

28th January 1935

THE  
LEGISLATIVE ASSEMBLY DEBATES  
Report)

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Volume I, 1935

(21st January to 18th February, 1935)

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FIRST SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,  
1935



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1935

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

## *Deputy President :*

MR. AKHIL CHANDRA DATTA, M.L.A.

## *Panel of Chairmen :*

SIR MUHAMMAD YAKUB, KT., M.L.A.

MR. S. SATYAMURTI, M.L.A.

LIEUT.-COLONEL SIR HENRY GIDNEY, KT., M.L.A.

SARDAR SANT SINGH, M.L.A.

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Petitions.*

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. S. SATYAMURTI, M.L.A.

DR. ZIAUDDIN AHMAD, C.I.E., M.L.A.

RAJA SIR VASUDEVA RAJAH, KT., C.I.E., M.L.A.

MR. N. M. JOSHI, M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Monday, 28th January, 1935.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

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## MEMBERS SWORN :

Dr. Narayan Bhaskar Khare, M.L.A. (Nagpur Division : Non-Muham-  
madan);

Maulvi Badi-uz-Zaman, M.L.A. (Bhagalpur Division : Muhammadan);  
and

Mr. Narayan Malhar Joshi, M.L.A. (Nominated Non-Official).

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## MOTIONS FOR ADJOURNMENT.

ACTION OF THE GOVERNMENT OF INDIA IN CONCLUDING THE INDO-BRITISH  
TRADE AGREEMENT WITHOUT CONSULTING ANY INDIAN MERCANTILE  
ORGANISATIONS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received a notice from Mr. B. Das that he proposes to move the adjournment of the House today to discuss a definite matter of urgent public importance, namely, the action of the Government of India in concluding the Indo-British Trade Agreement without consulting any Indian mercantile organisations. I should like to know whether he wants to move the motion in view of the fact that this matter is coming up tomorrow.

**Mr. B. Das** (Orissa Division : Non-Muhammadan): Sir, as Government recognise the importance of the subject and have given us a day for discussing it. I do not propose to move my motion today.

**Mr. President** (The Honourable Sir Abdur Rahim): I want to know whether the Honourable Member intends to move this motion tomorrow.

**Mr. B. Das:** No, Sir.

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REFUSAL OF PERMISSION TO MR. SARAT CHANDRA BOSE TO ATTEND THE  
SESSION OF THE LEGISLATIVE ASSEMBLY.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Akhil Chandra Datta that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, the situation arising from the Government not permitting Mr. Sarat Chandra Bose, an elected Member of this Assembly, to attend this Session.

**Dr. P. N. Banerjee** (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I may inform you that he is not prepared to move it.

### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Simla Session, 1934, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

- (1) The Negotiable Instruments (Amendment) Act, 1934,
- (2) The Indian Trusts (Amendment) Act, 1934,
- (3) The Indian Dock Labourers Act, 1934,
- (4) The Indian Carriage by Air Act, 1934,
- (5) The Sea Customs (Amendment) Act, 1934,
- (6) The Indian Aircraft Act, 1934,
- (7) The Mechanical Lighters (Excise Duty) Act, 1934,
- (8) The Repealing and Amending Act, 1934,
- (9) The Factories Act, 1934,
- (10) The Bengal Criminal Law Amendment Supplementary (Extending) Act, 1934,
- (11) The Assam Criminal Law Amendment (Supplementary) Act, 1934,
- (12) The Indian Rubber Control Act, 1934,
- (13) The Indian Income-tax (Amendment) Act, 1934,
- (14) The Petroleum Act, 1934,
- (15) The Iron and Steel Duties Act, 1934,
- (16) The Indian Tariff Act, 1934,
- (17) The Indian Army (Amendment) Act, 1934,
- (18) The Indian Navy (Discipline) Act, 1934, and
- (19) The Amending Act, 1934.

### ELECTION OF THE DEPUTY PRESIDENT.

**Mr. President** (The Honourable Sir Abdur Rahim): In pursuance of order 5 of the Standing Orders of the Legislative Assembly, I have to announce that I have fixed Tuesday, the 5th February, 1935, as the date for the election to the office of the Deputy President of this House.

Each Member wishing to propose another Member as a candidate for election will ascertain that the candidate is willing to serve, if elected, and will hand to me not later than 12 Noon on Saturday, the 2nd February, a notice, showing the name of the candidate, signed by the proposing Member himself and by some other Member as seconder.



As soon as possible after the notices have been handed to me, I propose to read out the names of the candidates, together with their proposers and seconders, and if there is more than one candidate, to take the ballot on Tuesday, the 5th February, 1935.

The Secretary will issue a circular informing Honourable Members of the method by which the ballot shall be held.

## ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

**Mr. President** (The Honourable Sir Abdur Rahim): Honourable Members will remember that it was announced by the Chairman on the 21st January, 1935, that the election for the Standing Committee for Roads, if necessary, will take place on the 30th January, 1935. As there will be no meeting of the Assembly on that day, the election for the Committee will be held on the 4th February, 1935.

## STATEMENTS LAID ON THE TABLE.

CONVENTION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF POLAND RELATING TO TONNAGE MEASUREMENT CERTIFICATES WHICH AFFECT INDIA.

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways): Sir, I lay on the table the Convention between the United Kingdom and the Republic of Poland relating to Tonnage Measurement Certificates, which affect India.

CONVENTION BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND, AND INDIA, AND THE PRESIDENT OF THE REPUBLIC OF POLAND, RELATING TO THE TONNAGE MEASUREMENT OF MERCHANT SHIPS.

*Warsaw, April 16, 1934.*

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Republic of Poland,

Recognising the desirability of making arrangements for the reciprocal recognition of certificates of registry and other national documents relating to the measurement of tonnage of merchant ships,

Have resolved to conclude a Convention for that purpose and to that end have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

for Great Britain and Northern Ireland,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Dominion of Canada,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Commonwealth of Australia,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Dominion of New Zealand,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for India,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

The President of the Republic of Poland:

Monsieur Józef Beck, Minister for Foreign Affairs,

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

#### *Article 1.*

Subject to the provisions of Articles 6 and 7 of this Convention, the territories of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty) to which this Convention applies are the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, including for this purpose Papua and Norfolk Island, New Zealand, Newfoundland and India, all British Colonies and Protectorates and all mandated territories in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom, His Majesty's Government in the Commonwealth of Australia or His Majesty's Government in New Zealand.

Any reference in subsequent articles of the present Convention to the territories of His Majesty shall be deemed to relate to those territories of His Majesty to which the Convention applies.

#### *Article 2.*

In view of the fact that the existing laws and regulations in the territories of His Majesty in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Poland, ships furnished with certificates of registry and other national papers duly issued by the competent authorities of some part of the territories of His Majesty shall be deemed by the Polish authorities to be of the tonnage denoted in the said documents, and shall be exempted from being remeasured in any port

or place in Poland, on condition that similar terms shall be accorded to Polish ships equipped with certificates of registry or other national papers duly issued by the competent Polish authorities on or after the 30th November, 1927, and that such ships shall be exempted from being remeasured in any port or place within the territories of His Majesty.

*Article 3.*

The High Contracting Parties agree that the Government of the Republic of Poland to whom it pertains to ensure the conduct of the foreign relations of the Free City of Danzig in virtue of article 104 of the Treaty of Peace, signed at Versailles on the 28th June, 1919, and of Articles 2 and 6 of the Convention concluded between Poland and the Free City of Danzig on the 9th November, 1920, may at any time while the present Convention is in force declare by a notification made through the diplomatic channel that the Free City of Danzig is a Contracting Party to this Convention and that the Free City assumes the obligations and acquires the rights deriving therefrom, subject to such conditions as may be agreed upon in the notes to be exchanged for giving effect to such declaration.

*Article 4.*

The President of the Republic of Poland may by a twelve months' notice given in writing through the diplomatic channel terminate this Convention either collectively in respect of all territories of His Majesty or separately in respect of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India respectively.

*Article 5.*

His Majesty may terminate this Convention collectively or separately in respect of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India by a twelve months' notice in writing through the diplomatic channel.

*Article 6.*

The separate termination of this Convention, under Articles 4 or 5, in respect of the United Kingdom of Great Britain and Northern Ireland shall also terminate it in respect of all British colonies, all British protectorates and all mandated territories in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom, and its provisions shall upon such termination cease to apply to all ships registered therein.

*Article 7.*

The separate termination of this Convention under Articles 4 or 5 in respect of Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India shall also terminate it in respect of the territories under the authority or jurisdiction of His Majesty's Government in Canada, or in the Commonwealth of Australia, or in New Zealand or in Newfoundland or the Government of India respectively and its provisions shall upon such termination cease to apply to ships registered in such territories.

*Article 8.*

The present Convention shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force thirty days from the date of the exchange of ratifications.

In faith whereof the abovenamed Plenipotentiaries have signed the present Convention and have affixed thereto their Seals.

Done at Warsaw in duplicate, each in the English and Polish languages both of which shall have equal force, the 16th day of April, 1934.

For Great Britain and Northern Ireland.

WILLIAM ERSKINE.

For the Dominion of Canada :

WILLIAM ERSKINE.

For the Commonwealth of Australia :

WILLIAM ERSKINE.

For the Dominion of New Zealand :

WILLIAM ERSKINE.

For India :

WILLIAM ERSKINE.

For the Republic of Poland :

J. BECK.

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CERTAIN FURTHER AMENDMENTS IN THE OTTAWA TRADE AGREEMENT RULES.

**The Honourable Sir Joseph Bhowe:** Sir, I lay on the table a copy of certain further amendments in the Ottawa Trade Agreement Rules, 1932.

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DEPARTMENT OF COMMERCE.

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NOTIFICATION.

TARIFFS.

*Simla, the 15th October, 1934.*

*No. 780-T. (11)/32.*—In exercise of the powers conferred by sub-section (3-B) of section 3 of the Indian Tariff Act, 1934 (VIII of 1894), the Governor General in Council is pleased to direct that the following further amendments shall be made in the Ottawa Trade Agreement Rules, 1932, namely :—

(1) In the *Explanation* to sub-rule (2) of rule 4 of the said Rules the word "mixing" shall be omitted and to the said *Explanation* the following proviso shall be added, namely :—

"Provided that where the article concerned is an article specified in the first column of the Third Schedule this *Explanation* shall be construed as though the word 'mixing' were included therein before the word 'bottling'."

(2) In the Third Schedule to the said Rules, for the heading "(See rule 4-A)", the heading "[See the proviso to the *Explanation* to rule 4 (2) and rule 4-A]" shall be substituted.

T. A. STEWART,

*Secy. to the Govt. of India.*

### ELECTION OF THE STANDING COMMITTEE ON EMIGRATION.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

The motion was adopted.

### ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

The motion was adopted.

### ELECTION OF THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

The motion was adopted.

#### ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', dealt with in the Department of Industries and Labour."

The House will observe from this motion that it is proposed to exclude Posts and Telegraphs from the purview of the Departmental Standing Committee. The reason for that is that there was a generally expressed desire in the last Assembly that Posts and Telegraphs should have its own Committee. Government propose to accede to that desire, and I shall move later on for the constitution of a separate Committee to deal with Posts and Telegraphs.

**Mr. F. E. James** (Madras: European): Sir, may I ask the Honourable Member whether by "later on" he means during the currency of the present Session?

**The Honourable Sir Frank Noyce**: Certainly, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', dealt with in the Department of Industries and Labour."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members to the Standing Committee on Emigration, Standing Committee for the Department of Education, Health and Lands, Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for the Department of Industries and Labour the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

|  | Nominations. | Election. |
|--|--------------|-----------|
| Standing Committee on Emigration                                     | 30-1-35      | 6-2-35    |
| Standing Committee for the Department of Education, Health and Lands | 30-1-35      | 6-2-35    |
| Standing Committee on Pilgrimage to the Hedjaz                       | 4-2-35       | 13-2-35   |
| Standing Committee for the Department of Industries and Labour       | 4-2-35       | 13-2-35   |

The nominations for all the Committees will be received in the Notice Office upto 12 Noon on each day appointed for the purpose.

As regards the elections to the Committees, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, the following procedure will be observed. The elections will take place in the Secretary's Room where the Assistant Secretary on the day fixed for an election will remain from 10-80 A.M. to 1 P.M. Honourable Members desiring to take part in the elections may during these hours go to the Assistant Secretary, get the ballot paper from him after signing in a register in token of their having received the ballot paper, record their vote and deposit the paper in the ballot box kept for this purpose in that room. On the day of an election notices will be posted in prominent places in the lobby to remind Honourable Members that the election is proceeding for a particular Committee on that day.

### THE HEDJAZ PILGRIM GUIDES BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz."

The motion was adopted.

**Mr. G. S. Bajpai**: Sir, I introduce the Bill.

### THE INDIAN MINES (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navalrai, Mr. A. H. Ghusnavi, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatarji, Mr. A. G. Clow and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, it gives me sincere pleasure, and I trust that that pleasure will be shared by all sections of the House, that the first Bill to come up for consideration in the present Assembly should be one of social betterment, and I hope that its general principles will command the assent of all parties.

[Sir Frank Noyce.]

The Bill before the House is designed mainly for the better regulation of hours of work in mines. The proposals made in this respect have a comparatively long history behind them, and it may be of some assistance to the House if I recall the main steps which have led up to the stage we have now reached. The last Bill dealing with hours of work in mines was introduced in the third Assembly in 1927 and passed into law in 1928. The Assembly approved the changes then made, but it seems to have been generally recognised that the form in which the law was left was not permanently suitable. In particular, the provision which allowed a 12 hours day, though the average maximum day was shorter, came in for criticism. The majority of the Select Committee agreed that the system of eight hour shifts was the ideal which should be gradually,—I would like to emphasise the word “gradually”—worked up to, and recommended that after the measure had been in operation for three years, the situation should be re-examined to see whether an eight hours shift could then be introduced. The three years expired in 1933, but before then the question had come under the consideration of the Whitley Commission which endorsed the views of the Select Committee and also recommended a reduction in hours of work above ground. They reported in 1931, and in the same year the International Labour Conference at Geneva adopted a draft Convention relating to hours of work in coal mines. Following on that, the question was brought before this House in 1932 when a Resolution was adopted recommending that “Government should examine the possibility of reducing the statutory limit for hours of work in mines, and that the results of this examination should be placed before this Assembly”. In pursuance of that Resolution, the Government of India consulted the Local Governments and the interests concerned on the subject of hours in Mines, and also on certain other matters, with which this Bill also deals. The Bill before the House represents the results of the examination so conducted.

The proposed provisions for regulating hours can be briefly explained. The Bill, as does the present Act, treats hours above ground and hours below ground somewhat differently. The limits for work above ground are at present 60 hours weekly and 12 hours daily. The Bill proposes to reduce these limits to 54 and ten respectively, and those, as Members of the House who are acquainted with the provisions of the Factories Act will remember, are the limits now in force for regular factory work. We have also introduced a provision for spread-over, and we propose to require that, including rest intervals, the worker's hours shall not exceed 11 in any one day. Below ground we are proposing a nine hours limit against the present limit of 12 hours per day. As the House will see, that is a very considerable reduction, but, even so, it would probably seem to some critics that we are still some distance from the 8 hours ideal suggested in 1928. If, however, they examine the Bill carefully, they will find that we are not so very far from it after all. In many mines, in point of fact, these provisions will practically attain it, for we propose that the nine hours should be reckoned from the time that the first man of the shift leaves the surface until the time when the last man returns to it. In other words, it includes what is known as winding time, that is the time necessary to get the shift in or out of the mine. If Honorable Members will reflect for a moment they will find that this means that for the



average miner the time elapsing between the moment he leaves the surface and the moment he gets back will be substantially less than nine hours, for it takes a considerable time, particularly in the deeper mines, to lower a shift of men, cage by cage, and to get them out again. If, for example, winding time in a mine occupies half an hour, the average miner in that mine will only be  $8\frac{1}{2}$  hours away from the surface. Moreover, and this is very important, even less than that,  $8\frac{1}{2}$  hours will be spent at the working face, for this  $8\frac{1}{2}$  hours includes the time spent in the way down, the time spent in walking to the face and the return journey to the shaft and the surface, in fact in deep mines the hours of work may be seriously restricted, and it may be necessary to allow some relaxation when winding time is unduly long. I feel sure that the reduction made here will be recognised by those best acquainted with mining conditions as going quite as far as we can reasonably go in present circumstances.

The other proposals are very fully explained in detail in the Statement of Objects and Reasons, and I do not think it is necessary for me to do more than to refer to two of them now. The first is the raising of the minimum age for employment. It is at present 13, the Whitley Commission proposed 14, and we propose to go one better and make it 15. This is the minimum age for adult employment in factories. There is no half-time system in mines, and it will, I think, be generally agreed that it is undesirable that a lad should work in a mine as an adult before 15. I do not claim this as a reform of much practical importance, for few persons under 15 years, I am glad to say, ever enter a mine, but the principle is a sound one, and its embodiment in our law will prevent any possible change in the direction of attracting child labour.

The second change to which I should like to draw the attention of the House is embodied in clause 3 of the Bill, and is designed to give the workers in mines representation on Mining Boards equal to that of employers.

I have just received a request that with your permission, Sir, the name of Mr. Morgan should be substituted for that of Mr. Biss on the Select Committee, and if I may, I should like to amend my motion accordingly.

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navalrai, Mr. A. H. Ghuznavi, Mr. G. Morgan, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatarji, Mr. A. G. Clow and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. Abdul Matin Chaudhury** (Assam: Muhammadan): I rise, Sir, to support this motion. It is really very gratifying, as the Honourable Sir Frank Noyce has pointed out, that the first non-official Bill which we are called upon to consider deals with the welfare of labour, and I take it as evidence that the zeal and enthusiasm of the Honourable Sir Frank Noyce for improving labour conditions by implementing the recommendations of the Labour Commission still continue unabated, and, Sir, the return of

[Mr. Abdul Matin Chaudhury.]

my Honourable friend, Mr. Clow, to the field of his labours is an additional guarantee that the flow of labour legislation will continue till all the recommendations of the Whitley Commission are put on the Statute-book. Though I welcome this measure, I must express my disappointment that the scope of this Bill is not as comprehensive as it should have been. When Government are undertaking to amend the Indian Mines Act, they should have taken this opportunity of giving effect to all the recommendations of the Whitley Commission which are relevant to mines and not merely confine this Bill to a slight increase in the labour representation on the Mining Board and a slight reduction in the hours of work.

**The Honourable Sir Frank Noyce:** Slight?

**Mr. Abdul Matin Chaudhury:** It is slight; I take it in that way. To give a few examples, take the case of sanitary conditions in mines. It was pointed out by the Whitley Commission that even in the mine which is managed by the Government of India, the salt mine at Khewra, there is a complete absence of sanitary arrangements and the health of the workers in that mine was very poor. Yet, we do not find in the Bill any provision for improving the sanitary conditions in the mines or in the mining settlements. Take, again, the case of the oil fields. The Labour Commission recommended as regards the oil fields in India and Burma that the Government should examine whether the Mining Act could be made applicable to them because at present oil fields do not come under the operation of the Mines Act. We do not know if the Government have examined that question and with what result. The examples I have given are merely illustrative. What I want to emphasise is that the Government should have given effect to all the recommendations of the Whitley Commission with regard to mines in this Bill instead of choosing a few at random.

Now, Sir, with regard to the clauses of the Bill, as has been pointed out by the Honourable Sir Frank Noyce, the Bill provides for an increase in the labour representation from one to two to make it equal to the representation of the employers. But what I do not understand is this, why should Government choose the representative of the labour while the employers are given the right of electing their own representatives? There are miners' organisations in the mining areas, and just as the employers have been given the right of electing their own representatives, so it is only just and fair that the Government should give the same right to the workers to elect their own representatives on the Mining Board.

The most important change that has been made in this Bill is with regard to the hours of work. As has been pointed out by the Honourable the Mover, it is proposed to reduce the weekly working hours above the ground from 60 to 54 and the daily working hours below the ground from twelve to nine. I have said that it is a slight decrease. Though on paper it looks like a substantial reduction of hours of work, still I maintain that in reality it is no advance at all. If Government really desired an advance in this direction they should have reduced daily the hours of work to eight and provided 48 hours a week. This question was debated at very great length in the year 1928 when the Indian Mines Act was

before this House. The majority on the Select Committee on that occasion, which included Sir B. N. Mitra, Sir Darcy Lindsay and others, agreed that it was best for all concerned that the hours of work should be eight in the mines. I should like to read out to you an extract from the report of that Select Committee. This is what the Select Committee said:

"We discussed in great detail a proposal to shorten the period of twelve hours proposed as the maximum hours of daily work in the new clause (d) of section 23, and we considered, in succession, whether the period should be reduced to eight, ten or eleven hours. The proposal to reduce the period to eight hours was strongly urged in the interests of the workmen, for reasons with which we find ourselves in sympathy. There can be no doubt that in a properly equipped and organised mine, the eight hours' shift is the best for all concerned, for reason which are so well-known that they require no elaborate statement by us. The advantages of the eight hours' shift are so clear that, we understand, many well equipped mines in India do now actually work on an eight hours' shift."

Having said this, they recommended twelve hours a day, and that is on the ground that the reduction of working hours would lead to a reduction in the earnings of the workmen and also on the ground that the workmen were unpunctual and they did not work intensively. It has now been proposed to reduce that period of twelve hours to nine hours, and even that I do not consider as a real advance, and I shall explain to you why. The miners serving in the mining area do not earn their wages on the daily rate; they earn their wages on the piece rate, that is so much per tub of coal which they dig. The daily average, I understand, is about three tubs. In most of the well-managed mines the miners work eight hours a day and they produce three tubs a day. But there are mines which are inefficient; there are mines which are ill-equipped, and in those mines the mine-owners are very anxious to get the maximum of advantage by incurring the minimum of expenditure. In those mines there is an insufficiency of tubs and because of this insufficiency the workers are compelled to work longer hours, and it is to give protection to these ill-equipped, these inefficient mines that the Government have provided twelve hours a day. By working twelve hours the workers do not earn more because of the insufficiency of tubs they are compelled to work twelve hours to earn as much as in a well equipped mine they can earn in eight hours. And by not reducing the hours of work to eight the Government are not protecting the earnings of the labourers. The protection they are giving is only to inefficient mines, and I do not see any reason why Government should be so anxious to give protection to inefficient mines at the expense of the poor worker. I hope that in the Select Committee this point will be taken into consideration and that they will recommend an eight hour day for the mines.

**Mr. V. V. Giri** (Ganjam cum Vizagapatam: Non-Muhammadan Rural): I welcome this proposed Bill, so far as it goes, because it is designed to improve the condition of the workers in the mines, but, at the same time, I cannot congratulate the Honourable Member in charge of the Bill for its introduction, and, if I may say so, without offence, a mountain in labour has brought forth the proverbial mouse. Let us examine the history of this legislation as has already been pointed out by the Honourable the Member in charge of the Bill and also by my Honourable friend, Mr. Abdul Matin Chaudhury.

[Mr. V. V. Giri.]

Just at a time when other countries, such as the United States of America, are introducing a 35-hour week and 40-hour week in their industries in order to solve the unemployment problem by spreading the work and at the same time not decreasing the wages, just at a time when Great Britain has been negotiating with the employers' organisations and the workers' organisations for the introduction of a 40-hour week in order to solve the unemployment problem in that country, when other countries are likewise employing similar methods to solve their unemployment problem, it is surprising that the Government of India should introduce in the year of grace 1935 a 54-hour week in the mines. The history of the legislation, so far as this subject is concerned, is already before the House. When the amending Bill of 1928 came up for discussion, the Select Committee made it clear that most of the mines in this country are already working the eight-hour day and perhaps even less. If I may be permitted to refer to the table given by the Chief Inspector of Mines in India for the year ending the 31st December, 1933, which will be found on pages 98 and 99 of Table No. 2, the House will observe that in almost all the coal fields in India lesser hours than eight are being worked for most of the categories. For instance, if the Jheria coal fields in Bihar and Orissa are taken into consideration, you will find that it is 49 hours for overmen and sirdars, foremen and mates, 43 for miners, 43 for loaders, 47 for skilled labour and 46 for unskilled labour. If other coal fields such as Raneeaganj and Assam coal fields are taken into consideration, you will find that the workers in different categories are already working only eight hours or less, and I wonder, therefore, what is the great difficulty on the part of the Government of India to introduce the eight-hour legislation. India is considered to be one of the eight great industrial countries, a member of the League of Nations and a member of the International Labour Conference. The International Labour Conference had adopted a convention formulating 7½ hours work in the mines. Just at this time, even in India, the miners in the coal fields are working seven hours and eight hours, and I do not see any difficulty why the Government should not adopt that convention, being a member of the League of Nations. As regards the other suggestions with regard to age, I welcome the change from 13 years to 15 years, and if it is possible I would suggest the raising of the age to 16. It has already been pointed out by the Honourable Member in charge of the Bill that a large number of young men are not employed in the mines. I hope the Select Committee will take into consideration all these suggestions in discussing this Bill.

**Mr. G. Morgan** (Bengal: European): I rise to support the motion before the House. I have no intention of making a speech on the subject generally or on the details of the Bill. In September, 1932, the Government of India approached the Local Governments with a view to ascertaining their views on the subject of the reduction of hours and the raising of the minimum age. Although it may not be an advance to the extent that my Honourable friend, Mr. Abdul Matin Chaudhury, has suggested, still I consider that it is a considerable advance, and the Honourable Sir Frank Noyce has said that these things must be done slowly but surely, and I do not think it would be a good thing to immediately adopt all the conventions that are passed in the West and make them

applicable to conditions which are altogether different in India. However, Sir, all these items will be discussed in the Select Committee, and I do not wish to detain the House by any elaborate criticism of the details at the present juncture. Therefore, I merely wish to give my support to the motion before the House.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, it is rather surprising that the Government should have brought forward a Bill in which it is proposed to lower the hours of work above ground in a generous fashion from 60 to 54 hours. As my friend, Mr. Giri, has already pointed out, in all other countries attempts are being made by the workers to get these hours lowered to 40 and even less. Here in this country Government are prepared to come forward courageously to offer this great blessing of 54 hours a week and claim that it is a grand and great thing indeed. In no other civilised country, in Europe and America, I am sure, will any Government be courageous enough to come forward with a Bill like this and expect congratulations from an Assembly like ours. Merely because in this country the workers have not been united properly and effectively and merely because the workers have not been able to make their influence felt on the Government and their counsels, the Government are prepared to come forward with a Bill like this and expect this House to welcome it with both hands. If Government were really anxious that labour in this country should be properly organised, that it should be able to voice its grievances properly and effectively, they would not have suggested the constitution of a mining board on which the representatives of labour are not to be elected members of the labour employed in the mines, but the nominees of Government. While the representatives of employers are to be elected by the organisations of employers, the Government come forward with this proposal that the spokesmen of labour have to be nominated by themselves. Why should it come forward with this suggestion? I suggest to this House that it is so, because the Government are really not very keen that labour organisations in this country should go on from strength to strength and progress from day to day. The best way for allowing labour to effectively organise itself is to allow it to select its own spokesmen and not simply by nominating men to speak for labour. What is it that the employers of labour have been doing in this country? So far as labour in mines is concerned, they do not recruit the labour in the neighbourhood of mines, but they wish to go on encouraging the employment of labour from distant and far off places. These people, whose mainstay is agriculture, cannot be expected to take a whole time and complete interest in the conditions of labour under which they are to work for some time in the year. If, on the other hand, as is the case in other countries, labour were engaged locally, the men would have an incentive to organise themselves well, because they will take to it as a whole-time occupation. They would make it their lifework and naturally they would be interested in the continuous improvement of their own labour conditions. The employers on the one hand are trying to undermine, to prevent the development of labour organisations by employing labour from outside and far-off places and the Government, on the other hand, are trying to nominate the spokesmen of labour and are not selecting their own representatives, and thus they are trying, as I submit, for the consideration of this House, to undermine the development of labour organisations. And it is because the labour organisation has not been properly developed that the

[Prof. N. G. Ranga.]

Governor General in Council has come forward with this proposed fifty-four hours weekly limit for the employment of labour in mines. Sir, is it because the existing practice is in favour of fifty-four hours? Is it because the employers are able to employ workers for fifty-four hours every week, or is it because the employers protest strongly that they would not be able to make their profits unless they are able to employ workers for fifty-four hours? No, Sir. According to the admission of the Honourable the Mover of the Bill, it is quite clear that in most mines workers are employed for forty-eight hours; and, even in these circumstances, when the existing practice is already in favour of forty-eight hours, and when the Select Committee, that sat on a similar Bill like this to discuss this particular question in 1928, was in favour of forty-eight hours, and even when the present Government in their circular to Local Governments granted that public opinion was strongly in favour of a forty-eight hour week, where is the justification for the Government of India to have come forward with this wonderful proposition for a fifty-four hour week? I would, therefore, request the Honourable the Mover of this Bill to consider this proposition,—and this is not only my proposition, but the proposition of the Geneva Congress and the request of the miners in this country that a forty-eight hour week should be adopted and not this fifty-four hour week.

There is another point, Sir, I should like to place before the House. As far as these workers who are to be employed below the ground are concerned, it is put down here that there should be fifty-four hours' work weekly and twelve hours' work daily and at present the maximum is fifty-four hours per week and twelve hours per day, but hereafter it is to be nine hours every day. There is, however, no mention of the total number of hours per week to be worked by miners underground. Why is it? I fail to understand why the Government of India have not been able to fix any maximum limit for a week, and I would like the Honourable the Mover to enlighten the House on this particular point. There is yet one more point—the employment of child labour. According to the ordinary Factories Act, there are three kinds of workers—there are the children, there are the adolescents and there are the adults. The adolescents are those above fifteen years of age, but less than seventeen years of age, and if it is necessary to distinguish these ordinary adolescents from adults in ordinary factories, where the work certainly is less arduous and less dangerous than the work in mines, then is there not all the more reason why this class of young people should be distinguished as adolescents even for work in mines? Here the Government come forward with this proposal and say that it is very much more liberal and generous than the Whitley Commission in regard to this. The Whitley Commission was good enough to suggest that the age should be raised from thirteen to fourteen. The Government have suggested that they are good enough to raise the age to fifteen. Now, as regards those who are considered to be above fifteen by medical boards of the locality,—what is to happen to them? Are they to be considered as adults? Are they to be given adults' work? Should they be allowed to suffer merely because the Government of India consider them to be adults and thus they should be allowed to carry on the work of the adults? Those who are below seventeen years of age cannot be considered for the purposes of ordinary factories as adults but should be considered as adolescents, and, I submit for the consideration

of this House, that even in regard to those miners, those youngsters who are below seventeen years of age but above fifteen years should be considered as adolescents and not as adults, and therefore, they should be given the benefit of less work, and more rest. With these remarks, I submit that this Bill may be sent to the Select Committee for further consideration.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I have no intention to speak much on this Bill. There is only one remark I wish to make in connection with the reference made by my Honourable friend, Professor Ranga, and that reference has in fact influenced me to speak a few words on this Bill. Sir, I refer to the representation in this House for labour. We have been told that that representation is secured by means of nomination. It is true that representation is secured in this House on behalf of labour by means of nomination, but I must assure those who are concerned in this matter that the selection which is being made from time to time is the best one. (Hear, hear.) Sir, I have been in this House for a long time and I know the work that my Honourable friend, Mr. Joshi, has been doing is very valuable and creditable to him. . .

**Prof. N. G. Ranga**: On a point of personal explanation, Sir. My friend is referring to the representation of labour in this House. I was referring to the proposed representation of labour on the Mining Boards that are proposed to be established under this Bill by the Honourable the **Movet**.

**Mr. Lalchand Navalrai**: I am grateful to you for this correction. I am now glad that on this point at least you agree with me.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should address the Chair.

**Mr. Lalchand Navalrai**: With regard to the question itself, I think I should not give my own opinion on this point as I am put on the Select Committee. But I must assure the House that the Select Committee every time will be made to see that the interests of labour as well as of the employer are duly considered. This question is not a new one for this House. Questions with regard to hours of labour, both per day and during a week, have been considered in this House in some form or other on certain other Bills. Therefore, this House knows where the age limit and the time limit should be fixed. However, this question will be given the best consideration in the Select Committee, and, I hope, there need be no fear that all the interests of labour would be fully safeguarded. If the interests of labour are not, as has been stated, being properly safeguarded outside this House, I must say it is their own fault. Now, we have at present unions for all kinds of labour: unions for railways, in fact unions for several other kinds of work of the labourer, and I have seen myself that the Government do help in seeing that the unions are assisted in respect of anything that they want to be done for the amelioration of the labourer. I have personal knowledge of the railway unions and I think there is not much complaint on that score, though, of course, there are many points on which the unions should be helped more than what is being done now. But my own complaint is that there ought to be better organization outside and in these unions and it is only when they can show that they are very well organised and can put their case forcibly

[Mr. Lalechand Nayalrai.]

and also constitutionally that we can say that the unions have done their part. I hope that this question will be considered by the unions and by the leaders of the labour. As regards the points which are involved in this Bill, they will be considered by the Select Committee, and, therefore, I do not wish to say anything more that I shall have to say on it hereafter. Sir, I support the motion.

**Mr. N. M. Joshi** (Nominated Non-official): Sir, I rise to support this motion. As I am speaking for the first time in this new Assembly, may I, Sir, with your permission, offer you my respectful congratulations upon your elevation to the august Chair of the President of the Assembly.

Sir, the Bill before the House is an important measure. It deals with an industry which is one of the greatest industries of India and in which a very large amount of capital is invested and from which about 200,000 people derive their maintenance. It is, therefore, a matter of gratification to me that this measure has come up for our consideration. It marks progress in legislation intended for the protection of the working classes, especially the miners. Sir, although the measure marks a progress, I feel that the progress which is being proposed is a small one. It is also, in my humble judgment, a very halting one. The Government of India have been moving, I may say, year after year, in the matter of protective labour legislation, but I have observed during the last few years that their policy is characterised by some undesirable features. One of the features is that, although they always make some progress, the steps they take are very halting. The Government of India, it appears to me, like to crawl instead of even walking: they never think of running. I would like the Government of India to take little longer strides. Not only do the Government not take longer strides, they are very slow to move. The Honourable Member gave some history of the legislation intended for the protection of the Indian miners. Sir, I should have told this House another feature of the policy of the Government of India as regards labour legislation. In the past, perhaps in the long past, the Government of India did not move unless it was made to move by somebody else. In the olden times Lancashire used to move the Government of India in the matter of factory legislation. That time is past. Moreover, on account of the pact of my Honourable friend, Mr. Mody, with Lancashire, I am afraid we cannot hereafter expect the help of Lancashire for our labour legislation. But take even the case of legislation for the protection of Indian miners. The first Indian mine was, I think, opened about the year 1820, and the first legislation undertaken by the Government of India for the protection of miners was, I think, in the year 1901, 80 years after the first mine was opened. This legislation too was undertaken by the Government of India, not on their own initiative, but on the initiative of an International Conference. Sir, unfortunately these outside influences have ceased to operate or ceased to have effect upon the Government of India. I have already said that we cannot expect any longer the help of Lancashire. My fear is that even the International influence has weakened during the last few years so far as the Government of India are concerned. I would like the Government of India, hereafter, not to depend upon any outside pressure but to take initiative themselves. This is especially necessary in the case of an industry like the mining, and it is even necessary



for the protection of the workers in India generally. In India the working classes are ignorant, extremely poor and have very little political influence. If we consider the position of the Indian miners, they generally come from extremely backward communities of our population. They are a helpless class of people. I would, therefore, like the Government of India to take the initiative in all these matters. Not only the initiative is to be taken by the Government of India, but they should not also wait for a very long time to act, but should act promptly. Moreover, in the case of these miners, it is wrong to expect that the miners will organise themselves to compel the Government to move faster. I would like, therefore, the Government of India to move a little faster and quicker and take the initiative themselves and even be a little ahead of the times. There is absolutely no fear that anything wrong will happen either to our country or to the industries of our country if the Government of India move faster. In the first place, in the matter of labour legislation, the whole world has progressed much beyond what we have done. We have yet to come up to the level of the outside world and unless we move fast, we shall not be able to come up to the same standard to which the whole world has reached. Moreover, there is no fear also that any harm will be done to our country or to our industries if we adopt labour legislation a little more boldly, because the kind of legislation which we shall pass will generally be based upon the legislation which has been adopted already in the outside world without any disaster happening to the industries in those countries which have adopted this kind of legislation. I, therefore, feel that the Government of India should act boldly in the matter of undertaking labour legislation.

Sir, I do not wish to say anything about the history of this legislation which has been already given. As regards the main features of this Bill, the chief clause of this Bill deals with the reduction of the hours of work. The Honourable Member in charge of the Department of Industries and Labour has already stated what changes he has proposed and my Honourable friend, Mr. Abdul Matin Chaudhury, has already said that the progress which the Government are intending to make is a very small one. We would like the Government of India to adopt a bolder policy. I would like the Government of India immediately to adopt the proposals made in the International Convention on this subject. The convention proposes that the hours of work for underground work should be 7½ hours and for surface work eight hours. I would like the Government of India to adopt this proposal contained in the International Convention. My Honourable friend, Mr. Abdul Matin Chaudhury, has already stated, and also my Honourable friend, Mr. Giri, quoted from the report of the Chief Inspector of Mines, that already a large number of mines are not working more than eight hours. If we look to the figures given by the Chief Inspector of Mines, we shall find that there is absolutely no mine-field in which the average hours of work are more than 54. I am not suggesting that there is no mine at all in which the hours of work are not 54, but the average hours given by the Inspector of Mines are the average hours for different coal-fields and there is no coal-field at all in which the average hours are more than 54. If the Government of India are now limiting the hours of work to 54, certainly it looks to me that the legislation is not going to change the hours in any mine at all. I feel, Sir, that even if the Government of India adopt the proposals of the Convention or at least an eight-hour day, there

[Mr. N. M. Joshi.]

will be no inconvenience of any kind. The argument so far adopted by different people who are against the adoption, or who were, if I am to speak more accurately, against the adoption of eight hours was that the habits of our workers are against intensive work. That argument has no force at all now. Specially in this matter, my Honourable friend, Mr. Abdul Matin Chaudhury, has already pointed out that the wages in those mines where eight hours are worked are not lower than the wages where longer hours are worked. From the point of view of miners, therefore, there will be no harm at all if eight hours are introduced. Moreover, if there is a fear of wages being reduced, the right remedy is for the Government to give effect to the proposals made by the Royal Commission on Indian Labour. The Royal Commission, dealing with the question of wages of miners, stated that besides the efforts made by the miners themselves, the wages of the miners are determined by the tubs which are supplied by the employers and upon the lead, that is, the distance over which the coal is carried and several other factors. The Royal Commission has recommended in that connection that a Statutory provision should be made that the miners will not be penalised on account of the defects of the working over which the miners have no control or the defects of the employers. The Royal Commission recommended that provision should be made that certain minimum output be credited to the miners account whenever he does one shift's work. I expected the Government of India to give effect to that provision in this Bill. Unfortunately the Government of India have not done so. I am sure, the Honourable Member, when he rises to make a speech, will explain why that recommendation was not given effect to. I think the Honourable Member gave no arguments really why the eight hours should not be introduced. As a matter of fact, when the Government of India issued a letter to the Local Governments on this question, they themselves seemed inclined to the adoption of the eight hours day and they themselves have stated in that letter that if an eight hour day is adopted, there will be no dislocation of work at all. Formerly, the employers in the mining industry used to complain that if the hours are reduced, there may be scarcity of labour, but the Government of India themselves now admit that there is absolutely no justification for thinking that there will be shortage of labour. As a matter of fact, at present there is some unemployment in the mining industry. Therefore, if we adopt the eight hour day, there will be no dislocation caused to the employers at all. On the contrary, if we adopt the eight hour day, there is some chance of the unemployment being relieved as some people feel that the production will go down and so need for new men will be felt. I do not wish to say anything more on the point of shorter hours. I only hope that the Government of India, when they themselves do not see any difficulty in the introduction of an eight hour day, should agree in the Select Committee for that proposal.

Sir, besides the reduction of hours, the Bill also contains a provision for the increase in the minimum age of employment of children and I offer my congratulations to the Government of India on the proposal which they have made. They have also proposed to increase the labour representation on the Mining Board from one to two. They also propose that the representative of the miners on the Mining Board should be nominated in consultation with the labour organisation. I am glad that

the Government of India have made some progress in this matter. But, here also, I feel that the Government of India should have gone a little further. We know that the time has now come when labour will get representation by election not only on these mining committees and Mining Boards, but they will get elected representatives even in the Legislatures of the country. If the miners are in a position or will be in a position very shortly to elect representatives on the Legislature, I do not know why we should deny them the right to elect their representatives on the Mining Boards. I would like to make one more suggestion to the Government of India. Besides the Mining Boards, the Indian Mines Act provides for certain committees being appointed in order to make enquiries about matters concerning some mines. I would suggest that the Government of India should take the same course in the matter of appointing labour representatives on the committees appointed under section 11 of the Indian Mines Act. This is what I have to say about the provisions of the Bill.

Before I conclude, I would like to say on this occasion that the Government of India should have included in this Bill some more provisions. I have already suggested that the Government of India should have included in this Bill a Statutory provision suggested by the Royal Commission as regards the minimum output being credited to their account for every shift. I would have also liked the Government of India to strengthen the provisions as regards sanitation and safety. The provisions in this matter in the British legislation are much stronger than our provisions. I would have liked the Government of India to revise these provisions also. Besides these provisions, I would have liked the Government of India to institute by legislation a labour welfare fund, which is playing a very important part in the miners' life in Great Britain. Sir, I am aware that in India, in the coal area, there are Boards of Health which, to some extent, do some work as regards sanitation and health and other general welfare of labour also. If there is a Statutory Fund, that fund could be utilised to a great extent for purposes which are not yet undertaken by the Boards of Health either at Asansol or at Jheria. I would like the Government of India to consider the proposal of instituting a miners' welfare fund by legislation. Sir, I hope the Government, when the Bill goes to Select Committee, will adopt the suggestions which we have made; and I should like to make an appeal to the members of the Select Committee that whatever attitude the Government of India may take in this matter they should follow a very bold policy. This Legislature represents the people of this country. We are all anxious that the condition of the Indian masses should be improved, and, therefore, the right thing for us to do is not only to support measures of this kind, but to improve them as we like that they should be improved. Sir, I support this motion.

**Mr. A. G. Chow** (Government of India: Nominated Official): Sir, I think all the Members who have spoken are Members whom it is proposed to appoint on the Select Committee, so that the questions they have discussed will perhaps be discussed at greater length, and with a little more clarity in some cases, in that Committee. I do not propose, therefore, to detain the House at any length or to deal in great detail with the very numerous matters that have been raised in the speeches. I would however just like to allude to a few of the more important suggestions that have been made.

[Mr. A. G. Clow.]

My Honourable friend, Mr. Abdul Matin Chaudhury, who—I hope by a slip of the tongue—said that he opposed the Bill, referred to the question of sanitation, and it was also raised by my Honourable friend, Mr. Joshi. He asked why we were not proceeding in the direction of carrying out the Labour Commission's recommendations in respect of sanitation. The answer to that is very simple. It is that the Mines Act already makes adequate provision. It is really a matter for rule making powers. I would only refer my Honourable friend to section 30 (c) of the Mines Act as it at present stands.

Mr. Joshi also referred to a large number of matters which are really extraneous to this Bill, including one or two recommendations of the Royal Commission. I think he can accept my assurance that I at least am not unsympathetic to the recommendations of the Labour Commission and that the matters he referred to were examined at very considerable length and with the utmost care. As a matter of fact, he referred, I think, to a suggestion regarding wages for standard output. It was not a provision that would protect the miners, even if it had been adopted, from a reduction of wages enforced by a reduction of hours; for it was only designed to provide for those abnormal cases where the miner, owing to the difficulty of his position, may find it difficult to achieve the average output.

My Honourable friend, Mr. Giri, was, I am afraid, a little misled by a statistical table published by the Chief Inspector of Mines. He read from that table the average hours of work per week. I need hardly remind those Members, who are familiar with mining conditions, that, because you see a certain figure recorded as the average hours per week, that does not mean at all the same thing as the hours that a miner may happen to work in any particular week. The work in the mines and coalfields is especially apt to be a little irregular. The miners come in and work for four or five and sometimes only three days a week; and merely because you find that their average hours are (let us say) 47 or 46, which are fairly typical average hours for underground work, it does not mean that if you fix a nine hours' day you are not necessarily restricting their hours. If Mr. Giri's calculations were sound, surely the obvious answer would be that it is quite unnecessary for us to restrict the miners' hours at all, because they are already down to the limits which he regards as satisfactory and, therefore, legislation is superfluous. Above ground,—I do not think he quoted the figures for above ground,—very much the same applies. The average hours are 53, 52, 51 and so on, but I think the restriction we are imposing is a reasonable one.

I do feel, however, that in dealing with hours several Members overlooked the point which was stressed by the Honourable Member in charge of the Bill that in respect of underground work we are not imposing a limit of nine hours' work. We are imposing a limit of nine hours underground which, as a manager of any substantial mine will tell you, is an entirely different thing. You have got to get your men underground and remember that the cages are very limited. You can only get your men down in small numbers, six or ten or dozen at a time. You have got to get your men out again and you have got to get to get them to the 'face' which is very often a quite appreciable distance underground. Therefore, the number of hours that the measure is leaving for actual work will, in the

bigger mines, I think, practically yield eight hours a day, which seems to be regarded as an ideal by many Members of the House. I suggest that if you go on to restrict hours further you run a very serious risk of injuring the miners themselves and of creating that unemployment which I am sure, Mr. Giri himself is so anxious to avoid. Wages in the mines are not high, efficiency is as yet extremely low, and I do not myself believe that if you adopted my Honourable friend, Mr. Joshi's proposal to ratify the International Convention and fix the hours in coal mines at  $7\frac{1}{4}$ , the average Indian miner, even if the coal owner was willing to adopt those hours, would be able to earn a reasonable subsistence in that time. It would leave him perhaps less than seven hours for work, and even that is not all work. There are interruptions; he has got to await the arrival of his tubs; and he cannot wield his pick for all these seven hours. And I honestly believe that in the interests of labour it is best to proceed as the Select Committee in 1928 suggested, and that is to proceed "gradually" towards the eight-hour shift. I would only say one word more in connection with the Convention which Mr. Joshi commended to the House, and that is that it was a Convention designed primarily for Europe: it was not designed with a view to conditions in Asiatic countries. It is a Convention that, so far as I am aware, has hitherto been ratified only by one country in the world. It was a Convention which related only to coal mines, whereas our Bill covers mines of every character.

Mr. Joshi also suggested that it was time we took the initiative in labour legislation. I find it difficult to understand what else we are doing. He admitted that the impetus in respect of this Bill did not come from Lancashire; he regretted apparently that it did not come from Geneva. If it does not come from here, I do not know where it comes from. His Excellency the Viceroy in addressing this House alluded to four measures connected with the recommendations of the Whitley Commission that are to come up for consideration in this House. I suggest to my Honourable friend, Mr. Joshi, and to those who think with him, that the pace is not quite fast enough, that in the end you defeat your own purpose by trying to go too far ahead of public opinion, and that the measures that we are introducing are reasonable and are designed in the best interests both of the miners and of the industries concerned.

Sir, I support the motion.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navalrai, Mr. A. H. Ghaznavi, Mr. G. Morgan, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatterji, Mr. A. G. Clow, and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE INDIAN NATURALIZATION (AMENDMENT) BILL.

**The Honourable Sir Henry Craik** (Home Member): Sir, the motion that stands in my name runs as follows:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be taken into consideration."

[Sir Henry Craik.]

In making this motion, I should like to express the hope that the House will find it possible to treat this Bill as a non-contentious one and that it will agree to pass it today. But the House will, I think, naturally expect that I should explain two things: first, the necessity for the Bill, and, secondly, its form. It is explained in the Statement of Objects and Reasons that the Bill is designed to give effect to certain articles of a Convention arrived at in regard to matters where there is a conflict between the nationality laws of different nations. This Convention was arrived at under the auspices of the League of Nations in 1930. The object of the particular articles in the Convention with which we are concerned today is to remove the hardship which at present arises when a woman becomes what is known as "stateless", that is to say, when she is placed in the position of possessing no legal nationality at all, either by reason of her marriage, or, because, during the continuance of her marriage, the nationality of her husband is changed. The Convention itself was the outcome of previous discussions on attempts to arrive at an agreement between the varying nationality laws of different nations; and, in the course of the discussions, it became apparent that some of the difficulties arising out of the divergence between these different laws and especially this difficulty as regards what I have referred to as "statelessness" might be removed by international agreement. After that general conclusion was reached, a conference was held under the auspices of the League of Nations at the Hague, in 1930, and that conference resulted in a Convention being signed. India was represented at that conference by Sir Basanta Mullick, Sir Ewart Greaves, and Mr. Latifi; and Sir Basanta Mullick was the particular member of the committee which dealt with this Convention and signed it on behalf of India, subject, however, to a reservation that it should apply only to British India and not to Indian States. The Convention consisted of a large number of clauses, but only four of them concern the matter before the House today, and those are Articles 8, 9, 10 and 11. Each of these four articles involves an amendment of the British Nationality and Status of Aliens Act: that is the Act of Parliament which deals with empire-wide matters of nationality: but only two of them involve an amendment of our Indian Act of 1926, namely, Articles 9 and 10, which Honourable Members will find quoted in full in the Statement of Objects and Reasons. The Government of India have intimated that they are ready to ratify this Convention, subject, however, to the necessary amendment of our Act being passed by the Indian Legislature, and that is why I am asking the House to take this Bill into consideration today.

Perhaps the House will be interested to know the kind of circumstances in which this difficulty as regards statelessness arises. Under the British nationality law, a married woman assumes on marriage the nationality of her husband: that is to say, that the wife of a British subject is deemed herself to be a British subject, whatever the country in which she may have been born; and, similarly, the wife of an alien is deemed to be an alien whether she was originally a British subject by birth or not. That is the law throughout the whole of the British Empire: but unfortunately that is not the law in other countries. For example take the United States of America. If a woman, who is a British subject by birth, marries a man who is an American citizen, she loses her British nationality under the British law, but she does not, under the law of the United States, acquire an American nationality. She is, therefore, left

without any legal nationality at all, and that is what I refer to as a condition of statelessness. That is a considerable hardship on the woman. For example, if she wants to travel from one country to another, there is no authority which is authorised to grant her a passport, and, in fact, travelling becomes a matter of considerable difficulty and embarrassment. Even her right to reside either in her own country or in her husband's country is a matter of grace and not of law. I think Honourable Members will agree that that is a condition of considerable hardship which should, if possible, be removed.

I should briefly explain why it is necessary only to amend the law in respect of two of the four articles in the Convention. The object, as I have said, is to avoid the hardship which arises when a woman becomes stateless either by reason of her marriage or by reason of a change in the nationality of her husband. The effect of marriage on the nationality of all British subjects throughout the Empire is regulated by the British Statute. Thus, any changes in the law affecting that matter have to be made in the British Statute and in that Statute alone and those changes have actually been made by an Act passed through Parliament in 1933. But the effect of a change in the nationality of a husband during the continuance of marriage is regulated both by the British Statute and also by the Indian Naturalization Act. Empire-wide naturalization, as I have said, can only be given by the British Statute, but the limited naturalization which applies to British India can only be given by an Act of the Indian Legislature, that is to say, by the Act of 1926, and, it is, therefore, necessary, in order to bring the law of nationality in British India into line with that throughout the Empire and also with the law agreed to by the International Convention, to amend in certain respects the Act of 1926.

Now, the proposed amendments are contained in the second, third and fourth clauses of the Bill, and I had better perhaps say a few words about each amendment.

At present under sub-section (1) of section 7 of the Indian Naturalization Act, when an alien becomes a naturalised British subject, his wife is automatically also deemed to be a British subject. That provision, as Honourable Members will observe, is contrary to Article 10 of the Convention quoted in the Statement of Objects and Reasons. Article 10 lays down that naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent. That is to say, we propose to give the wife the choice of accepting, when the husband changes his nationality, his new nationality or not, as she chooses. That is the amendment effected by clause 2 of the Bill, which provides that the wife of a man to whom a certification of naturalization is granted shall, if not already a British subject, be deemed to be a British subject only if within a certain time limit she herself makes a declaration that she desires to be deemed to be a British subject.

The next point is that section 9 of the present Act provides that where a certificate of naturalization is revoked and the holder thereby ceases to be a British subject, the Local Government concerned may direct that his wife shall also cease to be deemed to be a British subject. Now, it might happen that the person whose certificate was revoked had a dual nationality and that his wife had not, and that if on the revocation of her husband's certificate the Local Government directed that the wife should cease to be deemed a British subject, the wife would thereby be deprived

[Sir Henry Craik.]

of any nationality whatsoever and reduced to the position of what I have described as a position of statelessness. To prevent this, it is proposed to amend sub-section (2) of section 9 of the existing Act by inserting a proviso to the effect that the Local Government shall not make such a direction unless, by reason of the acquisition by her husband of a new nationality, the wife also has acquired that nationality, that is to say, the wife cannot, if that provision is enacted, be reduced to a condition of statelessness.

Lastly, Sir, section 10 of the present Act makes provision for a declaration of alienage by certain persons who have acquired naturalization under the Act, and also provides that the wife of a person making such a declaration shall cease to be deemed to be a British subject. Here, again, that might result in the wife being reduced to the position of statelessness and so it is proposed to add to sub-section (2) of that section a proviso that in such circumstances the wife shall not cease to be deemed to be a British subject unless, by reason of the acquisition by her husband of a new nationality, she has also acquired that nationality.

This scope of the Bill is thus confined to two main objects, the first being to make the acquisition of British nationality by the wife of a person who is naturalized under the Act conditional on a declaration by the woman herself that she desires to be deemed to be a British subject, and, secondly, to prevent the wife of a person naturalized under the Act who loses his naturalization, either by revocation of his certificate or by a declaration of alienage, from being reduced to a position of statelessness. Both of these objects, I think the House will agree, are desirable, as both give the wife herself a choice in certain circumstances and save her from the effects of a position of statelessness, which, as I have mentioned, involves certain practical hardships. I hope, therefore, that the House will agree to pass this Bill. Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) The question is:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Henry Craik** Sir, I beg to move.

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be passed."

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th January, 1935.