; but I find that it is rather unfortunate that the real welfare-seeker of the workers,—I mean my friend, Mr. N. M. Joshi,—is unfortunately absent today, and in his absence it is our duty to guard the interests and see to the welfare of the workers.

As a layman, I should like to take advantage of this opportunity to make a few general observations. India is not sufficiently industrialised. Up till now there was a great divergence of opinion between the employers and employees and also the Government. It is really a fortunate circumstance that all these three interests are gradually coming closer and closer to each other to the extent that practically the angle of vision of all three is practically the same,—the welfare of the labourer and of the working classes. I have no mind to examine the details of this Bill, but I should like to make a few general observations which arise from the provisions of this Bill.

My friend, Dr. Dalal, has made a very touching reference to one omission, and that is about the education of the workers in these factory areas. I think it should be the duty of the factory owners to see to the education of these people, and the bringing forward of this measure is, I think, a very good opportunity of making some provision, throwing some responsibility on the factory owners, to make some provision for the education of their workers.

Another point which I should like to bring to the notice of the Member in charge is this : the question of the refreshments that are provided in the factory areas. Many of these workers, during the recess hours, partake of this food, and so far as I know, there is no proper check over these refreshments, with the result that at times very bad refreshments are provided which has a very bad effect on the health of the workers. I think either in this legislation or in the rule-making power, Government should introduce a provision for issuing licences to these refreshment vendors or some responsibility should be thrown on the factory owners to see that good refreshments and healthy refreshments from the workers' point of view are provided. This is a suggestion which I would like to make on this occasion, and I would earnestly request the Member in charge to introduce this suggestion either in the rule-making power or in the legislation itself.

The third point to which I would like to draw the attention of this House is with reference to the note which my Honourable friend, Mr. Mody, has submitted. Since the last Session, I find that he has raised a battle-cry against the Indian States. He may have his just grievances, because the trade has been diverted from Bombay to some of these States. My friend has also raised a revolt even in this Bill by saying that similar provisions should be introduced in Indian States and that similar factory laws should be introduced there. I do not know what grievance my friend, Mr. Mody, has got. If the circumstances in the Indian States are such that the workers there get more facilities, I see no reason why Mr. Mody should complain about it and try to put any handicap in those cases. It is only very recently that some of these States are becoming industrially-minded—they are just introducing some industries in their States—which will have a great effect in the welfare of their subjects : their industries and factories are still in the stage of infancy, and I see no reason why the British Government, with a view to helping themselves,

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should try to introduce handicaps on the prosperity and progress of industries there. Besides, I find that the British Government at present have got no power of enforcing these laws in the Indian States. On the contrary, I do not think it will be proper to force any such legislation on the States. As I said already, some of these industries are just being introduced in the Indian States and they must have sufficient time to prosper, and we must see that more industries are introduced in these States. After all, the workers and labourers in these States will, after some time, be able to realise their own rights, and probably the rulers of these States will sufficiently guard the welfare of their workers. I do not, therefore, entirely agree with the view expressed by my friend, Mr. Mody, in his note attached to the Select Committee report.

As I have said, this is a most important piece of legislation which will go a great way to improve the conditions of the labourers. It is a general charge that the Indian labourer is unskilled, that he has no education, no sense of responsibility and no sense of duty, and, therefore, it is not proper to reduce the working hours. May I appeal to my friend, Mr. Mody, and ask him, who is responsible for this state of affairs? In Bombay and many other places, factories were started and mills have been working for a long time and no sense of duty has been created in any of these workers. I think it is the neglect of these millowners that they have not created a sense of responsibility and sense of duty in the workers, by neglecting their welfare. Up till now, the workers were treated as animals. These millowners and others never thought that the working classes had any human rights, that their interests and rights should be protected and guarded or that they had comforts which must be looked after by the millowners. But it is really a good indication that both the employers and the employees are now coming closer and closer, and both have begun to realise their responsibility. India has made a great advance in industry, but the progress of an industry depends upon a clear understanding of the two sections engaged in it, and India's industrial prosperity will only advance, when both the workers and the employers realise their responsibilities to each other, and also when the Government will be thoroughly nationalised. With these words, Sir, I really commend the work that has so far been done by legislation, and I heartily congratulate the Honourable Member in charge on his achievement that during his régime he has really made a great deal of progress by means of legislation in furthering the welfare of the labouring classes. Sir, I commend this motion for the consideration of the Bill.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muham-madan) : Sir, it is very gratifying to note that our Honourable friend, Sir Frank Noyce, has availed himself of the great opportunity that was awaiting him in his Department. This, like all other Departments in the category of nation-building Departments, has been starving, and few Honourable Members have given it the attention that it deserved. So many beneficial measures are awaiting decision. I am glad to find that in Sir Frank Noyce we have a very sympathetic heart which prompted him to bring forward legislations of such important character. He has pushed on many such measures during his short régime, but still there are a number of them requiring decision and action. In connection with this Bill, I admit that Sir Frank Noyce has definitely won over the capitalists and brought them down to 54 hours a week, but that is not going to

satisfy the labouring classes. I am sure they will not agree to this 54-hour week. My experience of labour in Bihar is that every factory owner is himself trying to satisfy the labour by giving them 48 hours a week. To my knowledge, even small factory owners in Bihar have been employing their labour for eight hours a day, with an hour's interval at midday. Sir, India is a hot country, and one cannot expect these labourers to do more work efficiently for a longer time. The more efficient you want them to be, the less time you should require them to work for. It is strict supervision that is required over the labourers of this country if they are to work efficiently. If the capitalists would not have more people to supervise labour and would not teach labour how to work hard, they will not get much out of longer hours. The longer hours will not benefit even the capitalists. Shorter hours with adequate supervision over the labourers is the one thing which will help both the labourers and the capitalists. I find that much has still to be done in this connection by the Honourable Member in charge of Industries and Labour.

The distinction that is sought to be drawn between one factory and another is also somewhat anomalous. I do not find any reason why a man employing labour in power-houses should be exempt from the provisions of this Bill. A man employing even ten persons in a power house has to look to the same principles of welfare of human life as a man employing a larger number of people in factories. That distinction will have to be removed some time or other. But constituted as this House is at present, we cannot expect to get better results than what our Honourable friend has been pleased to give us, and, therefore, we should be satisfied with what he has done, but it does not mean that we feel sure of the grounds on which we have been put. With these words, I don't oppose the consideration of the Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I need not repeat all the encomiums that have been expressed by the previous speakers. They are very well-deserved by the Honourable Member in charge of this Department. He has shown his broad heart by introducing a really good piece of legislation. But, Sir, when I say this, I do not say that there is no room for improvement in the Bill. My Honourable friend, Dr. Dalal, has laid down in a very fine speech this morning a number of principles which ought to be borne in mind when one is considering the improvement of the lot of the labourers. The factory labourers of this country had been up to this time a neglected body. Time was not far distant when they were required to work for 12 hours a day continuously, and in order to reach the factory they had to leave their homes before break of day and return to their homes one or two hours after sunset. In this way, at that time, it was said that the children of the workers did not know their fathers, because they could not see them in day time, and during the night time the children were in bed. When the period of 12 hours was reduced to 11 hours, a great howl was raised by the millowners and other employers and they prophesied that their industry would be ruined. But in a very short time they got themselves reconciled to the change and they found that they did not suffer in any way in the output of work on account of the reduction in hours. Now the period of 11 hours a day has been reduced to 10 hours. That too is a very long period no doubt, but the factory owners and the millowners of Bombay and other places raised their protest when the Government of India intended to reduce it to nine hours a day, that is, 54 hours a week.

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Now they have seen the wisdom of not opposing Government in this respect and they have given their consent, or at all events, they are submitting in despair to the inevitable. But, Sir, even nine hours a day is too long a period for the labourers. Dr. Dalal has explained the theory of individual fatigue. It is well-known that in a cold climate, persons can put on more hours in work without much fatigue than they can do in a hot climate like that of India. If in England and other Western countries 48 hours a week or even 44 hours a week is prescribed, much more is it necessary for India to have 48 hours work a week. But, now the present Bill lays down that the workers will be obliged to work 54 hours a week. As a step towards the goal, I think we may accept it with a protest and with a hope that in a very few years, Government will see the necessity of reducing the 54 hours a week to 48 hours a week or 44 hours a week. We know from experience how much time is wasted by every labourer in a Bombay mill. Although nominally the working day is of nine hours the labourer hardly puts seven or eight hours' work a day. He loiters a great deal because his physical power is of a very low standard and he cannot work continuously nine hours a day. So, even if the time be reduced to eight hours a day, I do not think there will be any material loss to the factory owner because then the one hour will be cut off from the loitering time.

An Honourable Member : They will go on loitering still.

Mr. B. V. Jadhav : They will not go on loitering, because they have to earn their wages, and generally the labourers in a factory are paid on piece work, and therefore the less they do the smaller will be their wages and they will suffer, and the labourer understands his interests very well not to do it. (Interruption.) The capitalists have always been claiming that they are the friends and protectors of the labourers, but the labourers have come to find out the hollowness of the pretensions of the employers. There are other matters also. There is the question of maternity benefits, and that too is a very good thing. It is very necessary that one month before delivery and one month after it a woman ought to get complete rest and if she has worked zealously during the previous period then her wages ought to be paid by her employer. In Bombay, that legislation has been passed by the local Legislature and it has been found very useful for the women workers in Bombay, and I am very glad that those benefits are to be extended to women workers in other parts of the country. I need not take the time of the House any further. I heartily support the motion that this Bill be taken into consideration.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The Bill is a great disappointment to me, not so much for what it contains but for what it does not contain, and this I should like to point out very briefly. Let me say at first that I do not represent labour, and they say, capitalists may exist, capitalists may go, but long live labour. They say, factories may exist, factories may die, but labourers must prosper. Nor do I represent the capitalists who say, labour may live, labour may die, but they must have a fat dividend. I represent neither the one nor the other, but I take a common sense point of view of the whole Bill. Let me first deal with what the Bill does not contain but which ought to have been in this Bill. The Bill provides for medical inspection, but according to Dr. Dalal, who unfortunately is not present now, this requires the development of a new science called anthropometry. Unless this particular science is introduced in the study of

medical science and men trained in it are brought into existence the whole of the medical inspection, according to Dr. Dalal, will be a mere farce. I do not take up the scientific point of view which my Honourable friend, Dr. Dalal, took, but let me take only the common sense point of view. Medical inspection is there, but it has not been provided who will be the proper authorities which will carry on the inspection, whether the inspection of an ordinary Hakim or Vaid or an ordinary sub-assistant surgeon would be sufficient, or whether each cooly and each labourer would have to get a certificate from the civil surgeon and pay him a fee of Rs. 15. Further it is not provided who will pay this amount. It is all right to talk about medical inspection, but when we come to details of its working, enormous difficulties would appear. These difficulties are being shoved on to the Local Government, but as was pointed out by Mr. Morgan, there is only one clause which is the co-ordinating clause, that is clause 80, and in this case each Local Government may go in its own way. One Local Government may accept a certificate of a Hakim or a Vaid, while another Local Government might insist that the certificate must be obtained from the civil surgeon of the place. And my Honourable friend, Dr. Dalal, says that whoever they may be, they will all be unfamiliar with the science of anthropometry because this particular branch of the science is not yet taught in our medical schools and colleges. Therefore it is not merely sufficient to prescribe medical inspection in such a brief manner in this Bill, and leave out all important details.

The second thing which has been avoided is the question of contractors of labour. Attention was drawn to it by the Royal Commission on Labour at page 23 of their report, and nothing has been mentioned in this Bill about overcoming the difficulty about the contractors of labour. In fact, the trouble is not so much about labour as about the contractors of labour, and there is no provision in this Bill about them. No rules are provided in this Bill to guide the actions of contractors. When I come to the contractors I will give a definite illustration. Again, there is no mention in this Bill of the very class of labour which are employed by, what I would call, the orphan department. I do not mean to refer to Mr. Mody's orphanage which I have previously described on the floor of this House. There is another department which I would call the orphan department, and that is the Railway Department. It is called orphan, not because it has not got a master, but because the master is so much engaged, on account of insufficient staff, with the work of another department, the Commerce Department, that he cannot find time for this department. The Railway Department is a department which is not looked after by anyone. I find that the Royal Commission on Labour had two chapters, that is, Chapter IX and X, on the employment of labour in Railways, but there is no mention of it in this Bill. Probably, my Honourable friend might say that, all this will be the subject matter of another Bill, a Railway Bill which will be brought forward by the Railway Board or the Railway Department. But from our experience of yesterday, I feel that the whole thing, if left to the Railway Board, would probably never be done.

It was pointed out on the floor of the House yesterday, and all my civilian friends will be shocked to hear, that in the Railway Department even the seniority list does not exist; and when I asked how long it would take to prepare a seniority list in the Railway Department, I was told that it would take a little

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less than an indefinite time. Now, my friend, Mr. Rau, is not here, he was a mathematician in his younger days, and I should like to ask, what is the period which is a little less than an indefinite period,—and I hope there is only one answer and that is that that period is also indefinite. My Honourable friend, Mr. Grantham, who is also a wrangler, will tell you—it is infinity. It means that seniority list will never be published. So this is really an important thing, that there ought to have been some provision in this particular Bill, about the employment of railway labour, because their condition is just as important as the condition of the labour in factories and elsewhere. The second thing about the contractors of labour which I said was that there should be a sound system of contractors for coolies on the railways,—and we know what that contractor system is. We know how much *begar* these coolies have to do. Now these contractors really charge the Railway Department for loading and unloading, and it is all really done by their own coolies, and nothing is paid for it. You will find this to be the case at Benares, and many other stations on the E. I. Railway. If an inquiry is made, I can supply ample information on this point. Now the important thing to which I should like to draw attention is that there is no mention in this particular Bill about the condition of labour in the Railway Department. There is one more omission—and it is agricultural labour. Now the factory labourer is comparatively much better off than the agricultural labourer. There is mention of factory labourers but no mention is made about the agricultural labourer whose condition I say is much worse. So these are a few points to which I draw attention. If I were to begin to mention in detail what the Bill does not contain, I am afraid I will have to go on for many days and as long as Members of the Assembly, and you, Sir, have patience to bear, but I would just draw attention to one or two defects of this particular Bill. Sir, there has been a good deal of discussion about the hours of work. There has been a regular pull between the protagonists of labour on one side and of capitalists on the other; and the whole thing was decided by the neutral and masterly mind of the Honourable Sir Frank Noyce, as has been admitted on the floor of the House. Sir, I think we could take another view of this whole question and that view is that we should utilise this particular problem in solving the problem of unemployment and this is one of the things we ought to do. We have seen that the Railway Department had to give forced leave of one month or fifteen days to their labourers in order that more people might be able to find work. Now if we could possibly have a less time with these labourers in order to employ a larger number of persons, it would help to solve the problem of unemployment. What we have to do in this case is that we should fix up locally, from the local conditions, the wages of a particular hour. Now the wages must differ in different towns, because the wages in Bombay cannot possibly be the same as the wages in a smaller town. But suppose we fix a wage for each hour according to the standard of living. It may be one anna per hour or two annas per hour and let us say that it will be 48 hours a week; then they will be paid for 48 hours. Similarly for 58 hours a week, they will actually be paid for 58 hours; and the Local Government by a consideration of the local conditions may simply fix up the wage of one hour; thus: one hour a week per month, multiplied by so many hours, in order to get a month's

wages. If this is agreed upon, I am sure all the labourers will come forward and say, "we would like to work longer hours," and the capitalists will say, "probably we will employ some other men with fresher minds". So if they are paid at the rate of working one hour a week and the wage being fixed locally and multiplied by the number of weeks they are willing to work, then the whole problem will be solved and the tug-of-war between labour and capital will disappear.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you accept that, Mr. Mody ?

Mr. H. P. Mody : Entirely !

Dr. Ziauddin Ahmad : In this particular case if labourers will try to press for 48 hours a week, they will find room for more work and that will help the problem of unemployment. If on the other hand the capitalists say, "no, they should work for 54 hours or 60 hours", though they may be putting more money into the pockets of a few persons, they will not be helping the problem of unemployment ; and so I think if we fix upon this idea that the wages should be fixed by local conditions and a particular amount should be fixed for working one hour a week per month and then multiply their wages by as many hours as they actually work, I am sure the whole fight between capitalists and labour about the hours of work will disappear and in fact the demand will be reversed. Labour will demand longer hours in order to demand more money and capitalists will say, "we will give you shorter hours in order to get fresher hands".

The next point to which I should like to draw attention is the enormous power given to Inspectors in this Bill. We know that the Income-tax Commissioner in the British administration has enormous powers. He listens to the appeals and practically he is the final authority and he can do whatever he likes and every person from the highest to the lowest is practically at the mercy of the Income-tax Officer.

Mr. Lalchand Navalrai : The Finance Member is not present now.

Dr Ziauddin Ahmad : But he will read my speech all right.

Now, they are creating a new post, parallel to the Income-tax Officer, called the Inspector of Factories. Practically now, in future the destinies of future factories will depend entirely upon this Inspector. Our trade, our industries, our arts will entirely be at their mercy. They can do whatever they please and there is very little room for any Bill of any kind. So we are now creating a very peculiar magnate in this Bill, with enormous powers.

Mr. B. Das : He is already there.

Dr. Ziauddin Ahmad : But we are giving him more power. We know what the boiler inspectors are, and we know what actually they do and how they trouble the persons who have not got influence of one kind or other, and we are afraid that if these Inspectors are created, they may hamper the smaller industries and particularly the cottage industries of our smaller towns ; they will hamper them so much that it will be impossible for them to flourish. We know the condition of the cottage industries in our smaller towns. Sir, they live from hand

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to mouth, they just get enough to keep themselves in existence : and if any extra burden is imposed by these inspectors, we will practically be doing a very great harm to these minor industries and they may practically in fact shut up.

Sir, the next thing to which I would like to draw the attention of the House is the new definition of factory. It is now supposed to be defined by the Local Governments under clause 5 of this Bill. The definition of factories has now been established. Every Local Government knows and everybody knows what a factory is. The factory is a place of manufacture which employs some kind of power, electric or mechanical, and employs 20 or more persons. This definition is an accepted definition. Now, it is proposed to give power to the Local Governments to give a new definition of the factories. That is to say, the factories may not use power at all or they may employ as few as 10 persons. I am afraid that this will very much affect the cottage industries in smaller towns. Every small industry usually employs some kind of labour and, at least on one day in the year, they may employ as many as 10 persons and, therefore, they will come under this particular law and will be so much hampered by the Inspectors that they will suffer enormously. Therefore, I appeal to the House that the definition of the factories which has been fixed by tradition and also by the Act of the Government should not be changed and should remain intact and the Local Governments should not be empowered to impose a new definition on the factories. There is one great apprehension which I have in my mind. We have passed the Sugar Bill already. There we have said that the sugar manufactured by the *khandsari* system, produced by factory system, will be taxed at half the rate, and the sugar which is not produced by the factory system will be exempted altogether. But if this definition of factory is altered as it is proposed to be altered, the United Provinces Government may give a new definition to a factory. It may say that a factory is a place of manufacture which is worked by hand and which employs 10 persons, and the result will be that the excise duty on sugar will be charged at the same rate as the sugar produced by the *khandsari* system worked by machinery. So, I am afraid that this new definition, which is being introduced in this Bill for an entirely different purpose, may be misused by Local Governments. I am very strongly of opinion, therefore, that this definition should not be altered as it has been definitely fixed and it is also understood by everybody.

Sir, the next point to which I would like to draw the attention of the House is that, as Mr. Morgan pointed out very clearly, they have left so much to the Local Governments that there might be a great diversity of opinion among the various Local Governments and we are afraid that the same article which is manufactured in different provinces in future, under different conditions, will seriously affect the progress of that industry in a province in which the conditions are not favourable. Therefore, in a case like this it is very desirable that there ought to be an All-India enactment. Now, the Government of India is very nervous in taking the responsibility on themselves, and, therefore, they are taking great pains to shove the responsibility on to the Local Governments. Now the conditions in different provinces differ, and we are afraid that the same thing will be interpreted and applied in a different manner in different pro-

vinces, with the result that the industries relating to the same article will be handicapped in one province and will prosper in another province. Another thing is that the provinces which have easy conditions for labour will attract labour from those provinces which have got more stringent conditions. Therefore, the movement of labour will be from province to province according to the nature of the enactment created by the province and will very much upset the balance of industries in India.

There is one other point which I would like to emphasise and that is the conditions prevailing in the Indian States. If the Indian States did not impose the same stringent conditions as we are imposing in British India, the effect would be that the labour would shift from British India to the Indian States. The capitalists will not open their factories in British India but in the Indian States and the difficulties will increase enormously.

Mr. S. G. Jog : Where is the harm if they go to the Indian States ? They are also part of India.

Dr. Ziauddin Ahmad : My friend says that there is no harm if they go to the Indian States, but he forgets the fact that unfortunately we have to pay the taxes and keep the Government of India going, and if our industry is shifted to Indian States, then our income-tax which is already very high will be further increased and there may be another instalment of 25 per cent. increase which my Honourable friend, Mr. Jog, ought to be ready to pay. If the conditions of manufacture become easier in Indian States than they are in British India, then I am sure our labour and our capital will be diverted from British India to the Indian States, and it is exceedingly desirable that, whatever conditions we impose upon labour in British India, ought also to be imposed on the labour in Indian States. No doubt on paper the Indian States differ from the British India but in practice they do not, because there are a large number of persons who have got interest in both and it is very easy for them to shift their interests from Indian States to British India. They are not like two different States in Europe but they form part and parcel of one country and that is Indian India.

Mr. G. Morgan : May I ask my Honourable friend a question as regards what he said about labour and capital ? Does he mean to say that labour is going to fly away because of the provisions of this Bill, when we are conferring more benefits on it ?

Dr. Ziauddin Ahmad : My point is that the conditions of labour, and, whatever legislation we may make, ought to be uniform for all the provinces and also for Indian States. If the Local Governments and the Indian States apply different conditions, then the labour and capital will gradually move to those places where the conditions are easier. Sir, these are the few points to which I wanted to draw the attention of the House at this stage and I will discuss these points in greater detail when the Bill is taken up clause by clause.

Before I sit down, I would, however, like to mention one point. And that is this. So long as there is a tug-of-war between labour and capital, it is impossible for the industries to flourish. We should now be able to find out a formula by means of which we can establish good relations between the capital and labour, and those of us who represent neither, like myself and my Honourable friend, Sir Frank Noyce, are in a position to establish good relations between them. Unless this is

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done, it is impossible to find a good solution either by means of an enactment or otherwise.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I feel that I ought not to allow the second reading of this Bill to go through without offering certain observations and making certain suggestions that have occurred to me not only in the course of this debate but on reading the report of the Royal Commission on Labour, on which this Bill is founded. Sir Frank Noyce has very rightly pointed out that, so far as this House is concerned, there is no difficulty in pushing through legislation of this character, but the difficulty lies in the House wanting more and more of legislation of this kind. This is really the attitude of this House. I think it ought to be quite clear in our minds that when we talk of legislating for improving the condition of labour, we cannot take the question as isolated from the question of the development of our industries. It would be a foolish fallacy to suppose that labour can benefit if the industries are crippled, and equally fallacious it would be for the industrialists to assume that they can carry on their business with profit to themselves or to the country, unless the condition of workers is improved and labour is made much more efficient than it is at present. We have heard repeatedly, on the floor of this House, statements made by employers of labour, that one of the causes of the depression, in so far as it has affected India, one of the reasons why Indian industries of certain categories are unable to compete with foreign countries, was that labour here is inefficient. Therefore the real problem is, as the Royal Commission has stated throughout its report, how to improve the condition of labour without in any way handicapping the growth of industries in the country. The two problems are so intimately connected that we cannot look at one aspect of the question without considering its effect on the other aspect. Let me here say that, when I went through the report of the Royal Commission on Labour, I was extremely impressed by the impartiality, the sound judgment with which Members of the Commission weighed every aspect of the very difficult and complicated problems before them. They have issued a report, which in my opinion, ought to be accepted in full by this House and by the Government. Throughout the report there is evidence, very prominent evidence, that they have not allowed any aspect of the problem to be ignored, they have tried not to be unduly sympathetic or lenient towards labour at the expense of factory owners. Their recommendations are extremely cautious and extremely well considered. Sir, the problem, as the Honourable Sir Frank Noyce told us, is of an extremely complicated character, and it is not possible for any one on the floor of the House, in the course of a debate, to do justice to all the questions that have arisen. We should, therefore, accept the recommendations of the Royal Commission, excepting those that can be shown to be evidently out of date or based on some wrong assumption of facts. Throughout the debate on this Bill, and bearing in mind the speeches made by the Honourable Member in charge on previous occasions, I do not think any one has pointed out in this House that any of the important recommendations of the Labour Commission are founded on a misconception of facts or that such recommendations must be treated as out of date or inappropriate having regard to new circumstances. Sir, I think that ought to be the general attitude of this House. The report of the Royal Commission is a voluminous one and, it

has dealt with so many questions in detail that, it would not be possible for anyone to do justice to them in the course of this debate. So far as this Bill is concerned, I join those who have expressed their cordial appreciation of the sympathetic attention which has been devoted to this important subject by the Honourable Sir Frank Noyce assisted by the officials of his department. I also agree that Mr. Clow, who unfortunately is not here, did extremely valuable work on the Labour Commission itself and I believe that the recommendations of the Commission were greatly influenced by him. As regards the Bill, it only touches one aspect of the problem, though a very important aspect, that is, the conditions in which labour is to be employed in the factories themselves. The report of the Royal Commission deals with many other connected problems which have to be faced, if you are really going to improve the condition of labour and at the same time its efficiency to the advantage of the employers. Sir, I have had occasion in this House, more than one occasion, to remark that our Government, which devotes so much attention to other matters, devotes very little attention indeed to problems affecting the general masses of the people. Here at least we have before us a report of a very important and authoritative Commission which deals with problems affecting a fairly large section of the general population of workers and if their recommendations were carried out by the Government in the spirit and the letter of the recommendation of the Royal Commission, we shall be advancing a certain stage in that social legislation which is now the feature of every country throughout the world, excepting our own. Sir, it was that which impressed me very much. If our Government, I do not say by this Bill alone, but by a number of Bills if necessary and, not only by legislative measures, but by acting in concert with employers and by giving necessary directions to municipalities and district boards, would see that the main recommendations of the Royal Commission were given effect to, then we should have made a very fair advance indeed towards the goal which every nation has in view.

I have a few words to say as regards some of these clauses of general nature, but before I come to them, I wish to draw the attention of Government to certain omissions that there are to be found in this Bill, and I hope, the Honourable Member, is going to assure us that, the other questions which have been dealt with in the report of the Royal Commission are going to be taken up by them as soon as they find it practicable. It is now more than three years since the Commission reported. I admit the report deals with questions of a difficult and complicated character and they could not be disposed of in a hurry ; but surely they have had sufficient time to consider these questions. The Royal Commission toured all round India, consulted Local Governments, local officials, non-officials, employers of labour, representatives of labour and came to their conclusions after considerable deliberation and consultation with the various parties interested, with the various persons who were in a position to throw light on the questions they had to deal with. In those circumstances, I do submit respectfully that, Government ought to be in a position now to tell us definitely, what are the recommendations which they accept and what are the recommendations which they are not prepared to accept, and give their reasons to satisfy us that the Royal Commission had gone wrong in any of those respects. My Honourable friend, Sir Frank Noyce, has told us that he first prepared a consolidated Bill and had it circulated, received voluminous representations and

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opinions from the parties concerned which he circulated to us, and then he had the Chief Inspectors of Factories in consultation, and that the Chief Inspectors also assisted the Select Committee in their deliberations. But I should have liked to hear from my Honourable friend, what are the important recommendations of this Commission which Government are not prepared to accept or whether they are still considering some of those recommendations and are only waiting to find time to embody them in the form of a Bill or to take such executive or administrative action as the case might require. Sir, I heard the Honourable Member's speeches on the two occasions when the Bill was introduced and when it was referred to a Select Committee. But he has not yet given us any information regarding the attitude of Government as to the other questions raised in the Royal Commission's report. For instance, I will give some examples. Take the housing problem, the housing of the workers. Whatever provisions there are in this Bill regarding provisions for health, sanitation and things of that character, they apply only to the premises of factories. I believe I am correct in that. This does not touch the question of housing the workers. Now the Royal Commission have made a number of recommendations on that subject some of which could be embodied in an enactment and the others could be carried out by the moral influence of Government exercised on the employers. As the Royal Commission points out, those employers of labour who have taken proper steps to house their workers, to initiate and establish welfare work for their benefit, have not lost by the efforts they have made, but improved their own position. In the report we find evidence that in quite a number of factories the owners have been doing excellent work for the benefit of the workers in the matter of housing them and in the matter of looking after their welfare generally. And they point out, and that is the impression I gather from the report, that as a matter of fact the local authorities and the Local Governments have not risen to the height of the occasion. They have not realised the responsibility that lies upon them although some of the employers have done so. They mention a number of factories and mills where excellent work is going on for the benefit of the workers. They point out that there is a triple responsibility in this respect, the responsibility of Government, the responsibility of the local authorities and the responsibility of the employers. My Honourable friend, Dr. Ziauddin, mentioned the case of the Railway employees. For that Government are directly responsible, but I find that the report points out several very important respects in which the Railway authorities have not done their duty by their workers as they are expected to do. As regards the local authorities, municipalities and district boards, I am afraid the Royal Commission have stated facts, and basing their conclusions on those facts, have condemned the local authorities generally; and they have also indicated measures which ought to be taken in order to meet those difficulties and shortcomings.

I should like to hear from Government, when my Honourable friend speaks next, what they are going to do in respect of all these matters. I am perfectly aware, and so was the Royal Commission, that some subjects, like public health and sanitation and matters of that character are in the charge of Local Governments. But surely if some of the local authorities have not proved equal to their duties, it is for the Central Government to see that sufficient pressure is put upon them

so that they discharge their duties properly. I do not say that this Bill itself should include all those provisions that may be necessary, but what we ought to be satisfied about at this stage is that the Government is alive to the fact that there are many things to be done by the local authorities, the Local Governments and the Government of India itself, in order to ameliorate the condition of labour. I am not one of those who want to throw all the burden on the employers. On the question of housing, no doubt, some responsibility does lie on the people who found factories and thereby attract large numbers of people to work there. There is also the responsibility of the municipality to make arrangements for sanitation and the supply of proper drinking water, to see that they are properly housed and that their health does not suffer as far as this can be provided for by the municipal authorities.

Then there is the Local Government and the Government of India. The question of housing is an all-India problem ; it is a problem which has been, and is being, tackled all over the world except by the Government of India. I have never heard any Member of the Government here get up and say that they have even been considering that problem. They say : " Oh, this is impossible in a country like India, with a population like India's." But the Royal Commission, which was also a very responsible body, a very authoritative body, which toured all round the country, considered all the evidence, saw the situation, knew the difficulties of the Government also, came to the conclusion that it is not an impossible problem to solve and that a beginning must be made. The general conclusion they have arrived at is that it is too often that commissions and committees make recommendations and that it is very seldom that the Government carry them out in their proper spirit. They lay down that it is perfectly practicable, perfectly feasible, for the Government to lay down a general programme which can be worked out, though not at once, but by gradual stages. I want to know and, I hope my honourable friend will tell us if the Government, after having considered the report of the Royal Commission, has formulated, or, they are going to formulate, any scheme of the nature which has been proposed by them.

The Royal Commission throughout its report emphasises the fact that nothing really can be done to improve the condition of labour, to improve the efficiency of labour, unless steps are taken by the employers to see that labour is sufficiently paid. In some factories, by some employers of labour, they are paid very fair wages ; but that is not the case everywhere ; and they point out, for instance, the case of the tea plantations in Assam, where it is very difficult for them to assess or ascertain what really the wages altogether amount to ; and they have suggested a board for that purpose. They have also suggested and said that it is quite possible to institute a board for fixing the minimum wages and they have suggested legislation, I believe, for seeing that there be not undue deduction of wages. They have pointed out, as my Honourable friend, Dr. Ziauddin, has stated, that too often, in too many places and in too many industries, the workers are paid through sardars and contractors. The result is that in many cases, in most cases, the workers do not receive their proper wages : a good portion of it sticks to the contractor or the middleman. They have also suggested a remedy for this : they have suggested that the middleman should be done away with and that a labour official should be appointed and they have suggested a way in

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which this could be done. I should like to know from the Honourable Member, whether he has considered these points also, and whether he is going to take any action in respect of these matters.

If I were to deal with all those questions, it will be impossible within the time at the disposal of this House to do justice to them ; but I have given just one or two instances of very important matters for which the Bill makes no provision whatever. It does not purport, I admit, to do that ; but all that I want to be satisfied about is whether the Government are going to take steps to give effect to all the important recommendations of the Labour Commission. If they are not, I think it is due to this House that the Government should tell us what are the recommendations which they are unable to accept. I consider this to be a very great opportunity for this Government, and, I do hope the Government will not allow this opportunity to pass without taking full advantage of it. Something has to be done for the masses, whose poverty, the Royal Commission says, is indescribable. They were horrified at the way these workers have to live ; they point out that the standard of living is so low that it is really idle to expect much efficient work from them. They point out that all this can be greatly ameliorated, but so far as this Bill goes, it only provides for certain matters within the factory itself. If my Honourable friend will tell us what the attitude of the Government is in regard to the other matters, I for one at least will know how the position lies.

As regards some concrete questions that have been raised in the course of this debate, the question of hours is undoubtedly one of some difficulty. My own opinion is that 54 hours is too long. That is to say, a worker has to work continuously for 4 or 4½ hours, then he will have rest for say an hour, and then again he will have to work for another 5 or 4½ hours. As my Honourable friend opposite has pointed out, labour is not a machine. You cannot tax it beyond a certain limit. That nobody can deny, and after a worker is exhausted, the employer cannot expect from him anything more when his capacity for work has declined. But I am prepared to accept the recommendation of the Royal Commission. I am not prepared to put my own personal opinion against the conclusion arrived at by the Royal Commission after taking full evidence and after taking all the manifold facts into consideration, and their conclusion is that, at present and having regard to the circumstances of this country, it would be rash to reduce the hours of work beyond 54 hours. I am prepared to accept that conclusion, but if I accept a conclusion like that against my own personal judgment, I do so in deference to the fact that the Royal Commission had an advantage which I do not possess. It is, therefore, only fair for me to ask that, under those circumstances, the other important recommendations of the Royal Commission should be accepted by the Government in their spirit.

My friend, Mr. Mody, in the course of his speech, stated that the proposals of Mr. Joshi and others were of a revolutionary character. So far as I remember, Mr. Joshi differed from the majority of the Commission on the question of the hours of labour and also in one or two other matters of detail. Sir, I do not consider that the reduction of hours to 48 hours would be revolutionary. My own belief is that the employers will gain by it, because efficiency will be increased, and it will be a short-sighted policy to keep the efficiency of labour in this country at its present

low level, because in the long run, if labour continues to be so inefficient, it will be impossible for the industries in this country to compete with those of foreign countries. Here I wish to make one remark as regards the apprehension that has been expressed that if the provisions of this Bill and the other recommendations of the Royal Commission are enforced in British India, then the industries may migrate to Indian States. My Honourable friend, Mr. Jog, said, "well, what harm is there if this does happen?" I think it has been properly pointed out to him that the revenues of British India will suffer, but there is another answer to this, that those who think that by improving the conditions of labour in British India the factories will suffer, they are under a misapprehension. If that was so, it would be very difficult to support this Bill or the other recommendations of the Royal Commission, because, if the industries suffer, labour necessarily must also suffer. If the conditions of labour improve, then, as the Royal Commission has found and which finding I accept entirely, labour's efficiency will also improve. The industries will not suffer, but they will gain immensely, and the Commission have given instances where certain factories, by looking after their labour much more carefully than the other factories, have in fact improved their own position, they are in a far more prosperous condition than those industries which are apprehensive of doing anything for their labour.

Sir, I wish now to draw the attention of my Honourable friend to some of the general features of the clauses. It seems to me, as has been pointed out by my friends, Mr. Morgan and Dr. Ziauddin Ahmad, that the Local Government has actually been given a sort of *carte blanche*. Factory legislation is an All-India legislation, and I believe the Round Table Conference and the Joint Select Committee came to the conclusion that labour ought to be a central subject with concurrent powers of legislation in the provinces.....

[At this stage, Mr. Amar Nath Dutt was observed walking across the floor of the House.]

An Honourable Member : Order, order.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : No order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not walk across the floor of the House.

Sir Abdur Rahim : I do think that the clauses in the Bill, at any rate in all essential matters, should lay down the law definitely, without giving any discretion even to the Local Governments whether to apply the law to any particular factories or not. I shall point out those clauses when they are discussed. Again, the Chief Inspectors who will certainly be responsible for administering the Act, they have been given very wide discretion. The general feature of that discretion is this. If a Chief Inspector finds out and comes to the conclusion that, for instance, a factory is not adequately ventilated, he is not compelled even then to enforce the Act against that factory. The Bill says, he *may* do so. I do not know whether in cases like that, the Government really intended that the discretion should be given to the Chief Inspector or not. It may be said that sometimes 'may' is interpreted by the Courts as 'shall', but as the clauses stand here, there can be no doubt that in spite of the Chief Inspector coming to the conclusion that certain things are necessary,

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certain provisions have to be made by the factories in order to carry out the intention of the Act, still he will have a discretion whether to apply the Act or not. I will give one or two instances. Take, for instance, clause 14, sub-clause (3) :

“ If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation, or inhalation could be prevented by the use of mechanical or other devices, he may serve.....”

Now, I ask if the Inspector finds as a fact that this is happening

4 P.M. in a certain factory and it can be prevented, why should he have any discretion in the matter at all ?

I say no officer ought to be given a discretion like that. I can understand the Inspector being responsible for finding what the facts are and even what is feasible. I concede so far as that, but once the Inspector has come to the conclusion that certain factories are not complying with certain provisions and there is really no reason why they should not comply with those provisions, why should he have any discretion at all whether to apply the Act or not ? Take, the next one, clause 16 :

“ If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Local Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve.....”

I submit that this is absurd. I feel almost certain that that could not be the intention of the Government. When the Inspector has found all the facts against the factory, why should he have any discretion ? Take another clause 17, sub-clause (2) :

“ If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted.....”

Here, again, “ may ”. I can go on giving clause after clause where “ may ” appears instead of “ shall ”. It is absolutely wrong legislation. If a judge, for instance, finds that facts are in favour of the plaintiff or in favour of the defendant, is it to be suggested by the Government of India that the judge has a discretion to refuse a decree to the plaintiff or to dismiss the case ? Most certainly not. I venture to think that perhaps it was an omission, or perhaps the draftsman thought that the word “ may ” may be interpreted as “ shall ”. I know, as a matter of fact every lawyer knows, that the word “ may ” is sometimes interpreted as “ shall ”. But why put this onus on the Court ? I say that in these clauses the Court will have to interpret “ may ” as giving a discretion to the Inspector. I do not wish to dilate on the other provisions of the Bill. I do hope that matters of this kind Government will be good enough themselves to take into consideration, apart from any amendments which may have been put in or not.

As regards the Local Government, I do say again that this is a matter of an all-India concern, and if you run through the Bill, you would find that in most cases it is really left to the discretion of the Local Government whether a certain factory should have the Act applied or not. This sort of power to draw invidious distinction between factory and factory ought not to be given. If the facts are there, the law is there,

and why should you give discretion to any Local Government, which means, of course, certain officials of Government,—it may ultimately turn out to be the Chief Inspector himself,—whether to apply the law or not? It will come to this, that the factory owners, at any rate a good many of them, will simply crowd the secretariat with applications pleading: “Here are special difficulties why the Factories Act should not be applied to our factories”, or they will go to the Chief Inspector and put pressure on him and try to persuade him by any means in their power that such and such provisions of the Act should not be applied. I do think that to create such a situation is not fair either to the Local Government or the Chief Inspector of Factories, nor is it fair to the factory owners themselves. There will be unhealthy competition among the factory owners for winning the favour of the Local Government and of the Chief Inspector, and I strongly protest against such competition being introduced.

The Honourable Sir Frank Noyce : I am glad to find from the eloquent speech which the Leader of the Opposition has just delivered,—I wish I possessed a small portion of his eloquence,—that he shares with us on these Benches a very sincere admiration for the report of the Royal Commission on Labour and that he is as anxious as we are that the recommendations of that Commission should be implemented as far as possible and as quickly as possible. But, Sir, it came to me as a great shock to find that he thinks we have done nothing in the direction of implementing those recommendations and that he feels he has no information as to what we propose to do. In spite of his eloquent appeal, I do not propose this afternoon to accept his invitation to review the whole field of labour legislation. There are 375 recommendations in the report of the Royal Commission, and if I were to explain to this House what is happening in regard to those recommendations, what we think about them and what Local Governments think about them, what we have done to carry them out and what Local Governments have done to carry them out, what our difficulties are and what the difficulties of Local Governments are, I should keep this House for the rest of this afternoon and for the whole of tomorrow.

Sir Abdur Rahim : Can we have a written statement from the Government showing what recommendations have been accepted and what recommendations have not been accepted?

The Honourable Sir Frank Noyce : I am coming to that. I was just going to say that there is the less necessity for my making that explanation to the House, in that the House will find in its own Library, placed there quite recently, the Second Report on the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India. Here it is. It is a document of some 114 pages, and I shall be very happy to send to my Honourable friend, the Leader of the Opposition, a copy of it for his perusal.

Dr. Ziauddin Ahmad : Will other Members also have a copy?

The Honourable Sir Frank Noyce : I shall be glad to have a copy sent from my Department to any Member who desires to have one.

Mr. Lalchand Navalrai : I shall thank you for one.

The Honourable Sir Frank Noyce : I am very glad to find that Honourable Members take such an interest in it.

Sir Abdur Rahim : I have never suggested casting any reflection but we wanted to know what were the recommendations that the Government have actually accepted. What has the Honourable Member done to carry out the other recommendations ?

The Honourable Sir Frank Noyce : I accept my Honourable friend's assurance ; I never thought for a moment that he was casting any reflection on myself or on my Department. But I am sorry that this report has not come to his notice before. I do think that our legislative programme, in regard to labour, is one on which we may look with some satisfaction,—I do not say, I am very far from saying, complete satisfaction. This is the third measure I have brought before this House which I think may be described as being of first-class importance. There was the Assam Tea Districts Labour Bill,—my Honourable friend specially mentioned the case of Assam, so I would draw his special attention to that,—there was the Workmen's Compensation Bill,—both of them now Acts,—and there is this Bill which, if I may say so, covers no small part of the field covered by the recommendations of the Royal Commission on Labour. Then there were two other smaller Bills—the Pledging of Child Labour Bill and the Land Acquisition (Amendment) Bill. The mention of the latter Bill brings me to one important point raised by my Honourable friend, the Leader of the Opposition, the question of housing. I doubt myself if there is very much more that the Government of India could have done in regard to housing than we did in that Bill by which we made it easier, by an amendment of the Land Acquisition Act, for employers to get land for housing schemes. I cannot but wonder whether, if the Government of India were to bring pressure to bear on municipalities, district boards and the like to go ahead with housing schemes for labour, my Honourable friend would not accuse us of undue interference in a provincial transferred subject and say that it is no business of ours at all. That is the difficulty ; my Honourable friend knows our limitations in regard to provincial transferred subjects, as well as I do, and that we have to leave matters of that kind to the good sense of the Local Governments. I can only assure him that we shall continue to go ahead as rapidly as we can with the recommendations of the Royal Commission on Labour. He knows that in Mr. Clow, the Joint Secretary of my Department, we have in the Department a member of the Royal Commission who has lost none of his enthusiasm and that, even if I were to show any signs of being listless in these matters, which I hope the House will agree that I have not so far shown, Mr. Clow would keep me up to the mark. I may mention that we have another Bill which has been introduced in this House,—the Bill to regulate the payment of wages. It is a Bill on a subject to which my Honourable friend referred. We shall go ahead with that as soon as possible, but I do not propose to make any further motion in regard to it this Session for I must frankly confess that the criticisms which we have received in regard to it, when it was circulated for opinion after introduction make it inadvisable that it should go to a Select Committee in its present form. I hope to take advantage of the interval between this and the Delhi Session to get it into a form in which it is more likely to be acceptable to the House. I trust that I have answered the Leader of the Opposition to his satisfaction, if not to his entire satisfaction, and that he is convinced that we really mean what we say in this matter and that we will do what we can to get on as fast as we can with the recommendations of the Royal Commission. There are very few of them with which we disagree. I think that my

Honourable friend will find sufficient explanation in this pamphlet to show why we disagree where we do disagree, and I may explain that this is an annual production and that it affords Members of the House an opportunity for seeing what we are doing and for keeping us up to the mark. I do not propose to follow my Honourable friend, the Leader of the Opposition, into his excursion into constitutional problems. Both he and Dr. Ziauddin Ahmad appeared to think that we were creating a Frankenstein which will destroy us in that we are giving Local Governments and Inspectors of Factories far too great powers. Well, Sir, all I would say in that connection is that we are merely following the existing Act. Local Governments get no more powers in future than they have done in the past except, of course, where some new fields of activities have been introduced, and there they get the same powers in regard to the fresh field that they have in regard to the existing one ; that also applies to the Chief Inspectors and Inspectors, though in some ways we have, I think, improved the procedure in regard to appeals from Inspectors to the Local Government.

Sir Abdur Rahim : Does my Honourable friend wish to retain the discretion that has been given to the Chief Inspector ?

The Honourable Sir Frank Noyce : There again we are following the existing Act, which, so far as I know, has worked satisfactorily. If there had been any objection to the discretion which vests in the Inspector in the existing Act, I cannot but think that the point would have been brought up in the Select Committee where we could have thrashed out the question. It was not mentioned by anyone in the Select Committee and I think, therefore, that it may be taken from that that the provisions of the existing Act have worked satisfactorily in this respect and that there is no necessity to change them. As regards the other criticisms of the Bill made by Honourable Members opposite, these appear to me to fall into two classes. The first class consists of those which are covered by amendments which have been brought forward to the Bill. I do not think I need say anything very much about them now because I shall have an opportunity of dealing with them when we come to deal with the amendments. The second class consists of criticisms which are not covered by amendments which have been brought forward and, for that reason, I do not think I need say very much about those either. My Honourable friend, Dr. Dalal, gave us a most interesting lecture on the medical aspects of health in factories. In pressing that maternity benefits should be included in the scope of this Bill, he has, I think, overlooked the fact that those are dealt with in his own province by a separate Act,—the provisions of which have recently, I believe, been adopted in the Central Provinces. It would, I feel, be a mistake to include questions of maternity benefit and also of education, as both he and my friend, Dr. Ziauddin Ahmad, also wished to do, in a Factories Bill. They are much better dealt with in separate legislation. Some, at any rate, of the other suggestions put forward by Dr. Dalal have, I think, much to commend them and I have no doubt that, as we progress in this country, and as the science of anthropometry is developed, they will be duly considered when future amendments of the Factories Act come up for discussion. There is a series appearing in England at the moment entitled "If I were a Dictator", and I could not but feel, when Dr. Ziauddin

[Sir Frank Noyce.]

Ahmad was speaking, that he had been invited to contribute to that series and that he was giving us an advance chapter of his book. He expressed great disappointment not at what the Bill contained but what it left out. I was a little surprised at that for it seemed to me somewhat inconsistent with the amendments he has on the Agenda suggesting that certain clauses of the Bill should be omitted, one of which gives the worker a weekly holiday. He also wanted the clause giving Local Governments power to extend provisions of the Act to factories which employed ten persons omitted and he seemed to think that, by including that clause in the Bill, we were introducing some new principle and that we were out to destroy cottage industries. Well, Sir, I can only say that, if my Honourable friend had studied his papers as thoroughly as he must have done in the old days when he was at Cambridge and when he attained the high reputation as a mathematician that he now possess.....

Dr. Ziauddin Ahmad : I read just as carefully every paper that comes to me.

The Honourable Sir Frank Noyce : Then I can only say that the Honourable Member does not read as effectively, for if he had looked at the existing Act, he would have found that the power taken in the Bill to extend the provisions of the Act to factories employing ten persons is a mere repetition of the existing Act.

Dr. Ziauddin Ahmad : The existing Act was not supplied to me.

The Honourable Sir Frank Noyce : I will read to the Honourable Member the provisions of section 2 (3) (b) of the existing Act, which run thus :

“ Factory means any premises wherein, or within the precincts of which, on any one day in the year, not less than ten persons are simultaneously employed and any manufacturing process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory.”

Dr. Ziauddin Ahmad : Will you send me a copy of the existing Act ?

The Honourable Sir Frank Noyce : By all means. It is, Sir, merely a question of re-drafting. We have re-arranged the Bill and we have, instead of including the small factories in the definition of ‘ factory ’ allowed the Local Government to extend the provisions of the Act to them in another clause. There is nothing fresh there at all.

Then, Sir, my Honourable friend, Dr. Ziauddin, wanted us to deal with the recruitment of labour in this Bill. If he will look at the title of the Bill, he will see that it deals with labour in factories. I do not know how far it is possible to deal with recruitment of labour into factories by legislation. That is a matter which would require close study and I must confess that I do not recollect all that the Royal Commission on Labour recommended in regard to it. But here we are dealing with the labour which is inside the factory and we do not purport to do more than that. My Honourable friend also referred to labour at railways. The position there is that, if railway workshops come within the definition of factories, they stand in exactly the same position as any other factory. He seemed to be under the impression that they are being completely and entirely left

out of the scope of this Bill. That is not the case. They stand on exactly the same footing as every other factory. And, if they do not come within the definition of factory, then they do not come within the scope of this Bill.

My Honourable friend, Mr. Mody, raised the question of Indian States with possibly to him somewhat surprising results. His suggestions in that direction did not attain such a common measure of agreement as he might perhaps have expected. I can only say that, as far as the Government of India are concerned, we shall examine the question and see what, if anything, can be done. I am glad to find that my Honourable friend himself realises that the question is a difficult one.

I do not think I need say any more except to thank the House for its reception of this measure. I should like to divest myself as speedily as I can of by far the greater portion of that which has been given to me but is due to others, credit for this Bill goes to some one else. In bringing it forward in this House, I have merely carried on the good work inaugurated by my predecessor, the present Leader of the House, in implementing the recommendations of the Royal Commission on Labour. In the preparation of the Bill and its passage through the Select Committee and also, as I hope, in due course through this House, I have to acknowledge the great assistance given by my Department and especially by Mr. Clow, by the Chief Inspectors of Factories and last, but very far from least, by the Select Committee. I have no doubt that in due course I shall also have to thank the House.

Mr. B. Das : May I just ask a question of the Honourable Member ? Does my Honourable friend accept the two formulæ about unemployment which were suggested by Dr. Ziauddin Ahmad during the course of his speech ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 2 stand part of the Bill.”

Mr. Lalchand Navalrai : Sir, my amendment to clause 2 (j) runs thus :

“ That in clause 2 (j) of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

Sir, with regard to this clause, while I was speaking generally upon the motion that the Bill be taken into consideration, I said and I repeat it now that, unless and until this Bill is extended to benefit those factories also where there are less than 20 men working, it will not be said that the whole benefit has been taken by workers. Now, Sir, many words are not necessary to convince the House especially in view of the fact that the Select Committee itself has in clause 5 given power to the Local Government to apply this Bill to those factories where there are ten or more workers. Therefore, as this Bill is a Bill from the Central Government why should we not legislate from the very outset that the definition of a

[Mr. Lalchand Navarai.]

factory would mean a place where there are ten and more people working. I think it will not be denied that if there are even small factories working on the same principle and with the same power and with the only difference that there are lesser number of men working there, why should not the same benefits be given to the workers there. The Bill is being enacted for the benefit of the workers. Why should you make that invidious distinction when they are doing the same work and when they will be exposed to the same dangers which the workers in factories where there are more than 20 persons will be exposed to. For instance, the working hours. They are working with the same power, and the employers, not being bound by this Act, might increase the number of working hours and take more work from them and then the advantage which this Legislature wants to give to the workers will not be fulfilled at all. Therefore, I think it is very necessary that the scope of the Bill should be extended, and, with that view, I have tabled this amendment. On this point three Honourable Members have put in their Note and they are of the same opinion. I do not understand why this provision should be left in the hands of the Local Governments to implement. It has been suggested, in the speeches that were made today in the House, that the Local Governments might not exercise their power properly and they might do it on a different system. There is that fear and why should we leave to the Local Governments to work this Bill in a different way and not in a uniform manner. A labourer is a labourer in every province. He has to work for so many hours in every province and why should we allow that the Local Governments may make different provision. Properly speaking it is the duty of this Legislature to enact a provision such as the one suggested in my amendment, because if we leave the definition so loose and leave it to the Local Governments to decide, I submit the very object of the Bill will be defeated. I therefore submit that it is very necessary that this amendment should be accepted.

The next point raised by some Members is, that I am increasing the expenses for the employer in a small factory by making him amenable to this Act. Even in a small factory, the question of expenses should be no consideration, where there is danger—the factory working by power. Why should we not make provision to cover the risk in that factory? Therefore, the question of expenses should not stand in the way of this provision being made in the Bill. In these days of progress, these factories, specially where there is some danger, ought to be regulated and if the regulation is going to be made in the way in which this Bill is going to be passed why should not the small factories be also regulated. It seems to me that the very fact that you have put in clause 5 shows,—and even the Honourable the Mover of the Bill has accepted it,—that this Bill will apply even to small factories. That being so, why should the power be given to the Local Governments. I would request the Honourable Member to take into serious consideration this amendment. Even now there are small factories and inspectors for them. I see the work is not going on so regulated and not so very well as it ought to be. Under the present Bill when it is enacted into law, I expect the Government is not going to appoint Inspectors of the nature we have now. The question of boiler inspectors has been commented upon by Dr. Ziauddin and I do join hands with him. I know the boiler inspectors are harassing the factory people. Therefore, the idea should be—and I hope it is also the idea of the Honourable the Mover of the Bill—that

there ought to be responsible inspectors, and, in that case, why should it not be that these small factories also should be under the guidance of these inspectors. The employers may play any prank and nobody would check them. Considering it from all points of view, I need not detain the House on this amendment. I have already said on the general discussion and I have repeated my reasons and I see that this has a very salutary effect which the Central Legislature should take into their own hands and define once for all what a factory is. I know that the numerical strength of the House is such that I am not sanguine about the passing of this amendment. But I have every hope that the Honourable the Mover of this Bill, who has been sympathetic, and who has explained certain things in the Select Committee to the satisfaction of the other side, I hope that the Honourable the Mover will be sympathetic on this point also and I appeal to him to accept the amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 2 (j) of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted. ”

The Honourable Sir Nripendra Sircar (Law Member) : Sir, before this House accepts the amendment which has been moved by my Honourable friend opposite, I would beg of them to consider one aspect of the result of the amendment being carried. My Honourable friend started by saying, why this invidious distinction between ten and twenty ? Why not change twenty into ten ? May I follow that process and say why this invidious distinction between ten and nine, why not make it nine ? Why not proceed a step below and make it eight ? Therefore the question is we have got to take some reasonable figure and we cannot proceed by that kind of argument. The result of the acceptance of this amendment will be that many a small struggling cottage industry which need not come and are not intended to come within the operation of this Act at all will be strangled or in any case seriously embarrassed. If I may give a concrete example, Honourable Members will find that a clerk is not included within the definition of a worker. So we need not consider the question of clerk who is working separately. But consider a case and I am giving you one from my own experience. I know that some people, three or four brothers, helped by a cousin, carry on the manufacture of ink and they do use to a small extent some kind of power.

Mr. Lalchand Navalrai : But a very harmless power, I believe.

The Honourable Sir Nripendra Sircar : That depends upon how you use it. These four or five brothers, they have not got much staff, but they must have a sweeper to clean the place and if you look at the definition, the sweeper who cleans the premises is roped in by the definition. Therefore, the sweeper counts as one. He has got to keep some *durwan* for taking care of the manufactured goods and necessarily if you want to keep watch for twenty-four hours, you must engage more than one *durwan*. Probably for carrying his goods to the depots for sale, he keeps in the compound somewhere a car with a driver and a cleaner and that makes up ten and they will all be roped in by the definition. I am not complaining of the definition, but I am pressing upon Honourable Members to consider this, that if you make this figure so low as ten, the result will be that very small industries which cannot be described as nothing but cottage industries will come under the operation of this Act. The work of the inspectors and

[Sir Nripendra Sircar.]

of the authorities will increase inordinately, while the object gained, in many, if not in most cases, will be what is not desirable, and was never intended. Surely that is not the intention of the framers of this Bill. I submit, therefore, for your consideration that twenty is a reasonable number.

Mr. Lalchand Navalrai : Sir, if the Honourable Member will excuse me.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

The Honourable Sir Nripendra Sircar : I would have been very glad, Sir, to answer the question of my Honourable friend if you had kindly given him an opportunity to put it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may put his question.

Mr. Lalchand Navalrai : I am thankful to Sir Nripendra Sircar for giving way to my question. If the number ten is not such as would make the factory of the kind explained by the Law Member, why is it that the Local Government has been given power to allow that factory of ten to come under the definition ?

The Honourable Sir Nripendra Sircar : I should have thought that the reason is obvious. I have taken an example which is very near one limit. If you proceed further away from the border line there may be cases where the employment of ten men may be very similar as regards its effect and so on as the example of twenty. In the example which I gave, really the ten was made up of men like the sweeper, the *durwan*, the chauffeur and the cleaner of the car. But there may be another case where there may be ten people using power and working in a room, under certain conditions, which ought to attract the Act. Therefore, a certain amount of latitude, which has been given, is but proper ; and the more the framers of any legislation propose to specifically lay down with minutest detail the conditions for applicability of certain sections, the greater will be the difficulties later on.

Then, I heard something further about Inspectors. About Inspectors I find that there are two cross currents. With our desire to help the labourer we are glad that this is being introduced. At the same time, in the minds of some of the Honourable Members, there is a fear that we are creating officials who will have some power. These two opposing forces have got to be balanced. If the labourer has got to be helped, the Inspector must come in. Somebody must exercise the powers given under the Act for the benefit of the labourer. I do not desire to take the time of the House further on this question, but the sole question is whether the number 20 should be reduced to ten. I think that the Select Committee has gone into the matter carefully and a great majority of them have come to the conclusion that twenty is the proper number and they had the benefit of consultation with people like Inspectors and others who were competent to give them advice. I, therefore, oppose this amendment.

Mr. Abdul Matin Chaudhury : Sir, the Honourable the Law Member has asked that if we reduce the number to ten, why not to eight, or nine or seven, and so on ? It may surprise the Law Member to know that originally, when the first draft of the Factories Act was made, they

included in the definition of factory only those premises where manufacturing process was carried on, quite irrespective of the number of persons employed. So there is nothing absurd in suggesting that the number should be reduced from 20 to 10. The Law Member has said that many of the struggling industries will be embarrassed. The purpose of this Act, Sir, is to confer some benefit on the factory workers and not to make the position easier for the factory owners. That is only because the Factory Inspectors, in their evidence before the Royal Commission on Labour, strongly pressed that in the smaller factories the conditions are more deplorable than in the bigger factories and these smaller factories require stronger supervision than is necessary in the case of the bigger factories. It is only for this purpose of roping in all the smaller factories that we have suggested this amendment.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose the amendment. I was surprised at the modesty of my Honourable friend, Mr. Lalchand Navalrai, in choosing the number ten. I thought he would give up the whole number and say, "any place where any manufacturing process is carried on by means of power should be a factory". That would be the perfect logic of the arguments of both my friends, Mr. Lalchand Navalrai and the Deputy President. They want all factories to come under the Factories Act, namely, any place where any manufacturing process is carried on by means of power. The ordinary man, who grinds flour in a shop in Calcutta by means of electricity, should come in and his small shop should be considered a factory. He shall have to keep and engage a medical man to look after the health of himself and others, whoever those others may be, and he has to keep a space for the rest-time use of the members of the factory and so on. So it would be ridiculous if we take the matter to its logical conclusion. The number twenty is a decent number where we have to take into account the health of twenty people. And I should have thought that having regard to the condition of industry in India the number should have been more. Sir, we want small industries. We do not want big industries which my Honourable friend, Mr. Mody, is capable of conducting. But so far as Bengal is concerned, we are content with the small industries which are growing apace. For instance, three or four persons who are chemists, graduates of the University, have opened a small factory and probably two or three coolies are engaged there for the purpose of carrying their commodities. Is that to be considered a factory ? How are we to go on if these small factories are to be treated in exactly the same manner as factories where about ten thousand people are employed ? Sir, in these circumstances, I oppose this motion.

The Honourable Sir Frank Noyce : Sir, I have considerable sympathy, as had the Royal Commission on Labour, with my Honourable friend, Mr. Lalchand Navalrai's amendment. The Royal Commission, in fact, suggested a general extension to unregulated power establishments of a few sections of the Factories Act. Local Governments retaining the power to apply selected provisions of the Act other than those automatically applied. Our provision is permissive and not mandatory as my Honourable friend, Mr. Lalchand Navalrai, would like it to be. The real difficulty in the way is not the question of strangling the small cottage industries,—an aspect on which my Honourable colleague.

[Sir Frank Noyce.]

the Law Member, laid stress yesterday,—but the financial difficulty. The Royal Commission knew, as we do and as the House does, that the effective application at this stage of the Factories Act, to unregulated power establishments and to establishments not using power, would involve serious practical difficulties. The difficulty, as I have said, is really a financial one. There lies the trouble. We realise that there are many of these small factories in which conditions are very far from being what they should be and that it is desirable that those conditions should be improved. But,—and this is the objection to the Royal Commission's recommendation,—if you are going to extend a few sections of the Act to these factories, you must have inspection, and, if you are going to have inspection, you might as well extend all the provisions of the Act as we have given the Local Governments power to do. Automatic extension at this stage would mean placing a very heavy financial burden on Local Governments. They will probably, in any case, have to increase their staff to carry out the provisions of this new Act, which involves, as the House knows, a very considerable addition to the existing duties of that staff. To add to them, the inspection of small factories would be placing on Local Governments a burden which we know that their finances cannot stand, and that is the reason why we have left the matter to the Local Governments themselves. As their financial conditions improve, and as they are in a position to strengthen their staff and, above all, as and when public opinion in the province impels them to the regulation of these small factories, they will have power under the Act to bring them into the field of inspection of the factory staff. It is mainly, almost entirely, a financial question. That is the reason why I regret that I am unable to accept my Honourable friend's amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 2 (j) of the Bill, for the word ‘ twenty ’ the word ‘ ten ’ be substituted.”

The motion was negatived.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 4 stand part of the Bill.”

Mr. Abdul Matin Chaudhury : Sir, I move :

“ That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

This Bill divided factories into two classes, seasonal factories and non-seasonal factories. The importance of this division comes in here, because in the case of seasonal factories the working hours have been fixed at 60-hours a week, while, in the case of non-seasonal factories, it has been limited to 54-hours. The Royal Commission recommended that those factories which do not work more than 180 days in the year, that is, more than half the days in the year, shall be classed as seasonal and others as non-seasonal factories. The criterion that they lay down was whether the factories worked for 180 days in the year or more. This is

significant, because the discretion lies in the hands of Local Governments to declare, whether a certain factory is seasonal or not. What we suggest is that no discretion should be left in the hands of the Local Government. What is left optional with the Local Government should be made obligatory because the Labour Commission never made any suggestion that this matter should be left to the discretion of the Local Government. I therefore move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

The Honourable Sir Frank Noyce : Sir, I regret that I am unable to accept this amendment. I would, in the first instance, invite the attention of the House to the wording of the proviso which says :

“ Provided that the Local Government may, by notification in the local official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.”

I would invite the attention of the House specially to the word “ ordinarily ”, and ask how it is possible to reconcile it with the word “ may ”. It is quite obvious that the word “ ordinarily ” gives the Local Government considerable discretion even if you substitute “ shall ” for “ may ”. The Local Government has still to interpret the word “ ordinarily ”.

To come back to the merits of the case, the real object of this proviso is to provide for hard cases. There may be a case in which the factory,—a tea or rubber factory,—is working for 181 days in the year, and it does seem a little unreasonable to differentiate it from one next door which works for 179 days in the year. I am quite prepared to undertake, in addressing Local Governments, to point out what we are aiming at. We will call their attention to the intention which underlies this clause and ask them to use it with discretion. I may mention for the information of the House that there has been considerable opposition to including tea and rubber factories in this class at all. That opposition, I am glad to see, has not taken the form of an amendment,—but I do feel that it is not desirable to make conditions any more difficult for that class of factory than they will be under the clause as it stands at present. For these reasons, I regret that I cannot accept the amendment, but I trust my Honourable friend, the Deputy President, will be satisfied with my assurance that we will draw the special attention of Local Governments to what is our intention.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in the proviso to sub-clause (1) of clause 4 of the Bill, for the word ‘ may ’ the word ‘ shall ’ be substituted.”

The motion was negatived.

Clause 4 was added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th July, 1934.